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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 | |
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| Line 4 | |  | | |  | |  | |
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| Post Code | |  | | |  | | PO19 1LX | |
|  | | | | | | |  | |
| Telephone Number | |  | | |  | | 01243 850411 | |
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| 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: Hanbury Properties | | | | | | | | | |
| 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 policy’ tests.  In addition, with regard to the longer term growth requirements and the singular issue of a potential new settlement the plan also fails the ‘justified’ and ‘consistent with national policy’ tests of soundness.  **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 Settlement Hierarchy policy S2, H1, H2 H3 and H8.  **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 the hierarchy prioritising development at Chichester as the sub regional centre, followed by development at the settlement hubs, service villages and the rest of the plan area is reasonable. However, although the distribution of housing amongst the settlements in the current Regulation 19 plan has been updated compared to the last Regulation 18 plan, the background paper itself has not been updated. Nor is there any justification or explanation for the change in the quantum of strategic and non-strategic housing to the different categories of settlement in the background paper or the Local Plan itself.  **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.  **Policy H2 – Strategic Site Allocations and Policy H3 – Non-Strategic Parish Allocations**  Policy H2 identifies strategic scale and policy H3, non-strategic allocations. We have explained above that the Settlement Hierarchy Background Paper was prepared for the 2018 Preferred Options Regulation 18 Local Plan but has not been updated to provide any justification for the revised housing distribution and quantum of development for the named locations and settlements in the Regulation 19 Local Plan.  **Policy H8 – Specialist accommodation for Older People**  National policy in the online planning practice guidance (PPG) is clear that the need to provide housing for older people is critical. The guidance on the provision of this type of housing states:   * Plan-making authorities should set clear policies to address the housing needs of groups with particular needs such as older and disabled people. These policies can set out how the plan-making authority will consider proposals for the different types of housing that these groups are likely to require. * They could provide indicative figures or a range for the number of units of specialist housing for older people needed across the plan area throughout the plan period. * It includes the following within the general definition of specialist housing - age-restricted general market housing, retirement living or sheltered housing, extra care housing or housing-with-care, residential care homes and nursing homes, and senior co-housing communities. * LPA’s can identify sites for co -housing communities and other specialist housing types for older people, because, * Allocating sites can provide greater certainty for developers and encourage the provision of sites in suitable locations. This may be appropriate where there is an identified unmet need for specialist housing. The location of housing is a key consideration for older people who may be considering whether to move (including moving to more suitable forms of accommodation). Factors to consider include the proximity of sites to good public transport, local amenities, health services and town centres.   In our view however, draft Policy H8 doesn’t reflect the guidance in the PPG. For instance, although the policy sets out a threshold of provision for specialist housing of housing sites of 200 or more units, there is no guidance on the actual % provision as there is for example, on affordable housing. All it says is the specific type and amount of accommodation required will depend on the size and location of the site.  The supply of specialist housing should not just be focused on large scale housing schemes. The landscape and environmental constraints across the district even outside the national park would not necessarily allow for large 200 plus unit schemes in all locations. To support an ageing population policy should support the provision of suitable specialist housing to meet the differing needs of individuals across a range of options and in a range of locations.  The second part of H8 should therefore confirm that proposals for specialist housing, such as homes for older people will be supported without any policy qualification for a site’s location within or outside a settlement boundary or within an AONB where a proposal in its local context is not deemed to represent major development.  Rather than rely on the criteria based approach, the policy should also allow for the allocation of sites for specialist accommodation for older people in a Neighbourhood Plan where a site has the support of local people.  (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. | | | | |
| We propose an amendment to policy H8 to confirm that specialist accommodation for older persons can be supported without any policy qualification for a site’s location within or outside a settlement boundary or within an AONB where a proposal in its local context is not deemed to represent major development.  Rather than rely on the criteria based approach, the policy should also allow for the allocation of sites for specialist accommodation for older people in a Neighbourhood Plan where a site has the support of local people.  (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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| ***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.* | | | | |