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| CDC b&w LOW res | **Representation Form**  Local Plan 2021 – 2039 Publication Stage | | | | | | | **Ref:**  **(For official use only)** |
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| The consultation on the Local Plan 2021 – 2039: Proposed Submission will run from 3 February 2023 to 17 March 2023. The document and more information on the consultation can be viewed on our website [www.chichester.gov.uk/localplan](http://www.chichester.gov.uk/localplan)  **All comments must be received by 5pm on Friday 17 March 2023.**  There are a number of ways to make your comments:   * Comment on the document on the internet using our online consultation website [www.chichester.gov.uk/localplanconsultation](http://www.chichester.gov.uk/localplanconsultation) **(Recommended)** * Post a copy of this form to us at: Planning Policy Team, Chichester District Council, East Pallant House, 1 East Pallant, Chichester, West Sussex, PO19 1TY   **How to use this form**  Please complete Part A in full. Please note anonymous comments cannot be accepted, a full address including postcode must be provided.  Please complete Part B overleaf, using a new form for each separate policy or paragraph that you wish to comment on. Please identify which paragraph your comment relates to by completing the appropriate box.  For more information, or if you need assistance completing this form, please contact the Planning Policy Team by email at [planningpolicy@chichester.gov.uk](mailto:planningpolicy@chichester.gov.uk) or telephone 01243 785166. | | | | | | | | |
| **Part A** | | | | | | | | |
| 1. Personal Details\* | | |  |  |  | 2. Agent’s Details (if applicable) | | |
| \**If an agent is appointed, please complete only the Title, Name and Organisation (if applicable) boxes below but complete the full contact details of the agent in 2.* | | | | | | | | |
| Title | |  | | |  | | Mr | |
|  | | | | | | |  | |
| First Name | |  | | |  | | Paul | |
|  | | | | | | |  | |
| Last Name | |  | | |  | | White | |
|  | | | | | | |  | |
| Job Title | |  | | |  | | Director of Planning | |
| (where relevant) | | | | | | |  | |
| Organisation | |  | | |  | | Smith Simmons & Partners | |
|  | | | | | | | | |
| Address Line 1 | |  | | |  | | 32 North Street | |
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| Line 2 | |  | | |  | | Chichester | |
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| Line 3 | |  | | |  | | West Sussex | |
|  | | | | | | |  | |
| Line 4 | |  | | |  | |  | |
|  | | | | | | |  | |
| Post Code | |  | | |  | | PO19 1LX | |
|  | | | | | | |  | |
| Telephone Number | |  | | |  | | 01243 850411 | |
|  | | | | | | |  | |
| E-mail Address | |  | | |  | | paul@ss-p.co.uk | |
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| **Part B**  Please use a new form for each representation that you wish to make. Please note anonymous comments cannot be accepted. Any personal information provided will be processed by Chichester District Council in line with the General Data Protection Regulations 2018. More information is available at: <http://www.chichester.gov.uk/dataprotectionandfreedomofinformation>. | | | | | | | | | |
| Name or Organisation: Domusea Developments | | | | | | | | | |
| 3. To which part of the Local Plan does this representation relate? | | | | | | | | | |
|  | | | | | | | | | |
| Paragraph |  | Policy | | See below | | Policies Map |  | | |
| 4. Do you consider the Local Plan is:  ✓ | | | | | | | | | |
| 4.(1) Legally compliant  4.(2) Sound | | | Yes  Yes | |  | | | No  No | ✓ |
| 4 (3) Complies with the  Duty to co-operate Yes No  ✓ | | | | | | | | | |
| Please tick as appropriate | | | | | | | | | |

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| 5. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.  If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments. | | | | |
| The ‘tests of soundness’ for Local Plan preparation are set out in paragraph 35 of the July 2021 NPPF. They require the 2021-39 Local Plan to have been:   * **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; * **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence; * **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 * **Consistent with national policy** – enabling the delivery of sustainable development in accordance with the policies in this Framework.   Local Plan reviews are a legal requirement every 5 years in accordance with Regulation 10A of the 2012 Town and Country Planning (Local Planning) (England) Regulations. The Regulation 19 Plan is not legally compliant as it has not been reviewed within 5 years of the last Plan adopted in July 2015. It is also disappointing that the failure of the current Regulation 19 Local Plan to meet objectively assessed need (OAN) of 638 dpa outside the national park has not been properly evidenced in any up to date statement of common ground with neighbouring authorities with regards to the ‘duty to cooperate’.  At this stage we believe the Plan as drafted therefore fails the positively prepared, effective, and consistent with national planning policy tests.  **Duty to Cooperate**  The 2014-2029 Local Plan adopted in 2015 does not meet the full objectively assessed housing needs for the area. But it did recognise that future proposals to improve the capacity of the A27 and wastewater treatment works could facilitate additional housing growth. For this reason, it committed the Council to a review of the Plan within five years to ensure that housing needs could be met. That undertaking to review within 5 years was not met.  In 2021 the Council invited an advisory visit from PINS to advise on how the present Local Plan should be prepared. The inspector advised that if the Plan was prepared which did not meet the full housing needs of the area, it would have to show that it had followed the duty to co-operate with neighbouring authorities in maximising the effectiveness of plan preparation.  The inspector said the Duty to Cooperate was therefore critical in the preparation of the Local Plan Review. At the time of the meeting, the council said discussions with neighbouring authorities had been carried out on the basis that the Local Plan Review **would** meet the full objectively assessed housing needs (OAN) for the area. However if this was not the case, the inspector said evidence of constructive, active, and on-going engagement to determine whether or not development needs could be met elsewhere would need to be shown. Importantly, the inspector said,1) ‘a failure to meet the Duty to Cooperate cannot be remedied during the examination process because it applies to the preparation of the Plan, which ends upon submission’, and 2) local planning authorities should make every effort to secure the necessary cooperation on strategic cross boundary matters before submitting plans for examination.  The Duty to Cooperate Statement of Compliance (January 2023) forms part of the evidence base for the Submission Local Plan. In the event, **the Local Plan excluding the national park only provides for 575 dpa against an OAN of 638 dpa.** However this under provision against need has not been justified anywhere in discussions with neighbouring authorities before the Plan was submitted. Appendix 1 of the Statement of Compliance lists those authorities that were consulted during the earlier Regulation 18 Preferred Approach consultation. Appendix 2 lists those authorities where Statements of Common Ground have been agreed with Chichester DC for the Regulation Submission 19 Plan. No statements have produced or agreed. Therefore as it stands the under provision of housing against OAN in the Plan has not been justified. The failure to meet the duty to cooperate cannot be remedied because it has already ended with the Submission Plan. The plan therefore fails the positively prepared and justified tests. It also fails to comply with national policy in the NPPF paragraph 24-27 which advises on the duty to cooperate approach.  **Local Plan Policies**  The remainder of these comments deal with the proposed Settlement Hierarchy - policy S2, policy H1 – Meeting Housing Need, Non-Strategic Housing Sites – Policy H3 and T1 Transport Infrastructure.  **Policy S2 – Settlement Hierarchy**  The Settlement Hierarchy background paper prepared for the Regulation 18 draft Local Plan provides the justification for the hierarchy in Policy S2 of the Regulation 19 Local Plan. We agree that Plaistow & Ifold has been properly identified as a service village in the settlement hierarchy.  **Policy H1 – Meeting Housing Needs**  The identified housing need has been informed by the 2022 Housing and Economic Development Needs Assessment (HEDNA). It explains that based on the standard methodology, since the last HEDNA in 2020, the district wide housing need has increased from 746 dpa to 763 dpa (621 dpa in the Plan Area to 638 dpa) with the balance to be found in the national park. The proposed 638 dpa for the area of the district outside the national park is the figure that will be tested at the forthcoming Examination.  We have already explained why the failure of the Council to plan for the 638 dpa in the Regulation 19 Local Plan has not been justified in connection with the duty to cooperate and no evidence has been presented in any statement of common ground with neighbouring authorities to show how development needs could be met elsewhere.  We note from policy H1 that the components of housing supply include outstanding housing commitments without planning permission from the 2015 adopted Local Plan, the Site Allocations DPD, and ‘made’ Neighbourhood Pans.  However, it is unclear how the above housing supply components have been calculated and how they have translated into the strategic and non-strategic allocations in policies H2 and H3.  In the case of Plaistow and Ifold, the last adopted 2015 Local Plan identified the settlement with an allocation of 10 dwellings. The subsequent Site Allocation DPD identified land north of Little Springfield Farm for 10 no. units. A Neighbourhood Plan for Plaistow and Ifold was produced but was withdrawn and no site allocations were confirmed. The allocated site north of Little Springfield Farm remains undeveloped.  With specific reference to Plaistow & Ifold we would therefore query whether 1) the existing housing commitments without planning permission in the 2015 Local Plan and the Site Allocations DPD have been double counted, and 2) whether the non-implementation of the 10 units from the 2015 Local Plan have been ring fenced to count against the new proposed allocation of 25 dwellings at the settlement? In which case, we would question why a further 15 dwellings are only proposed at a service village in the hierarchy compared to other service villages in the NE part of the district which are proposed for higher levels of development (Loxwood 220 dwellings, Kirdford 50 dwellings and Wisborough Green 75 dwellings).  If the 25 dwelling allocation at Plaistow & Ifold is intended to be additional to the 10 units identified in the last 2015 Local Plan, then the allocation should be increased to 35 dwellings as a minimum to reflect the non-implementation of the 2015 allocation.  **Policy H3 – Non-Strategic Parish Allocations**  Policy H3 identifies non-strategic parish allocations. We have explained above our queries with the 25 dwelling allocation to Plaistow & Ifold, whether it has allowed for the non-implementation of the 10 units in the last 2015 Plan and why it compares so unfavourably with much higher levels of development for the other service villages in the NE part of the district.  We would also query why the options outlined in the PINS advisory visit of 2021 have not been more thoroughly tested for increased housing provision in the north part of the district to increase the supply of housing to meet OAN. There is no updated Settlement Hierarchy background paper, and the revised housing distribution has not been justified anywhere in the evidence base for the Regulation 19 Local Plan.  **Policy T1 – Transport Infrastructure**  The policy objectives to ensure new development is well located and designed to avoid or minimise the need for travel and encourage the use of sustainable modes of travel as an alternative to the private car are supported. However, the proposed contribution of £7.7k per dwelling towards A27 highway improvements applies to new housing across the district even in the NE part of the district where impacts from development on the A27 will be less than developments in the south of the district.  In any event it is unclear how the contributions are justified when the responsibility for trunk road infrastructure improvements rests with National Highways.  The proposed contribution in T1 is therefore questioned and in our view, flawed. The level of contribution set out in the policy and the principle of a contribution will therefore require further testing at the forthcoming Examination.  (Continue on a separate sheet /expand box if necessary) | | | | |
| 6. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible. | | | | |
| The role and impact of existing unimplemented commitments in the housing land supply on the proposed non-strategic allocations in H3 requires further clarification in lower case policy text.  The proposed per dwelling contribution to improvements to the A27 infrastructure has not been properly justified when the responsibility for trunk road infrastructure rests with National Highways. The policy requires further testing at the forthcoming Examination.  (Continue on a separate sheet /expand box if necessary) | | | | |
| ***Please note*** *In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.*  ***After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.*** | | | | |
| 7. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)? | | | | |
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|  | ✓ | **No**, I do not wish to  participate in  hearing session(s) |  | **Yes**, I wish to participate in  hearing session(s) |
| Please note that while this will provide an initial indication of your wish to participate in hearing sessions(s), you may be asked at a later point to confirm your request to participate. | | | | |
| 8. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary: | | | | |
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| To assist the Examiner in contributing to the round table discussion on the policy issues and the wider consideration of the tests of soundness raised in these comments. | | | | |
| ***Please note*** *the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.* | | | | |