


## Chichester Local Plan Review (Regulation 19)

Representations on behalf of: Metis Homes Limited

Local Planning Authority: Chichester District Council

**March 2023**

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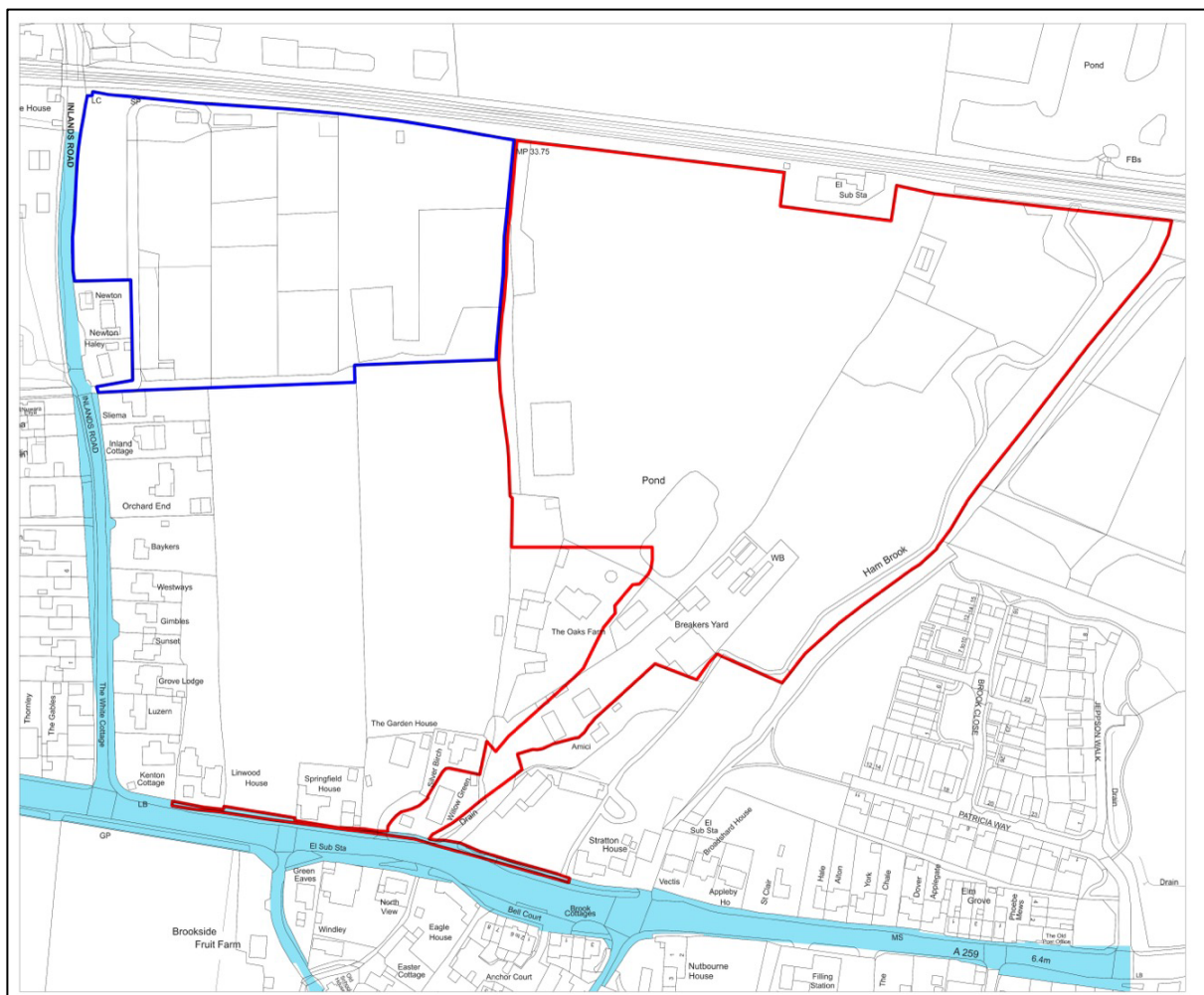
## Contents

<b>1. Instructions and Introduction.....</b>	<b>1</b>
<b>i. Instruction.....</b>	<b>1</b>
<b>ii. Introduction.....</b>	<b>2</b>
<b>2. General Comments .....</b>	<b>5</b>
<b>3. Policy Specific Comments.....</b>	<b>7</b>
<b>i. Housing Delivery .....</b>	<b>15</b>
<b>ii. Interaction with Strategic Wildlife Corridor.....</b>	<b>16</b>
<b>4. Comments on Evidence Base .....</b>	<b>19</b>

## 1. Instructions and Introduction

### i. Instruction

- 1.1 These representations have been prepared by Nova Planning Limited on behalf of Metis Homes (hereafter referred to as 'Metis') who control land at Southbourne under SHELAA references HSB0012a, HSB0012b and HSB0039a.
- 1.2 The Metis land is shown at Figure 1 below and comprises two adjoining parcels - an eastern parcel (shown edged red) known as 'Harris Scrapyard & Oaks Farm' (HSOF) and a western parcel (shown edged blue) known as 'Land East of Inlands Road' (LEOIR).



**Figure 1: Site Location Plan**

ii. Introduction

1.3 The Metis land is identified in the Southbourne Broad Location for Development (BLD) under Policy A13 and within the proposed Strategic Wildlife Corridor under Policy NE5.

*Land at Harris Scrapyard & Oaks Farm*

1.4 A planning application has been submitted for HSOF for development comprising:

*“Demolition and mixed use development comprising 103 no. dwellings and a Childrens' Nursery, together with associated access, parking, landscaping (including provision of wildlife corridor) and associated works.”*



**Figure 2: Proposed Site Layout/Masterplan**

- 1.5 The application provides an opportunity to deliver housing alongside a number of key social, economic and environmental benefits as follows:
- 1.6 **Housing Provision** - The mix of homes proposed seeks to address identified local needs. Despite the viability challenges of brownfield redevelopment and the abnormal costs associated with remediation on this site, affordable housing will be provided in accordance with the relevant CDC Local Plan policies. This includes the provision of first homes, shared ownership and rented tenures and following minor tweaks to Block A the mix will be exactly as requested by the CDC Housing Officer.
- 1.7 **Green Corridor** - The proposal would see the existing Breakers Yard, including extensive hardstanding, removed and replaced with a multifunctional Green Corridor. This includes the provision of a Wildlife Corridor in accordance with the emerging Plan. The Green Corridor will include:
- Significant Biodiversity Net Gain (in excess of 10%)
  - Undeveloped buffer to the Ham Brook chalk stream and improved setting to off-site public footpath
  - Opportunities for amenity use and appreciation of nature in route/areas defined by the Landscape Strategy
  - Opportunities for outdoor learning to align with the principles adopted by 'Green Roots' (link to website)
- 1.8 **Reduced Contamination** - The proposals will involve remediation of shallow soils to ensure any pre-existing contamination on the site is reduced to acceptable levels. The removal of the currently unrestricted Breakers Yard lawful land use will also remove the risk of off-site contamination via the Ham Brook which flows southwards into the Chichester Harbour Special Protection Area (SPA).
- 1.9 **Drainage improvements** - The proposals create the opportunity to implement flood alleviation measures that would reduce flood risk downstream from the site. This would be achieved by storing surface water from upstream (north) in the catchment within proposed drainage features and controlling discharge from these drainage features downstream (south) where currently there are no such controls.
- 1.10 **Community Infrastructure** – The proposal has sought to make provision of community infrastructure on site to reflect discussions with CDC Officers and other stakeholders, including Southbourne Parish Council. The scheme will include provision of the following infrastructure:
- Children's Nursery on site to address existing local needs and to accommodate a local provider, 'Green Roots', who are currently at capacity in their existing facility on the A259 and are seeking an

opportunity to expand in the local area. This will significantly increase employment provision on the site and there has been universal support for this locally (inc. Ward Members and Parish Council)

- Community Allotments the northern portion of the site for local community use and these will be made available to Southbourne Parish Council for use by local residents.
- Equipped Play Area in the centre of the site to provide a sense of place on arrival, and attractive central amenity space benefiting from a high level of natural surveillance.

#### *Land East of Inlands Road*

- 1.11 The Land East of Inlands Road is sustainably located and represents a suitable location for development. It is physically well related to the existing pattern of development to the north of the A259, located directly opposite the recently built out housing allocation at Priors Orchard.
- 1.12 The site is visually well contained by a thick band of mature trees on the eastern and southern boundaries, and the railway line to the north, which provides a clear physical barrier to the remainder of the land within the wider BLD allocation.
- 1.13 The site benefits from an existing access to Inlands Road and the Highway Authority (West Sussex County Council) have confirmed that the site is a sustainable/accessible location for development and that the existing access is capable of accommodating circa 100 dwellings. The site is unconstrained in all other respects.

## 2. General Comments

2.1 A key issue in terms of soundness is the failure to meet the housing requirement in accordance with the Standard Method and the planned under delivery is justified on the basis of capacity issues on the A27. We deal specifically with this issue in response to the specific policies at Section 3.0, however it is also important to set out the context to this plan.

2.2 The housing requirement for the currently adopted Local Plan Key Policies (Policy 4) was also suppressed on highway capacity grounds and this is highlighted in the Local Plan Inspector's Report as follows:

*'Halting the Plan at this stage would allow an up to date transport study to be undertaken to include testing up to the agreed OAN. However the transportation situation is complex and at present there are uncertainties about the timing and detail of the A27 upgrade. Furthermore, failure to adopt the Plan at this stage would delay delivery of the area's strategic priorities and weaken the Council's ability to ensure that development is sustainable...For these reasons I conclude that the Plan should be adopted now, subject to a commitment to a review to be completed within five years. This will ensure that housing delivery after the first five years of the Plan period can be updated to take account of emerging evidence on highway infrastructure and rigorous testing of the impacts of providing housing up to the OAN or any updated OAN'.*

2.3 In the intervening period, funding was made available to Chichester District Council by Highways England (now National Highways) to address the A27 capacity issues that had constrained housing delivery for the adopted Local Plan. However, a scheme could not be agreed by CDC and consequently the funding was lost.

2.4 For a Development Plan Document to be Sound and 'Effective' in accordance with paragraph 35 of the NPPF, it needs to be (my underlining for emphasis)

*"deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground".*

2.5 Setting aside the merits of individual policies and the overall strategy, the Council's failure to properly plan and deliver the necessary highways infrastructure in the transitional period between the adoption of the current Local Plan and the development of this Local Plan Review makes the Plan unsound, particularly given the Local Plan Inspector's comments above.

2.6 There are also significant concerns over the timing of Plan and the significant 4-year gap between the publication of the Regulation 18 Draft Plan and the current Regulation 19 Draft Plan.

- 2.7 One consequence of the delay is that many of the documents evidencing policies within the Plan are significantly out of date and these are referenced within the specific comments at Section 3.0, i.e. the Spatial Strategy and distribution of housing has been directly influenced by a Facilities Audit undertaken in 2018 and an open space and built facilities requirement for new development have been derived from an Open Space, Sport and Recreation Study Assessment in 2018. The Plan cannot be considered 'justified' on this basis and is consequently unsound.
- 2.8 A second consequence of the delay is that a number of significant changes have been made to the overall strategy and distribution of development, the affordable housing policy and the viability of development given increased highway mitigation costs. These changes are fundamental but have been introduced to stakeholders and interested parties after a 4-year gap and in a form that is being submitted for Examination in a matter of months. Given the significant passage of time and change in strategy, these changes should have been presented in a revised Regulation 18 draft Plan where meaningful consultation could have taken place ahead of updating the evidence base and submitted a fully tested and considered Plan.



### 3. Policy Specific Comments

#### *Chapter 2 – Vision and Strategic Objectives*

- 3.1 Add new paragraph relevant to all locations – “Policies will seek to prioritise the redevelopment of brownfield or previously developed land in sustainable locations” in accordance with Paragraph 119 of the NPPF.

#### *Chapter 3 – Sustainable Development*

- 3.2 **3.24 & 3.25** – The distribution of housing to the Northern Plan Area (Kirdford and Wisborough Green) is based on flawed assumptions regarding the capacity of the A27. These locations are not well served by existing facilities and amenities and are sequentially less sustainable than locations in the Southern Plan Area, where the A27 capacity is being presented as the only relevant constraint to increased/additional allocations. These areas would benefit from some organic growth - to maintain a better demographic balance and retain critical mass for existing facilities. However, Kirdford and Wisborough Green lack the facilities and amenities to accommodate the planned growth, and this was reflected in the Preferred Approach at Regulation 18 stage. The additional numbers that have been added to the Northern Plan Area at this late stage in the plan-making process are unnecessary given the comments at paragraphs 5.6.5 and 11.2.3 of Stantec Transport Study (January 2023), which confirm that capacity exists for up to 700 dwellings per annum in the Southern Plan Area using the mitigation schemes for 535 dwellings per annum. The proposed approach does not deliver the most sustainable distribution of development and consequently the draft Plan is unsound.
- 3.3 **3.27** – The distribution of housing to the Northern Plan Area (Loxwood) is based on flawed assumptions regarding the capacity of the A27. These locations are not well served by existing facilities and amenities and are sequentially less sustainable than locations in the Southern Plan Area, where the A27 capacity is being presented as the only relevant constraint to increased/additional allocations. This is unnecessary given the additional capacity in the A27 as outlined at paragraphs 5.6.5 and 11.2.3 of the report. For this reason, the Spatial Strategy is not properly ‘justified’ and consequently the draft Plan is unsound.
- 3.4 **Policy S1** – Loxwood has been identified as a Strategic Development Location in favour of other more sustainable locations in the Southern Plan Area on the basis of capacity issues on the A27 which are not supported by the evidence, namely the Transport Study (2023). This results in a less sustainable distribution of housing than would otherwise be the case had the transport evidence been properly applied to the housing distribution strategy. Loxwood is sequentially less sustainable than a number of other Service Villages in the South Plan, including Westbourne where suitable land has been promoted and considered ‘developable’ in the Council’s Strategic Housing and Employment Land Availability Assessment 2021 (SHELAA). For this reason, the Spatial Strategy is not properly ‘justified’ and consequently the draft Plan is unsound.

*Chapter 4 Climate Change & Natural Environment*

3.5 **Policy NE4** – The policy seeks to limit and control development in the areas designated as proposed Wildlife Corridors. It assumes that the land within the designation is already in a natural state and therefore protection is the only relevant consideration. This is not the case, as part of the proposed Strategic Wildlife Corridor to the east of Southbourne comprises an operational Breakers Yard known as Harris Scrapyard. The existing Breakers Yard occupies an important area within the proposed Strategic Wildlife Corridor, given the site’s direct interface with the Ham Brook Chalk Stream which is one of the most ecologically sensitive parts of the proposed Strategic Wildlife Corridor. Therefore, the policy should be amended to support and facilitate the necessary change of this land to enable delivery of this wildlife corridor (suggested amendments in red).

*Development proposals within strategic wildlife corridors will only be granted where it can be demonstrated that:*

- 1. The development is in a form that supports the delivery of the wildlife corridor;*
- 2. There are no sequentially preferable sites available outside the wildlife corridor; and*
- 3. The development will not have an adverse impact on the integrity and function of the wildlife corridor and protects and enhances its features and habitats.*

*Development proposals outside, but in close proximity to the strategic wildlife corridor will be acceptable where it can be demonstrated that:*

- a. The development will not have an adverse impact on the integrity and function of the wildlife corridor; and*
- b. The proposal will not undermine the connectivity and ecological value of the corridor.*

*All proposals for new development (with the exception of householder applications) within or in close proximity to wildlife corridors should take opportunities available in order to extend and enhance those corridors.*

3.6 **Policy NE5** - The policy needs to reflect the extended timetable being given to small sites to ease the burden on small developers and LPAs. The Government’s response to the consultation on the regulations for and implementation of BNG outlines that implementation of BNG on small sites will be extended to April 2024.

3.7 **Policy NE8** – Criteria 5 stipulates a minimum 15m buffer to Ancient Woodland and Veteran Trees to protect Root Protection Zones. This is too specific and presumptive. Planning applications for development on sites with existing trees are required to submit a Tree Survey and Arboricultural Impact

Assessment (AIA). These documents provide a site-specific analysis of tree constraints, including the identification of root protection zones. As currently drafted, the policy assumes a standard constraint and would unnecessarily limit development.

## Chapter 5 Housing

3.8 **Policy H1** – It is argued that the housing requirement has been reduced against the Standard Method due to infrastructure constraints, in particular the capacity of the A27. The capacity of the A27 is considered in the Chichester Transport Study (January 2023), which states at paragraphs 5.6.5 and 11.2.3 that 700 dwellings per annum can be accommodated in the Southern Plan Area using the same mitigation as is planned for 535 dwellings per annum:

*“It is concluded that in the main, the 700 dpa (southern plan area) demands can generally be accommodated by the mitigation proposed for the 535 dpa core test although at the Portfield roundabout and Oving junction, capacity issues get worse with the 700 dpa demands, with additional mitigation being required. As no schemes have been designed to date, it would be advisable to retain some costs against for future works against Portfield Roundabout as a minimum.”*

3.9 It is important to note in this context that the Portfield Roundabout and Oving Junction have capacity issues in both 535 and 700 dwellings per annum scenarios, so there is no significant or compelling reason to warrant a limitation based on 535 dwellings per annum scenario.

3.10 Therefore, using the Council’s own highways evidence, an additional 2,970 dwellings could be accommodated in the Southern Plan Area in highway capacity terms, i.e.  $(700 - 535) \times 18$ . This results in an underprovision of 1,134 dwellings over the Plan period against the Standard Method (excluding land within the South Downs National Park). There is a strong case that delivery of the entirety of 2,970 dwellings should be considered in the context of 1) the affordable housing need identified in the HEDNA (April 2022), which amounts to 278 dwellings per annum for social/affordable rent and as much as 301 dwellings per annum for affordable home ownership; and 2) meeting unmet housing needs in the South Downs National Park under the Duty to Cooperate. It is noteworthy in this context that the Standard Method for the entirety of Chichester District, including the part of the District in the South Downs National Park is 763 dwellings per annum.

3.11 It is clear on this basis that the Plan is unsound as it has not been ‘positively prepared’ and fails to meet objectively assessed housing requirements. Moreover, the evidence used to justify a lower housing requirement explicitly states that the higher objectively assessed needs can be met.

3.12 The spatial distribution within Policy H1 is also flawed as it places additional development in the Northern Plan Area on the basis of the A27 capacity issues in the Southern Plan Area, which is directly contradicted by the Transport Study which is the Council’s only basis for the change in distribution from the Preferred

Approach. We do not dispute that some of the settlements in the Northern Plan Area would benefit from some organic growth to maintain a better demographic balance and retain critical mass for existing facilities. This organic growth was reflected in the Preferred Approach at Regulation 18 stage. However, Kirdford and Wisborough Green lack the facilities and amenities to accommodate the additional growth in the proposed Submission version of the Plan. The additional numbers that have been added to the Northern Plan Area at this late stage in the plan-making process are unnecessary given the additional capacity in the A27 as outlined at paragraphs 5.6.5 and 11.2.3 of Stantec Transport Study (January 2023).

- 3.13 For this reason, the Spatial Strategy, as it is reflected in Policy H1 is unsound as it has not been ‘positively prepared’ and fails to meet objectively assessed housing requirements.
- 3.14 In addition to our concerns regarding the unjustified reduction of the overall housing requirement, there are also concerns over the deliverability of the housing from allocations within Policy H1. The housing trajectory at Appendix E of the plan outlines delivery from the Southbourne Broad Location for Development (BLD) commencing in 2028 and completing on the final year of the Plan period in 2039. Allocations within the BLD are to be established through a subsequent Allocations DPD and the Council’s Local Development Scheme targets adoption of this subsequent DPD in 2027. Even if this very optimistic timeline for the DPD were achievable, assuming no delays to the Local Plan Review process, then the BLD sites could only come forward in 2027/2028. That being the case, it is entirely unrealistic to suggest delivery will occur as early as 2028. A more reasonable assumption based on the current strategy is that delivery would commence in 2030. This being the case, the Council cannot demonstrate delivery of 1,050 dwellings from the Southbourne BLD over the Plan period, with a likely shortfall in delivery of the 200 dwellings. This shortfall would result in the Council failing to meet its suppressed housing requirement. This makes the Plan unsound in its current form as it has not been ‘positively prepared’ and fails to meet objectively assessed housing requirements.
- 3.15 However, this issue could be addressed by bringing forward development within the BLD earlier in the plan period and this can be achieved without undermining the objectives of the BLD. Development south within the BLD, to the east of Southbourne and south of the railway line represents a continuation of the organic growth of the settlement and would effectively infill between two recent housing allocations at Priors Orchard and Meadow View. The area is contained within the landscape and has a direct relationship with the A259 corridor, where existing facilities and amenities are located alongside good access to public transport. Metis control two land parcels in this area known as Land at ‘Harris Scrapyard & Oaks Farm’ (HSOF) and ‘Land East of Inlands Road’ (LEOIR).

*Harris Scrapyard & Oaks Farm*

- 3.16 A planning application (Ref. SB/22/01283/FULEIA) has been submitted for HSOF, which is a part brownfield site (operational Breakers Yard) and a discrete land parcel within the proposed BLD. The Site

is physically detached from the vast majority of the BLD land to the east of Southbourne by the existing railway line to the north of the site. It is physically separated from the small parcel of remaining BLD land to the west by a mature tree belt. It also includes an operational Breakers Yard with a well-used access to the A259. As such, the Site comprises a self-contained land parcel within the BLD land.

- 3.17 The Site has merit individually given its specific and discrete nature, such that its development would not undermine the masterplanning work for the wider BLD. It is worth noting in this context that the proposal under Ref. SB/22/01283/FULEIA includes connections to the western site boundary to facilitate future east-west linkages to neighbouring land parcels within the proposed BLD. The proposed development also includes a Wildlife Corridor on the eastern portion of the site (existing Breakers Yard) which would deliver a key portion of the proposed Strategic Wildlife Corridor at Policy NE4. Officers have confirmed that the application site is a sustainable location, and the proposal is a sustainable form of development as is evidenced by the lack of any objections from relevant technical and environmental consultees.
- 3.18 Allowing for site clearance and decontamination, the application would deliver **103 dwellings by 2027** alongside other significant social, economic and environmental benefits.

*Land East of Inlands Road*

- 3.19 LEOIR has been promoted through the Council’s SHELAA and has been included as a ‘developable’ site capable of accommodating development.
- 3.20 The site is flat paddock land which adjoins the settlement of Southbourne to the west. It is visually contained by existing landscaping to the east and south and the northern boundary is defined by a railway line which physically separates the land from the wider BLD land to the north.
- 3.21 The site has an existing access to Inlands Road and a formal pre-application enquiry to the Highway Authority has confirmed that the access is suitable to accommodate circa 100 dwellings.
- 3.22 The site is otherwise unconstrained and could deliver circa **80 dwellings by 2027**.

The development of these land parcels, including HSOF and LEOIR, would represent a continuation of the existing pattern of growth to the east of Southbourne. Given the contained nature of the area, which is physically separated from the wider BLD land by the railway line, development would not undermine the masterplanning work for the wider BLD. The planning application for Harris Scrapyard and Oaks Farm has incorporated measures that would provide east-west connections between these parcels and ensure that they were well integrated and connected for walking and cycling.

3.23 The Metis land parcels, together with land south of LEOIR, could accommodate 200 - 250 dwellings by 2027 to offset the phasing issue outlined above, without undermining the masterplanning objectives of the BLD.

3.24 **Policy H2** – In relation to the proposed allocation - ‘Land at Maudlin Farm, Westhampnett’ – this did not feature at Regulation 18 stage and the basis for its inclusion is set out within the Sustainability Appraisal accompanying the Plan.

*“The appraisal shows Scenario 3 to perform well, with few drawbacks relative to the reasonable alternatives. Higher growth at Southbourne, in place of an allocation at Maudlin Farm, Westhampnett, may be identified as preferable in a number of respects; however, there are significant concerns with regard to deliverability of a higher quantum of housing. Due to the need for infrastructure upgrades to the wastewater treatment works at Thornham, development is unlikely to be deliverable in this area in the first five years of the plan period and further development here will lead to a greater proportion of the overall development proposed by the plan being delivered later in the plan period. Given the resultant late delivery of development, it is therefore unlikely that a greater number of dwellings that 1,050 will be deliverable within the lifetime of the plan. It should also be noted that there are minor variances in councils preferred distribution of development, most notably parish allocations of 30 dwellings at Fishbourne and Westbourne, instead of 50 (as assumed above).”*

3.25 A planning application (Ref. SB/22/01283/FULEIA) has been submitted for ‘Land at Harris Scrapyard & Oaks Farm’, which is a discrete land parcel of the proposed BLD, which would provide delivery of at least 50 dwellings in the period to 2026 and 103 dwellings by 2027. Southern Water have confirmed that suitable foul drainage can be accommodated for the development. In this respect, the SA is incorrect as the proposed development can provide early housing delivery as part of the BLD. If this is the reason for introducing an allocation at Maudlin Farm, and by extension altering the spatial strategy, at this late stage in the plan-making process, then the Spatial Strategy is flawed. This is further evidence that the Plan is unsound.

3.26 **Policy H4** – The policy seeks to distinguish between the Northern and Southern Areas, taking account of the relative viability merits of each area and the varying costs associated with mitigation in each area. This is evidenced by the accompanying Stage 2 Viability Assessment (January 2023) by Dixon Searle where development typologies are tested.

3.27 However, these typologies do not capture all development scenarios and the outcomes should not be used prescriptively as is the case here where viability considerations are only engaged in the context of

commuted sums. The policy provides no basis for reduced affordable housing ‘provision’ on viability grounds, which is highly unusual for a policy of this nature and contrary to the advice from Dixon Searle as follows (my underlining for emphasis):

*2.2. As noted above, this is a difficult point at which to be looking at viability, because while both values and costs have risen since the earlier work (pre-summer 2022) we are now faced with continued costs rises alongside a static or falling housing market. So, in considering development values (which is key to supporting scheme viability), while within the reporting we will need to refer to balance with other matters (those being the c. 15 year timeline of the LP (compared with current and short term circumstances) and the needs side of AH and infrastructure) we will need to acknowledge this. We think, realistically, it means that in the early period of the Plan, and in the interim (pending adoption) most likely there is going to be a need for some degree of flexible operation of those policies - where flex can be accommodated.*

3.28 In the absence of provisions within Policy H4 to allow for reduced affordable housing provision on viability grounds, the policy is likely to undermine the delivery of development. In particular, it will undermine development on brownfield sites contrary to paragraph 119 of the NPPF. On this basis the policy is unjustified, and its inclusion makes the Plan unsound.

3.29 We have made separate comments on the Stage 2 Viability Assessment (January 2023).

3.30 **Policy H10** - The Government has published its response to the consultation on Building Regulations - Part M. This response states that the Government intends to make part M4(2) the mandatory standard. Therefore, we would recommend that the Council amend its policy accordingly to ensure no unnecessary repetition of Building Regulations within planning policy.

#### *Chapter 6 – Place-making, Health and Well-being*

3.31 **Policy P1** – We support the objectives of the policy in terms of achieving good design. However, criterion ‘A’ requires proposals to use materials that reduce embodied carbon and make use of re-used or recycled materials. The merits of reducing the embodied carbon in new homes is acknowledged, however the extent to which such materials can be sourced and used will vary from development to development. As such, we recommend that criteria A is amended as follows (suggested amendments in red):

*A. The proposals apply sound sustainable design, good environmental practices, sustainable building techniques and technology, including **where feasible** the use of materials that reduce the embodied carbon of construction and make use of re-used or recycled materials;*

3.32 **Policy P15** – The policy lacks clarity in terms of thresholds for provision of built facilities. The requirements appear to be set on a generic basis with the supporting text at paragraph 6.85 referencing the Open Space, Sport and Recreation Study (2018) as the relevant evidence informing this approach. However, separately at paragraph 6.96, there is reference to future area-based policies in the subsequent Allocations DPD and SPD.

3.33 Firstly, the 2018 evidence is clearly out-of-date in terms of informing policy requirements for the new Plan which will be adopted no earlier than Summer/Autumn 2024 according to the Council’s Local Development Scheme. This policy will apply to all residential development and logically be dealt with through CIL for smaller development where on-site provision is impractical. The lack of evidence supporting the policy means that any request for contributions would fail the CIL Regulation 122 and Paragraph 57 of the NPPF. Secondly, adopting an outdated generic policy approach alongside an area-based approach is clearly inconsistent. Finally, the policy does not set any threshold for built facilities whilst the policy requires provision. As such it is unclear to a decision maker or applicant as to what is required in terms of built sport and recreation facilities.

3.34 On this basis the policy is inconsistent with National Policy and its inclusion makes the Plan unsound.

*Chapter 8 – Transport & Accessibility*

3.35 The Council’s strategy for transport infrastructure is based primarily on the findings of the Stantec Transport Study (January 2023). Separate representations are provided by Paul Basham Associates (PBA) in relation to this evidence and its application in these policies. In summary:

- **Traffic modelling** undertaken in the Transport Study uses a base year of 2014, which pre-dates the COVID pandemic and the significant changes in work-travel patterns in subsequent years. This is likely to result in a significant over-estimation of traffic flows, which is acknowledged in the report itself; and
- **Trip generation** is based on a generic per dwelling basis without any regard to the sustainability/accessibility merits of locations within the district. This is acceptable for a generic ‘predict and provide’ approach but mitigation is based on a bespoke ‘monitor and manage’ approach. Once it became apparent that that the mitigation required for the ‘predict and provide’ approach could not be viably mitigated, a new assessment should have been undertaken to look in more detail at the specific characteristics of traffic generation within various locations within the Southern Plan Area and the interrelationship with specific junctions on the A27. This would have provided a more accurate account of trip generation to define a more targeted strategy for A27 junction improvements and other measures.



3.36 **Policy T1** – There are a number of issues with Policy T1. Firstly, the planned mitigation schemes at Fishbourne and Bognor roundabouts are to be funded exclusively by residential development, despite Policy E1 allocating 28,000sqm of new business floorspace at ‘Land South of Bognor Road’. Consequently, the contributions being sought for residential development would fail the CIL Regulation 122 tests for not being *“fairly and reasonably related in scale and kind to the development”*. Secondly, the Transport Study confirms that the planned mitigation could accommodate a further 2,970 dwellings in the Southern Plan Area, which would reduce the per dwelling contribution. At best, this means that the cost of mitigation could be reduced in the interests of viability and affordable housing delivery. At worst, it means that the cost of mitigation would fail the CIL Regulation 122 tests for not being *“fairly and reasonably related in scale and kind to the development”*. Finally, the strategy focusses on mitigating two junctions on the A27 as priorities but applies a generic cost to all sites within the Southern Plan Area. Clearly, the impact on these junctions will vary for sites within the Southern Plan Area in terms of location (access to alternative transport – public transport, cycling and walking) and existing context (greenfield or brownfield). As such, this generic approach to contributions is not *“fairly and reasonably related in scale and kind to the development”*. On this basis the policy is unjustified, and its inclusion makes the Plan unsound.

#### Chapter 9 – Infrastructure

3.37 **Policy I1** – the policy requires all residential development to provide gigabit-capable broadband infrastructure at first occupation. However, the delivery of such connections is dependent on infrastructure providers and the feasibility/viability of connections. The policy as currently drafted may restrict housing delivery. Part R of the Building Regulations addresses the requirement for new development and part vii can be removed from the policy on that basis. If the provision is retained, then it is recommended that this policy be amended as follows (suggested amendments in red):

*“vii seek where possible to provide gigabit-capable broadband infrastructure”*.

3.38 The policy is unsound as it is inconsistent with national policy and is unjustified.

#### Chapter 10 – Strategic and Area based Policies

3.39 **Policy A13** – The identification of Southbourne as a Broad Location for Development for 1,050 dwellings is supported in principle given the sustainability credentials of Southbourne and its designation as a Settlement Hub. However, changes are necessary to make the policy sound.

##### i. Housing Delivery

3.40 The policy as currently drafted will unnecessarily delay housing delivery in the early part of the Plan period with the implication that the entirety of the 1,050 dwellings will not be delivered by 2029. This would undermine the Council’s strategy to meet the overall housing requirement which has already been suppressed (see comments in relation to Policies H1 and H2).

3.41 This issue could be addressed or at least mitigated by bringing forward development and housing delivery within the BLD earlier in the plan period. A planning application (Ref. SB/22/01283/FULEIA) has been submitted for 103no. dwellings at ‘Harris Scrapyard & Oaks Farm’, which is a part brownfield site (operational Breakers Yard) and a discrete land parcel within the proposed BLD. Officers have confirmed that the application site is a sustainable location, and the proposal is a sustainable form of development as evidenced by the lack of any objections from relevant technical and environmental consultees.

ii. Interaction with Strategic Wildlife Corridor

3.42 The extent of the BLD should be expanded to include the Wildlife Corridors to the east and west of Southbourne. In most cases the Wildlife Corridors comprise agricultural land where sensitive management is required to deliver the objectives of the designation. In the case of my client’s land, the wildlife corridor currently comprises an operational Breakers Yard known as ‘Harris Scrapyard’, where significant changes are required to meet the objectives of the designation, i.e. cessation of the existing commercial use, site clearance, decontamination and extensive landscaping. The feasibility and viability of the wildlife corridor here is contingent on the development on the adjoining land parcel at Oaks Farm, all of which is within the same planning application for 103 dwellings . With these considerations in mind, the delivery and management of the wildlife corridors can only be secured if the wildlife corridors become an integral part of the BLD alongside planned development.

3.43 To ensure that Policy A13 is sound, and the yield outlined for the BLD is deliverable within the Plan period, the following changes are essential (amendments shown in red and strikethrough):

*Provision will be made for a mixed use development within the broad location for development at Southbourne, as shown on the Key Diagram. **Development proposals for Land within the broad location will be masterplanned and developed as a whole to provide 1,050 dwellings ensure that the comprehensive development of the area and the delivery of 1,050 dwellings, local employment opportunities and supporting community uses and facilities is not prejudiced.***

*The site extent, definition of the boundary, including any amendments to the Southbourne settlement boundary, and detailed guidance for the development within this broad location will be established through the making of allocation(s) in a future Site Allocation Development Plan Document or revised Southbourne Neighbourhood Plan.*

*Development should **ensure that** ~~comprehensively masterplanned~~ **development is achieved, to including** ~~achieve~~ a high-quality design and layout that integrates well with the surrounding built and natural environments to enable a high degree of connectivity with them, particularly for pedestrians and cyclists, and provides good access to facilities and sustainable forms of transport.*

*Development within the broad location will need to:*

1. *Provide an appropriate mix of housing types, sizes and tenures to meet evidenced local need including affordable housing and specific provision to meet specialised housing needs including 16 serviced self/custom build plots, accommodation for older people and accessible and adaptable homes in accordance with relevant Plan policies;*
2. *Provide 12 gypsy and traveller pitches in accordance with Policy H11;*
3. *Provide a serviced site(s) for travelling showpeople which should deliver 12 plots, each of sufficient size to allow for the provision of accommodation and equipment plus storage/maintenance, in accordance with Policy H11;*
4. *Provide a suitable means of access to the site(s), securing necessary off-site improvements (including highways) in conformity with the Policy T1 (Transport Infrastructure) and T2 (Transport and Development) to promote sustainable transport options;*
5. *Provide any required mitigation to ensure there is no adverse impact on the safety of existing or planned railway crossings;*
6. *Ensure ~~adequate~~ the provision of supporting infrastructure **made necessary by development within the broad location**, including education provision, community facilities and transport in accordance with the most up to date **evidence of need** ~~Infrastructure Delivery Plan~~;*
7. *Give detailed consideration of the impact of development on the surrounding landscape, including the South Downs National Park and Chichester Harbour AONB and their settings. Development should be designed to protect long-distance views to the South Downs National Park;*
8. *Ensure that multifunctional green infrastructure provision is well related to the overall layout and character of the development as well as providing opportunities to extend into the wider countryside and surroundings;*
9. *Demonstrate that development would not have an adverse impact on the nature conservation interest of identified sites and habitats including, **where possible**, the **delivery of strategic wildlife corridors and provision for long-term management to maximise wildlife protection and enhancement**;*
10. *Provide mitigation to ensure the avoidance of adverse effects on the SPA, SAC and Ramsar site at Chichester Harbour including contributing to any strategic access management issues, loss of functionally linked supporting habitat and water quality issues relating to runoff into a European designated site;*

11. *Protect any other key views;*
12. *Ensure that allocations and policies accord with the sequential approach to flood risk, and that development will be safe for its lifetime, taking account of climate change impacts, as per the requirements set out in national policy and having due regard to the council's latest Strategic Flood Risk Assessment;*
13. *Ensure sufficient capacity within the relevant wastewater infrastructure before the delivery of development as required;*
14. *Demonstrate that development would not have an adverse impact on the significance of heritage assets or their settings;*
15. *Maintain the character and integrity of existing settlements and provide clear separation between new development and neighbouring settlements including through the definition and protection of landscape gaps.*
16. *Consider the Minerals Safeguarding Area and in line with the West Sussex Joint Minerals Local Plan, a minerals resource assessment may be required to assess if the land contains a mineral resource that would require extraction prior to development<sup>[50]</sup>. Account should also be taken of the West Sussex Waste Local Plan and associated guidance in relation to safeguarding policy W2.*

***Development proposals** ~~To enable a comprehensive and coordinated development approach, piecemeal or unplanned development proposals within the area which are which prejudice the delivery of infrastructure provision required for the area will not be permitted.~~*

3.44 **Policy A15** – This allocation has been introduced at a late stage in the plan-making process and it is based entirely on flawed assumptions regarding the capacity of the A27. Loxwood is not well served by existing facilities and amenities, and there is capacity for an equivalent level of development at sequentially more sustainable locations in the Southern Plan Area. This allocation should be removed in favour of allocations elsewhere in the Southern Plan Area. Whilst the Facilities Audit (2018) that informed the settlement hierarchy is out-of-date, it scores the settlement of Westbourne higher than Loxwood and does not take account of the fact that Westbourne is within cycle distance of both Southbourne and Emsworth (Havant Borough) train stations. Despite its comparatively higher sustainability credentials, Westbourne has an allocation of only 30 dwellings. This allocation is based on a flawed Spatial Strategy and as such it is not properly ‘justified’. Consequently, the draft Plan is unsound.

#### 4. Comments on Evidence Base

##### *The Viability Assessment (January 2023)*

- 4.1 This includes a number of assumptions which do not reflect industry standards and transactional evidence.
- 4.2 **BCIS Rates** - Dixon Searle have used the BCIS median estate rate for the main works build cost within their review. The BCIS includes for a more accurate range of rates for terraced houses, semi-detached houses and detached houses. Sites such as Nutbourne included for a higher level of detached dwellings due to the low-density edge of settlement design and nature of the project. This means that the build cost for the site will be proportionally higher than the benchmarking exercise undertaken by Dixon Searle.
- 4.3 **Interest Rates** - Dixon Searle have included for finance costs at a rate of 6.5%. There have been a number of base rate rises over the last year and it is well understood and accepted in the industry that bank finance on standard terms cannot be secured at less than 3.5% over base, reflecting 7.5% in the current market. We do not consider this rate will reduce during the plan period therefore Dixon Searle are not reflecting the true cost to debt finance. Accordingly, Dixon Searle should undertake their review with a rate of 7.5%.
- 4.4 **Legal Sales Fees** - Dixon Searle have included for £750 per unit in legal sales fees. The first sale of the new build dwellings including for first land registration cannot be undertaken at this budget. A review of the industry has revealed that the minimum legal sales fees for new development property is in excess of £1,250 per unit. This could be considered an average which includes for an element of abortive sales.
- 4.5 **Cashflow** - Whilst Dixon Searle have published the Argus Appraisal front pages, they have not provided the cashflow analysis for each example. The overall Dixon Searle finance budget appears to be incorrect based on judgement, having undertaken project viability analysis for over 25 years. We have reviewed the Argus Appraisals and note that the finance costs included do not appear to be reflective of the likely costs to be incurred. This disparity will have been caused through the way the spend is allocated to time incorrectly.
- 4.6 Considering Appraisal Summary '100 mixed flats and houses on PDL site South'. Dixon Searle suggest the total project costs are £28,670,651 (not including profit and finance charges) the resulting finance charges are £837,588. Considering RICS Valuation Guidance, the likely finance costs will reflect a formula of – total cost multiplied by half the project time multiplied by the rate, so in this case £28.67m x 1.5 years x 6.5%. This produces a finance charge of £1.24m being significantly higher than the Dixon Searle budget. We recommend that Dixon Searle undertake a review of their Argus Appraisal data entry process.

4.7 **Land Value** - I note that Dixon Searle have undertaken a review of likely Benchmark Land Value range, this can be summarised as follows.

Greenfield Lane £acre	Lower Value £101,174	Higher Value £202,347
Previously Development Land £acre	Lower Value £343,990	Higher Value £809,389

4.8 We can confirm that a rational Landowner would not sell a 1 acre greenfield site for £100k for residential development. The minimum likely value would be in excess of £250,000 and closer to £350,000 acre. Dixon Searle are suggesting BMLV that were used in their viability plan testing in other LPA many years ago. There appears to be no reflection in the fact that land value has increased significantly over the last 20 years. It is typical to see farmland selling at over £60,000 acre and this reflects the true Existing Use Value (Paddock Land is now often sold at over £100k acre). Dixon Searle suggest that small area farmland on settlement edges can be purchased at £10,000 acre and this position is not supported by any evidence nor common sense.

4.9 Dixon Searle suggest that previously developed land value is reflected in the range of £344k to £809k acre. Previously developed land is sometimes a cleared site and sometimes land with buildings on it. Often the buildings are in use generating rental income etc. Dixon Searle do acknowledge that previously developed land presents challenges in calculating BMLV and that these sites will need to be considered in isolation at application stage.

4.10 In our experience open storage land sold in isolation achieves between £750k acre to £1m acre. Undeveloped allocated Industrial land sells between £600k and £1m acre, with some sites achieving £2m acre in recent years. It is clear that the Dixon Searle review includes for previously developed land which is undervalued. This in turn will impact on the ability of such sites to be brought forward in the plan period.

4.11 As Dixon Searle note in their reporting a site such as Harris Scrapyard will have particular land value issues and these mean that the site should be considered on the basis Current Use Value plus premium. Site specific issues relating to Harris Scrapyard include the following:

- Successful Trading Business with significant existing buildings on site;
- Licensed scarp yard reflecting high EUV/CUV
- Detached residential dwellings to be demolished to form access
- Significant POS to be provided with total site being 15.8 acres (6.5 Dwellings Per Acre)

4.12 The EUV/CUV plus incentive approach to site value in accordance with NPPG and RICS Valuation Guidance will produce a land value significantly higher than the Dixon Searle BMLV. We also note that the sites abnormal works costs will also not be discounted against land value as they have no bearing on the EUV and Existing Use.

4.13 As these assumptions have a significant bearing on the viability of development, the policies which are underpinned by this evidence is unjustified and unsound.

*Transport Study (January 2023)*

4.14 Please see the accompanying statement from Paul Basham Associates (PBA) which provides commentary on this evidence.