

# Chichester District Council

## Regulation 19 Local Plan Consultation

Representations on behalf of Reside Developments  
Ltd.

Site: Land at Herons Farm, Kirdford

March 2023

The logo for Henry Adams, featuring a stylized white triangle icon above the company name.

Henry Adams

## **1 Introduction**

- 1.1 This representation provides a response to the Regulation 19: Local Plan Consultation on behalf of our client Reside Developments Ltd. The submission covers the general principles of the Local Plan, but has a focus on Land at Herons Farm, Kirdford, which is in our clients control. The land is shown on the attached location plan included at **Appendix 1** and hereon referred to as the site.
- 1.2 This representation will provide a written responses in relation to the Regulation 19 Local Plan Consultation which directly relate to the promotion of our client's land for future development.

## **2 Comments on Specific Questions/Tests**

- 2.1 In response to the national planning legislation, this Regulation 19 Local Plan Consultation invites comments on three specific questions, and is the final consultation phase, before the Regulation 19 version of the Local Plan is submitted for Examination.
- 2.2 This representation will respond on these specific questions, and then highlight how our client's site could help fulfil the full housing requirement for the District. This could be through an allocation within the Council's Local Plan, or as currently proposed, through a Neighbourhood Plan allocation.

### ***Is the plan 'sound'?***

- 2.3 Paragraph 35 of the National Planning Policy Framework defines the tests for soundness which requires the plan to be positively prepared, justified, effective and consistent with National Policy. These matters will now be considered in further detail in relation to the current consultation on the Regulation 19 version of the Local Plan.

### ***Is the plan positively prepared and justified?***

- 2.4 Policy S1 of the Draft Local Plan sets out the spatial development strategy for the District and how the Council will achieve sustainable growth over the plan period and Policy H1 sets out the housing target in response to the strategy. Both policies have been informed by the Sustainability Appraisal (SA) dated January 2023 and the Plan objectives, which are set out at paragraph 2.5.2 of the SA and the Council's HEDNA (April 2022).
- 2.5 The SA then goes on to discuss the potential growth scenarios and confirms two points:
  - i. Standard method housing figure for Chichester (excluding SDNP) is 638 dwellings per annum, or 11,484 in total over the Plan period
  - ii. The above figure is capped at 40% above the baseline need and that the uncapped figure is significantly higher than this at 884 dwellings per annum (dpa)
- 2.6 Of particular note is that point ii. above seeks to cap the overall housing increase by no more than 40% above the previously adopted LP housing figure of 435 dpa. The Local Plan then goes on to constrain housing numbers due to an alleged capacity concern along the A27 strategic road network. The Council therefore result in a constrained housing figure by virtue of the standard method 'steps' and also due to infrastructure capacity. It should be noted that the 435 dpa figure within the 2015 Local Plan was similarly constrained and an early review was the only basis for accepting this reduced housing figure. This early review did not take place.

- 2.7 In terms of the influence of the A27, this is the key matter that constrains growth within the southern part of the District. This is based on the evidence base documents that state that the road network cannot accommodate an annual housing figure of more than 535 dpa. This is a fundamental point and one that is not agreeable as we believe there is capacity to accommodate at least the local housing need within the highway network, alongside potential improvements identified for the following reason.
- 2.8 The Transport Study (January 2023) is the key document on which the Council rely upon to constrain their housing figure to 535 dpa. On review of this document, it is clear that the Council's consultants undertook a sensitivity analysis as to whether the core scenario that supports the 535 dpa position in the local plan could accommodate a higher level of growth. The conclusion in paragraph 5.6.5 and 11.2.3 of the Transport Study appears to be that 700 dpa could be accommodated (in the southern plan area) by the mitigation proposed for the 535 dpa core test, with some additional, and as yet undesignated and not costed, mitigation works beyond those highlighted for the Bognor and Fishbourne roundabouts.
- 2.9 Accordingly, the Council's own evidence base has undertaken the assessment and concluded that a higher growth figure could be accommodated on the A27, subject to appropriate improvement works. Given the testing of the higher growth figure, which appears to accommodate the higher growth figure, the exceptional circumstances to constrain growth, as set out at paragraph 60 on the NPPF do not exist and the Plan could be considered unsound on this point alone.
- 2.10 As a result of the above, the SA does not consider a scenario where the Council would meet its local housing need, nor a scenario where it exceeds its local housing need, which is of relevance given the scale of development expected for adjoining authorities, including the highly constrained SDNP area.
- 2.11 It should also be noted that the draft Plan does not therefore address any need in relation to unmet need of neighbouring authorities and it does not contain evidence to suggest that these matters have been discussed with the adjoining Authorities. Notably, Arun District Council have confirmed that they will be objecting to the Plan and currently proposed on the basis that they have a significant housing need themselves. This is likely to be further influenced by unmet need from Chichester, who again are seeking to constrain housing requirements, which was the case in 2015 and the subsequent knock on from that was for Arun to address some of that need in their 2018 Local Plan.
- 2.12 Given that we do not accept that the A27 capacity matters present a ceiling in terms of housing delivery (based on the Council's Transport Study comments and that of its own consultants), it is not accepted that the Plan and associated SA demonstrates reasonable alternatives have been considered and it is not therefore positively prepared, nor is their approach to housing figures justified.

***Effective?***

- 2.13 On the basis of the 535 dpa figure, it is considered that the selected areas for growth and figures are deliverable over the Plan period, however, as set out above, the plan area could accommodate a greater level of growth.
- 2.14 It should also be noted that the Plan relies on the delivery of Neighbourhood Plan and / or small site allocations DPD. This is set out under Policy H3 in the draft document. This states the following in terms of delivery:

*'If draft neighbourhood plans making provision for at least the minimum housing numbers of the relevant area have not made demonstrable progress the council will allocate sites for development within a development plan document in order to meet the requirements of this Local Plan.'*

- 2.15 The above is not precise and does not provide any clear timetable for delivery within the Plan period. Whilst the strategy in the comments above could be effective, the Local Plan needs to give a clear timescale for completion of the supplementary Development Plan documents in order to give a clear timescale for this to be completed.

***Is the plan consistent with National Policy?***

- 2.16 On the basis of the comments above, the approach to selected sites for allocation based on the 535 dpa figure is considered to be consistent. However, due to the lack of evidence to demonstrate this, the 535 dpa figure should be capped. Given the A27 capacity points raised, the draft Plan does not appear to meet the exceptional circumstances allowed for at paragraph 61 of the NPPF to justify their alternative approach. The Plan as proposed is therefore inconsistent with NPPF when read as a whole.

**3 Approach to development in Kirdford**

***Overview***

- 3.1 The Draft Local Plan defined Kirdford as a service village, which benefits from some local facilities and services including a village hall, a local shop and two pubs. The village has been allocated 50 units within the draft local plan and is therefore suitable for a quantum of growth. The Sustainability Appraisal (SA) identifies Kirdford as a village with some facilities, albeit that due to the absence of a school, these are limited. The SA notes that the delivery of community infrastructure would be required to accommodate any quantum of housing, our client's land provides ample opportunities to provide this infrastructure alongside housing. The HELAA identifies a number of sites which could come forward through the Neighbourhood Plan process.

***Sustainability Appraisal***

- 3.2 Section 5.4 of the SA states that it is important to consider each of the settlements within the plan area, and explore reasonable growth scenarios. 5.4.2 continues this, stating that there is a clear need to explore a wide range of growth quantum scenarios in the northeast plan area.
- 3.3 The Sustainability Appraisal addresses the constraints of this area in terms of its rural locality, unsustainable travel patterns and achieving water neutrality. 5.4.7 sets out that there are three reasonable growth scenarios for each of the four Parishes in the Northeast plan area, if the option of a new settlement at Crouchlands Farm is ruled out as unreasonable. 5.4.8 states there is a strong argument to suggest that this option is unreasonable, nevertheless, it has been deemed appropriate to take the option forward to consideration. Within the SA, the Council justifies their approach which comprises a blend between Scenario 1 and Scenario 2 as described below:
- Scenario 1 – Lower growth scenario across all parishes – This would relate to an allocation of 50 units to Kirdford.
  - Scenario 2 – Higher growth scenario across all parishes – This would relate to an allocation of 150 units to Kirdford.

- 3.4 The SA sets out that it is fair to rule-out the lowest growth scenario for Kirdford (growth at committed sites only). The SA also sets out there is an argument for ruling out the highest growth scenario (300 homes) as unreasonable, as Kirdford is poorly connected and does not benefit from a primary school. The SA sets out three growth scenarios following the above. These scenarios relate to 50 homes, 150 homes, and 300 homes.
- 3.5 A blended approach for Parishes within the Northeast plan area has been supported within the SA, attributing the Scenario 1 model (lower growth) to Kirdford.
- 3.6 The reasoning given by the Council for attributing the lower growth figure to Kirdford relates to the unsuitability of the northeast plan area as a whole, including unsustainable travel patterns, risks to achieving water neutrality and settlement specific concerns relating to the potential impacts of growth of Kirdford.
- 3.7 Whilst these concerns raised within the SA and those regarding the existing infrastructure of the village are noted, we believe that the need to support the growth of existing villages, and the ability of development to create and enhance infrastructure should be afforded weight when considering the housing numbers attributed to the village.
- 3.8 The SA raises concerns surrounding the HELAA options towards the North of the village. This is mainly due to the connectivity to the village and road network, and environmental concerns. These concerns will be addressed later in this representation.
- 3.9 It should be noted more broadly that higher growth scenarios can provide more significant community infrastructure enhancements to the area.

## **4 Suitability of Site**

### ***Site Description***

- 4.1 Our client's land is located to the North of the main settlement of Kirdford, which is situated in the northeast of the District. The plan submitted alongside this statement includes land edged in red, to be considered for housing/community uses, and land in blue for biodiversity enhancements. For ease of reference, the red area has been split into Area A, Area B and Area C, which correspond to the split of the site in the HELAA. The site is connected to Kirdford by Footpath 610 and 606. As mentioned previously, the site was previously submitted to the Council's call for sites and is included in the most recent HELAA.
- 4.2 The Southernmost part of our client's land is annotated as Area A on the drawing included at **Appendix 1** (HELAA reference HKD0007). The site was considered to be potentially suitable, subject to detailed consideration of access, and heritage impact. We believe that through well considered design, there is clear potential for development on this parcel as the site is well connected to the P.R.O.W and local transport network. Footpath 606 runs along the Northern boundary of the site, and Footpath 610 runs along the Western boundary of the site which provide access to the main settlement of the Kirdford. The access track to Heron's Farm is adjacent to the Eastern boundary of the site. Whilst the concerns relating to connectivity are noted, we believe there is strong evidence to suggest the site is well connected to the settlement, and there are achievable technical solutions to access.
- 4.3 The central parcel of our client's ownership is annotated as Area B on the drawing included at **Appendix 1** (HELAA reference HKD0009). The site has been considered potentially suitable subject to consideration of access and landscape matters. The site is immediately adjacent to the established residential development at Bramley Close, and an allocated site with planning

permission (HELAA reference HKD0002). We are of the view that there are technical solutions to access at the site, which can be explored as part of our 'next steps'. Footpath 610 provides pedestrian links to the main settlement. Further to this, we are of the view that development of this site to the North of the settlement appears as a natural continuation of Kirdford. This is due to the presence of the adjacent site to the West, the sports pitches to the North, and the shaping of the existing woodland. Initial landscaping works have been completed, and it has been concluded that appropriate landscape-led masterplanning, and green infrastructure plans can be provided as part of any prospective development, which would allow the landscape characteristics of the site and its locality to be retained and enhanced. The site provides an opportunity to introduce a new landscape framework within the parcels and enables any proposed development to sit within a treed landscape. Further works for the site would look to come forward following liaison with the Parish Council, which could include further landscaping evidence.

- 4.4 The Northernmost parcel is annotated as Area C on the drawing included at **Appendix 1** (HELAA reference HKD0011). The site was deemed to be potentially suitable for residential development subject to considerations of access. As set out previously within this statement, the site has potential vehicular and pedestrian links to the settlement, and the wider transport network. We feel there are multiple technical solutions to achieving access to the site.
- 4.5 Whilst noted that in order to ease the consideration of the site, it is necessary to divide the site into sections, we are of the view that our clients land should be looked at more strategically. The SA sets out that the delivery of community infrastructure would be required to accommodate any quantum of housing and we would look to provide this within our clients ownership. The provision of this infrastructure will be subject to consultation with the Parish Council and local occupiers to understand what community infrastructure would be sought for the area. Further, the parcels provide an opportunity to introduce a new landscape framework and enables any development to sit within a treed landscape. The land within our client's control is considered to have potential to accommodate a quantum of up to 200 dwellings, including provision for self-build units.
- 4.6 The area outlined in blue is put forward as land for biodiversity enhancement, which could be delivered as part of any application.

### ***Sustainability***

- 4.7 The site is suitably located to deliver a host of benefits to the local area and help achieve objectives of the northeast of the District, without harm to the key attractions for visitors, the setting of the National Park, or the rural character of the locality.

### ***Water Neutrality***

- 4.8 One of the constraints of the north-east of the District is the requirement is for all new development to meet water neutrality, to ensure that any new it does not impact further on the habitat site comprising the Arun Valley Special Area of Conservation (SAC) or the Arun Valley Special Protection Area (SPA) & Ramsar site, in terms of groundwater abstraction within the Sussex North Water Supply Zone. It is anticipated that further advice and a mitigation strategy will be created by the Council and its partners to demonstrate how developments can achieve water neutrality. However, at present applicants are required to provide a water neutrality strategy to demonstrate how the development can achieve water neutrality.

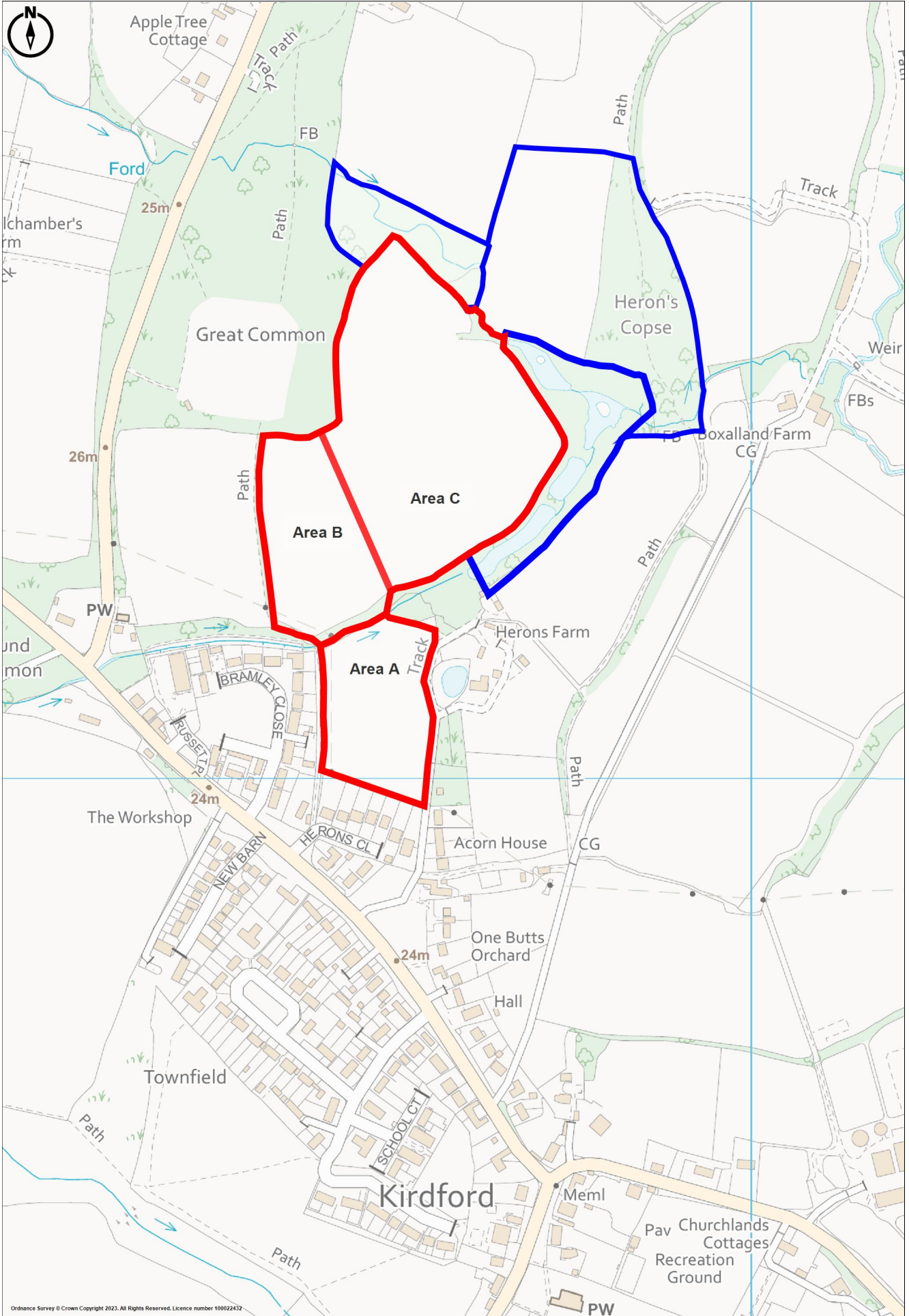
- 4.9 To provide the Council with reassurance that the site is deliverable despite this constraint, it should be noted that our client has worked on other sites with this constraint, and has developed approved strategies in this instance to mitigate development.

## **5 Conclusion**

- 5.1 Whilst we understand the approach the Council has taken in terms of the selection of sites to meet the 535 dpa figures, we consider that the Plan area is capable of accommodating a greater housing quantum. This will facilitate development and help villages in particular to flourish and meet the objectives of the Local Plan. The Council have failed to provide sufficient justification for not meeting its housing need in full and have not suitably considered unmet need from adjoining authorities. The latter is particularly relevant given constraints of the SDNP. The Council's position of growth is predicated on the basis of the A27 not having sufficient capacity to accommodate a higher growth of 535 dpa. Its own evidence base (Transport Study 2023) contradicts this position and therefore the Council should at least be meeting their local housing need and also considering what part it can play with meeting unmet needs for the adjoining authorities.
- 5.2 Our clients land is well placed to assist in the delivery of a sustainable expansion of Kirdford, and deliver both much needed housing within the north-eastern plan area, but also provide high-quality infrastructure within the area. The allocation of a greater quantum of housing to the village will support the vitality, and viability of services and facilities within the Northern villages.
- 5.3 At present, the Plan fails to be positively prepared and is inconsistent with the NPPF. On the basis that the Council don't reconsider their position, we wish to be present at the relevant Examination hearings to represent our clients' interests and further discuss the views set out in this submission. Our next steps will include liaison with the Parish Council in order to best understand what they would like to see from development proposals within the area.

**Appendix 1 - Annotated Site Plan**





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