

Chichester Local Plan Review (2021 – 2039)

Examination Hearing Statement

Matter 6: Area Policies and Allocations


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

Hearing date: Thursday 10th October 2024

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1. Introduction

1.1. This statement has been prepared by Nova Planning Limited on behalf of Metis Homes (hereafter referred to as 'Metis') who have land interests in Southbourne. All of this land, as shown at Figure 1 below, is located in the proposed Southbourne Broad Location for Development (BLD). It comprises two adjoining parcels - an eastern parcel (shown edged red) known as 'Harris Scrapyard & Oaks Farm' (HSOF) and a western parcel (shown edged blue) known as 'Land East of Inlands Road' (LEOIR).

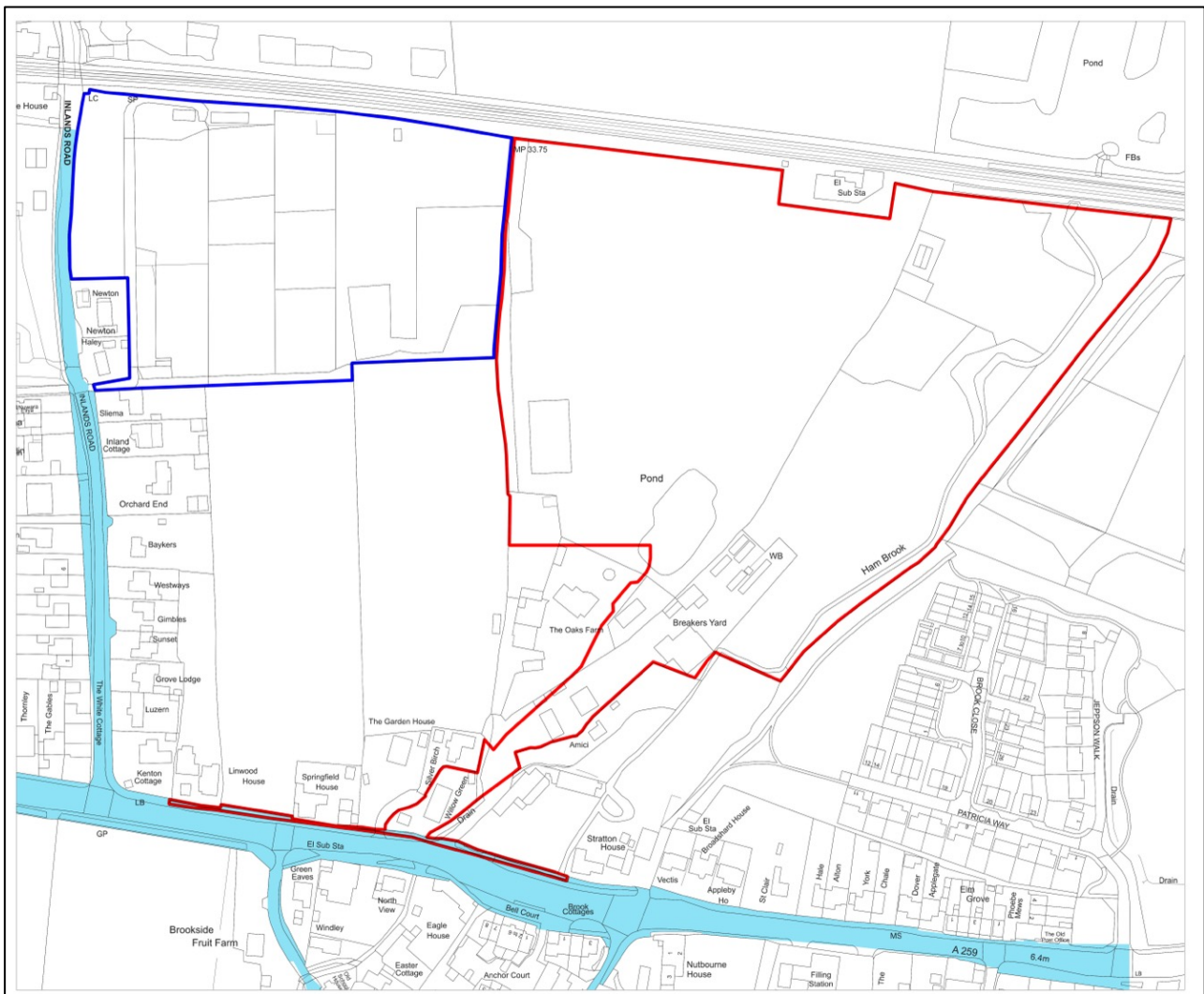


Figure 1: Site Location Plan

- 1.2. HSOF benefits from planning permission for 103no. dwellings, a children's nursery and associated works including provision of a section of the proposed Ham Brook Strategic Wildlife Corridor. The land has been acquired and development is due to commence in the coming months.
- 1.3. LEOIR is the subject of a current outline planning application under CDC application Ref. 24/01161/OUTEIA. for 49no dwellings, with all matters reserved except for access. The site is sustainably located within walking and cycling distance of existing facilities and services in the 'Settlement Hub' of Southbourne. The current planning application includes a new vehicular and pedestrian access to Inlands Road which the Highway Authority (West Sussex County Council) have confirmed is acceptable. The site represents a logical location for residential development given its position between the recently built out housing allocation at Priors Orchard and the approved development at HSOF which is due to commence within the next 6 months. It lies between and the A259 to the south and the railway line to the north, which provides a clear physical barrier to the remainder of the land within the wider BLD allocation.
- 1.4. The statement follows representations submitted by Nova Planning Limited on behalf of Metis Homes in March 2023 in response to Chichester District Council's (CDC) Regulation 19 Local Plan Review (Local Plan) consultation.
- 1.5. Section 2 addresses the Inspectors' Matters, Issues and Questions (MIQs) in relation to Matter 6 'Area Policies and Allocations'. The submissions relate to Policy A13 'Southbourne Broad Location for Development' only.

2. The Inspectors Matters, Issues and Questions

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. The identification of Southbourne as a broad location for strategic development is consistent with the Council's assessment of the Settlement Hierarchy and the identification of Southbourne as a Settlement Hub. Taking into consideration our separate submissions in relation to Matters 3 'Spatial Strategy', 4A 'Transport' and 4C 'Housing', there is scope for Southbourne to take additional housing to contribute towards CDC meeting its requirement in accordance with the Standard Method.
- 2.2. It is notable in this context that the Sustainability Appraisal originally tested a housing growth scenario of 1,250 dwellings at Southbourne, concluding that this was deliverable.

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

- 2.3. At this stage no site has been identified but there is sufficient evidence that a 'developable' allocation can be identified in accordance with Paragraph 69 of the National NPPF.
- 2.4. However, given the scale of development proposed in Southbourne and its significant contribution to the overall housing provision, it would be more appropriate for this development to be allocated directly in the Local Plan. This would provide more certainty around delivery. We note that CDC is seeking to fast-track an Allocation DPD to identify an allocation and provide more certainty around deliverability, Whilst this is a better approach than that previously being adopted, whereby the Allocation DPD would not be adopted for a significant period of time following the adoption of the Local Plan, it endorses the view that the Local Plan should have included a direct allocation in Southbourne. This may delay adoption of the Local Plan, but it would ensure delivery of housing within the delayed plan. On balance, the benefit of certainty would outweigh the implications of a delay. On this basis, it would be better to delay the Local Plan to align with the early work being undertaken on the Allocation DPD so that this allocation could be made directly in the Local Plan.

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?

2.5. This would be effective insofar as it is a workable and achievable strategy to move from a BLD to a defined allocation. However, for the reasons set out above (Q. 242) it would be a more appropriate and offer more certainty of delivery if a direct allocation was made in the Local Plan. This certainty is important given the scale of development proposed in Southbourne and its significant bearing on overall housing delivery.

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?

2.6. Representations were made on behalf of Metis in March 2023 (Regulation 19 stage) in which amendments were sought to the wording of A13. These amendments have not been made in CDC's Main Modifications.

2.7. We are particularly concerned by two aspects of the policy in its current form.

2.8. Firstly, the requirement to “masterplan and develop the site as a whole” is applicable to the entirety of the BLD area (a vast land area comprising the majority of Southbourne Parish). It is the “site” or allocation that will be subject to a masterplanning exercise, and as such it would be both unnecessary and unreasonable to engage a materplanning requirement at this stage in the context of the wider BLD area. At this stage the key consideration is ensuring that development proposals do not prejudice the objectives of the BLD and achieving comprehensive development once a “site” or allocation is in place.

2.9. We have put forward alternative wording to address this issue, as follows (our additional text in red):

*“Provision will be made for a mixed use development within the broad location for development at Southbourne, as shown on the Key Diagram. **Development proposals for Land within the broad location will be masterplanned and developed as a whole to provide 1,050 dwellings ensure that the comprehensive development of the area and the delivery of 1,050 dwellings, local employment opportunities and supporting community uses and facilities is not prejudiced.***

...

Development should **ensure that** ~~comprehensively masterplanned~~ **development is achieved,** ~~to including achieve~~ a high-quality design and layout that integrates well with the surrounding built and natural environments to enable a high degree of connectivity with them, particularly for pedestrians and cyclists, and provides good access to facilities and sustainable forms of transport.”

- 2.10. In the absence of this amendment or a similar alternative, the policy is considered to be unjustified.
- 2.11. Secondly, criteria 6) of the policy provides a basis for securing adequate supporting infrastructure for the proposed ‘site’ or allocation. However, the mechanism for securing this infrastructure is linked to the requirements of “the Infrastructure Delivery Plan as updated by the Infrastructure Business Plan” (Modification Reference CM335).
- 2.12. The Infrastructure Delivery Plan and Infrastructure Business Plan sit outside of the Local Plan process. These documents are not subject to independent examination. As written, this criterion would allow CDC to unilaterally introduce significant infrastructure requirements after the adoption of the plan, which may or may not prejudice the viability and availability of land within the BLD. For example, at one point it was suggested that a road bridge over the railway line may be required as part of the ‘site’ or allocation to be delivered in the BLD area, which would have resulted in significant viability issues (including the availability of land within the BLD on this basis) and required these issues to properly tested through evidence and examination.
- 2.13. CDC commissioned transport assessment work (Southbourne Level Crossing Baseline Safety Review August 2020 and Southbourne Level Crossing - Paramics Model Update March 2023) which confirms that a bridge is not required to deliver the quantum of development proposed through policy A13, and as such this is no longer an issue. However, as the policy is currently written, criterion 6 would allow this or other infrastructure requirements to be introduced after the Local Plan is adopted and beyond the point where feasibility and viability of this infrastructure can be properly tested. Similarly, the Whole Plan Viability Assessment has not allowed for any significant additional infrastructure costs when testing the viability of development under policy A13 and its ability to contribute policy compliant affordable housing. Criterion 6 as currently worded would also conflict with this evidence. This approach is directly at odds with Paragraph 34 of the NPPF which states that “Plans should set out the contributions expected from development. This should include setting out the levels and types of affordable housing provision required, along with other

infrastructure (such as that needed for education, health, transport, flood and water management, green and digital infrastructure). Such policies should not undermine the deliverability of the plan”.

- 2.14. This issues further endorses our position on Q.242 ad Q.243, that a direct allocation would have been more appropriate and would resolve issues such as this.
- 2.15. The wording of Criterion 6 needs to be altered to address this issue, and we have submitted representations on behalf of Metis (Reg 19 consultation) which provide suggested changes, as follows (our additional text in red):

*“6. Ensure ~~adequate~~ the provision of supporting infrastructure **made necessary by development within the broad location**, including education provision, community facilities and transport in accordance with the most up to date **evidence of need** Infrastructure Delivery Plan;”*

- 2.16. However, given CDC’s intention to fast track an Allocation DPD, it may be more appropriate to instead reference infrastructure requirements to be establish through the Allocations DPD, as all of the relevant infrastructural requirements will need to be known to progress and meaningful masterplanning exercise. This would allow, at least, examination of the necessity for particular kinds of infrastructure.

“6. Provision of infrastructure in accordance with and made necessary by the development brought forward through the Allocation DPD.”

- 2.17. The Allocation DPD will follow on as an extension of the Local Plan and it will through a formal examination process. Consequently, the approach suggested above will ensure that there is consistency in the overall strategy, whilst also ensuring that the interaction between infrastructure provision, feasibility and viability is properly evidenced and considered in accordance with paragraph 34 of the framework.
- 2.18. Without further changes, Policy A13 is considered unsound in terms of its effectiveness and compliance with national policy.

**Q.245 What is the justification for the serviced self/custom build plots, Gypsy and Traveller pitches and Travelling Showpersons’ _plots in criterion 1, 2 and 3? **

- 2.19. No comments.

Q.246 Would the policy be effective in regard to any effects on the transport network with particular regard to railway crossings?

2.20. Yes, the policy is supported by evidence that directly assesses the impact of development on the nearby railway crossings. The Southbourne Level Crossing Baseline Safety Review August 2020 and Southbourne Level Crossing - Paramics Model Update March 2023 acknowledges that the development associated with Policy A13 will increase wait times and queueing at crossings, but not to an extent that is significant or severe in the context of paragraph 115 of the framework. In this context the most recent 2023 reports states that a bridge would be beneficial in the absence of any other mitigation measures, but not necessary.

Q.247 Are the suggested MMs necessary for soundness?

2.21. The Main Modifications need to be expanded and altered to address the issues highlighted above.