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Date: 7 February 2019



Planning Policy
Chichester District Council
East Pallant House
Chichester
West Sussex
PO19 1TY

Dear Sir/Madam

**REPRESENTATIONS TO CHICHESTER LOCAL PLAN REVIEW 2035: PREFERRED APPROACH 2016-2035
REGULATION 18 CONSULTATION
LAND SOUTH OF SHOPWHYKE ROAD, CHICHESTER**

I write on behalf of Obsidian Strategic AC Limited ('Obsidian'), DC Heaver and Eurequity IC Ltd (hereafter collectively 'my client') in response to the Chichester Local Plan Review 2035: Preferred Approach 2016-2035 (Regulation 18) consultation document.

1. Background

DC Heaver and Eurequity IC Ltd own the 'Land south of Shopwhyke Lane', outlined in red at **Annex 1**, and have recently partnered with Obsidian, a strategic development company with a strong commitment to high quality sustainable planning, design and delivery. Together with neighbouring land to the west, emerging Policy AL3 (Land East of Chichester) allocates my client's site for strategic housing delivery – which my client strongly supports.

An expert design and technical team has been appointed to evaluate my client's site and develop proposals to optimise its potential to deliver a residential-led mixed-use scheme together with the land to the west – this work is now underway. OMEGA Architects, i-Transport, Tree Fabrik and Land and Minerals have been commissioned, with further specialist input to be instructed as proposals for the site progress.

This submission comments on the draft plan and demonstrates that my client's site comprises a sustainable, relatively unconstrained and deliverable development site. In combination with the land to the west, and subject to detailed design testing, it has capacity for up to 1,000 high quality new homes – which would provide a major contribution to meeting local housing needs.

My client is committed to engaging with Chichester District Council (CDC) and neighbouring landowner, SUEZ, to ensure a joined-up approach to the delivery of a sustainable new neighbourhood east of Chichester. Engagement with SUEZ is underway and they have confirmed they share this commitment. At this time,



these representations are submitted on behalf of my client only, however we have met with SUEZ and shared our respective representations in advance of this submission.

2. The Site

My client's site is approximately 36 hectares in area. It lies in a highly sustainable and accessible location in Oving Parish, immediately east of Chichester, with good access to a range of local amenities. Historically the majority of the site was worked for minerals extraction, and much of it was backfilled leaving the current lake in the south east corner – a highly attractive feature of the site. Access to the site is off Shopwhyke Road to the north.

The site comprises restored farmland, the lake, and overgrown scrub and self-seeded trees of poor quality, much of the site is inaccessible and of little use to the public at present. Evidently, the site's potential is not being utilised.

The principle of delivering much needed new homes in the area has recently been established through the adjacent Oving Park consent for 100 dwellings to the north-west in August 2017 (Ref. APP/L3815/W/16/3165228) and the Shopwhyke Lakes Urban Extension consent for 585 dwellings to the north in August 2013 (Refs. O/11/05283/OUT and 15/03720/OUT).

3. Scheme Vision

The site's location and characteristics make it an ideal candidate for much needed housing delivery. My client's development vision is that the:

“Land east of Chichester will deliver a sustainable, sensitively designed neighbourhood, closely linked to the historic city. It will be a place with a variety of choices to live and opportunities for social interaction with biodiversity and recreational enhancements. It will be a welcoming place, with a strong sense of identity and allow nature and landscape to form an integral part of the development”.

Omega Architects and iTransport have determined that there is potentially capacity to deliver up to 1,000 residential dwellings across the site as a whole¹, subject to further design testing. This would be delivered together with attractive amenity space and green infrastructure integrated with neighbouring areas, and community infrastructure at its heart.

Chichester is at the top of the settlement hierarchy. The delivery of a new neighbourhood on the site will complete the emerging community east of Chichester and directly respond to Chichester District Council's

¹ My client's land and SUEZ's land

prioritisation of development along the East West Corridor. The site is the most sustainably located site to accord with the Council's strategy for development.

My client is committed to ensuring that the site is masterplanned to enable integration with neighbouring areas, and to provide good access to the city centre, key facilities and sustainable forms of transport. There are good opportunities for the scheme road layout to link seamlessly with the Shopwhyke Lakes and Oving Park schemes. This will optimise the permeability and legibility of the area, creating attractive desire lines for the local community.

Initial arboricultural investigations, undertaken by Tree Fabrik, have shown that, whilst the majority of trees across the site are pioneer species and low quality, some are of value and would provide attractive scheme features. Together with the lake, there is a unique, place-making opportunity for high quality new homes to lie within an attractive landscaped setting.

In terms of phasing, due to the above characteristics and access arrangements, my client's land is available to come forward for development without delay.

4. Draft Local Plan

My client has reviewed the draft Local Plan and we set out our comments and requested amendments below to: optimise sustainable housing delivery; and ensure the four tests of soundness (that the plan is positively prepared, justified, effective and consistent with national policy) are met in accordance with the National Planning Policy Framework (NPPF) (2018, Paragraph 35).

a. Housing Need and Supply

We have first considered the overarching housing target of the draft Local Plan.

The NPPF sets the Government's objective to significantly boost the supply of housing (Paragraph 59) and it is clear that "*strategic policies should, as a minimum, provide for objectively assessed needs for housing*" (Paragraph 11, our emphasis).

The current Local Plan was adopted in 2015 on the basis that CDC would meet a temporary target of 435 dwellings per annum (dpa) and commit to a review of the Local Plan within five years to address the District's full Objectively Assessed Need ('OAN'). We are aware that CDC has a history of under-delivering its housing targets. With around two thirds of Chichester District comprising the South Downs National Park² and Chichester Harbour being designated as an Area of Outstanding National Beauty (AONB), Chichester is also significantly constrained in regard to the availability of strategic housing land.

² Where planning powers have been diverted to the South Downs National Park Authority.

The draft Local Plan (Policy S4) is now proposing to make provision for significantly more homes (12,350 dwellings from 2016 to 2035 i.e. 650 dpa). The draft Plan states that this is necessary to meet the OAN of the plan area, plus an allowance for accommodating unmet need arising from the Chichester District part of the South Downs National Park. Of this target, we note that only 4,400 homes are proposed to be delivered via the Proposed Strategic Locations/Allocations – many of these are sites which already have planning permission (and are therefore already known commitments). We also note that there is a reliance upon Parish Councils delivering 500 homes through Neighbourhood Plans – there is clearly a risk that these may not be delivered in the required timescales.

With limitations on the availability of land, and due to the severity of increasing housing need, a more ambitious approach must be taken. There can be no question in this context that the available strategic development sites must be pushed to reach their full potential otherwise desperate housing needs simply will not be met. We also request the Council to ensure that the proposed District housing target is sufficient to meet housing needs, and that this is fully evidenced through the plan making process.

We provide our comments in regard to the former point with specific reference to my client's land below – principally that there is scope for up to 1,000 homes to be accommodated on the land east of Chichester (rather than a minimum of 600 as presently drafted in Policy AL3). Accordingly, and in the context of the requirements of the NPPF, we **request that the two tables within Policy S4 are amended to reflect the provision of up to 1,000 homes on the land east of Chichester.**

b. Land East of Chichester

My client strongly supports the allocation of the Land East of Chichester as a Strategic Development Location (SDL) for residential-led development within draft Policies AL3 and S3, the Policies Map and Map SB1.

In accordance with the NPPF (Paragraph 67), my client's land is available (it can come forward without delay), suitable for development (it is relatively unconstrained and lies in an accessible and sustainable location) and viable. The site represents a rare and immediate opportunity to meet Chichester's needs and is wholly appropriate for allocation.

As noted above, we do however believe that the number of homes allocated to the Land East of Chichester (a minimum of 600 homes) is unlikely to maximise the site's potential and should be increased up to 1,000 dwellings, subject to further technical assessment.

The Sustainability Appraisal assessed three development scenarios on the Land East of Chichester – the scope to deliver 600 or 1,250 or 1,261 dwellings. CDC has acknowledged in paragraph 6.22 of the draft plan that choosing the lowest option may not be sufficiently ambitious:

“The site is identified for 600 dwellings, however, there may be potential to deliver a large strategic development of 1000 dwellings, subject to further

evidence, including the testing of additional growth on the local highway network”.

As noted above, initial design and transport feasibility work has determined that there is potentially scope for the site to sustainably accommodate up to 1,000 dwellings within the proposed allocation boundary. We therefore request the following amendment to Policy AL3:

“... land at East of Chichester is allocated for a phased residential led development of a ~~minimum of 600~~ up to 1,000 dwellings ...”

In collaboration with SUEZ, my client seeks to deliver high quality community infrastructure across site AL3.

It is agreed that this should be provided in accordance with the most up to date Infrastructure Delivery Plan as required by bullet 9 of draft Policy AL3. Given that the precise needs of the emerging neighbourhood are unknown, and surrounding strategic sites are incomplete, we believe that it is however premature to list specific requirements within Policy AL3. In place of this list, we consider the wording of bullet 9 to be suitably robust and **request that the draft policy is amended accordingly.**

We commit to working closely with CDC officers to agree appropriate community provision prior to the preparation of a planning application.

Please also note that the latest Infrastructure Delivery Plan (December 2018) refers to the site as site “SA3” and that this reference requires updating to AL3 for consistency with the draft Local Plan.

In addition, we note that the site allocation boundary does not reflect the land ownership boundary. To optimise the development of the site, and to enable linkages with the adjacent Oving Park development, we request that the proposed site allocation boundary shown in draft Maps AL3, SB1 and the Policies Map is amended to reflect the site’s ownership, as shown in the plan at **Annex 3.**

We further request that Policy AL3 is updated as follows to accurately reflect the allocation site area:

“Approximately ~~35~~ 56 hectares of land at East of Chichester is allocated for ...”

Our comments above reflect my client’s commitment to optimising housing delivery on the site, together with appropriate supporting community infrastructure. We believe that these amendments are important to provide sufficient flexibility to avoid delaying the delivery of much needed new homes on the site.

c. Settlement Hierarchy/Boundary

Reflecting on the broader distribution and prioritisation of development across the district, we have considered the proposed settlement hierarchy.

My client supports the provision within draft Policy S3 to “ensure that new residential development is distributed in line with the settlement hierarchy” which places land “within or adjacent to the sub regional centre of Chichester City” (including East of Chichester SDL) at the top of the hierarchy.

However, we note that the adjoining Oving Park and Shopwhyke Lakes schemes are proposed for inclusion within the Chichester City Settlement boundary, whereas the ‘Land East of Chichester’ sits outside of this boundary.

Given the important role of the site in collaboration with these neighbouring sites, my client requests that the settlement boundary is redrawn to also include the Land East of Chichester (allocated under emerging Policy AL3). This will ensure a robust and consistent approach. The principle of site allocations being within the settlement boundary should be replicated for all emerging allocations within the Local Plan Review.

d. Housing Mix and Density

More generally, my client understands that the Local Plan must ensure that a sustainable mix of homes is provided. The NPPF is clear that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (Paragraph 61).

In this context, we note that draft Policy DM2 (Housing Mix) Part 1 prescribes the mix of housing sizes and tenures (market and affordable) sought for all new residential developments. We welcome the flexibility within Part 2 of the draft policy, which explains that an alternative mix will be accepted where alternative housing need evidence is submitted or where the non-market housing needs are met. This should however be subject to viability, to provide sufficient flexibility to avoid inhibiting the delivery of much needed new homes.

My client therefore requests the following addition to draft Policy DM2 Part 2:

“2. Planning permission will be granted for an alternative mix provided that:

...

c. this is supported by robust housing market and viability evidence”.

In terms of residential density, my client supports the provisions within draft Policy DM3 (Housing Density) for this to be led by the principle of making the best use of land. We agree that the 35 dwellings per hectare standard should be a “*minimum*” and that higher densities are wholly appropriate in urban areas with good accessibility, such as the Land East of Chichester. It is important to optimise the allocations.

e. Chichester Harbour SAC/SPA/Ramsar

We are also aware that the site lies within the 5.6 km Buffer Zone of the Chichester Harbour Special Protection Area (SPA).

As design proposals for the site evolve, my client is committed to engaging with Natural England and CDC in the context of the requirements of the Bird Aware Solent 'Recreation Mitigation Strategy' (December 2017). This is to agree an approach to avoiding any adverse effects on the integrity of the SPA as a result of the development of the site, if required.

f. Minerals

We further understand that the West Sussex Joint Minerals Local Plan (July 2018) designates the site within a 'Minerals Safeguarding Area'.

Draft Policy AL3 requires development proposals on the land East of Chichester to address the provisions of the Minerals Local Plan - adopted Policy M9 of which requires that:

"Proposals for non-mineral development within the Minerals Safeguarded Areas will not be permitted unless ... the overriding need for the development outweighs the safeguarding of the mineral and it has been demonstrated that prior extraction is not practicable or environmentally feasible" (our emphasis).

My client has appointed Land and Minerals to review the site in this context. Their initial conclusions are that the site has been extensively worked through the 1960's and backfilled during the 1980's (leaving just the lake to the south of the site) and it is therefore highly likely that the majority of deposits under the site have been extracted. Should any deposits have remained Land and Minerals are of the opinion that it is likely to be neither practical nor feasible to extract further minerals from the site prior to residential development taking place.

Due to the constrained nature of the District and the urgency of housing delivery, my client believes that there is an overriding need for residential development on the site, which outweighs the safeguarding of minerals, and that this should be the immediate priority.

5. Summary

This letter has demonstrated that my client's site clearly comprises a suitable and sustainable development site. It represents a rare, major development opportunity in the district. The site is deliverable in the short-term and will provide much needed homes in CDC. We strongly support the site's allocation, together with the SUEZ land, subject to the comments outlined above.

My client is committed to the development of a high-quality sustainable community without delay. Our design and technical work is progressing at pace, and we would value very highly the opportunity to work closely with the Council and with SUEZ to achieve an exemplary development.



Yours sincerely

A handwritten signature in black ink, appearing to read "CH Davies".

Claire Hepher-Davies
Associate

- Enc. Completed Representation Form
Annex 1: Site Location Plan
Annex 2: Proposed Amendment to Site AL3 Boundary
- Cc. Philip Scott, Obsidian Strategic AC Limited
DC Heaver and Eurequity IC Ltd