|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| CDC b&w LOW res | **Representation Form**  Local Plan 2021 – 2039 Publication Stage | | | | | | | **Ref:**  **(For official use only)** |
|
|
| 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 | |
|  | | | | | | |  | |
| Line 2 | |  | | |  | | Chichester | |
|  | | | | | | |  | |
| Line 3 | |  | | |  | | West Sussex | |
|  | | | | | | |  | |
| Line 4 | |  | | |  | |  | |
|  | | | | | | |  | |
| Post Code | |  | | |  | | PO19 1LX | |
|  | | | | | | |  | |
| Telephone Number | |  | | |  | | 01243 850411 | |
|  | | | | | | |  | |
| E-mail Address | |  | | |  | | paul@ss-p.co.uk | |
|  | | | | | | |  | |

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **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: Northgate 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 | | | | | | | | | |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| 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. A question could be raised over the legality of the Regulation 19 Plan as it has not been reviewed within 5 years of the last Plan, which was adopted in July 2015. On the Council’s own admission the current Regulation 19 Local Plan fails to meet objectively assessed need (OAN) of 638 dpa outside the national park. However, without any properly evidenced ‘duty to cooperate’ statement of common ground with neighbouring authorities, it is unclear whether this under provision is justified.  We support the local authority in its attempts to navigate what is a challenging situation in relation to housing delivery within the district, however at this stage we believe the Plan, as drafted, fails to meet the ‘positively prepared’, ‘effective’, and ‘consistent with national policy’ tests and therefore could be interpreted as unsound.  In a bid to assist the process, we have collated our thoughts on how the Regulation 19 Local Plan could be improved below.  **Local Plan Policies**  These comments deal with the proposed Spatial Strategy (Policy S1) Settlement Hierarchy (S2), policies H1, H2 H3 and NE4. We also propose a new policy H4.  **Policy S1- Spatial Strategy**  Policy S1 deals with the spatial strategy of the plan. It has been informed by the role of each settlement within a hierarchy based on its facilities and services.  We agree that the spatial strategy for delivering growth and development should focus on Chichester  city as the main sub-regional centre and most sustainable location with a wide range of services and facilities. However, there are self-evident constraints to further strategic scale development at the settlement itself because of its historic setting, the A27 to the south and east, the harbour AONB to the west and the national park in the north. Focusing growth close to the city would however still reinforce its role as a sub-regional centre and locating a significant proportion of development in or around  Chichester city ahead of the second tier settlement hubs would reduce the need to travel to facilities and deliver sustainable development.  **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.  As indicated earlier, without any properly evidenced ‘duty to cooperate’ statement of common ground with neighbouring authorities, it is unclear whether this under provision is justified.    **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.  **Longer Term Growth Requirements**  Paragraph 22 of the NPPF says strategic policies should look ahead over a minimum 15-year period from the date of the adoption of a plan to anticipate and respond to long-term requirements and opportunities, such as those arising from major improvements in infrastructure. This justifies the proposed end date of the Plan of 2039. However, the NPPF goes on to state that where larger scale developments such as new settlements or significant extensions to existing villages and towns form part of the strategy for the area, policies should be set within a vision that looks further ahead (at least 30 years), to take into account the likely timescale for delivery.  Paragraphs 5.11-5.14 of the draft Plan says although its focus is on the development needs of the plan area up to 2039, some initial consideration has been given to the concept of a new settlement to accommodate potential longer term growth needs. This arises from some reservations about whether it will be appropriate in the longer term to continue to rely on existing sources of supply (e.g. urban extensions and urban intensification).  We agree that a new settlement would have a valuable role to play in meeting future housing need of the district and support the lower-case policy text of the Plan at paragraphs 5.11-14. However, bearing in mind the national policy guidance for a 30 year or so vision to allow for the planning and site identification for a new settlement, we see no reason why that part of the lower-case text at paragraph 5.14 of the Regulation 19 Plan should not be elevated into actual Plan policy. Such an approach would deliver benefits to the plan anyway in offering a ‘land supply reserve’ in the event the Examiner for the Local Plan finds that it should meet OAN in accordance with the ‘positively prepared’ test. If a new settlement is needed to contribute to OAN, it would then form part of the development strategy of the Plan and justify the policy in principle.  We therefore propose a new **Policy H4 – A New Settlement** as set out in section 6 below.  **Policy NE4 – Strategic Wildlife Corridors**  The Council produced a Strategic Wildlife Corridor background paper in December 2018 and another technical consultation document in July 2021. Neither document has been updated for the present Regulation 19 Local Plan. **It is unclear therefore whether the ecological interest has changed and whether it can still inform the extent and location of the defined wildlife corridors in the current Plan. We say this on the basis that standard habitat surveys are usually required to be reviewed and updated after 18 months.**  Paragraph 179(a) of the NPPF sets out policy to protect and enhance biodiversity and geodiversity and states that Plans should identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national, and locally designated sites of importance for biodiversity; wildlife corridors and stepping stones that connect them.  We therefore agree that the identification of wildlife corridors in the emerging Plan is consistent with national policy but **without any up to date proportionate evidence of biodiversity interest we would question whether their extent and location as shown on the relevant proposals maps have been justified.**  As it stands, the wording of Policy NE4 also goes beyond the purpose of the policy which is the ‘safeguarding of wildlife rich habitats and wider ecological networks’.  Policy NE4 states development will only be permitted where it would not lead to an adverse effect upon the ecological value, function, integrity, and connectivity of the strategic wildlife corridors. It does not resist development in principle and so long as impacts can be adequately mitigated it should be granted.  This policy principle therefore makes redundant policy test 1 which introduces a sequential test for preferable sites outside a corridor. The test is in conflict with the underlying purpose of the policy which is to safeguard wildlife corridors from adverse harmful impacts that cannot be mitigated. Test 1 should therefore be deleted.  Development outside or in close proximity to a wildlife corridor should not be subject to the policy requirements of NE4 either and the designation should end at its boundary. ‘Close proximity’ is vague and would introduce uncertainty to the policy. If development does not undermine the connectivity and ecological value of the corridor, then there is no proper basis for the policy restriction on such development. We therefore propose the deletion of the second part of the policy as well.  (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 feel it would be prudent when considering the long term nature of such proposals to include a new policyto allow for the planning and site identification for a new settlement, using part of the lower-case text at paragraph 5.14 of the Regulation 19 Plan as actual Plan policy. Such an approach would deliver benefits to the plan anyway in offering a ‘land supply reserve’ in the event the Examiner for the Local Plan finds that it should meet OAN in accordance with the ‘positively prepared’ test.  **New Policy H4 – A New Settlement**  ‘In order to progress the identification of a site for a new settlement to contribute to housing need, the following considerations will guide potential discussions with the LPA. The selected site will be included in the Site Allocations DPD or a site-specific Development Brief.   * The site will be of sufficient scale to support potential long-term development needs arising and comprehensively planned in consultation with existing communities and key stakeholders; * Deliver a sustainable, inclusive, and cohesive community promoting self-sufficiency and with high levels of sustainable transport connectivity; * Allow for the inclusion of on-site measures to avoid and mitigate any significant adverse impacts on any protected habitats; * Provide a mix of uses to meet longer term development needs and contribute towards its distinctive identity; and * The layout and form of development avoids coalescence with existing settlements and does not undermine their separate identity; * Avoids harm to the designated Area of Outstanding Natural Beauty, respects the historic and landscape character, and conserves and where possible enhances the character, significance and setting of heritage assets.   **Revised Policy NE4 – Strategic Wildlife Corridors**  To ensure the Plan meets the ‘justified’ test and the requirements of the NPPF paragraph 179(a) we propose the following wording changes to Policy NE4:  **Policy NE4**  Development proposals within strategic wildlife corridors will only be granted where it can be demonstrated that:   1. The development will not have an adverse impact on the integrity and function of the wildlife corridor and protects and enhances its features and habitats; 2. The proposal will not undermine the connectivity and ecological value of the corridor and take opportunities to enhance those corridors.   (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)? | | | | |
|  | | | | |
|  |  | **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: | | | | |
|  | | | | |
| 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.* | | | | |