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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 | | Seaward Properties | | |  | | Mr | |
|  | | | | | | |  | |
| First Name | |  | | |  | | Paul | |
|  | | | | | | |  | |
| Last Name | |  | | |  | | White | |
|  | | | | | | |  | |
| Job Title | |  | | |  | | Director of Planning | |
| (where relevant) | | | | | | |  | |
| Organisation | |  | | |  | | Smith Simmons & Partners | |
|  | | | | | | | | |
| Address Line 1 | | c/o agent | | |  | | 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 | |
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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: Seaward Properties Ltd | | | | | | | | | |
| 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 policies H1, H2 H3, T1, A12 and A15.  **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. For instance the allocation at Chidham and Hambrook parish has been reduced from 500 to 300 dwellings. Whilst Loxwood has an increased allocation of 220 dwellings this could still be considered an under provision of development for the NE part of the district as a whole. In our view, given the capacity constraints for development in the south part of the district, the NE sub region could have played a more significant role in helping rebalance the development needs of the district with a more equal split between the north and south areas.  **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 housing supply includes existing housing commitments from the 2015 adopted Local Plan, the Site Allocations DPD, and ‘made’ Neighbourhood Pans all without planning permission. It also includes planning permission for schemes of over 4 dwellings granted consent as of 1 January 2023.  However it is unclear how the supply from these categories of development have translated into the strategic and non-strategic allocations in policies H2 and H3. For instance, has it informed the strategic allocations of 300 dwellings to Chidham and Hambrook in policy A12 and the 220 dwellings at Loxwood in policy A15? Have the categories of supply as commitments at each settlement been ring fenced to count against the new proposed allocation? We would welcome further lower case policy clarification to confirm that the allocations are fixed, and no further adjustments will be made to the figures.  **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.  We would 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 A12 – Chidham & Hambrook** We request further clarification of the 300 dwelling allocation at Chidham and Hambrook in policy A12 to confirm the allocation is fixed as a minimum figure and will not be affected by any pending applications and appeals for the post January 2023 period. The text should be amended to state ‘Land will be allocated for development in the revised Chidham and Hambrook Neighbourhood Plan or Site Allocations DPD for a minimum of 300 dwellings and supporting facilities and infrastructure. This would provide the plan with more flexibility in the event the parish decides not to proceed with a Neighbourhood Plan review.  **Policy A15 – Loxwood**  We request further clarification of the 220 dwelling allocation at Loxwood in policy A15 to confirm the allocation is fixed as a minimum figure and will not be affected by any pending applications and appeals for the post January 2023 period. The text should be amended to state ‘Land will be allocated for development in the revised Loxwood Neighbourhood Plan or Site Allocations DPD for a minimum of 220 dwellings and supporting facilities and infrastructure. This would provide the plan with more flexibility in the event the parish decides not to proceed with a Neighbourhood Plan review.  **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, contributing to a multi modal shift away from the use of the private car will take traffic off the A27 and yet this hasn’t been recognised in the policy. We therefore object to the funding arrangements for A27 improvements based on the proposed per dwelling contribution. In any event it is unclear how the contributions are justified anyway when the responsibility for trunk road infrastructure rests with National Highways.  As noted in the viability assessment forming part of the local plan evidence base, the cumulative impact of the contribution alongside other policy requirements concerning water neutrality, nitrate neutrality, biodiversity net gain, solent recreation mitigation and CIL will impact on the overall viability of a development and could result in the loss of affordable housing. This is another reason why the proposed contribution in T1 is questioned and in our view, flawed.  (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. | | | | |
| Given the capacity constraints for development in the south part of the district, the NE sub region could play a more significant role in helping rebalance the development needs of the district with a more equal split between the north and south areas. This should be given further consideration.  The role and impact of existing commitments in the housing land supply on the proposed strategic and non-strategic allocations in H2 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 should be deleted.  (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.* | | | | |