



# Chichester Submission Draft Local Plan 2021 - 2039

## Hearing Statement

### Matter 6: Area Polices and Allocations

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Respondent Reference: 111

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Management | Development | Planning

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## 1. INTRODUCTION

1.1 This Hearing Statement has been prepared on behalf of Elivia Homes Ltd (Southern Region). Our clients previously made representations on the Regulation 19 Local Plan in March 2023 and Regulation 18 Local Plan ‘Preferred Approach’ in February 2019. Our client has land interests at:

- Land at Cooks Lane, Southbourne (c. 100 dwellings)
- Land at Penny Lane, Hermitage (c. 84 dwellings with Committee resolution to grant outline consent)

1.2 These sites are fully within our client’s control and there are no legal issues to constrain these sites coming forward in the next 5 years.

1.3 Notwithstanding our client’s land interests this statement has been prepared in recognition of the prevailing planning policy and guidance, in particular the National Planning Policy Framework, 20<sup>th</sup> December 2023 and the Planning Practice Guidance (PPG). This statement provides a response to the points raised under Matter 6 Area Policies and Allocations and whether these policies of the Chichester Submission Local Plan are positively prepared, justified, effective and consistent with national policy. Responses have been made to the following policy and associated Inspector’s questions:

- **Policy A13 Southbourne Broad Location for Development** (Questions 241, 242, 243 and 244)

1.4 This statement highlights a need for amendments to Policy A13 to accommodate a higher level of housing growth in Southbourne and also for amendments to the proposed policy criteria. I consider that the proposed changes would improve the soundness of the Plan. Paragraph 35 of the NPPF states that, for a Plan to be found ‘sound’ it must show that it is:

- a) *Positively prepared – providing a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs; and is informed by agreements with other*

*authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;*

- b) Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;*
- c) Effective – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and*
- d) Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in this Framework.*

## 2. RESPONSE TO MATTER 6 – AREA POLICIES AND ALLOCATIONS

**Issue: Are the proposed policies and allocations justified, effective and consistent with national policy?**

### **Policy A13 Southbourne Broad Location for Development**

**Q.241 What is the justification for the proposed 1,050 dwellings, local employment opportunities and supporting community facilities and uses at the proposed broad location for development?**

2.1 NPPF paragraph 11 sets out the presumption in favour of sustainable development. The NPPF places emphasis on meeting as a minimum the objectively assessed housing needs for the area as well as any needs which cannot be met in neighbouring areas. For plan making this means that:

- a) *‘all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects;*
- b) *strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:*
  - i. *the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or*
  - ii. *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.’*

2.2 NPPF paragraph 60 states that the overall aim should be to meet as much of an area’s identified housing need as possible, including with an appropriate mix of housing types for the local community.

- 2.3 The Local Housing Need (LHN) (derived from the Standard Method) for Chichester District is currently 760 dpa and the Council have calculated the standard method figure for the Plan area (excluding the area within the National Park) to be 638 dpa. The government's proposed changes to the NPPF and standard method would result in a rise in LHN to 1,206 dpa.
- 2.4 The Council has received advice from the Planning Inspectorate and the Planning Advisory Service stating that evidencing and justifying setting the housing requirement below LHN necessitates reaching a 'high bar' and that no stone should be left unturned in identifying capacity to deliver homes locally.
- 2.5 Southbourne is the largest settlement in the west of the Plan area and is defined as a 'Settlement Hub' in Policy S2 'Settlement Hierarchy'. Settlement hubs are the main focus for growth outside the sub regional centre of Chichester City. Southbourne has a good range of services and facilities and acts as a service centre for the surrounding villages. Southbourne is also connected to the West Coast Railway Line which provides connections to Chichester, Portsmouth, Southampton and London. The settlement is also well connected by regular bus services to higher order settlements. There is good access from Southbourne to employment in Chichester, Havant and further afield. Therefore, in relation to settlement hierarchy, facilities / services provision and access to employment, it is appropriate to consider higher growth options in Southbourne.
- 2.6 The Local Plan SA Report<sup>1</sup> states that there is a strategic argument for directing a good proportion of growth to Southbourne through the Local Plan. The SA identifies that Southbourne is subject to relatively low environmental constraints. The SA identifies that, in terms of developable HELAA sites, there is capacity to deliver significantly over the 1,050 dwellings currently identified in the Local Plan. The SA further concludes that there is logic to considering higher growth of c1,500 homes in Southbourne to ensure a suitably comprehensive scheme, with a high level of planning gain. In reaching this conclusion the SA has considered local constraints, including A27 capacity, wastewater treatment work capacity, landscape and ecology impacts which are discussed in relation to growth potential below.
- 2.7 Policy H1 of the Plan proposes a housing requirement of 535dpa in the south of the plan area which is significantly below LHN derived from the standard method. The draft plan states

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<sup>1</sup> Sustainability Appraisal (SA) of the Chichester Local Plan SA Report, Aecom (January 2023)

that the 535 dpa cap is primarily based on the capacity of the A27 and in relation to highways junction improvements that can currently be funded over the plan period.

- 2.8 The Council's 2023 Transport Study<sup>2</sup> included a sensitivity test of 700 dpa in the south of the plan area to see if higher levels of growth could be supported by the proposed mitigation package for 535 dpa. This study concluded that the demands from 700 dpa could generally be supported but capacity issues would worsen at Portfield and Oving Junctions that would require further mitigation. In relation to further mitigation, the 2023 Transport Study states that West Sussex County Council (WSSCC) has indicated that their preferred approach to mitigating impacts on their network is through sustainable mitigation with less reliance on physical mitigation.
- 2.9 There is potential to accommodate growth of approximately 700dpa in the south of the plan area. In accordance with NPPF (paragraph 115) LHN could be provided for without an unacceptable impact on highway safety, or a severe residual cumulative impact on the highway network. Therefore, in relation to A27 capacity and highways improvements that are deliverable during the plan period a higher growth option is deliverable in Southbourne which would contribute further to meeting LHN.
- 2.10 Development in Southbourne needs to achieve nutrient neutrality and there is a need for development to come forward in step with improvements to the Wastewater Treatment Works (WWTW). The SA Report confirms through the Statement of Common Ground (SOCG) between CDC, the Environment Agency and Southern Water that WWTW capacity is not a showstopper to development and increased capacity can be delivered to support development in Southbourne in the plan period.
- 2.11 In terms of ecology, Southbourne is located close to Chichester Harbour and development must give consideration to the potential impact in terms of recreational disturbance on Chichester Harbour SPA/SAC/Ramsar site, particularly for the area to the south of the A259 which falls within the AONB. There is an established mitigation framework in place to address impacts associated with recreational disturbance and therefore this is not a constraint on exploring a higher growth scenario in Southbourne.
- 2.12 In respect of landscape, Southbourne is within the setting of the Chichester Harbour AONB to the south and the South Downs National Park to the north. It is also important that

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<sup>2</sup> Chichester Transport Study Local Plan Review Transport Assessment, Stantec (January 2023)



development maintains the separate identify of neighbouring settlements along the A259 corridor. In Southbourne there are developable HELAA site options which are cumulatively capable of delivering above 1,050 dwellings without significant landscape impact or affecting the integrity of settlement gaps.

- 2.13 In conclusion, the proposed growth option of 1,050<sup>3</sup> dwellings in Southbourne is not justified as the settlement is capable of accommodating a higher level of growth as demonstrated through the Council's evidence and SA. The SA Report concludes that a higher growth option of approximately 1,500 dwellings should be explored further which can be accommodated by developable HELAA sites. A higher growth option is also deliverable in relation to A27 capacity and highways improvements that can be delivered over the plan period to support growth. The SA has also demonstrated that growth can also be accommodated through improvements to local WWTW. In terms of other constraints, a higher growth option can also be delivered in relation to landscape and ecology impacts.

**Q.242 Is there clear evidence that the site would not be developable in terms of the NPPF?**

- 2.14 The NPPF considers that for sites to be 'developable' they need to be in a suitable location for housing development with a reasonable prospect that they will be available and could be viably developed at the point envisaged.
- 2.15 The SA Report identifies that within the Southbourne Broad Location Development Area there are developable HELAA site options that are capable of delivering approximately 1,500 dwellings. In our response to Q241 we have demonstrated that a higher growth option above 1,050 dwellings is a reasonable alternative option and is deliverable during the plan period. A detailed response is set out below which confirms that Land at Cooks Lane is developable and immediately available for development within the first 5 years of the plan period.
- 2.16 Cooks Lane Southbourne is capable of delivering approximately 100 dwellings in a sustainable location adjoining the eastern settlement boundary of Southbourne and within the Local Plan Broad Location Development Area.

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<sup>3</sup> It is understood that this figure was established in the Preferred Approach Plan at Regulation 18 (2018) and has been carried forward less the commitment for 199 homes (18/03145/OUT).



- 2.17 The Land at Cooks Lane is deliverable in transport terms and within the existing capacity of the local highway network and associated junctions. In respect of cumulative transport impact of the overall Southbourne allocation, Cooks Lane is deliverable in the context of proposed improvements to the A27 to be delivered through the Local Plan.
- 2.18 The Land at Cooks Lane is located within Flood Zone 1 (low risk) and is currently not at risk from Tidal or Fluvial flooding, therefore it is considered that the site is suitable for residential development in flood risk terms. The site will also provide suitable surface water management and effective drainage through SuDS (Sustainable Drainage Systems).
- 2.19 The site does not erode the strategic landscape gap between Southbourne and Hambrook. The site is a logical extension to Southbourne and is well contained by Cooks Lane to the north and the railway line to the south. The site will not impact on the intervisibility between the South Downs National Park and the Chichester Harbour AONB.
- 2.20 The Land at Cooks Lane is also deliverable in respect of ecology impact. The site itself is of low ecological value and recreational impacts on the Chichester and Langstone Harbours RAMSAR and SPA can be mitigated through financial contributions to the Solent Bird Aware Scheme. The site is also capable of delivering biodiversity net gain in accordance with Local Plan policy requirements.
- 2.21 A nutrient balancing assessment has been undertaken for the Cooks Lane site which has established a nutrients budget for the site. Appropriate mitigation is deliverable in accordance with the CDC and Natural England published advice regarding nutrient neutrality.
- 2.22 In terms of noise and vibration the Cooks Lane site is developable with the provision of an appropriate noise buffer to the railway and the provision of an acoustic fence.
- 2.23 The Land at Cooks Lane has a low potential for archaeology and is also not constrained by the location of heritage assets and listed buildings in the area.
- 2.24 In terms of air quality, the Land at Cooks Lane will not have a significant impact on air quality. Taking into account trip generation data from the Transport Assessment, it is considered that

vehicle emissions associated with the development will not result in any significant impact to air quality. Any air quality impacts could be minimised, where necessary, through the adoption of a tailored air quality mitigation package, following Sussex Air Guidance.

- 2.25 In conclusion, the land at Cooks Lane is developable and sustainably located within the broad location development area to deliver c.100 dwellings early in the Plan period. The site is developable in respect of local constraints including A27 capacity, WWTW capacity, landscape and ecology.

**Q.243 Would the establishment of the site extent and boundary through a future Development Plan Document or a revised Southbourne Neighbourhood Plan be effective?**

- 2.26 NPPF paragraph 17 states that the Development Plan must contain strategic policies to address the local planning authority's priorities for development and use of land in its area. These can be contained in joint or individual local plans produced by authorities working together or independently.
- 2.27 NPPF paragraph 18 states that policies to address non-strategic matters should be included in local plans that contain both strategic and non-strategic policies, and/or in local or neighbourhood plans that contain just non-strategic policies.
- 2.28 NPPF paragraph 20 defines strategic policies which include setting out the overall strategy for the pattern, scale and design quality of places and making sufficient provision for housing.
- 2.29 Therefore, the NPPF is clear that strategic matters should be addressed in Local Plans and not Neighbourhood Plans. In accordance with the NPPF definition the allocation of 1,050 homes in Southbourne is a strategic matter which should be addressed in the Local Plan and not the Neighbourhood Plan which deals with non-strategic matters.
- 2.30 Following the Local Plan Preferred Approach consultation, Southbourne Parish Council prepared and submitted a neighbourhood plan proposing an allocation of 1,250 homes to the east of the settlement. However, the Neighbourhood Plan examiner found the plan to be premature due to uncertainties around the emerging Chichester Local Plan, and the neighbourhood plan was withdrawn. Subsequently the Parish prepared a revised

Neighbourhood Plan<sup>4</sup>, which was adopted in February 2024 that does not deal with housing allocations. The Parish Council has confirmed to Chichester District Council that they do not wish to deal with housing allocations in the Southbourne Neighbourhood Plan. Therefore, it is not an effective option to establish site extents or boundaries through a revised Southbourne Neighbourhood Plan.

- 2.31 The Chichester Proposed Submission Local Plan identifies a Broad Location Development Area for 1,050 dwellings in Southbourne. The Plan states that site allocations including site extents and boundaries will be established through preparation of the Southbourne Allocation Development Plan Document. The current Chichester Local Development Scheme<sup>5</sup> sets out a timetable for preparation of the Southbourne Site Allocation DPD with adoption in Spring 2026. In view of the DPD timetable and development lead in times, housing completions are likely to be significantly beyond the council's estimates in the Submission Local Plan housing trajectory.
- 2.32 Therefore, it is ineffective to leave the site allocation including extent and boundary to the Southbourne Sites DPD as this will delay housing delivery, the ability to meet the housing requirement over the plan period and the ability to maintain a 5-year housing land supply. The Council's assumptions on the phasing of delivery in Southbourne are not realistic in view of the Southbourne DPD timetable and established development lead in times.
- 2.33 The most effective approach is for the Southbourne allocation including site extent and boundary to be established in the Chichester Local Plan. This is consistent with national policy in respect of dealing with strategic policies in local plans and would enable new housing to come forward at the earliest opportunity.

**Q.244 Would the requirements to be addressed in the allocation of the site as set out in the Policy be effective in achieving sustainable development on the site?**

- 2.34 The draft Local Plan Policy A13 sets out that development will be comprehensively master planned as part of a comprehensive approach to achieve a high-quality design and layout which integrates well with the surrounding built and natural environments.

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<sup>4</sup> The Southbourne Neighbourhood Plan 2014 – 2029 (2024)

<sup>5</sup> Local Development Scheme 2024 – 2027 (July 2024)

- 2.35 It is appropriate to take a comprehensive approach towards delivery of the wider allocation, but this should provide sufficient flexibility for sites within the allocation to come forward at appropriate points in time without prejudicing delivery of the wider allocation and associated policy requirements. The draft policy should establish an allocation framework whereby individual sites can come forward and still make appropriate and proportionate financial contributions to deliver strategic infrastructure required to deliver the overall allocation.
- 2.36 It is appropriate for the allocation to provide for an appropriate mix of housing types, sizes and tenures but reference should be made to how this is evidenced including through the latest Housing and Economic Needs Assessment.
- 2.37 In relation to transport impact and highways Policy A13 should make reference to the local plan mitigation strategy for the A27 and the mechanism for delivering the mitigation package in the context of developer contributions in the wider district. Development coming forward within the Southbourne allocation would make a proportionate contribution to the A27 mitigation scheme.
- 2.38 Policy criteria 13 requires that there must be sufficient capacity within relevant wastewater infrastructure before the delivery of development. The responsibility for delivering upgrades to WWTW's including at Thornham is the responsibility of Southern Water and within their control. It is not reasonable to include a policy criterion on this matter which is outside the control of landowners and developers.
- 2.39 In relation to the Minerals Safeguarding Area, as identified in the West Sussex Joint Minerals Plan, the Council should engage with the minerals planning authority to determine any requirements for prior extraction as part of the preparation of the Local Plan which would provide certainty on this matter at the point of Plan adoption which is required in relation to confirming the deliverability of the allocation.

### 3. CONCLUSIONS

- 3.1 It is considered that Policy A13 ‘Southbourne Broad Location for Development’ is not positively prepared or justified. The detailed Southbourne allocation should be identified in the Chichester Local Plan at this stage to ensure the housing requirement is provided for during the plan period and a 5-year land supply maintained.
- 3.2 As part of the Local Plan growth strategy for the south of the plan area the policy fails to provide for LHN (standard method) where the Council’s evidence including SA demonstrates that a higher level of growth could be accommodated.
- 3.3 The policy should also be amended to reflect the ability to deliver a higher level of growth in Southbourne which is a reasonable option when considered against the Council’s evidence, SA and when assessed against policies in the Framework taken as a whole. The SA Report concludes that a higher growth option of approximately 1,500 dwellings should be explored further which can be accommodated by developable HELAA site options.
- 3.4 A higher level of growth is deliverable in Southbourne in relation to A27 capacity and highways improvements that can be delivered over the plan period. The SA has also demonstrated that growth can also be accommodated through improvements to local WWTW. In terms of other constraints, higher growth option can also be supported in relation to landscape and ecology impacts.
- 3.5 The land at Cooks Lane, Southbourne is sustainably located within the broad location for development and can provide for approximately 100 dwellings as part of the wider Southbourne allocation. The site can be delivered in the first 5 years of the plan period and in relation to A27 capacity, WWTW capacity, landscape and ecology impact.
- 3.6 The draft Policy A13 criteria should also be amended to provide flexibility for individual sites to come forward within the wider allocation area without prejudicing the comprehensive master planning approach and co-ordinated infrastructure delivery.
- 3.7 In order for Policy A13 to be justified and effective amendments should also be made to reflect the delivery local plan delivery mechanism for improvements to the A27 and also in relation to responsibilities for delivery of WWTW upgrades. The Council should also confirm with the minerals planning authority any requirements for prior extraction at this stage and prior to the adoption of the Local Plan.







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