

# Representations to the Chichester Local Plan 2021-2039: Proposed Submission (Regulation 19)

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Deerhyde Limited

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# 1 Introduction

- 1.1. Vail Williams LLP has been instructed by Deerhyde Ltd to submit representations to the Chichester Local Plan 2021-2039: Proposed Submission (Regulation 19) document.
- 1.2. As per the Website, these comments seek to address the three questions namely:
  1. Is it legally compliant?
  2. Is it sound?
  3. Does it comply with the duty to cooperate?
- 1.3. These representations are largely focussed on the provision of housing and ensuring that a satisfactory access (both vehicular and pedestrian) can be maintained and enhanced, particularly in Selsey.
- 1.4. These representations reflect the fact that our client, Deerhyde Ltd, owns a significant amount of land in the Selsey area, an interest which was acquired in 1986 but with family ownership going back many years before then.
- 1.5. Our clients have identified a potential opportunity to facilitate highway improvements within Selsey which would be to the benefit of both residents and tourists using the holiday parks and other attractions alike. This would particularly be of benefit given the Council's acknowledgement that the B2145 through Selsey is the busiest B road in the country. These representations bring into question the 'tests of soundness'. In particular regarding the questions as to whether it is 'sound' on the basis of whether it has been 'positively prepared', whether it is 'justified' and 'effective' in respect of the areas of concern raised with respect to employment land provisions.
- 1.6. As set out at Paragraph 35 of the NPPF local plans are required to be 'sound'. Plans are considered sound when the following applies:
  - a) **Positively prepared** – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs<sup>1</sup>; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
  - b) **Justified** – an appropriate strategy<sup>2</sup>, taking into account the reasonable alternatives<sup>3</sup>, and based on proportionate evidence<sup>4</sup>;
  - c) **Effective** – deliverable over the plan period<sup>5</sup>, 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; and
  - d) **Consistent with national policy** – enabling the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy, where relevant.<sup>6</sup>
- 1.7. These representations seek to highlight that Chapter 5 (Housing) has not been **positively prepared**, in so far as it does not provide [1.] "*a strategy which, as a minimum, seeks to meet the area's objectively assessed needs*".

- 1.8. It is also considered that Chapter 5 is not **justified** as the housing strategy is [2.] is *inappropriate* as it relies on a number of large strategic sites, with multiple issues some of which are in conflict with other parts of the local plan.
- 1.9. Chapter 5 is also not **justified** with respect to its provisions do not [3.] *take into account reasonable alternative sites*.
- 1.10. It is considered on the basis of the other factors highlighted in these representations and the proposed housing land provision is not **'consistent with national policy'** as the proposed provision does not enable the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy, where relevant. It is considered that the proposed plans are contrary to the NPPF paragraph 16a, 16b, 16c, 16d and paragraph 20a

## 2 Local Plan Representations

- 2.1. Having reviewed the draft Local Plan we would make the following comments:
- 2.2. Paragraph 3.1 asserts the Government's encouragement for local planning authorities to ensure sustainable development is at the forefront when considering planning applications and that the National Planning Policy Framework (NPPF) defines sustainable development as "meeting the needs of the present without compromising the ability of future generations to meet their own needs". Paragraph 3.5 goes on to advise the range of factors as are informed the spatial strategy which underpins the local plan which, inter alia, "the pattern of need and demand for housing and employment across the area", "infrastructure capacity and constraints, in particular related to waste water treatment, roads and transport", "the availability of potential housing types, their deliverability and phasing" and this needs to take place whilst being mindful of the environmental constraints taking a sequential approach to avoiding flood risk areas, protect the environmental designations, landscape quality, the historic environment and settlement character.
- 2.3. The principles outlined above are supported as these are the key facets of good planning and plan making. However it falls to local authorities to ensure that the sustainable approach includes providing a sufficient supply of homes and facilitating a variety of sites to come forward where needed, and that the needs of groups within specific housing requirements are addressed and that land with permission is developed without unnecessary delay. (Paragraph 65). Paragraph 66 states that within the overall requirement [for housing] strategic policies should also set out a housing requirement for designated neighbourhood areas which reflects the overall strategy for the pattern and scale of development and any relevant allocations.
- 2.4. Paragraph 67 goes on, where it is not possible to provide a requirement figure for a neighbourhood area, the local planning authority should provide an indicative figure, if requested to do so by the neighbourhood planning body. This figure should take account of factors such as the latest evidence of local housing need, the population of the neighbourhood area and the most recently available planning strategy of the local planning authority.
- 2.5. Paragraph 68 asserts that strategic policy making authorities should have a clear understanding of the land available in their area through the preparation of a Strategic Housing Land Availability Assessment (SHLAA). From this, planning policies should identify a sufficient supply and mix of sites, taking into account their availability, suitability and locally economic viability.
- 2.6. Further guidance states (Paragraph 69) that small and medium sized sites can make an important [my emphasis] contribution to meeting the housing requirements of an area, and are often built-

out relatively quickly. To promote the development of a good mix of sites the local planning authority should identify sites of small and medium size and support the development of windfall sites through their promises and decisions giving great weight to the benefits of using suitable sites within existing settlements for homes.

- 2.7. Neighbourhood planning groups should also give particular consideration to the opportunities for allocating small and medium-sized sites suitable for housing in their area. Paragraph 71 goes on: where an allowance is to be made for windfall sites as part of anticipated supply, there should be compelling evidence that they will provide a reliable source of supply. Any allowance should be realistic having regard to the SHLAA, historic windfall delivery rate and expected future trends.
- 2.8. Whilst it is noted that the delivery of large scale sites can result in the delivery of large numbers of new homes, it is apparent that such developments take considerable time to work their way through the planning system to an approval and even then are only at outline stage. The delivery of new homes is therefore reliant on the Councils to efficiently determine reserved matters applications and, thereafter, discharge of conditions, to allow a swift implementation of planning applications and a timely start on site for the delivery of housing.
- 2.9. The inclusion of small and medium sites (ie. not reliant on strategic sites) within the housing mix are invaluable in delivering housing quicker and potentially in places, perhaps outside the main settlements, which would allow new housing to be accessible to all which is one of the key facets of the NPPF.
- 2.10. This approach would assist with maintaining delivery of housing where existing allocations are either stalled or progressing slowly through the planning system or have simply been delayed in coming forward for perhaps other commercial reasons.
- 2.11. The plan is largely predicated on strategic sites, as detailed at Policy H2 which would provide 7,195 houses. This is a significant reliance on the strategic sites to deliver 75% of the overall housing target and much of them are predicated on the works to the A27 being completed in order to make them acceptable.
- 2.12. It should be noted that the above housing provision is predicated on the ability to identify mitigation for the impacts on the European environmental designations (including nutrient neutrality), addressing highway implications and negotiating the planning system.

### **The Manhood Peninsula**

- 2.13. The preferred approached version of the Local Plan does include moderate growth for the settlement hubs of Selsey (250 dwellings) and East Wittering (350) and the service village of Hunston (200). However, since then several planning permissions have contributed to the moderate levels of growth on the Manhood Peninsula which the Council says has accounted for these housing numbers. The plan does not therefore include any strategic allocations on the Manhood Peninsula in recognition of this recently permitted growth and the ongoing constraints the area faces, save for 50 dwellings to come forward at North Mundham.
- 2.14. This approach is not considered sound as a reason to prevent development of any scale on the Manhood Peninsula (particularly Selsey) for the plan period. As detailed above, it is essential that the plan allocates land across its settlement hierarchy in order to maintain a sustainable and deliverable approach to development and to assist the continuing evolution and economic viability of settlements which rely heavily on tourism and also on new development to maintain

the supply of homes to provide options for all sectors of the local community to be able to live on the Peninsula should they so wish.

- 2.15. It is noted that at Policy S2 (settlement hierarchy), Selsey is listed as a “settlement hub” which is the second tier of settlement under Chichester city. Whilst this hierarchy, particularly in connection with Selsey is supported it is therefore surprising not to see more housing sites allocated within and around Selsey.
- 2.16. Given the potential number of environmental constraints on the Manhood Peninsula it is unlikely that sites of any excessive size would come forward and large numbers of dwellings would not necessarily result once the sites had taken account of their environmental constraints. That said, and as reflected above, sites of a size proportionate to their location but below “strategic” size can have an important part to play in the delivery of sufficient housing numbers in the right location at the right time in accordance with the NPPF.

### **Housing**

- 2.17. Policy H1 (meeting housing needs) sets out the housing requirement for the full plan period of 1 April 2021 to 31 March 2039 as 10,350 dwellings. This allocates 963 dwellings to the Manhood Peninsula and a windfall (small site allowance) allocation of 657 dwellings for the whole district. There are no strategic locations/allocation on the Manhood Peninsula under Policy H2 which is considered unsound, particularly given the position that Selsey holds in the settlement hierarchy. Furthermore, under Policy H3 (non-strategic parish housing requirements 2021-2039) Selsey has been allocated zero housing. Again, this is considered unsound as it prevents sustainable development and access to new houses for all settlements across the district.
- 2.18. An overreliance on consented sites coming forward to provide future housing is considered unsound as, in this case, it effectively prevents any further development on the Peninsula and in Selsey in particular.

### **Transport**

- 2.19. Policy T1 (transport infrastructure) is specifically aimed at ensuring that integrated transport measures will be developed to mitigate the impact of planned development on the highway network, improve highway safety and air quality, promote more sustainable travel patterns and encourage increased use of sustainable motor travel, such as public transport, cycling and walking.
- 2.20. The council will work with National Highways, WSCC, other transport and service providers and developers to provide a better integrated transport network and improve accessibility to key services and facilities. The policy lists seven ways in which the key objectives of reducing the need to travel by car, enabling access to sustainable means of travel, including public transport, walking and cycling; managing travel demands; and mitigating the impacts of travelling by car can be achieved.
- 2.21. Whilst it is not intended to go through all of these in this document it is noted that all parties are expected to support the four objectives by working with relevant providers to improve accessibility to key services and facilities which would be relevant to Selsey (see below).
- 2.22. The policy is also aimed at planning to achieve a timely delivery of transport infrastructure on the A27 and elsewhere on the network which is needed to support new housing, employment and other development identified in this plan. The phasing of delivery of new development to align with provision of new transport infrastructure such as improvements to the A27 and elsewhere on

the highway network, will be key to managing impacts on the highway. This is yet another impediment to the delivery of a strategic allocations and larger scale development which would, by their very nature, generate a higher highway impact on the transport network than carefully planned smaller developments which could satisfy a much more localised need and be cause less impact on the strategic road network. The tariff proposals outlined at paragraph 8.20 only covers part of West of Chichester and Tangmere SDLs and not the other strategic sites outlined at Policy H2.

- 2.23. Critically it is also understood that Highways England has pulled funding for the improvements to the Bognor Road roundabout as part of a package of A27 improvements. On this basis it is unclear how further funding would be secured at this time.
- 2.24. The lack of soundness to the approach of significant reliance on strategic sites, due to the current lack of capacity of the A27, is evident in the text that accompanies the policy which states that opportunities to secure funding to implement this package of improvements will be maximised by working proactively with Government agencies, other public sector organisations and private investors. Developer contributions from new development will also be sought. It is clear that smaller scale developments which would have a significantly lesser impact on the highway network could deliver housing quicker and with fewer constraints to implementation. It is for these reasons that smaller sites should be allocated, particularly in the Manhood Peninsula, for development.
- 2.25. The content of Policy T2 (transport development) is largely supported and considered sound save for the fact that it does not seem to cover the improvement of local transport routes, particularly those that would assist in improving the circulation of traffic around smaller settlements. The policy should be amended to specifically relate to local transport improvements which are locally important to aid traffic circulation and reduce congestion.

### **Neighbourhood Plan**

- 2.26. The Selsey Neighbourhood Plan does not seek to allocate any sites or residential development, instead relying on those which were allocated in the previous local plan and, in particular, developments at Park Farm/Middle Field and Drift Field totalling 249 houses. It is assumed that this existing commitment accommodates the neighbourhood plan of 150 houses which is the justification for not allocating of residential development in the neighbourhood plan. However, this is short sighted as the neighbourhood plan runs to 2029 and, although development sites are largely controversial within smaller communities there is a lack of recognition of the requirement to provide new houses for existing and future residents (including descendants of current residents) in order to maintain the vitality and viability of the settlement outside of the tourist season where it is recognised that the local population will swell.
- 2.27. These points add further weight to the considered lack of soundness to the housing policies in the local plan which fail to recognise the need for smaller allocations within the Manhood Peninsula, particularly Selsey.

## **3 Local Infrastructure Provision**

### **Selsey Road Improvements**

- 3.1. Our clients wish to put forward a potential highway improvement scheme for Selsey which has come about given their extensive historic knowledge of the town and experience of significant

congestion along Selsey High Street as a result of an over-reliance of this route by traffic using the caravan parks. It would be a common sense alternative route (to using High Street) which will alleviate congestion along Selsey High Street/School Lane/Paddock Lane/Warners Lane, particularly during the summer months.

- 3.2. The local plan focusses its attention on the need to improve the strategic highway network but this proposal would provide a significant benefit at a local level in Selsey. As per the attached plan, our clients propose to widen Golf Links Lane from its junction with the B2145 Chichester Road to its junction with Paddock Lane, then widen Paddock Lane and make it up to adoptable standard to enable delivery of holiday traffic to the point where it meets the north eastern corner of White Horse Caravan Park, from which point the road has been made up to carry holiday traffic. At the moment, the northern section of Paddock Lane is just a rough track which is not suitable for ordinary road traffic. It is envisaged that, in conjunction with the owner of the largest caravan parks, Warner's Lane will also be improved. It is currently a tarmac road in poor condition with no footways and one section is too narrow to allow two vehicles to pass each other. This is not satisfactory for the major access route to the largest caravan parks.
- 3.3. Golf Links Lane is currently a single track, tarmac road which is in poor condition. It is two-way but much of it is too narrow to allow two vehicles to pass each other. It serves Northcommon Farm, a small housing development on the northern side, Selsey Golf Club and Selsey Country Club (which comprises c.300 holiday chalets and an associated licensed club). If it were to be made up to adoptable standard to the point where it meets Paddock Lane, it would improve access for existing users but, importantly, it would also create a more direct access route (in conjunction with Paddock Lane) for traffic associated with thousands of holiday caravans as well as a touring caravan park.
- 3.4. Given that a large proportion of holiday traffic and other tourist industry-related traffic (HGVs carrying food and drink, caravan transporters, tractor/trailer transport and public transport) use the route along High Street/School Lane/Paddock Lane/Warners Lane it is considered that this could be diverted from the B2145 Chichester Road further north than Selsey High Street, thus taking traffic away from the congested High Street. An easier, more direct route to the major caravan parks would be an attractive alternative.
- 3.5. The mechanism to deliver such a proposal is not yet the subject of formal agreement. A large proportion of the land required to widen the roads is within the ownership of Deerhyde Limited (our clients) and the owner of the major caravan parks. The latter has been very supportive of the proposal verbally. A short section of land is not in any specific ownership but our clients have long-standing rights over its use, which can be traced back to 1830. Our clients are serious about facilitating these highway improvements, including the use of their land, which will inevitably have a significant financial impact upon them.

#### **Potential Residential Development Sites**

- 3.6. In order to mitigate the financial impact including both the loss of their land and the implementation of the proposed highway improvements our clients would like to promote two sites for residential development, namely land north of Golf Links Lane (13.5 acres/5.46 hectares) and land west of Old Farm Road for residential development. Whilst the north western corner of the site is located within Flood Zones 2 and 3 it is considered that the developable area of the site would be approximately 4 hectares and could therefore deliver approximately 120 to 140 dwellings. This includes retaining the existing boundary screening along the south eastern boundary and avoiding Flood Zones 2 and 3. An indicative plan is attached to this statement.



- 3.7. Thawcroft Ltd, an associated company, also owns land west of Old Farm Road, Selsey (2.8ha / 6.9 acres) which taking account of the flood risk constraints along its western boundary could accommodate approximately 50 dwellings. An indicative plan is attached to this statement.
- 3.8. Having reviewed the planning history of the site it is noted that a planning application (under the name of Thawcroft Limited) was made in December 2016, refused in June 2017 and the appeal was dismissed on 11 June 2018.
- 3.9. The reasons for refusal related to the following:
1. Site is located outside the defined settlement boundary for Selsey.
  2. When the planning officer was giving evidence, he stated that he knew of an alternative site at lower risk of flooding but he would not identify it. After the appeal, an area of land north of Park Lane was identified for 250 houses. The land in question becomes waterlogged in the winter and is highly prone to surface water flooding. It is also only about 250m from Pagham Harbour, a site of major ecological importance with a significant level of protection afforded to it. The planning officer said the real issue with our appeal was one of numbers so it seemed curious to me that a site with a much larger number (250) was identified soon afterwards. Also, the land south of Park Lane (similarly prone to surface water flooding) was in the numbers for 2015/20 but in fact could not be started until 2021 so the planning inspector was misled. I believe that was crucial to the outcome. Landlink have proposed land west of the "Wave" roundabout (opposite Asda). This may be as an alternative for the land north of Park Lane. Neither parcel would be a good fit in the settlement policy area, whereas the land to the west of Old Farm Road would be, a fact acknowledged by planning officers in the past.
  3. We did in fact offer to provide contributions towards improving the A27 so that reason for refusal was withdrawn prior to the appeal being heard.
  4. As far as I can recall, the Council was content with our proposals in these matters at the time the appeal was heard. The criticism was that the need to avoid Flood Zones 2 and 3 created a narrow site which meant that the layout was said to be cramped. It could be that, with a smaller number of houses, MH Architects could provide an improved layout. Maybe this is reflected in the plan to which Vail Williams refer in paragraph 3.13.
- 3.10. It is considered that, as detailed above, given the Council's approach to an over-reliance on large strategic sites to fulfil its housing need and the lack of sites identified for development on the Manhood Peninsula (and in Selsey in particular) during the plan period this site could be proven to be an appropriate location for development as a "windfall site" to help maintain housing supply whilst the strategic sites are in the planning system.
- 3.11. It is considered the dwellings on the site could be laid out to avoid the Flood Zones 2 and 3 and therefore be at considerably less flood risk than the proposal which was dismissed at appeal. This is set out in the enclosed plan. This would overcome reason for refusal 2.
- 3.12. Reasons for refusal 3 and 4 would be overcome through the agreement of under Section 106 of the Town & Country Planning Act to provide contributions towards the improvement to the A27 on a proportionate basis to the size of the site and the number of dwellings and also the relevant number of affordable housing units required by policy (or justified as part of a viability exercise). Other matters such as the management of the landscaping, open space, buffers and drainage infrastructure could also be secured by the Section 106 agreement.

- 3.13. We commend the above highways solution and subsequent development sites to officers in consideration of the draft Local Plan.

## 4 Conclusions

- 4.1. It is clear that whilst the overarching strategy of the location of the majority of development in the largest urban settlement of Chichester or adjacent to it is sound the lack of allocation of significant housing numbers to those areas outside Chichester is unsound. This would mean that the vast majority of the district would attract very little housing over the planning period to 2039 thus ensuring that existing settlements would not evolve and would potentially shrink as existing residents and descendants of residents migrate to the Chichester or its strategic urban extensions.
- 4.2. Outside Chichester, the strategic proposals for Southbourne and Tangmere are similarly isolated. The Manhood Peninsula is particularly lacking in the provision of additional housing sites during the plan period with the justification provided that, for Selsey in particular, recent planning permissions which are being built or have been completed would accommodate all of the housing need going forward for the plan period.
- 4.3. This approach is flawed for two main reasons (making the Local Plan unsound):
1. The over-reliance on strategic allocations which themselves are constrained by the capacity issues on the A27 and environmental issues such as nitrate neutrality (and any future water neutrality issues which migrate south from the north of Chichester) and the usual impacts on the European sites could mean that these sites are slower in being delivered with little in the way of alternatives allowed for in the local plan.
  2. The failure to acknowledge any future development potential of note within the Manhood Peninsula and in particular Selsey will constrain the continued vitality and viability of the settlements within the Manhood Peninsula, particularly following the pandemic when the service sectors are struggling. Taking into account that Selsey in particular but other settlements along the coast within the Manhood Peninsula are reliant on seasonal tourist activity, additional residents are relied upon outside these times in order to provide income for those businesses which may struggle to survive outside the holiday seasons. An effective block on development would significantly reduce the potential future viability of these settlements outside the tourist season.
- 4.4. The emphasis on the stated urban-focussed housing strategy encourages neighbourhood planning groups/parish and town councils to maintain an opposition to the relevant rather than a proactive policy framework to direct appropriate development within their areas.
- 4.5. Our clients have detailed above one way which their land could be used in conjunction with others to facilitate a local infrastructure improvement to assist traffic circulation and access in and around Selsey itself which would need to be funded by future residential development and we commend this proposal to you for further consideration.
- 4.6. We trust that officers will take these representations into account and we look forward to receiving confirmation that the representations have been duly made.

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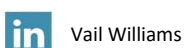
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