

Our ref: Q50307
Your ref:
Email: angie.fenton@quod.com
Date: 7 February 2019



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

By email

Dear Sirs,

Chichester District Council Local Plan 2035 Review (December 2018) Submitted on behalf of Thawscroft Limited

We have been instructed by our client, Thawscroft Limited to submit the enclosed representations to the Chichester Local Plan Review 2035 (December 2018).

The closing date for submission is 7 February 2019 and as these representations have been submitted within that timeframe, we trust that they will be taken into account.

1 Summary of Representations

Thawscroft Ltd is the freehold owner of the 2.8 hectare (7 acre) site to the west of Old Farm Road, Selsey (known as Land West of the Paddocks) ('the Site'). These representations provide commentary on the draft allocation of the strategic site, north of Park Farm in Selsey; and seeks to highlight the need for more considered strategic planning of Selsey to include the provision of a new north-south road to the west of the B2145, which would accommodate holiday traffic into White Horse and West Sands and other similar caravan parks. This would reduce the flow of holiday traffic on Selsey High Street and minor roads currently used by this traffic.

A 14 hectare site to the north of Park Farm has been allocated as a strategic site to accommodate 250 homes. This draft allocation is an unsustainable site, where future residents would use cars to access Selsey High Street. This site has known environmental constraints such as severe surface water drainage issues and is less than 1 kilometre from the Pagham Harbour Special Protection Area. Furthermore, any commercial units that will be required to serve the new development, will draw further trade from Selsey town centre, in addition to the ASDA and other commercial units recently developed nearby.

Secondly, there is a desire from local people to find a long term solution to congestion problems on the Chichester Road (B2145). An obvious solution is to construct a western link road off the 'wave' roundabout, which is at the junction of Manor Road and Chichester Road. This road would be a strategic solution to the current congestion issues associated with holiday traffic on the high Street, taking this traffic across Golf Links Lane, down Paddock



Lane and onto Warner's Lane to the new Bunn Leisure Head Office which serves White Horse, Green Lawns and West Sands caravan parks – totalling in excess of 2,000 static holiday and touring caravans.

Our reasoned justification for the above is set out below.

2 Available Sites in Selsey

Land north of Park Farm

The land to the north of Park Farm has been allocated in the draft Revised Local Plan as a strategic site to accommodate 250 homes. Historically, Park Lane has been the most northern boundary of Selsey for future housing development and it has remained as such in the emerging Neighbourhood Plan. There a number of planning reasons why this site should not be allocated for strategic development over other more suitable sites:

- Firstly, the site is beyond the northern boundary of Selsey and the proposal for 250 homes would significantly reduce the Strategic Gap between the proposed development site and Pagham Harbour;
- Secondly, the Park Lane Area has known surface water drainage problems. The land is very low lying at 4 metres AOD over a wide area which creates a high water table. Indeed, the new development to the south of Park Lane has had difficulty with surface water, which has been drained into a ditch. Local residents report that the ditch overflows at times and that four of the new houses have suffered from serious subsidence problems and have subsequently been underpinned;
- Thirdly, the Agricultural Land Classification map for London and the South East (ALC007), presented at **Document 1**, grades this land as "Excellent to Very Good". This is the highest agricultural land grading in the country. It is suitable for growing the sort of market garden crops which could be processed in the adjacent processing factory;
- Finally, this site is less than a kilometre from Pagham Harbour Special Protection Area (SPA) and Ramsar site. The Habitat Regulation Assessment carried out by AECOM clearly shows that development of this site will have a likely significant effect on the Pagham and Chichester Harbour SPA's/Ramsar sites.

CDC Habitat Regulations Assessment (November 2018)

The results of the Habitat Regulation Assessment (HRA) carried out by AECOM on behalf of CDC in November 2018, clearly show that the allocated site north of Park Farm will have a likely significant effect on Chichester & Langstone Harbours SPA / Ramsar and Solent Maritime SAC and the Pagham Harbour SPA/Ramsar. The HRA found that the likely significant effect will be on:

- Recreational pressures;
- Loss of functionality linked supporting habitat; and
- Urbanisation.

At paragraph 6.17, the HRA states:

“Development at Selsey (Policy AL12: Land North of Park Farm, Selsey) could also involve placing new housing development within 300m-600m of Pagham Harbour SPA/Ramsar site. However, there are already residential dwellings closer to Pagham Harbour than this and the small scale of development at Selsey identified in Policy AL12: Selsey (250 dwellings or an approximately 6.7% increase in the existing stock) cannot be described as ‘urbanisation’”

Habitats Directive 1992 Article 6 (3) states that:

“Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives.”

It is a requirement of the Regulations that the impacts of any land use plan being assessed are not considered in isolation but in combination with other plans and projects that may also be affecting a European site in question. In 2015 CDC granted outline planning permission for up to 139 units at Park Farm/Middle Field and full planning permission was granted for 110 units at Drift Field. Furthermore, the adopted Arun Local Plan (2018) has allocated 1,200 homes in Pagham, shown as sites SD1 And SD2 in the adopted Arun polices map, presented at **Document 2**.

In assessing the effects of the allocated site north of Park Farm for 250 units, the 2018 Chichester HRA does not refer to the ‘in combination’ effects of these 249 homes. Furthermore, there is no assessment of the ‘in combination’ effects on Pagham Harbour SPA/RAMSAR of the 1,200 homes allocated at Pagham in the Arun Local Plan (2018).

At paragraph 2.16 of the CDC HRA (2018), the plans and projects which are considered relevant to the ‘in combination’ effects are listed. Both of the planning consents mentioned above were granted in 2015, after the previous Local Plan HRA was carried out. Any future planning application for 250 homes at Park Farm will likely be EIA development and will also be obliged to consider the ‘in combination’ effects of all recent developments and allocated sites in this location, which are all approximately 1 kilometre or from Pagham Harbour SPA/RAMSAR.

It is very likely that the ‘in combination’ effects of almost 1,700 homes in this location will have a significant effect on the SPA / Ramsar with mitigation very difficult to implement for this level of development so close to a SPA/Ramsar site.

Indeed policy 51 of the adopted CDC Local Plan states:

“Net increases in residential development within the 3.5km ‘Zone of Influence’ are likely to have a significant effect on the Pagham Harbour SPA either alone or in-combination with other developments and will need to be subject to the provisions of Regulation 61 of the Conservation of Habitats and Species Regulations 2010. In the absence of appropriate avoidance and/or mitigation measures that will enable the planning authority to ascertain that the development would not adversely affect the integrity of the SPA, planning permission will not be granted because the tests for derogations in Regulation 62 are unlikely to be met. Furthermore, such development would not have the benefit of the presumption in favour of sustainable development in the National Planning Policy Framework”.

In summary, the HRA has not assessed the 'in combination' effects of nearby developments and even so, the results of the HRA assessment show that the proposed development north of Park Farm as a standalone development will have a likely significant effect on the SPA and Ramsar site.

There are other sites in the south of the peninsula that are available for development both to the west of Chichester Road and to the south of Selsey, which should also be thoroughly assessed as alternatives, before adopting this strategic site allocation on the land north of Park Lane.

Land West of the Paddocks

Our clients' site, which is a 500 metre walk from Selsey town centre is in a sustainable location with limited constraints. An aerial view of the site is presented at **Document 3**.

Site History

In the 1990's, the surrounding housing estate across Old Farm Road was developed by Thawcroft Limited and the Site formed part of the area allocated for housing in the Local Plan. However this part of the allocation was never implemented and the site remains a greenfield site. Notwithstanding, all of the services were installed to serve the Site and it is ready to be delivered for housing in the short term. The land developed by Thawcroft Limited has not suffered from the surface water / waterlogging problems experienced in the Park Lane area.

Access to the Site can be taken directly from Old Farm Road. School Lane connects the site to the B2145 (Chichester Road), which is a north-south route out of Selsey eventually joining the A27 at Chichester. The Site is also well served by public transport on Selsey High Street. It is a very short walk into the town centre.

Planning permission was granted in 1994 (ref: 93/02163/FUL) for the erection of 88 dwellings on a wider area, including this site. However, the part of this development on the western side of Old Farm Road was never implemented and this site remains undeveloped, although services were included to serve this part of the development.

In June 2017 an outline planning application for 68no. homes was refused for the following reasons: The location of the Site outside of the Settlement Boundary; the suitability of the sequential test carried out in terms of floodrisk; transport matters; and planning obligations. This refusal of planning permission was the subject of appeal, prior to which transport matters and planning obligations were agreed between both parties. The appeal was dismissed in 2018 on the grounds that the proposal would conflict with the development strategy and settlement hierarchy set out in the current Local Plan and that, although the Council need to find additional sites for housing, the Sequential Test was lacking.

The reasons for refusal were based on out of date planning policies with no fundamental or technical reason provided why this site should not be developed for housing. The EA did not object to the site's development subject to mitigation and it does not occupy an open countryside location. Neither would its development extend the spread of built development. There are a number of services and facilities situated close to the Site including a medical practice, primary school, secondary school, foodstore and shops.

Housing and Economic Land Availability Assessment

The Emerging Local Plan states that Selsey has been given a small housing allocation because of the environmental constraints of the local area. The land to the north of Park Farm has drainage and ecological constraints and is less than 1 kilometre from the internationally recognised Pagham Harbour SPA. In addition to the Land west of the Paddocks, there are a number of sites around Selsey which are adjacent to the settlement boundary, that do not have any environmental constraints, and could be allocated for development. Cumulatively they could make up the required 250 homes.

National planning policy requires a positive approach to drafting planning policies and making planning decisions. Housing requirements should be expressed as a minimum. The allocation of 250 additional homes allocated to Selsey is therefore not a limit. Other suitable and sustainable sites closer to the town centre should also be considered for inclusion in the Selsey Settlement Boundary, to accommodate future housing needs.

The HELAA references the Site as HSY0006 as shown in the Table 1:

Table 1: CDC Local Plan Review HELAA Extract

HELAA ID	Site Address	Proposed Use	Reason for Rejection
HSY0006	Land West of the Paddocks	Housing	Flood Constraints

The only flood risk reason that the site cannot be developed is that part of it is designated as a flood zone 3. However since the current flood maps were finalised, the Environment Agency built major new sea defences between Selsey and Bracklesham in West Sussex. This involved developing the Medmerry managed realignment scheme by constructing seven kilometres of new walls behind the previous defences in a £45 million investment (£28 million of public money and we understand £17 million of private investment). Its express purpose includes the provision of flood defence for Selsey, including the vicinity of this site.

The Applicant has undertaken independent flood risk assessments of the Site which conclude that the flood defences are working as planned and that the Site should now be considered to be within Flood Zone 1, 2 and defended 3. Across the country major developments are consented in defended Floodzone 3 – for example, this designation applies to much of London but the presence of flood defences provides confidence that large scale development can go ahead. A recent example is the Barking Riverside Opportunity Area, which has been allocated for 10,000 homes, mostly within a defended Floodzone 3.

There is no evidence that the Site is any more at risk of flooding than the land to the north of Park Farm. It is significant that, during the course of the recent planning application, the Environment Agency had no objections to the site being developed in terms of flood risk. Indeed, the appeal was refused on the basis that the site failed the sequential test, however the EA agreed that the site is otherwise developable so long as suitable mitigation measures are in place. Notwithstanding a proportion of the site is in a Flood Zone 1. At the very least this part of the site should be allocated for development, since the infrastructure is in place to serve a residential development immediately.

Flood risk cannot therefore be realistically used as a reason to prevent this site from coming forward for development. There are no other environmental or physical constraints that would prevent development of this site.

Summary

Cumulatively, with the consented developments at Drift Field and the land South of Park Lane, the proposed strategic allocation of an additional 250 homes on the land north of Park Farm will result in almost 500 homes in this rural location. In addition, 1,200 homes have been allocated nearby, in the Arun Local Plan (2018). This will create an unsustainable urban area which will rival Selsey town centre; will exacerbate an already struggling drainage problem on this site; will have a significant effect on the Pagham Harbour and Chichester Harbour SPA and Ramsar sites and will increase congestion on Selsey High Street due to the need to use cars to access the facilities on the high street. It would also put pressure on existing car parks which are already heavily used.

There is no planning reason why the land to the north of Park Lane should be allocated for a strategic housing development. It is not in a sustainable location and has a number of environmental constraints as well as the likelihood that any associated commercial elements would draw trade from the already failing Selsey town centre. There are other sites available, which must be considered far more suitable in planning terms and should be more thoroughly considered.

The land to the west of the Paddocks is surrounded on all sides by development. A view from above clearly shows that the Site is an isolated green space surrounded by development. It does not contribute to the open countryside. This is in contrast to the land north of Park Lane, which is clearly sensitive and open countryside. Mitigation measures can be put in place to remove flooding, as agreed by the EA. Notwithstanding, a large proportion of the site is in a Flood Zone 1. At the very least, this area in FZ1 should be allocated for housing, but we cannot see why the area in defended floodzone 3 cannot be allocated for housing, as is the case on sites throughout the country.

3 Selsey - Long Term Development

The planning system and the Local Plan should take a long term view on development of a town such as Selsey which has a number of environmental constraints. There are other solutions to accommodate the town's housing need rather than creating a development which cumulatively with consented sites in Chichester will result in 500 homes close to Pagham Harbour in addition to the already allocated 1,200 homes in the Arun District. This is clearly an unsustainable location which can only be accessed by car, will pull residents and visitors from Selsey town centre and is just 1 kilometre from the Pagham Harbour SPA.

There is a willingness from local land owners to think strategically to ensure that Selsey expands in a planned and sustainable manner. One option is to build the infrastructure required to deliver more homes closer to the town centre. The 'wave' roundabout, opposite the Manor Road and Chichester Road junction already has a spur constructed to the west. A road could be brought from this spur through the land to the west of Chichester Road (north of Upway's Close), across Golf Links Lane and down Paddock Lane, to meet Warner's Lane. The road would lead past major new facilities at White Horse Caravan Park and lead to the new Bunn Leisure Head Office on Warner's Lane, which serves more than 2,000 caravans.

This is a logical solution to significantly reduce holiday traffic on the high street as it would bring this traffic off the B2145 to the 2,000 + holiday caravans at Bum Leisure Caravan Parks. The suggested route to the west of the B2145 would require the agreement of three local landowners.

However if there is willingness from the District and County Council, a meeting could be facilitated to discuss the feasibility for creating this road.

Summary

Selsey is a growing town. There is a huge demand for housing, and in particular affordable housing in the area. Allocating unsustainable sites for strategic housing development will exacerbate existing problems, rather than solve them. The Local Plan Review provides an exciting opportunity to take a long term, strategic approach to the future of Selsey by considering the construction of new infrastructure which will resolve the current problems somewhat, reducing traffic on the high street and opening up sites close to the town centre for development. This will improve the quality of life for future generations in Selsey and ensure that there is sufficient housing to accommodate demand.

4 Conclusion

The allocation of a strategic site to the north of Selsey is an illogical and unsustainable response to the Districts housing need. Selsey needs strategic planning with new infrastructure and development should be guided towards the town centre, which has historically been the focus of the Selsey population.

The new urban area being created to the north of the town will draw further trade from the town centre, which is already struggling. It will exacerbate traffic congestion on the Chichester Road and will create a new population who are detached from the core high street area of Selsey.

Our client would welcome a discussion with officers and Members about the content of this letter. If you have any queries, please do not hesitate to contact us.

Yours sincerely



Angie Fenton
Associate

enc.

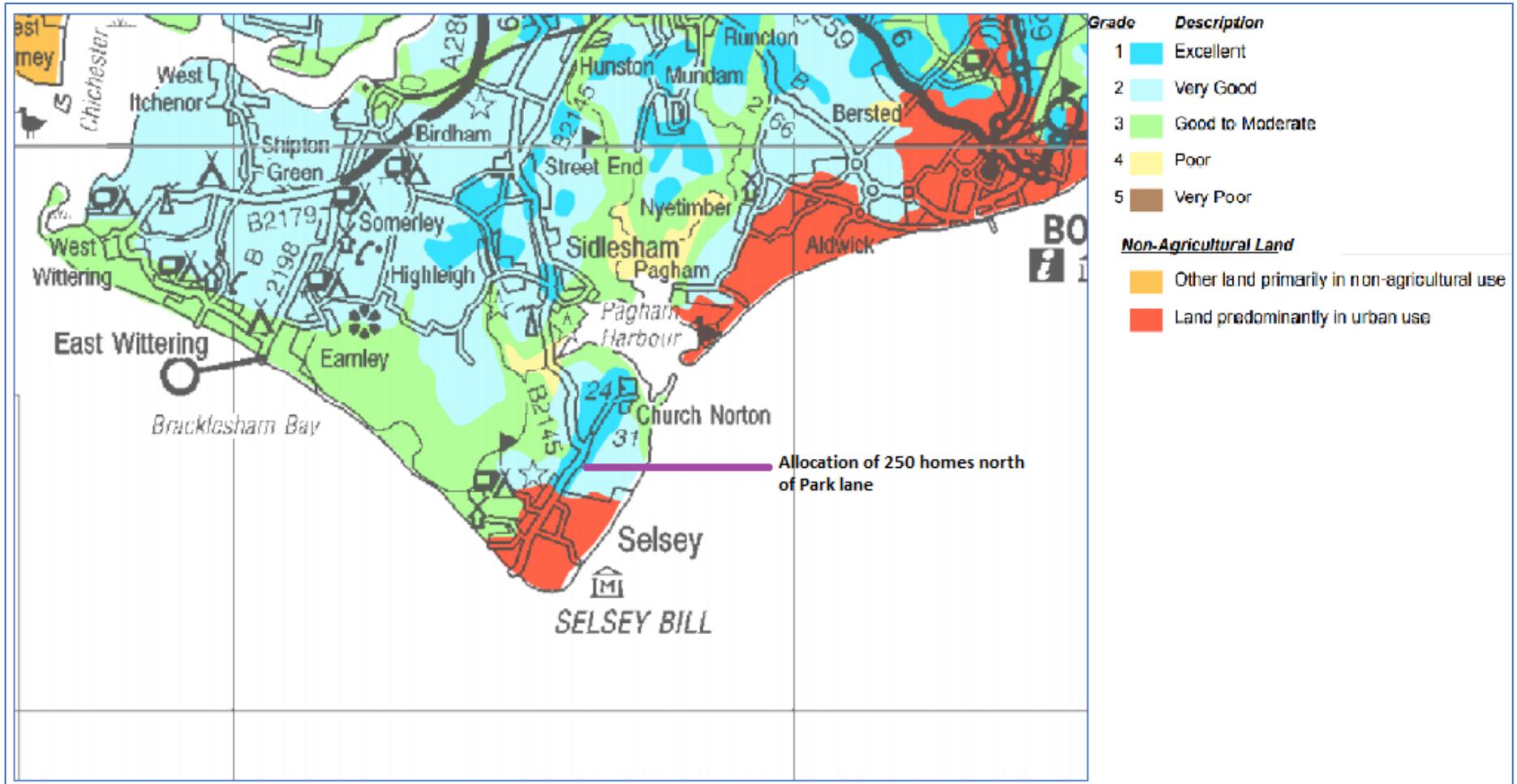
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DOCUMENT 1

EXTRACT FROM AGRICULTURAL LAND CLASSIFICATION MAP (ALC 007)

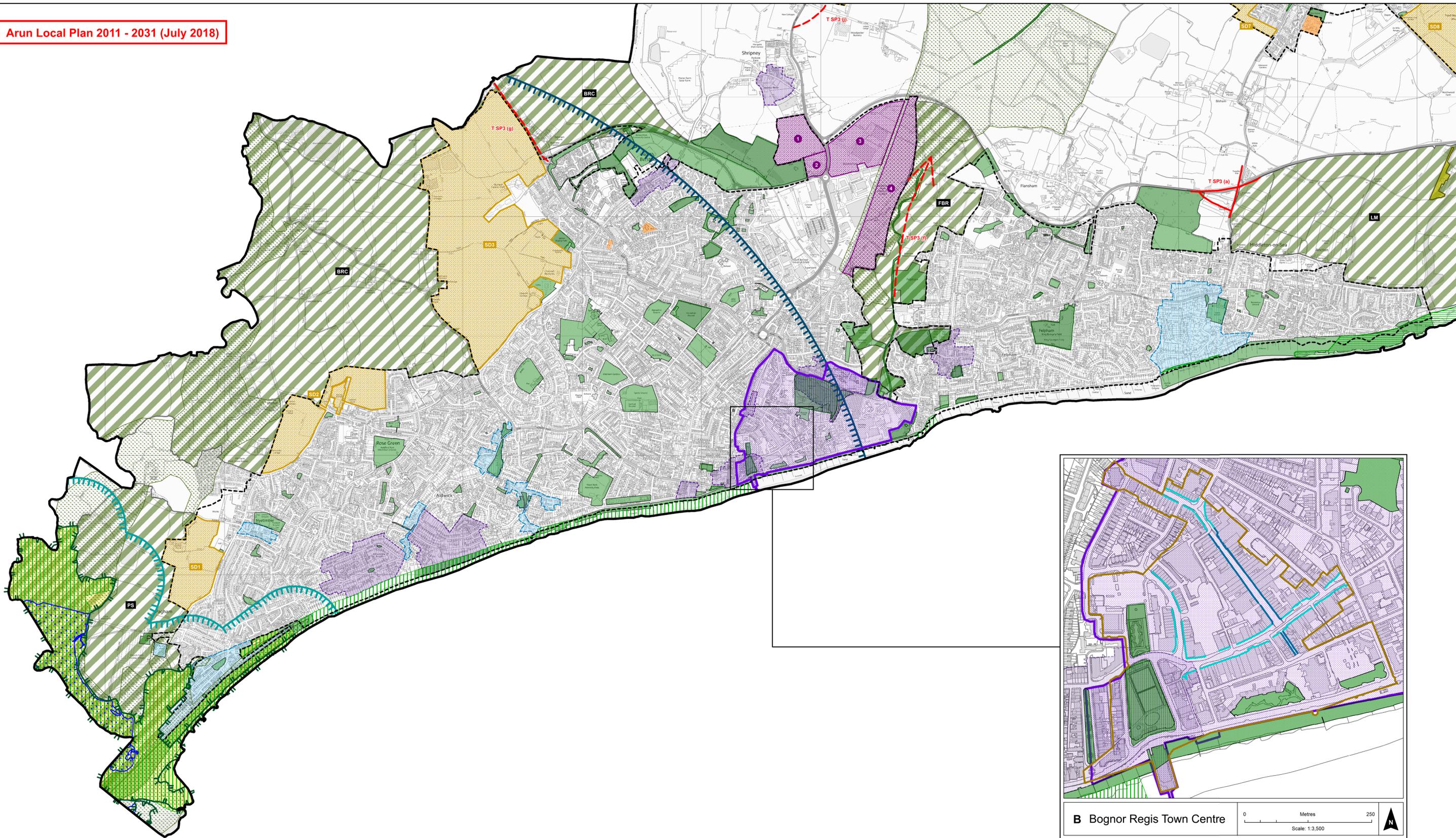
AGRICULTURAL LAND CLASSIFICATION MAP LONDON AND THE SOUTH EAST (ALC007)





DOCUMENT 2

EXTRACT FROM ARUN POLICIES MAP (STRATEGIC ALLOCATIONS SD1/SD2)



Please note: Policies maps should be read alongside other supporting plans including the Waste Local Plan, Minerals Local Plan and Neighbourhood Development Plans.

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Bognor Regis & Surrounding Area

Map 3

Scale: 1:15,000 @ A1

Chapter 7 - Settlement Structure & Green Infrastructure

Gaps Between Settlements:

- BRC Bognor Regis to Chichester
- FBR Felpham to Bognor Regis
- LM Littlehampton & Middleton-on-Sea
- PS Pagham to Seley

Build-up Area Boundary

Gaps Between Settlements

Setting of Arundel

Chapter 8 - Employment & Enterprise

Strategic Employment Site

Economic Growth Area

- Salt Box
- Rowan Park
- Oldlands Farm
- Former LEC Airfield & adjoining land

Chapter 9 - Retail

- Town Centre Boundary
- Retail - Primary
- Retail - Secondary

Town Centre Inset Maps:

B Bognor Regis

Chapter 12 - Housing Delivery

Strategic Housing Allocations:

Site Specific

- SD1 Pagham South
- SD2 Pagham North
- SD3 West of Bersted
- SD7 Yapton
- SD8 Ford

Chapter 14 - Health, Recreation & Leisure

OSR DM1: Existing Open Space

Chapter 15 - Transport

Policy T SP3: Safeguarding the Main Road Network

- Committed
- Indicative
- Direction of Connection to be determined

Chapter 16 - Building Conservation & Archaeological Heritage

Conservation Area (For up-to-date info & scale mapping of Conservation Areas, please visit the Conservation section of: www.arun.gov.uk)

- Area of Character (AoC)
- Scheduled Ancient Monument (SAM)

Chapter 17 - Natural Environment

- Sites of International Importance for Nature Conservation (SINIC)
- Sites of National Importance for Nature Conservation (SNINC)
- Sites of Nature Conservation Importance (SNICI)
- Biodiversity Opportunity Area (BOA)
- Pagham Harbour Buffer Zone A (400m buffer)
- Pagham Harbour Buffer Zone B (5km buffer)
- Marine Conservation Zone
- Local Nature Reserve

Chapter 20 - Waste Management

County Waste Local Plan Strategic Waste Site Allocation

Miscellaneous

- The Local Planning Authority Boundary of Arun District Council
- River Arun

'Made' Neighbourhood Development Plans

- Housing Site
- Local Green Space



DOCUMENT 3

CDC LOCAL PLAN REVIEW 2018 – ALTERNATIVE DEVELOPMENT SITE, SELSEY

