

9 July 2020

Delivered by email

Planning Policy Team
Chichester District Council
East Pallant House
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Chichester
West Sussex
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Ref: TAYS3015

Dear Sir / Madam

REPRESENTATIONS TO THE CHICHESTER INTERIM POLICY STATEMENT FOR HOUSING

I am writing on behalf of our client, Taylor Wimpey, to provide comments on the Chichester District Council Interim Policy Statement for Housing (June 2020). Our client has an interest in land at Chantry Farm, Foxbury Lane, Westbourne. Please find set out below, representations in respect of the Interim Policy Statement for Housing.

Context

Chichester District Council (CDC) is currently preparing a Local Plan Review, which will plan to meet the district's housing requirement up to 2035. Regulation 18 consultation ran from December 2018 to February 2019, and Publication under Regulation 19 is not scheduled until early 2021. As such, the Local Plan Review is at a relatively early stage. With examination to follow, it is likely to be at least another 18 months from now before adoption of the Local Plan Review.

The current Chichester Local Plan: Key Policies 2014- 2029 (CLPKP) was adopted on 14 July 2015 and makes provision for a housing target of 435 dwellings per annum. The most recent housing supply position statement confirmed that, against that target, 5.5 years of supply could be demonstrated. As the CLPKP will imminently be beyond five years of age, CDC can no longer rely on the housing target established through this plan, and instead must apply the standard methodology when calculating their 5 year housing land supply. From 15 July 2020, the council's housing supply will be based on an assessment of 'local housing need' in line with the NPPF. This results in an increased housing requirement of 628 dwellings per year. With this higher target coming into effect, CDC has identified that there is a risk the council will be unable to demonstrate a five year housing land supply. Furthermore, the situation is likely to have worsened given the recent disruption to the construction industry caused by the Coronavirus pandemic and associated government restrictions.

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In the interim period between now and adoption of the Local Plan Review, the CLPKP will remain the adopted Development Plan but will be considered out of date in relation to housing supply where the council cannot demonstrate a five year supply. The presumption in favour of sustainable development will be applicable. We therefore welcome the principle of introducing the IPS as a positive approach to increase the supply of deliverable housing sites in sustainable locations across the district in advance of adoption the Local Plan Review.

Document Status

While we fully support the intentions of the IPS, we feel it would benefit from a paragraph upfront which would clarify its role within the planning system. The CLPKP will remain the Development Plan, (along with any 'made' Neighbourhood Development Plans), although its housing policies will be considered out of date. The IPS would be endorsed by the Council and therefore represent an agreed approach to facilitating housing development in the district in this interim period before the Local Plan Review is adopted. Therefore it will be a 'material consideration' in the planning balance. However, the IPS has not been subject to the full community engagement and public examination process that is required for the Local Plan, therefore it cannot legitimately introduce new policy requirements or alter existing Local Plan policy. This is relevant to our comments on criteria 3, 6 and 8 below.

Criteria

The IPS states that *"the Council will ensure that planning applications for good quality housing developments of an appropriate scale and in accessible locations are supported."* It sets out twelve criteria, which are intended to clarify what the council considers *good quality* development. On the whole we support the introduction of these 12 criteria as they distil CDC's policy aspirations for development based on the adopted and emerging Local Plans. However we would raise concerns about the potential introduction of new policy requirements through the IPS which ought to undergo a Local Plan examination process to ensure that they are sound in accordance with NPPF paragraph 35.

1. The site boundary in whole or in part is contiguous with an identified settlement boundary (i.e. at least one boundary must adjoin the settlement boundary or be immediately adjacent to it)

We fully support criterion 1 which allows for development outside of identified settlement boundaries where a site is adjacent to the settlement boundary. Without a robust five year housing land supply, and the consequent application of the presumption in favour of sustainable development in accordance with NPPF paragraph 11(d); sites adjacent to settlement boundaries can play a key role in increasing the district's housing supply in advance of the Local Plan Review. This is a positive move by CDC which aims to increase housing supply by allowing appropriate development on the edge of settlements which have already been identified as being sustainable in the adopted Local Plan's Development Strategy and Settlement Hierarchy.

2. The scale of development proposed is appropriate having regard to the settlement's location in the settlement hierarchy.

Criterion 2 seeks to ensure the scale of development proposed at any settlement is appropriate. We note that the IPS lists the relevant policies as CLPKP Policy 2 Development Strategy and Settlement Hierarchy and LPR Policy S2 Settlement Hierarchy and that the district's settlement hierarchy remains principally unchanged between the adopted and emerging Local Plans. CLPKP Policy 5 Parish Housing Sites 2012- 2029 is excluded as a relevant policy and we fully support this approach because Policy 5 set out indicative housing numbers to be accommodated on small sites in parishes across the district for the plan period to 2029. There could be a temptation to refer back to these indicative numbers in applications that come forward under the IPS, however this would not be appropriate because these numbers were based on the lower Local Plan target, and moreover, the purpose of the IPS is to boost housing supply in the interim period. Therefore, we support the approach in criteria 2 as it will assist in increasing housing supply, while retaining the pattern of sustainable settlements across the district, but without

inappropriately limiting the quantum of development to the indicative figures for each parish identified in the CLPKP Policy 5.

3. The impact of development on the edge of settlements, or in areas identified as the locations for potential landscape gaps, individually or cumulatively does not result in the actual or perceived coalescence of settlements, as demonstrated through the submission of a Landscape and Visual Impact Assessment.

‘Potential landscape gaps’ represents a possible new designation through the Local Plan Review and as such the case for them has not yet been set out by the Council or consulted on with the public. The Chichester Local Plan Review 2035 - Preferred Approach (December 2018) did not set out this approach in detail, stating in paragraph 5.42:

“The Council considers that designating areas between settlements as countryside gaps to be kept free of urbanising development may be an appropriate way of seeking to prevent further loss of local identity. A study of the potential for introduction of gaps between various settlements across the plan area is currently underway. Should the results of this study support the case for introducing such gaps, then this provision will be included within the next iteration of this Local Plan Review.”

As such, it would be inappropriate to require development proposals brought forward under the IPS to take account of the impact on a potential designation, which has not yet been fully evidence based, clearly defined, consulted upon or examined.

The submission of a Landscape and Visual Impact Assessment to support a planning application where relevant is supported.

4. Development proposals make best and most efficient use of the land, whilst respecting the character and appearance of the settlement. The Council will encourage planned higher densities in sustainable locations where appropriate (for example, in Chichester City and the Settlement Hubs). Arbitrarily low density or piecemeal development such as the artificial sub-division of larger land parcels will not be encouraged.

Criterion 4 is strongly supported. Given the council’s five year housing land supply position and the extended period of time that is likely to pass before adoption of the Local Plan Review; the council should be making the most efficient use of land on sites that come forward. Arbitrarily low densities and piecemeal development represent lost opportunities to make up the housing shortfall.

5. Proposals should demonstrate consideration of the impact of development on the surrounding townscape and landscape character, including the South Downs National Park and the Chichester Harbour AONB and their settings. Development should be designed to protect long-distance views and intervisibility between the South Downs National Park and the Chichester Harbour AONB.

Criterion 5 is supported.

6. Development proposals in or adjacent to areas identified as potential Strategic Wildlife Corridors as identified in the Strategic Wildlife Corridors Background Paper should demonstrate that they will not affect the potential or value of the wildlife corridor.

We have concerns about criterion 6 which we feel is highly restrictive and will prohibit development in sustainable locations, potentially limiting the effectiveness of the IPS. The Strategic Wildlife Corridors Background Paper (December 2018) is intended to inform a strategic approach to wildlife connectivity between the South Downs National Park in the north of the district and Chichester and Pagham Harbours in the south. The background paper

states *“The wider aim is to direct development to areas outside of these corridors over the long term, leaving these designated sites as wildlife oases.”*

The LPR Preferred Approach set out a highly restrictive policy S30 Strategic Wildlife Corridors and the schedule of proposed changes to the Policies Map which accompanied the Chichester Local Plan Review 2035 - Preferred Approach (December 2018) illustrates the location of six north-west strategic wildlife corridors (4 to the west of Chichester and 2 to the east). These proposed corridors extend from the Special Protection Area in the south to the National Park in the north and cover expansive areas, including whole and parts of settlements, as well as abutting the edge of several settlements. The correct place for introducing such a policy is through the Local Plan Review where it can be subject to the appropriate level of scrutiny and will be independently examined. We appreciate that the council has undertaken background work to inform this approach, but it is not appropriate to restrict development in the Strategic Wildlife Corridors through the IPS. The Strategic Wildlife Corridors are expansive and would preclude development in many areas which are otherwise sustainable and unconstrained parts of the district.

Furthermore, the IPS does not set out how a development proposal could realistically demonstrate that it would not *“affect the potential value of the wildlife corridor.”* The reference to *potential value* is indeterminate and this needs more consideration and explanation before it can be brought into policy. We are concerned that this criterion in the IPS will leave it virtually impossible for development to be allowed in areas identified as Strategic Wildlife Corridors, (a designation which has yet to be examined). We would suggest that criterion 6 is removed from the IPS.

7. Development proposals should set out how necessary infrastructure will be secured, including, for example: wastewater conveyance and treatment, affordable housing, open space, and highways improvements.

Criterion 7 is supported.

8. Development proposals shall not compromise on environmental quality and should demonstrate high standards of construction in accordance with the Council’s declaration of a Climate Change Emergency. Applicants will be required to submit necessary detailed information within a Sustainability Statement or chapter within the Design and Access Statement to include, but not be limited to:

- **Achieving the higher building regulations water consumption standard of a maximum of 110 litres per person per day including external water use;**
- **Minimising energy consumption to achieve at least a 19% improvement in the Dwelling Emission Rate (DER) over the Target Emission Rate (TER) calculated according to Part L of the Building Regulations 2013. This should be achieved through improvements to the fabric of the dwelling;**
- **Maximising energy supplied from renewable resources to ensure that at least 10% of the predicted residual energy requirements of the development, after the improvements to the fabric explained above, is met through the incorporation of renewable energy; and**
- **Incorporates electric vehicle charging infrastructure in accordance with West Sussex County Council’s Car Parking Standards Guidance.**

The requirements are in relation to energy are not supported because they have not yet been fully evidence based. Furthermore the approach is not in accordance with the NPPF paragraph 153 which requires new development to *“comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable.”* Criterion 8 is not based on an adopted development plan policy.

As with Strategic Wildlife Corridors, the correct place for introducing an energy efficiency policy and renewables target is through the Local Plan Review where it can be subject to the appropriate level of scrutiny and will be independently examined.

9. Development proposals shall be of high quality design that respects and enhances the existing character of settlements and contributes to creating places of high architectural and built quality. Proposals should conserve and enhance the special interest and settings of designated and non-designated heritage assets, as demonstrated through the submission of a Design and Access Statement.

Criterion 9 is supported.

10. Development should be sustainably located in accessibility terms, and include vehicular, pedestrian and cycle links to the adjoining settlement and networks and, where appropriate, provide opportunities for new and upgraded linkages.

Criterion 10 is supported.

11. Development must be located, designed and laid out to ensure that it is safe, that the risk from flooding is minimised whilst not increasing the risk of flooding elsewhere, and that residual risks are safely managed. This includes, where relevant, provision of the necessary information for the LPA to undertake a sequential test, and where necessary the exception test, incorporation of flood mitigation measures into the design (including evidence of independent verification of SUDs designs and ongoing maintenance) and evidence that development would not constrain the natural function of the flood plain, either by impeding flood flow or reducing storage capacity. All flood risk assessments should be informed by the most recent climate change allowances published by the Environment Agency.

Criterion 11 is supported.

12. Where appropriate, development proposals shall demonstrate how they achieve nitrate neutrality in accordance with Natural England's latest guidance on achieving nutrient neutrality for new housing development.

Criterion 12 is supported.

The Opportunity

Our client's site at Chantry Farm, Foxbury Lane, Westbourne represents an opportunity to deliver approximately 15 dwellings at a site on the edge of Westbourne. The 1.15ha site has been proposed for allocation through the Westbourne Neighbourhood Plan 2017-2029 (Submission Version, April 2017), to deliver six homes, a car park and open space on site through policy SS3. The Neighbourhood Plan is currently at Examination but the examiner's report has not yet been received due to ongoing unresolved issues with nutrient neutrality at a sub-regional level. Nonetheless, the proposed allocation demonstrates that there is community support for development on site.

Westbourne is identified as a Service Village through the settlement hierarchy owing to its range of services and facilities. It also has good accessibility to and is in proximity to Emsworth, Southborne, and Havant; all of which have a wider range of services. The site is located on the eastern edge of the settlement with the ability to provide linkages across Foxbury Lane into Westbourne. The site is capable of meeting the criteria set out within the IPS and would make a small albeit valuable contribution to CDC's housing land supply. We contend that the proposed allocation through the Neighbourhood Plan for only six dwellings does not comply with the NPPF paragraph 122 or IPS criteria 4 with regard to making best and most efficient use of land. In their representations to the Pre-Submission Neighbourhood Plan, Chichester District Council set out that *"the policy should refer to a minimum of 6*

dwellings in accordance with the Local Plan.” Taking into account the District Council’s view, coupled with criterion 4 of the IPS, we would welcome the opportunity to explore the potential for a higher number of dwellings to be sustainably accommodated on site, while ensuring the landscape, heritage and biodiversity impacts are carefully addressed.

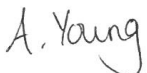
Conclusion

In conclusion, we welcome the introduction of the Interim Policy Statement for Housing, both for its intent to maintain and increase housing supply, but also for its focus on delivering quality development. We fully support the council’s aim to take a proactive approach in seeking to boost its supply of housing, which reflects adopted and emerging plan work.

Our client’s site at Chantry Farm, Foxbury Lane, Westbourne has already been proposed for allocation through the Submission Version Westbourne Neighbourhood Plan. However, this proposed allocation is only for six dwellings and we consider that the site is capable of delivering a higher housing yield. Given the district’s five year housing land supply position, this opportunity should be carefully considered, especially as the site is deliverable and able to contribute to CDC’s aspirations for *“good quality housing developments of an appropriate scale and in accessible locations”* as set out in the IPS.

We look forward to progressing a pre-application enquiry in due course. In the meantime, if you have any queries, please do not hesitate to contact me.

Yours sincerely



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cc: Simon Burns, Taylor Wimpey