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Planning Policy,  
Chichester District Council,  
East Pallant House,  
1 East Pallant,  
Chichester,  
PO19 1TY

7<sup>th</sup> February 2019

Ref. 13/622

Dear Sir/ Madam,

**CHICHESTER LOCAL PLAN REVIEW 2035: PREFERRED APPROACH CONSULTATION  
REPRESENTATIONS ON BEHALF OF FISHBOURNE DEVELOPMENTS LTD. IN RESPECT OF  
LAND NORTH WEST OF FISHBOURNE**

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Iceni Projects Ltd has been instructed by Fishbourne Developments Ltd (FDL) to prepare representations to Chichester District Council's ('the Council') Regulation 18 Chichester Local Plan Review - Preferred Approach consultation. FDL wishes to outline the potential of Fishbourne as a Service Village to accommodate a greater level of growth than currently proposed in the emerging Plan and specifically the development potential of the Land North West of Fishbourne ('the Site').

These representations are accompanied by a Vision Document which sets out the key features and development potential of the site. It demonstrates that the site can successfully contribute towards the sustainable future development of Fishbourne as a settlement to contribute to Chichester District's objectively assessed housing needs over the local plan period to 2035. The proposals for the Site are infrastructure led with significant benefits for the local community.

These representations provide an overview of the Site context, highlight the relevant planning policy framework, present a revised assessment of local housing need and commentary on the policies of relevance from the Local Plan Review 2035 – Preferred Approach.

In summary, these representations seek to address the following matters –

- the Council should reconsider the ability to meet at least 14,800 dwellings over the 2016-2035 plan period and revise draft Policy S4: Meeting Housing Needs accordingly as there are no apparent reasons that this level of housing provision could not be either a) considered deliverable; or b) sustainably accommodated;
- Address unmet housing need in adjoining authorities under the requirements of Duty to Cooperate; and
- The potential of Fishbourne in meeting the District's housing needs should be reviewed to ensure that the settlement accommodates a proportionate level of growth commensurate with its designation as a Service Village.

## Site Context

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The Site adjoins the western edge of Fishbourne, within the east-west Corridor of Chichester District. Fishbourne sits to the west of Chichester, first in a line of settlements that are connected by the railway line, linking along the south coast to Portsmouth. The Site is located approximately 2.5km from the centre of Chichester, and 1.7km from Bosham. Chichester Harbour, which is a European Designated site lies around 500m to the south east of the Site and the South Downs National Park is located approximately 2km to the north-west.

The subject site is a greenfield site which extends to 19.13ha in total. The Site is wholly located within Flood Zone 1 and has a low probability of flooding, and the Site is not located within an Air Quality Management Area. There are no statutory or non-statutory landscape designations covering the Site or adjoining area.

The Site was submitted for consideration as part of the 'Call for Sites' process undertaken by the Council in 2017 and 2018. It was partially assessed in the Housing and Economic Land Availability Assessment 2018, site ref. HFB0004 'Land west of Blackboy Lane' and was considered to be suitable, available and achievable for housing development and community uses.

## National Planning Policy Framework

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The policies of the National Planning Policy Framework (NPPF) 2018 will apply for the purposes of examining the Chichester Local Plan Review based on the provisions of paragraph 214 of the Framework.

The NPPF 2018 promotes a plan-led approach to development with the primary purpose to support the Government's objective to boost housing supply. Plans should be prepared with the objective of contributing to the achievement of sustainable development and should be prepared positively, in a way that is aspirational but deliverable [paragraph 16].

Strategic policies should set out an overall strategy for the pattern, scale and quality of development and make sufficient provision for housing and other uses, infrastructure, community facilities and conservation and enhancement of the natural, built and historic environment [paragraph 20].

The NPPF prescribes that strategic policies should provide a clear strategy for bringing sufficient land forward, and at a sufficient rate, to address objectively assessed needs over the plan period. This should include planning for and allocating sufficient sites to deliver the strategic priorities of the area [paragraph 23].

The NPPF makes it clear that the preparation of all policies should be underpinned by relevant and up-to-date evidence, which is adequate and proportionate, focused on supporting and justifying policies, taking relevant market signals into account.

Local plans and spatial development strategies should be informed throughout their preparation by a sustainability appraisal that demonstrates how economic, social and environmental objectives (including opportunities for net gains) have been addressed [paragraph 32].

The NPPF acknowledges the important contribution that small and medium sized sites can make to meeting the housing requirement of an area, as they can often be built out relatively quickly. As such, local planning authorities should promote the development of a good mix of sites.

Section 9 of the Framework promotes sustainable transport. Transport should be considered from the earliest stages of plan. This will allow opportunities from existing or proposed transport infrastructure to be realised and opportunities to promote walking, cycling and public transport use to be identified and pursued. The planning system should actively manage patterns of growth in support of these objectives and significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes [paragraph 103].

### Objectively Assessed Needs

Paragraph 11 in the NPPF states that plans should positively seek opportunities to meet the development needs of an area; and that strategic policies in plans should, **as a minimum**, provide for objectively assessed needs for housing, **as well as any needs that cannot be met within neighbouring areas**<sup>1</sup> where this can be achieved consistent with the application of policies in the Framework that protect areas or assets of particular importance; and it is sustainable to do so assessed against the policies in the Framework as a whole. The NPPF places particular emphasis on meeting housing needs.

### Local Housing Need

The Chichester Local Plan Review's primary evidence on housing needs is set out in the Housing and Economic Development Needs Assessment (HEDNA), prepared by GL Hearn, dated January 2018. It should be noted that this document was prepared in advance of the publication of the NPPF 2018 and associated revisions to Planning Practice Guidance (PPG).

Iceni has reviewed the calculation of housing need and supporting technical information is provided at **Appendix 1**. In summary, it is identified the calculation of the local housing need is not consistent with the NPPF and PPG, or needs to be updated, in the following respects:

- a) It does not use the correct time period for the calculation of household growth;
- b) It does not use latest data on affordability ratios;
- c) It incorrectly applies a cap which relates to a requirement figure for the plan area only rather than the District as a whole; and
- d) It fails to recognise the true scale of housing need.

It is considered that the Council should test the ability to meet **at least 14,800 dwellings over the 2016-2035 plan period**, (equivalent to c.780 dpa) as this is reflective of the true scale of housing need across the local plan area. Iceni consider that a lower level of housing provision than this could only be justified if the Council could convincingly demonstrate that this level of housing provision could not be either a) considered deliverable; or b) sustainably accommodated. These points are considered in turn below.

This level of growth in the housing stock (1.6% growth per annum) is one which has been achieved historically in a range of areas within the Greater South East, and is consistent with a level of growth being planned for by a range of authorities in the region. Given Chichester's market characteristics, this is a level of housing provision which the evidence indicates that the market would support. This confirms that there are not 'deliverability' issues which would justify the application of the cap to the requirement figure.

The Sustainability Appraisal (SA) for the Chichester Local Plan Review – Preferred Approach (October 2018) at Section 4 considers three different levels of development including: 650 dwellings per annum (dpa); 800 dpa and 1,000 dpa. Option 2 – 800 dpa is more closely aligned with the true scale of housing need across the local plan area (as discussed above).

The SA concludes that that the potential negative effects associated with the 800 dpa option are more significant than the 650 dpa option in terms of biodiversity, protection of water sources, requirements for new waste water treatment, use of SuDS, options to improve networks for cyclists and pedestrians, conservation and enhancement of landscape and built heritage and the loss of the Best and Most Versatile agricultural land as the land required at each settlement will be greater. At the same time the SA confirms that the 800 dph option could lead to more significant potential positive effects in terms of

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<sup>1</sup> Emphasis added

meeting local housing needs, housing mix, access to services and facilities, promoting economic development, developing economic sectors and workforce skills.

The significant positive effects should also be given adequate weight in the assessment of potential effects of the development options in accordance with the provisions of the NPPF, which indicates that a sustainability appraisal should demonstrate how a plan has addressed opportunities for net gains as part of the relevant economic, social and environmental objectives. Whilst the 800 dph option is assessed as having significant negative effects when considered against three of SA objectives, this option has the potential to deliver significant positive effects against nine SA objectives. In comparison, the 650 dph is assessed as having no significant negative effects and the potential to deliver significant positive effects against just two of the SA objectives.

The conclusion of the Sustainability Appraisal states that option 1 – 650 dpa is identified as a recommended preferred approach to take forward in the Chichester Local Plan Review however, taking account of the scale of positive effects that the 800 dph option could deliver, the basis of this is questioned. The summary of effects for option 1 (para. 4.3.1) states that the primary benefits of this option are economic. However, the assessment demonstrates that 800 dph has the potential to deliver more significant economic effects than 650 dph therefore the reasoning appears to be unbalanced and unfounded.

In addition to this, it would appear that the majority of the negative effects arising from option 2 – 800 dpa could be dealt with through appropriate mitigation. The Sustainability Appraisal acknowledges that the transport and air quality impacts are capable of mitigation and no additional exceedances of air quality are predicted. Additional waste water treatment capacity is very likely to be required, which it is considered this would delay delivery of housing, however, the assessment matrix (Table 2) indicates that all options for housing will require new capacity not just option 2. The space of available within sites for SuDS, green infrastructure and other benefits is considered to be likely to diminish although, it is argued that these can be effectively built into well designed schemes.

Taking these factors into account, the Council should reconsider the ability to meet at least 14,800 dwellings over the 2016-2035 plan period and revise draft Policy S4: Meeting Housing Needs accordingly as there are no apparent reasons that this level of housing provision could not be either a) considered deliverable; or b) sustainably accommodated.

### **Unmet Housing Needs**

There are strategic constraints to development affecting a number of planning authorities in West Sussex and Greater Brighton which affects their ability to meet their housing needs in full, including Adur, Brighton and Hove, Crawley and Worthing. It is important that these are considered and the unmet need is addressed through the Duty to Cooperate. It is inappropriate that this unmet need has effectively not been considered in the assessment of options through the Sustainability Appraisal accompanying the Chichester Local Plan Review – Preferred Approach, and a plan progressed on this basis would not be sound.

Furthermore, there are clear inter-relationships between the Plan area and the Portsmouth Housing Market Area, and no consideration of the clear unmet need which exists in this area appears to have occurred in the preparation of the Chichester Local Plan Review to date. A failure to do so moving forwards could result in a Duty-to-Cooperate failure. On this basis, it is considered that Chichester's Local Plan Review must consider the level of unmet need which exists in the Portsmouth Housing Market Area and consider and test options which include an appropriate contribution to this in the development of the Local Plan Review. The Plan would be unsound if this does not occur.

### **Development Strategy**

Policy S2: Settlement Hierarchy sets out a framework to meet the scale of development required, with the development requirements for the settlement types delivered through site allocations in the Chichester Local Plan Review. Chichester City is intended to continue to develop its role as a sub-regional centre. New development will reinforce the role of the four identified settlement hubs. It is intended that land for new strategic development will be allocated through the Chichester Local Plan Review or a neighbourhood plan at a number of service villages, where there is an opportunity to

provide development based on the strategy of dispersing development across the plan area in conjunction with land being available in suitable locations. Fishbourne is identified as a service village within this hierarchy which is supported.

Policy S3: Development Strategy then seeks to disperse development across the plan area with the majority of planned sustainable growth at Chichester and within the east-west corridor. The Council is seeking to ensure that new residential development is distributed in line with the settlement hierarchy, with a greater proportion of development in the larger and more sustainable settlements. Focusing on service villages, Fishbourne is identified as one such settlement, which benefits from strategic allocation policy, alongside Bosham, Hambrook/ Nutbourne and Hunston. The inclusion of Fishbourne as a location for new residential development is also supported.

The Local Plan Review allows for the provision of the following levels of housing growth in the service villages identified as strategic development locations:

- Bosham – 250 dwellings (Policy AL7)
- Fishbourne – 250 dwellings (Policy AL9)
- Hambrook/ Nutbourne – 500 dwellings (Policy AL10)
- Hunston – 200 dwellings. (Policy AL11)

Taking into account the increase in the level of local housing need identified above, it is considered necessary to review the proposed housing number for each of these settlements. These settlements fall within the east-west corridor which is identified as the focus for growth. Furthermore, Bosham, Fishbourne and Hambrook/ Nutbourne all benefit from having a railway station and therefore can be sustainable, through limiting the need to travel and offering a genuine choice of transport modes. The Sustainability Appraisal indicates that the sustainability credentials of Fishbourne is comparable with Hambrook which is attributed a higher level of housing growth.

The NPPF is explicit at paragraph 66 that where local planning authorities are allocating growth to a neighbourhood plan area this figure should take into account 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. As detailed above, there is a high housing need in this location which needs to be met and the local planning authority strategy is to concentrate growth on the east – west corridor. In terms of the population of the neighbourhood area, Fishbourne has almost double the population of Hambrook yet the Draft Plan is proposing only half the quantum of future development at Fishbourne when compared to Hambrook. It is considered that this should be reviewed to ensure that Fishbourne, which is an unconstrained service village, served by a train station, accommodates a proportionate level of growth to meet housing needs.

Policy S5: Parish Housing Requirements 2016-2035 indicates that suitable sites will be identified either through neighbourhood plans or subsequent Development Plan Documents. It is acknowledged that the draft policy provides a fall-back position, whereby if draft neighbourhood plans making provision for at least the minimum housing numbers of the relevant areas have not been submitted for examination within 6 months of the adoption of the Local Plan Review, the Council will allocate sites for development within a Development Plan Document in order to meet the requirements of the Local Plan. There are merits in this approach to provide communities an opportunity to engage in neighbourhood planning however, taking account of the number of Parishes to which this applies in Chichester, could make it difficult to ensure the supply of specific deliverable sites to provide a minimum of five years' worth of housing against the housing requirement, as required by national planning policy.

It is also noted that the Local Plan Review does not currently include a trajectory illustrating the expected rate of housing delivery over the plan period as required by paragraph 73 of the NPPF. Therefore, it is essential that the Council ensures that the Local Plan Review is deliverable and thereby effective.

## **Fishbourne Parish**

Fishbourne is identified as a strategic development location within the Local Plan Review. Policy AL9 relates specifically to Fishbourne Parish and sets out that land will be allocated via the revised Fishbourne Neighbourhood Plan for a minimum of 250 dwellings subject to a range of requirements.

### **Sustainability Appraisal**

The Strategic Development Location Assessments provided at the Appendix of the Chichester Local Plan Review Sustainability Appraisal provides an assessment of Policy AL9 Fishbourne Parish against the sustainability appraisal objectives. The assessment identifies two significant negative effects which relate to the requirement for new waste water treatment capacity and the protection of traditional urban forms. With regard to waste water treatment capacity, the assessment states that waste will most likely be sent to Apuldram or Bosham and these facilities have limited capacity which could lead to a potential impact on Chichester Harbour. However, this is inconsistent with the Infrastructure Delivery Plan (IDP) (2018) which states that new development outside the settlement boundary of Fishbourne will not drain to the Apuldram waste water treatment works with the exception of minor development, rather it is expected that larger scale development will be directed to alternative catchments, notably Tangmere via the new sewer pipeline connection. On this basis, the magnitude of this potentially significant negative effect could be reduced. The provision of a new sewer pipeline is likely to be achievable through increased development within Fishbourne which adds further weight for the need to increase the housing provision in Fishbourne to ensure the delivery of further infrastructure.

In relation to the protection of the traditional urban forms, it is assessed that the scale of development will completely alter the existing development and there would be a significant impact to the existing historic village. It is considered that this assessment is unfounded and not justified, as the policy is currently non-site specific and it is possible to reflect the traditional urban form as part of site masterplanning.

It should also be noted that provision has been made in Local Plan Review and the IDP to prioritise Fishbourne Roundabout improvements which alleviate congestion on the A259 Fishbourne Road.

Taking these factors into account, there are no constraints to delivering sustainable future housing growth at Fishbourne that cannot be overcome through appropriate mitigation, particularly in the context of the extent of local housing needs.

### **Housing and Economic Land Availability Assessment**

The Council's Housing and Economic Land Availability Assessment (HEELA) identifies and assesses sites that may have potential to accommodate future development to inform the Local Plan Review. In total, the HEELA (2018) identifies eight sites which are considered to be achievable housing sites in Fishbourne Parish, with a combined potential yield of 291 dwellings. These sites vary in size and development capacity. It is noted that the yields have been estimated by the Council or proposed by promoters and there is significant variation in these figures ranging from 18 dwellings per hectare (dph) to 56 dph. This indicates that further refinement of these figures is required to accurately determine whether there are sufficient suitable sites identified in Fishbourne to meet the proposed level of housing growth.

### **Land North West of Chichester**

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The Vision Document which accompanies these representations sets out the suitability, availability and achievability of the Land North West of Chichester and presents two development options relating to 100 dwellings and associated community facilities and 250 dwelling and associated community facilities. The 100 dwellings option seeks to follow the extent of the site boundary shown in the HEELA. The 250 dwelling option, the preferred proposal, provides significantly greater benefits for the local community through a comprehensive, planned urban extension to Fishbourne.

The Vision Document demonstrates that the subject site has the potential to deliver sustainable future growth to the service village of Fishbourne. The Site represents a logical and sustainable location for growth, adjacent to an existing settlement. The Site is capable of meeting housing need objectives

identified in the NPPF in the context of its accessible location and proximity to existing social infrastructure and public transport. The Site has the capacity to deliver the 250 dwellings in a single location which would meet the minimum level of development proposed by Policy AL9: Fishbourne Parish. Development of this site would allow a holistic approach to planning the extension of the settlement, meeting the requirements of the policy and at the same time providing a scale of development that would facilitate the provision of a range of infrastructure including green infrastructure, social and community facilities associated with 250 dwellings. The HEELA indicates that there is no other achievable site in Fishbourne that has the capacity to yield 250 dwellings in its entirety and could deliver the range of infrastructure required on-site.

The Site could deliver a mix of dwelling sizes and tenures (including 30% affordable) to meet a range of local housing needs. In addition to new homes, the development could provide community facilities, a potential nursery (if required), possible allotment provision for the benefit of new and existing residents, in addition to play space for children and youths in line with the level of need identified of the Council's latest IDP. The scale of provision will be linked to the quantum of residential development.

Technical assessments, undertaken to date, confirm that there are no fundamental barriers to delivery and the site is available to come forward in the short-term.

The Chichester District Council Landscape Capacity Study undertaken by The terra firma Consultancy Ltd (November 2018), includes a high-level assessment of landscape capacity. The Land North West of Chichester falls primarily within sub-area CH21 'West Fishbourne Arable Land', the parcel extends to the south of the railway line also.

The assessment indicates that sub-area CH21 has a medium capacity for landscape change stating:

*"it is possible that some areas of built development may be accommodated adjacent to the western edge of Fishbourne provided it is informed by further landscape and visual impact assessment and sensitively integrated into the landscape, respecting the settlement pattern and local distinctiveness. Great care would need to be taken to avoid any landscape or visual harm and to ensure the separate identities of Broadbridge/ Bosham are protected".*

As illustrated in the Vision Document the scheme is landscape led to ensure that the proposal will minimise the change in the character of the area through design such as the retention of existing hedgerows and will respond positively to the character of the area.

A Sustainable Development Scorecard Assessment of the Site has also been undertaken. This considers the key features of the development options for the site against the three equal pillars of environmental, social and economic sustainability identified within the NPPF. The assessment provides a combined score from each of the three pillars, with a maximum score of 100%, as well as a parity score that provides a means of determining the balance of contributions from each of the three pillars.

The site achieves a sustainability score of 85% and a parity of score of 83% for the 250 dwelling option and a sustainability score of 83% and a parity of score of 75% for the 100 dwelling option indicating that it is a highly sustainable site and is therefore suitable for development. The sustainability credentials of the site can also be maximised throughout the masterplanning process. Further detail of the assessment is included in the Vision Document submitted alongside these representations.

## Chichester Local Plan Review - Preferred Approach

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This section provides a summary of the representations to specific policies of the Chichester Local Plan Review – Preferred Approach drawing on the information presented.

### Policy S2: Settlement Hierarchy

The proposed Settlement Hierarchy which identifies Fishbourne as a service village is **supported**.

### Policy S3 Development Strategy

The proposed development strategy set out in **Policy S3 is supported**. It is considered that dispersing development across the plan area and in particular, focusing growth within the east-west corridor, with a greater proportion of development in the larger and more sustainable settlements such as the service villages provides an appropriate approach to achieving sustainable development in the plan area.

Taking into account the increase in the level of local housing need for the plan area, it is considered that it will be necessary to review the proposed housing number for each of strategic development locations to ensure the development strategy is effectively engaged.

### Policy S4 Meeting Housing Needs

FDL **object to Policy S4** in its current form. It is considered that the Council should test the ability to meet at least 14,800 dwellings over the 2016-2035 plan period, as this is reflective of the true scale of housing need across the local plan area.

Furthermore, unmet needs from authorities in West Sussex and Greater Brighton and the Portsmouth Housing Market Area should be considered as part of the plan-making process, this does not appear to have occurred in the preparation of the Chichester Local Plan Review to date. A failure to do so moving forwards could result in a Duty-to-Cooperate failure.

Notwithstanding an objection to the housing target for the plan area, the broad spatial distribution is supported.

### Policy S5: Parish Housing Requirements 2016 – 2035

This policy proposes that suitable sites will be identified through neighbourhood plans or Development Plan Documents, this approach could make it difficult to ensure the supply of specific deliverable sites to provide a minimum of five years' worth of housing against the housing requirement as required by national policy. This highlights the need to identify a greater level of housing than the minimum requirements to ensure the LPA can demonstrate a five-year supply of deliverable housing sites.

### Policy AL9: Fishbourne Parish

FDL supports Policy AL9 Fishbourne Parish in so far as it confirms that Fishbourne can accommodate further growth. The Local Plan Review sets the requirement for 250 new dwellings to be provided at Fishbourne over the Plan period. However, given the increased levels of housing numbers within the district, it is submitted that Fishbourne has the potential to accommodate a greater level of this development than currently proposed in the Local Plan. In this regard it is considered that Fishbourne has the potential to accommodate 500 dwellings in total, akin to the growth proposed at Hambrook which is a similar, and in fact significantly smaller in scale, service village.

The subject site has the capacity to deliver the 250 dwellings in one location. This site, in addition to the other sites earmarked for development in the HELAA, could accommodate in the order of 500 dwellings in total. Development of this site could allow a holistic approach to planning a sustainable extension of the settlement of Fishbourne, providing a scale of development that could facilitate the provision of a range of infrastructure including green infrastructure, social and community facilities



associated with 250 dwellings. In addition, the provision of a critical mass of growth will ensure the early delivery of connections to adequate waste water treatment to serve Fishbourne.

## **Conclusion**

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In summary, these representations and the supporting Vision Document confirm that the Site is available, suitable and achievable for residential development within the Chichester Local Plan Review period. FDL request that the matters set out in these representations are addressed to ensure that the Council's prepares a Local Plan that is considered to be sound in accordance with the NPPF, particularly with regard to objectively assessed housing need.

Thank you for the opportunity to respond to the Chichester Local Plan Review Preferred Approach consultation. We would be grateful for confirmation of the receipt of these representations and welcome the opportunity to discuss these representations in further detail with the Council.

Kind regards,



Lorna O'Carroll

Associate