

REPRESENTATIONS ON THE SOUTHBOURNE ALLOCATION DPD (SA DPD)

Regulation 19 (Publication) Consultation

On behalf of Elivia Homes

1. Introduction

- 1.1 These representations are submitted on behalf of Elivia Homes ('our client'), the owner of land south of Cooks Lane, Southbourne ('the Site'), in response to the Regulation 19 (Publication) consultation on the Southbourne Allocation Development Plan Document ('the DPD').
- 1.2 Our client's Site is identified on Figure 2 (Framework Masterplan) as a 'potential development site' which 'may come forward at a later stage', rather than as one of the development areas relied upon to deliver the minimum 800 dwellings required by Policy A13 of the Chichester Local Plan 2021-2039 ('the CLP'). Figure 2 annotates the Site with arrows denoting the 'indicative alignment of active travel routes', the 'indicative alignment of future active travel routes', and a 'potential footbridge' crossing the railway line. These annotations demonstrate that the Site is treated, in the Council's own Framework Masterplan, as an integral part of Southbourne's active travel network and its wider connectivity objectives. Notwithstanding the Site's formal designation as a 'potential', rather than principal, development area, its role within that movement network is consistent with, complementary and supportive of, the DPD's core objectives for the allocation as a whole.
- 1.3 Shortly before this consultation opened, an outline planning application (all matters reserved except access) for up to 92 dwellings at The Site was submitted and registered by the Council (planning ref; 26/00630/OUT). That application is now the subject of current consultation with discussions presently addressing the necessary planning obligations to be secured by any grant of permission, which gives these representations immediate practical significance, in addition to their relevance to the soundness of the DPD.
- 1.4 Our position is as follows:
 - In principle, we support inclusion of the site within the revised settlement boundary for Southbourne, including the deliverability case that underpins it. Our client's Site is capable of making a positive contribution to the delivery of wider sustainable development opportunities in Southbourne, consistent with the 'Effective' soundness test at NPPF paragraph 36(c), which requires a plan's strategy to be deliverable over the plan period; and
 - However, our client objects to the current wording of the DPD with regard to:
 - a) Firstly, the wording of Appendix A (the Infrastructure Delivery Plan Update) is capable of being read as apportioning to our client's Site a share of the strategic infrastructure costs. Appendix A is not, in our client's submission, the correct or relevant mechanism for securing any contribution from the Site. Rather, the Site's contribution to necessary infrastructure should instead be secured through site-specific planning obligations — namely, the delivery of pedestrian and cycle linkages within and from the Site, together with a financial contribution towards the railway footbridge (agreed

in the context of an actual planning application for the Site, rather than through an allocation-wide document prepared to support the principal development areas); and

- b) Secondly, the wording used to characterise the Site's delivery timing as being deferred to a 'later stage', which can undermine the deliverability case our client otherwise supports.

- 1.5 These are objections to specific wording, not to the principle of the allocation or the objectives it pursues. Our client's Site will make a proportionate contribution to necessary infrastructure costs taking account of its unique accessibility / infrastructure-based improvements. Sections 3 and 4 below set out the detail of each objection and the modifications we consider necessary to address them.

2. Support for the Sustainable Travel Objective, in Principle

- 2.1 Our client supports the DPD's overarching objective, reflected in paragraphs 22 to 25 of the draft DPD, of minimising the need to travel and maximising sustainable and active travel modes, including the specific ambition to improve the comfort and safety of those walking and cycling on Cooks Lane, Priors Leaze Lane and Inlands Road.
- 2.2 Our client also recognises the DPD's identification, at paragraph 27, of a new pedestrian and cycle route adjacent to Cooks Lane as a component of the Framework Masterplan, and does not object to the principle of such a route being delivered in this location subject to the comments on deliverability and cost apportionment set out in Section 3 below. Such a route is shown in the scheme's submitted parameter plan and indicative masterplan drawings.
- 2.3 Our support for these objectives in principle is, however, subject to the DPD adopting a proportionate and evidenced approach to how the costs of delivering them are apportioned between the principal development areas and smaller, non-allocated potential development sites such as ours. This is now addressed below.

3. Proportionality: Infrastructure Costs Must Reflect the Scale of the Site, Not the Scale of the Allocation

- 3.1 The central issue raised in this section is proportionality. Our client does not object to contributing towards infrastructure that is necessary to make the development accessible in planning terms, directly-related to the development, and fairly and reasonably related in scale and kind. Our objection is to any approach (whether expressed or implicit in the DPD's evidence base) that would apportion a share of the strategic infrastructure costs calculated by reference to the scale of the principal allocation as a general funding tax, rather than by reference to the scale and impact of development actually proposed on the Site itself (not forming part of that strategic allocation). Proportionality is the governing principle that should determine how any contribution from the Site is calculated, based on the tests set out in the CIL Regulations 2010 (as amended). It is on this basis that we ask the Council to amend the DPD.

- 3.2 This is not simply a matter of viability judgement for our client's Site; proportionality is a principle embedded throughout the Framework itself and is directly relevant to the soundness of the DPD.
- Paragraph 16(c) requires that plans be shaped by early, proportionate and effective engagement with, amongst others, infrastructure providers and operators.
 - Paragraph 32 requires that the evidence underpinning plan policies be adequate and proportionate, focused tightly on supporting and justifying the policies concerned.
 - Most significantly, paragraph 36 provides that a plan will only be found sound if it is Justified: an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence. An Infrastructure Delivery Plan which apportions, or is capable of being read as apportioning, the cost of strategic infrastructure to a modest development site without regard to proportionality and the scale of development, is not evidence that meets the standard paragraph 36 requires. This is, therefore, a matter going to the soundness of the DPD, and not simply a matter capable of being resolved informally between our client and the Council outside the plan-making process.

The specific concern: the footbridge entry in the Infrastructure Delivery Plan

- 3.3 Appendix A to the DPD (the Infrastructure Delivery Plan Update) identifies, as an essential, S106/CIL-funded item, a footbridge over the railway line 'between Cooks Lane site and Priors Orchard', with a total estimated infrastructure cost of between £1,200,000 and £9,000,000 (depending on the level of accessibility provided).
- 3.4 Our client's Site is expressly named in this entry. We do not object to the principle of the footbridge, which we recognise would deliver connectivity benefits consistent with the objectives addressed in Section 2 above. Our objection is that Appendix A treats the Site as a source of contribution on the same basis as the strategic allocation, when the Site's contribution should instead be secured through the site-specific planning obligations described at paragraph 1.4(a) above.
- 3.5 Regulation 122 of the Community Infrastructure Levy Regulations 2010 and NPPF paragraph 58 require that any obligation sought from a development be necessary, directly related to it, and fairly and reasonably related in scale to it. Appendix A cannot meet that test in respect of the Site: it was prepared before any application existed, and so could not have known the scale of development the Site would deliver. Our client accepts that the Site benefits from the footbridge and should contribute towards it; the correct means of securing that contribution is the site-specific obligation described at paragraph 1.4(a) above, not Appendix A's allocation-wide apportionment.
- 3.6 Our client's understanding, is that its willingness to contribute towards the footbridge identified at Appendix A was, and remains, predicated on that contribution representing the entirety of the Site's infrastructure contribution. No further financial contribution towards other items identified in the Infrastructure Delivery Plan would be sought in connection with application 26/00630/OUT, or any other application on the Site.

Requested modifications

- 3.7 We request that the DPD, and in particular Appendix A (the IDP Update) and any supporting viability evidence, be amended to make clear that:
1. The footbridge entry at Appendix A, and any other reference to potential development sites within it, are not treated as fixing or apportioning any financial contribution from those sites. Rather, any contribution from our client's Site towards the footbridge or other necessary infrastructure is instead to be secured through site-specific planning obligations, agreed in the context of an actual planning application for the Site;
 2. The naming of our client's Site in the footbridge entry at Appendix A does not fix, in advance of any planning application, the quantum or basis of any contribution from the Site to that infrastructure; and
 3. The DPD text at paragraph 372-377 (and the equivalent Figure 2 narrative) is amended to confirm expressly that infrastructure obligations applicable to potential development sites will be determined on a site-specific basis at the time a planning application is made, informed by the scale of development then proposed.

4. The Characterisation of the Site as a 'Future' or 'Later Stage' Development Site

- 4.1 Paragraph 372-377 of the DPD states that the Framework Masterplan 'also includes a number of potential development sites which may come forward at a later stage', and Figure 2 identifies our client's Site using equivalent 'potential'/'future' terminology. As set out at Section 1.4 above, our client's objection to this wording arises directly from its support for the deliverability of the allocation: a Site capable of contributing to delivery should not be fixed by the DPD's own wording, into a delivery timescale that neither reflects our client's intentions nor has been tested against any actual planning application.
- 4.2 Our client does not object to the Site being identified separately from the principal development areas relied upon to meet the 800-dwelling requirement of Policy A13; we recognise that those areas perform a distinct function within the DPD's overall strategy. Our concern is with the specific characterisation of the Site's delivery timing as inherently deferred to a 'later stage'. This wording risks being relied upon, whether by the Council or by third parties, to resist or delay a future planning application on the Site on the basis that the DPD itself anticipates that the Site is not intended to come forward until some unspecified later point, regardless of the merits of any application actually submitted, and regardless of our client's own intentions for delivery.
- 4.3 We do not consider that this consequence is either intended or necessary. The identification of a site as a potential development site, additional to the principal development areas, does not require the DPD to prejudge the timing of that site's delivery. That is properly a matter for the merits of any future application, assessed against the development plan as a whole at the time it is made.

Requested modification

- 4.4 For these reasons, the DPD is not sound in its current form and should not be submitted for examination unless amended as set out below.
- 4.5 We request that the reference to potential development sites which 'may come forward at a later stage' is deleted, and replaced with wording along the following lines (or wording to similar effect):

"The masterplan also identifies a number of potential development sites which would be included within the amended built-up area boundary, in addition to the principal strategic allocation. These sites are not relied upon to meet the housing requirement of Policy A13, but planning applications for their development will be supported in principle in the context of this DPD and the development plan as a whole, as and when they are brought forward."

- 4.6 This revised wording preserves the DPD's clear distinction between the principal development areas and potential development sites, without pre-determining, or being capable of being relied upon to pre-determine, the timing of any future application relating to our client's Site.

5. Summary of Requested Modifications

- 5.1 Amend Appendix A (IDP Update) and any supporting viability evidence to confirm that infrastructure contributions from potential development sites, including the footbridge contribution attributed to the Cooks Lane site, will be calculated on a site-specific, Regulation 122-compliant basis at the time of any planning application, and not assumed to mirror the basis of contribution from the principal development areas;
- 5.2 Amend the narrative at paragraph 372-377 (and the corresponding Figure 2 annotation) to remove the characterisation of potential development sites as sites which 'may come forward at a later stage', and replace it with wording confirming that such sites will be considered on their merits as and when applications are made, in the terms proposed at paragraph 4.4 above.

6. Concluding Remarks

- 6.1 Our client remains supportive of the DPD's sustainable travel objectives.
- 6.2 However, as set out in Sections 3 and 4 above, Appendix A is the wrong mechanism for securing a contribution from 'potential development sites' such as our client's Site at Land South of Cooks Lane. It is a document that has been prepared to secure the allocation of 800 homes within the principal development areas, from which strategic infrastructure funding should be directly sought.

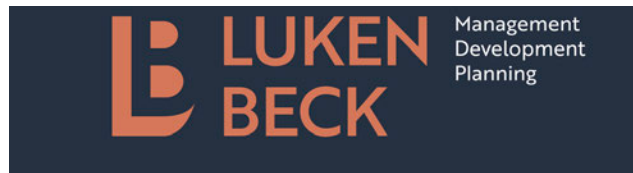
- 6.3 For the 'potential development sites', a site-specific planning obligation which is proportionate to the scale of the development is the correct mechanism.
- 6.4 A planning application for Cooks Lane has now been submitted for up to 92 dwellings (26/00630/OUT) and is currently being determined. Our client is ready to agree an appropriate, site-specific contribution to the footbridge and other necessary S106 obligations through that application and would welcome the opportunity to discuss these representations with the Council before the DPD is submitted for examination.

Should you require any further information, please do not hesitate to contact:

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