

Planning Policy  
Chichester District Council,  
East Pallant House,  
Chichester,  
West Sussex,  
PO19 1TY

Submission via email and online: [planningpolicy@chichester.gov.uk](mailto:planningpolicy@chichester.gov.uk)

16 March 2023

Dear Sir/Madam,

## **REPRESENTATIONS TO CHICHESTER DISTRICT COUNCIL'S LOCAL PLAN 2021 – 2039: PROPOSED SUBMISSION CONSULTATION (REGULATION 19)**

### **CHICHESTER MARINA BIRDHAM, CHICHESTER, WEST SUSSEX, PO20 7EJ**

CBRE Limited ('CBRE' hereafter) acts as planning consultants to Premier Marinas Limited ('Premier' hereafter), with respect to their land interests at Chichester Marina, Birdham, Chichester, West Sussex, PO20 7EJ (hereafter 'the Site'). CBRE are instructed by Premier to submit representations to the 'Chichester Local Plan 2021 – 2039: Proposed Submission' (Regulation 19) Consultation on the Chichester District Council ('CDC') emerging Local Plan. These representations are submitted in advance of the consultation deadline on 17<sup>th</sup> March 2023.

Premier have been in engaging in the new Local Plan to-date and CBRE submitted representations to the Chichester District Council's Local Plan: 'Preferred Approach Consultation' in February 2019.

Premier owns and manages a portfolio of ten operational marinas, all with fully serviced boatyards and associated facilities. Premier is owned by the Wellcome Trust, a global charitable foundation that exists to improve health for everyone. All Premiers' profits are either re-invested or are applied to support the work of the Wellcome Trust. Wellcome has a diverse investment portfolio and takes a long-term approach to investment, as a result of which it aims to spend around £1 billion a year supporting scientists and researchers in biomedicine, the humanities and the social sciences, and public engagement and education in these fields.

With over 5,000 coastal marina berths, 10 boatyard operations and 490,000 sqft of waterside commercial property, Premier has a unique insight into the UK's leisure boating market. Premier is a long term owner of, and investor in its Marina sites.

### **SUBMISSION**

This letter should be read in conjunction with the comments logged on CDC's online consultation database.

#### **Site Description**

Chichester Marina predominantly comprises a large locked Marina with a fully serviced boatyard and associated facilities, including two hoists, slipway, chandlery and marine services, berth holder facilities, residential and commercial development. The Site has 19 residential units and a community of 31 residential houseboats along the Chichester Canal adjacent to the Marina, which is also under the long leasehold ownership of Premier Marinas.

Chichester Marina is located within the Chichester Harbour Area of Outstanding Natural Beauty (AONB). It is also located adjacent, or in close proximity, to a number of sites of nature conservation importance which are subject to a strong level of environmental protection under European, national and local legislation and planning policy. These

include (*inter alia*) the Chichester Harbour Ramsar Site, a Site of Special Scientific Interest (SSSI), a Special Protection Area (SPA) and a Special Area of Conservation (SAC).

## PREMIER MARINAS ROLE

The Plan is clear in setting out the support for the contribution that marine businesses make to the local economy.

As the owner and operator of Chichester Marina, Premier is a key economic stakeholder in the Chichester Harbour. The marina and boatyard provides berthing for over 1,000 leisure and commercial vessels and is a key contributor to the regions leisure and tourism economy. The site employs 21 staff directly and supports 20 businesses and a Yacht Club, together employing some 80 staff. Research undertaken by British Marine (Economic Benefits of Coastal Marinas) suggests that every job in the core coastal marina sector supports a further 12 jobs in the local economy, suggesting that some 250 jobs are supported by Chichester Marina.

Chichester Marina provides berthing and boatyard services to both recreational boaters and the commercial businesses that support recreational boating. Premier sees boatyard operations as critical to the long term success of the marine economy and is the only UK marina group with an operational boatyard at every site. In addition to berthing and boatyard services, the site also provides commercial property to tenants, most of whom (but not all) provide essential complimentary services from boat maintenance and repair to food and beverage.

The emerging Local Plan identifies that leisure and tourism contributes importantly to the local economy. This is particularly important to Chichester Marina which, as a consequence of its unique location, attracts a large number of day visitors who come to walk, cycle, park, picnic or enjoy the food and beverage facilities offered. The Site has more recently started to attract overnight visitors who stay at the Marinas' "Salterns" short-break apartments. Demand for sustainable tourism and leisure in waterside locations is growing and can contribute significantly to supporting the diversified marine economy. The Local Plan rightly acknowledges the need to increase resilience with "*diverse sources of income*" and this is reflected in Premier's strategy. Diversification towards sustainable tourism and leisure, where demand is growing, is considered by Premier to be critical to the future of a marine sector which is experiencing declining boat ownership and therefore demand.

### National Planning Policy Framework (NPPF) – Examining Plans

Paragraph 35 of the NPPF (March 2012, last updated July 2021) states that local plans and spatial development strategies are examined to assess whether they have been prepared in accordance with legal and procedural requirements, and whether they are sound. Plans are 'sound' if they are:

- a. *“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;*
- b. *Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;*
- c. *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*
- d. *Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy, where relevant”.*

For the purposes of this consultation, the applicant will be commenting on the plan being legally compliant, in accordance with the tests listed above, and whether the plan complies with the duty to cooperate.

## PROPOSED SUBMISSION DRAFT POLICIES

### General Comments

The leisure marine industry has been through a period of significant change in the last 15 years. Participation in boating activity declined following the global financial crisis in 2008 resulting in significantly reduced demand for marina services up to 2019. The Covid-19 pandemic proved significantly challenging for all marina operators throughout 2020 but did provide a temporary boost to participation in the subsequent two years. That is already starting to reverse and the underlying issue of long term decline in the number of people participating in boating remains. British Marine, the marina industry's trade body, has sought to address this challenge through its "Futures Project" which identifies strategies for reversing the decline in boating activity. This identifies that the customer of the future will be different to that of today and to remain relevant the marina industry will need to adapt. For the marina sector, this will require operators to provide a broader leisure offering so as to attract a more diverse demographic to its sites.

In addition to this industry specific structural change, many marine businesses are struggling with the consequences of the pandemic. The latest Business Rates review has added an average of 30% onto rates bills, corporation tax rates have increased significantly, inflation is high, supply chains are dislocated and recruitment is difficult in a market that is short of people looking for work. As a consequence many marine businesses have closed their doors, either temporarily or permanently, or have vacated commercial premises in favour of lower cost, more flexible operating models. The consequence of this is an increase in the number of vacant units at the Marina.

Consequently, Premier requires greater flexibility than is from the proposed, particularly when it comes to the uses which are deemed acceptable within the Marina. Premier notes that Chichester Marina is the only marina site within Premier's portfolio of 10 marina sites where the policy approach and interpretation of marine and non-marine uses is so rigid. The other Local Planning Authorities that Premier deals with recognise its operational expertise and the fact that an appropriate range of uses, determined by an experienced marina operator, will improve a marina's contribution to the local economy.

Flexibility will allow Premier to support the marine industry's "Futures" strategy and contribute to the creation of new jobs by bringing new businesses to Chichester Marina. Premier has previously sought to address this with a submitted application under Section 73 of the Town and Country Planning Act 1990 (as amended) to vary Condition 3 of planning permission BI/12/00475/FUL relating to a prescriptive planning condition restricting the use of commercial units to marine related uses only. This S.73 application sought flexible marine and non-marine related uses across all commercial units and was refused on 29 June 2021 (LPA ref. BI/21/00833/FUL). A subsequent planning appeal submitted via written representations (PINS ref. APP/L3815/W/21/3289832) was lodged on 24 December 2021 and was dismissed by the Planning Inspectorate on 18 July 2022.

More recently, a S.73 application (LPA ref: 22/03026/FUL) to vary the same prescriptive planning condition to allow suitable marine and non-marine land use flexibility for two commercial units (Units A2 and D7) only. This application is live, valid and pending consideration.

In addition to seeking greater flexibility, Premier is seeking to maintain the recreational access to the Marina through the management of footpaths and car parking within the Site. Premier would support engagement regarding better integration of the various pedestrian and cycle paths in the area, as part of enhancing the overall contribution of the Site to the harbour.

The benefits offered by access to the water and waterfront as well as the wider countryside, are material and should be encouraged as part of this Plan.

### **Policy S1 – Spatial Development Strategy**

The draft policy makes provision for non-strategic growth beyond the site allocation identified, including small-scale employment, tourism or leisure proposals. We would propose that the wording 'small-scale' is not effective as it is not specific, and therefore propose that the policy is reworded accordingly in accordance with paragraph 35(c) of the NPPF:

- b. *"Local community facilities, including village shops, that meet identified needs **both** within the village, neighbouring villages and surrounding smaller communities, **and also the wider needs of the District in***

**relation to the strategic aims of the Plan, and will help make the settlement more self-sufficient in the immediate and long-term; and**

- c. **Small scale employment, tourism or leisure proposals related to sustaining and enhancing existing sites and communities”.**

It should be recognised that whilst clearly the majority of major development will be directed towards main settlement hubs, that the unique characteristics of the District should be considered in terms of offering further specific development opportunities to sustain the economic viability and housing capacity required.

The Plan sets out a requirement to consider in the next review, the allocation of a strategic new settlement, in order to meet housing need. As such, development which is sustainable and capable of contributing towards development needs in the shorter term should be considered favourably in line the NPPG.

### **Policy S2 – Settlement Hierarchy**

Chichester Marina has an existing thriving residential community, economic community and leisure/tourism visitors which all meet to generate a genuinely mixed, balanced and sustainable community around the marina and canal.

As such and as set out in our last Regulation 18 representations, Premier believes that Chichester Marina should be considered as being part of Birdham service village, or its own service village, in recognition of the 50 residential dwellings comprising 31 houseboats and 1,750 sq m of floorspace at the Site.

The opportunity to provide sustainable residential development on the Site is important to the long term future of Chichester Marina, specifically its vitality and viability and to the local community. It is important in policy terms, that the Marina is able to provide suitable further sustainable development, considering the strategic housing and economic needs of the Local Plan. Residential uses also contributes significantly to the overall diversity and sustainability of the marinas economy and will complement the mixed commercial marine, non-marine and leisure uses on-site. Simply restricting development to local needs is unlikely to ensure the long-term strategic growth that the Marina is capable of contributing towards the Local Plan.

### **Policy H1 – Meeting Housing Needs**

Premier welcome the Council’s housing target for the plan area is to provide for at least 10,350 dwellings (equivalent to 575 dwellings per annum) to be delivered in the period 2021-2039 including 310 non-strategic Parish housing requirements and 657 windfall site allowances. However this is below the housing requirement of 13,734 (equivalent to 763 dwellings per annum) derived from the Governments Standard Method for the same period, resulting in a significant shortfall of 3,384 dwellings, notwithstanding the fact that the Council are “*now unable to accommodate any unmet need from the part of the South Downs National Park within Chichester District*” (as stated at supporting paragraph 5.1 to Policy H1) which has potential Duty to Co-operate implications.

In respect to five year housing land supply (5YHLS) considerations, it is noted CDC’s ‘Chichester Local Plan Area – Five Year Housing Land Supply 2022-2027 (Updated Position at 1 April 2022) statement identifies a potential housing supply of 3,174 net dwellings over the period 2022-2027. This compares with an identified housing requirement of



3,350 net dwellings. This results in a shortfall of 176 net dwellings, equivalent to 4.74 years of housing supply. The Council can therefore not demonstrate a 5YHLS as confirmed by recent appeal decisions<sup>1,2</sup>.

In the interests of maximising housing delivery and satisfying the Council's objectively assessed housing needs, Policy H1 should be revised to state the housing requirement figure derived by the Government's Standard Method so as to ensure the policy is "effective" and the new Local Plan has been "positively prepared" in accordance with paragraph 35 (a and c) of the NPPF.

### **Policy E2 – Employment Development**

Premier understands and supports the need to protect employment land for the wider viability and economic success of the district. Indeed the objectives of maintaining "a flexible supply of employment land and premises" and the retention of "suitable employment sites and encouraging their refurbishment, upgrading and intensification to meet modern business needs" are supported by Premier.

Premier would however stress the importance of recognising leisure and community uses in employment areas which is not currently acknowledged. Diversification for leisure uses is particularly relevant to waterside locations, as set out below in respect to Policy NE11, relating to suitable development at the Coastal area.

Supporting paragraph (7.17) states:

*"Given the limited opportunities for employment uses with direct access to the coast, and reflecting the Chichester Harbour Conservancy Management Plan's planning principles, particular scrutiny will be given to the marketing evidence for marine related employment sites with the aim of preserving these uses".*

The Chichester Harbour Conservancy Management Plan is not a statutory Development Plan Document, and nor is it considered to be a robust policy approach. Indeed, Premier made representations to a number of elements in this Plan through the consultation period (see appended to these representations). Fundamentally, this Plan should not be cross-referenced as it is not in compliance with national policy, and therefore is not a sound policy basis.

The definition of 'marine-related employment sites' could be interpreted so as to prevent the flexibility that is promoted by much of the supporting text to Policy E2 and which is required in a changing marine industry. Interpreted too narrowly, this paragraph will have the opposite effect to that intended. Lengthy marketing periods risk leaving a property empty and creating no employment when a change of use would create employment and further economic benefits.

Paragraph 7.17 should recognise the relevance of complimentary uses which support the economic viability of marinas. These include not only leisure and tourism and but also other uses to be able to "accommodate needs not anticipated in the plan, allow for new and flexible working practices (such as live-work accommodation), and to enable a rapid response to changes in economic circumstances" as per paragraph 81 of the NPPF.

Paragraph 83 of the NPPF requires that "Planning policies and decisions should recognise and address the specific locational requirements of different sectors". Chichester Marina can also be argued to form part of the rural economy,

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<sup>1</sup> The Planning Inspectorate: Appeal Decision ref. APP/L3815/W/21/3268916 – dismissed 06 January 2023.

<sup>2</sup> The Planning Inspectorate: Appeal Decision ref. APP/L3815/W/21/3267477 – allowed 21 January 2023.

and the NPPF (paragraph 84) supports “the development of and diversification of... land-based rural businesses... sustainable rural tourism and leisure developments which respect the character of the countryside”.

The policy supporting text wording for paragraph 7.17 should therefore be amended to “marine related and supporting and ancillary uses” in recognition of this, and in accordance with the NPPF, Policy NE11 and paragraph 7.17 of the Plan.

Dealing with the Policy text, Premier considers that it is only appropriate for changes from employment to residential use to require demonstration that properties are no longer suitable for employment uses. Changes of use which retain or enhance employment should be encouraged as this will provide employment sites with the flexibility they require to respond to market changes and prevent loss of employment.

In the interest of diversifying employment uses and making the policy more effective in accordance with paragraph 35(c) of the NPPF, the policy should therefore be amended accordingly:

*“Existing employment sites will be retained to safeguard their contribution to the local economy. **Changes of use which retain or increase employment will be supported.** Employment uses other than those in use classes E(g), B2 or B8 which require planning permission, will be permitted on existing employment sites provided they are of a similar character in terms of providing jobs, the skills they require and their contribution to long-term economic growth. Where the proposed alternative use is a main town centre use, the sequential test set out in national policy must be met.*

*Where planning permission is required for alternative non-employment uses on land or floorspace currently in or last used for employment generating uses, it must be demonstrated (in terms of the evidence requirements in Appendix C) that the site is no longer required and is unlikely to be re-used or redeveloped for employment uses to meet future demand”.*

### **Appendix C – Additional Guidance (Marketing)**

Whilst Premier welcome the need for additional marketing guidance, as set out above, the requirements of Appendix C should only apply for applications to change from employment uses to residential use. To do otherwise risks reducing employment retention and creation.

If Appendix C is to apply to any change of use it is considered that it is far too onerous and applies unrealistic and disproportionate requirements to securing the most economic viable use. Premier welcome the reduction in the proposed marketing period, now a minimum of 1 year, which is significantly less than the requirement for between a year and 18-months under Appendix E of the adopted Chichester Local Plan. That said, the proposed marketing period is still extensive, unjustified and creates an unnecessary financial burden on the owner. Vacant property is not in an owners’ interest and the marketing requirement may well achieve the opposite of the policy aim to ‘safeguard contribution to the local economy’. An empty unit creates no employment and change of use provides much needed flexibility for businesses and is more likely to preserve or increase employment.

Premier are concerned the proposed marketing period will lead to an over proliferation of vacant commercial units which is currently being experienced at Chichester Marina with lack of flexibility on marine and non-marine uses, as well as vacancies across the marina site putting off potential occupiers.

Accordingly, Part C.8 of this element of the Local Plan should therefore be amended to set out:

*“The site/premises has been actively marketed for business or similar uses at a realistic rent/price for a ~~minimum of 2 years or~~ a reasonable period based on the nature and size of the site/premises, the local/use-specific economic market and the current economic climate”.*

### **Policy E8 – Built Tourist and Leisure Development**

Premier welcomes and acknowledges the need to maintain the attractiveness and character of the harbour, and recognises that this is a significant benefit in drawing visitors and maintaining the local economy.

As drafted, the policy approach only supports the development of tourism and leisure proposals within or adjacent to settlement hubs. Outside of these areas, only ‘small scale development’ is permitted, and only where demonstrated that there are no alternatives through the re-use of existing buildings or within defined settlement boundaries. It is only ‘exceptionally’, that large scale facilities will be permitted, and only where there is a requirement for a countryside location.

If Chichester Marina is incorporated within a settlement hub as has been requested above in these representations, then Premier is comfortable with the policy approach in relation to this.

However, if this is not the case, Premier has concerns, as set out above, with the restrictions that would be applied to the economic viability of the Site.

The policy should represent a positive approach to suitable tourism-related development, and set out that development will be acceptable where it meets the required criteria for mitigating harm, maintaining the rural character and securing nature conservation. Premier considers that the policy should actively support appropriately-scaled, sustainable and well-managed development which contributes to the overall viability and success of marina sites in order to maintain and enhance visitor attractiveness and sustainable tourism.

Accordingly, we propose the following amendments to the policy:

*“Elsewhere in the plan area, small-scale development for tourism and leisure development will be granted where all the above and following criteria have been met:*

1. *It can be demonstrated that the scale and use is appropriate to the location and that a demand exists for the facility; and*
2. ~~*Where proposals seek permission for new buildings, that the development cannot be accommodated elsewhere, including through the re-use, and expansion, of existing buildings in the locality, or on previously developed land, and developing within the defined settlement boundaries.*~~

~~*In exceptional circumstances, Larger scale tourism or leisure development facilities will be permitted elsewhere in the plan area where it can be demonstrated that there is an overriding and compelling justification in terms of enhancing visitor use and/or appreciation of a specific feature or location of significant recreation or leisure interest. Proposals will need to demonstrate the requirement for and compatibility with a specific or countryside location.*~~

~~*Proposals involving the loss of tourist or leisure development, including holiday accommodation, will only be granted where there is no proven demand for the facility and it can no longer make a positive contribution to the economy. In such instances, the focus of consideration of alternative uses should be on employment-led development in the first instance, followed by provision of community uses and then affordable housing-led development. Evidence will be required as set out in Appendix C”.*~~

### **Policy NE2 – Natural Landscape**

Premier acknowledges that the Chichester Harbour AONB is afforded the highest level of protection under paragraph 177 of the NPPF, where major development will not usually be permitted unless ‘exceptional circumstances’ development tests can be met, and where the development is in the public interest.

Premier has experience of delivering major developments within the AONB, at Chichester Marina and elsewhere in the country. It is acknowledged that development can be harmful to the AONB, however, Premier has a strong track record of delivering quality development schemes in sensitive locations.

The policy approach should be consistent and no more onerous than national planning policy in relation to AONBs.

The reference in the wording of Policy NE2 to the policy aims of the ‘Chichester Harbour AONB Management Plan’ should be amended, given that:

1. This is not a statutory policy document; and
2. This Plan is not consistent with the NPPF.

Accordingly, Premier suggest the wording of Policy NE2 (Part 5) is amended to ensure it is justified and consistent with national policy in accordance with paragraph 35 (b and c) of the NPPF as follows:

*“5) Development proposals within the setting of Chichester Harbour AONB should recognise its status as a landscape of the highest quality and should be designed to reflect this with the scale and extent of development limited **consistent with the existing site and locational context**, sensitively located and designed to avoid or minimise adverse impacts on the AONB **in accordance with national policy**. ~~Development proposals must comply with the Chichester Harbour AONB Management Plan and the Chichester Harbour AONB Joint SPD which are material planning considerations”.~~*

### **Policy NE5 – Biodiversity and Biodiversity Net Gain**

Premier agree with the premise of Draft Policy NE5 and the acknowledge the 10% biodiversity net gain requirement is consistent with the Environment Bill 2021 which requires developments to achieve a minimum 10% biodiversity net gain from November 2023 (exact date TBC).

Premier recognise the unique qualities of the Chichester Marina’s location and rural countryside setting, and considers that the protection of the environmental and landscape quality is extremely important. Premier acts as the long-term manager and steward of the Site and seeks to actively and appropriately manage users and the environmental setting for the benefit of existing wildlife and in in the interests of protecting key tidal habits and enhancing biodiversity.

Premier suggests Draft Policy NE5 is amended to make specific reference to the completion of the ‘*relevant Defra Biodiversity Metric 3.1 (or equivalent)*’ as part of the Biodiversity Appraisal requirement in the interests of soundness to ensure the policy wording is effective and measurable, and also consistent with national policy in line with paragraph 35 (c and d) of the NPPF.

### **Policy NE6 – Chichester’s Internationally and Nationally Designated Habitats**

Premier agree with the premise of Draft Policy NE6 and recognise the need to address water and nutrient neutrality issues. That said, Premier acknowledge the practical difficulties in guaranteeing nutrient neutral position for the lifetime of the development and suggest the ‘*appropriate mitigation*’ has regard for existing residents and the commercial viability of businesses and is proportionate to the scale of development proposed to ensure this doesn’t not render development unviable and to avoid overburdening local residents and businesses.

Premier recognise the unique qualities of the Chichester Marina’s location and the areas’ international and national designated habitats. With this in mind and factoring in Premier’s responsibilities as the long-term manager and steward of the Site, Premier is committed to protecting Chichester Marina’s sensitive habitats in the interests of protecting local wildlife.

### **Policy NE9 – Canals**

Premier is a key stakeholder and user of the Chichester Ship Canal, holding a long leasehold interest from West Sussex District Council for the Canal from Chichester Harbour to the A286.

The Canal was largely abandoned by 1928 having fallen into disuse. Yacht moorings on the Canal along the stretch now adjacent to Chichester Marina were retained and their use as such pre-dates the building of the marina. There are currently 31 houseboats moored along this stretch of Canal. Much of the Canal is heavily silted and the two main road bridges have been replaced by unnavigable culverts preventing navigation of the canal.

It is highly unlikely that the canal can ever become navigable. Doing so would require major infrastructure works, including re-routing of or bridges over the A286 and B2201. The ecological designations affecting the various parts of



the Canal (including the SAC, AONB and protected species) will also affect the possibility of such major infrastructure works being undertaken.

Given this, the policy approach should recognise and support the potential of the Canal's historic use for houseboat living rather than holding out for a navigable canal which will almost certainly never be delivered and economic benefits that are not clearly established. Premier supports a policy approach that encourages *"increased recreation, leisure pursuits and economic activity"* but it believes that policy should explicitly include houseboats. These support the ongoing management of the Canal and public access to it, support marine employment (houseboats use the same electrical and marine systems as recreational boats and therefore support marine employment), and add to the mix of site uses positively. As such, the policy wording should be amended as follows to ensure the policy is more effective in accordance with paragraph 35(c) of the NPPF:

*"Development proposals that make provision for through navigation or enhancement **supports the further use and enhancement** of the Chichester Ship Canal and/or the Wey and Arun Canal will be supported where they meet environmental, ecological, historical and transport considerations. **This includes improvements to the existing houseboat population and further houseboat development on the canal.**"*

*Development proposals will be permitted where they preserve and enhance the remaining line and configuration of the Portsmouth and Arundel Canal and the features within it, with no overall adverse effect. Where no such line and configuration remains, proposals to reinterpret the alignment within new development proposals will be supported where they protect and enhance the culture, history and natural environment and consideration is given to local impacts".*

#### **Policy NE10 – Development in the Countryside**

The response to this policy is related to the above comments regarding Policy S2, namely, that Chichester Marina should be considered within a settlement boundary and not as 'countryside'. The Site is not open countryside, it has a long established residential and working population, a unique leisure and tourism offer, is host to a range of businesses and one of the UK's most successful yacht clubs.

The Site is developed, with over 5,000 sqm of commercial and leisure floorspace, and 1,100 berths. Therefore, this is not a typical 'rural' countryside setting.

Should Chichester Marina not be incorporated within a settlement, and remain as designated 'countryside', this policy approach would stifle the economic viability and ongoing contribution of the marina.

The permitting of development only where it relates to requiring a countryside location or meeting local need is simply too narrow. The policy does not recognise the historic or current contribution of the countryside and sites outside of settlements such as Chichester Marina to the local and tourism economy. Furthermore, it does not consider the potential for these sites to provide enhanced economic prospects, leisure and tourism opportunities and meeting future housing needs.

Draft Policy NE10 therefore does not work as 'catch all' policy and therefore additional wording is needed to make specific reference to established employment sites outside the existing settlement, including Chichester Marina.

Therefore, the policy should be amended as follows to ensure the policy is *'positively prepared'* and will address the District's employment needs in accordance with paragraph 35(a) of the NPPF:

*"Outside settlement boundaries as defined on the policies map, planning permission will be granted for sustainable development in the countryside where it can be demonstrated that all the following criteria have been met:*

1. *The sustainability of the site is enhanced by improving or creating opportunities to access the site by walking, cycling and public transport;*

2. *The scale, form, bulk, siting, design and materials proposed are appropriate to their countryside location and will not cause unacceptable harm to their rural setting;*
3. *Proposals conserve and enhance the key features and qualities of the rural and landscape character of the countryside setting;*
4. *The proposal is well related to an existing farmstead or group of buildings or located close to an established settlement **or developed site for employment uses within the B Use Class, an existing employment site;***
5. *The proposal is complementary to or compatible with its countryside location and does not prejudice any viable agricultural operations or other existing viable uses.*

*In addition to meeting the above criteria, proposals for alterations, change of use and/or re-use of existing buildings in the countryside will be permitted where it can be demonstrated that the following relevant criteria have been met:*

- A. *The building is structurally sound and is capable of conversion without the need for significant extension, alteration or rebuilding;*
- B. *It has been demonstrated that economic and community uses have been considered before residential, with residential uses only permitted if economic and community uses are shown to be inappropriate and unviable;*
- C. *Subject to meeting criteria A and B, proposals for the conversion of existing buildings will be permitted where they support sustainability in rural areas.*

*Development/conversions that would create new isolated homes in the countryside will be avoided unless there are special circumstances as outlined in Government policy.*

*Applications for retail development in the countryside will be considered where it has been demonstrated that the appropriate sequential and/or impact assessments have been undertaken.*

*Local/small-scale farm shops will be permitted provided they sell goods that have predominantly been produced on the farm”.*

Premier does support the approach set out under supporting paragraph 4.53 whereby the “*council will support the conversion of existing buildings and the re-use of previously developed sites for rural affordable housing, local community facilities and/or small-scale employment generating uses which are accessible, well designed and well related to existing development and require a countryside location*”.

The opportunity to provide sustainable residential development on-site is important to the long term future and viability of Chichester Marina and to the local economy. Chichester Marina has an existing residential community and is therefore a suitable and sustainable location for new housing alongside employment development to satisfy the strategic housing and economic needs of the new Local Plan.

### **Policy NE11 – The Coast**

Premier is pleased to see a recognition within the Plan for support for leisure and recreational use and water-based activities in the coastal areas, and marine employment uses.

Noting the challenges Marinas now face, as mentioned above, we would suggest that the policy wording is amended as follows to include employment uses which are not prescriptive to marine uses only:

*“The council will continue to work with partner organisations and authorities to protect and enhance the P’an’s coastal areas, including around Chichester Harbour, Pagham Harbour, Medmerry Compensatory Habitat and the open coast, whilst ensuring they continue to provide an important recreational, economic and environmental resource.*

*The council will support:*

- *ongoing habitat protection, restoration, enhancement and creation, including both compensatory and new coastal and wetland habitats; and opportunities to connect coastal and freshwater habitats and floodplain habitats at a catchment scale to facilitate wider nature recovery;*
- *careful location, design and review of flood defences to adapt to climate change and sea level rise, to reduce coastal squeeze and support natural processes;*
- *appropriate leisure and recreational uses, including water-based activities, and marine **and non-marine related employment uses which meet local needs, complement existing employment, tourism and leisure uses and or provide a public benefit**, including those which require direct access to water; where these uses avoid adverse environmental impacts”.*

### **Policy NE12 – Development around the Coast**

Premier welcome supporting paragraph 4.77 and the importance of an “active marine economy, including boatyards and marina sites” and the associated benefits of these to the economy of the wider area and a for tourism and recreation.

However, supporting paragraph 4.78 states that: “exceptionally... a small part of a marina or boatyard to be used for alternative uses”, is unacceptably restrictive. This relates also to the comments made in respect of Draft Policy NE11.

The case has clearly been made in relation to other policy elements around the need for economic diversification at marinas in association with maintaining existing employment uses and supporting new tourism/leisure developments.

The policy direction acknowledges that housing pressure from Government is a relevant concern. Premier considers that residential and leisure and tourism uses are essential to waterside placemaking and its portfolio of 10 marinas demonstrates that these uses not only co-exist comfortably with marine uses but enhance and contribute to the sense of place.

Chichester Marina has an established residential community on-site. This includes the 31 residential houseboats on the Chichester Canal on which residential use dates back over 50 years. More recently, in 2016, Premier invested £4m at Chichester Marina in converting redundant and end of life office and retail property into of 19 residential apartments. These are let on a short term and a long-term basis to people either looking for a short break. or a more permanent residence in the marina and have provided a new lease of life to otherwise redundant buildings.

The majority of successful marinas offer a wide range if uses from residential through to retail and commercial. Amongst Premier’s portfolio of ten marinas there is residential use either on or immediately adjacent to nine of its sites. Residential use is widely acknowledged as being highly complementary to marinas, which in turn provide the context for residences.

Premier has an established record in master planning marinas and waterside place making. Port Solent, a marina comprising residential, retail, commercial and marine uses, was the first example of this. More recently, in 2018, Premier secured hybrid planning permission for a mixed-use scheme at Noss on Dart Marina, located in the South Hams AONB. The scheme offers a high quality new marina, boatyard, commercial development and hotel alongside a substantial residential development. Although localised to reflect the uniqueness of its location, the approved plans for Noss on Dart demonstrate that the mixed-use sustainable development which is critical to ensuring the longevity of marinas and the communities which they support is possible in sensitive areas.

The masterplan for Noss on Dart is widely acknowledged as setting the standard for marina master planning and provides an example of what can be achieved in a countryside and AONB location that is very similar to that of Chichester Marina. Both sites share similar operational and socio-economic challenges the importance of diversification to creating sustainable marinas cannot be underestimated.

In addition, Premier suggest the specific requirement for new development around Chichester Harbour and Pagham Harbour to be setback 25 metres (measured from the mean high water level to allow for future erosion) should be removed as this will stifle development. Whilst Premier recognise the importance of flooding and issues with coastal

erosion, this ‘catch all’ policy is too restrictive and instead minimum setbacks should be considered on a site-by-site basis based in necessary flood / ground conditions analysis.

**Policy NE13 – Chichester Harbour Area of Outstanding Natural Beauty**

Premier has experience of delivering major developments within the AONB, at Chichester Marina and elsewhere in the country. It is acknowledged that development can be harmful to the AONB, however, Premier has a strong track record of delivering quality development schemes in sensitive locations.

The policy approach should be consistent and no more onerous than national planning policy in relation to AONBs.

The reference in the wording of Policy NE13 to the policy aims of the ‘Chichester Harbour AONB Management Plan’ should be amended, given that:

1. This is not a statutory policy document; and
2. This Plan is not consistent with the NPPF.

The supporting text acknowledges the needs of existing communities within the AONB and the development needs of these communities. It should be emphasised that this also includes communities contributing to the economic viability and success of the AONB, including tourism and leisure.

Therefore, we propose the following AONB policy alterations to ensure Policy NE13 is more effective and consistent with national policy accordance with paragraph 35 (c and d) of the NPPF:

*“The impact of individual proposals and their cumulative effect on Chichester Harbour AONB and its setting will be carefully assessed. Planning permission will be granted where it can be demonstrated that:*

1. *The natural beauty and locally distinctive features of the AONB are conserved and enhanced;*
2. *Proposals reinforce and respond to, rather than detract from, the distinctive character and special qualities of the AONB as defined in **National Policy** in the Chichester Harbour AONB Management Plan;*
3. *Either individually or cumulatively, development does not lead to actual or perceived coalescence of settlements or undermine the integrity or predominantly open and undeveloped, rural character of the AONB and its setting, including views into and from the South Downs National Park;*
4. *The development is appropriate **and contributes** to the economic, social and environmental well-being of the area **and its communities** or is desirable for the **access, use,** understanding and enjoyment of the area;*
5. ~~*The development is consistent with the policy aims of the Chichester Harbour AONB Management Plan and Joint Chichester Harbour AONB SPD; and.*~~
6. ~~*New development is set back at least 25m from the mean high water level in line with Policy NE12, with replacement buildings set further back whenever possible.*~~

*Proposals for major development will be refused other than in exceptional circumstances, and where it can be demonstrated to be in the public interest, as set out in the National Planning Policy Framework”.*

As per the above commentary in respect to Policy NE12, Premier suggest the requirement in point 6 for new development to be setback 25 metres (measured from the mean high water level) should be removed as this will stifle development. Minimum setbacks should be considered on a site-by-site basis based in necessary flood / ground conditions analysis.



### **Policy NE17 – Water Neutrality**

Premier support the thrust of this policy and the need to protect water neutrality through water efficient design in accordance with BREEAM or an equivalent standard. That said, the policy should allow flexibility for the type of non-domestic buildings.

Premier welcome the Council's decision for new developments to bring forward their own offsetting schemes and taking a pragmatic approach to offsetting.

### **Policy NE19 – Nutrient Neutrality**

Premier support the policy approach to protecting water quality from nitrates and associated impacts on wildlife given the Chichester Harbour Site of Special Scientific Interest (SSSI) designation. That said, Premier suggest the policy is amended below to make explicit reference for mitigation to be agreed on a site-by-site basis and to be proportionate and reasonable to the scale of proposed development to ensure it is effective in accordance with paragraph 35(c) of the NPPF.

*“Development involving an overnight stay (including in dwellings and all forms of holiday accommodation) that discharges into Chichester and Langstone Harbour SPA/ Ramsar (either surface water, non mains drainage development or through wastewater treatment works) will be required to demonstrate that it will be nutrient neutral for the lifetime of the development, either by its own means or by means of agreed mitigation measures **to be agreed on a site-by-site basis and to be proportionate and reasonable to the scale of proposed development**”.*

## **Policy Map Changes**

Chichester Marina has no specific policy allocation. Premier acknowledges that there have been no proposed amendments by CDC to the draft Policies Map relating to Chichester Marina.

Premier feel strongly that Chichester Marina should be allocated as mixed-use development site to cover the entire marina landownership in the interests of protecting a key local employment and tourism/leisure site for the long term.

## **Sustainability Appraisal and Habitats Regulation Assessment**

Premier have no specific comment but highlight the importance of CDC demonstrating that the various Sustainability Appraisals prepared at each consultation stage have directly informed the Local Plan and spatial development strategies, addressed relevant economic, social and environmental objectives (including opportunities for net gains) and avoided adverse impacts where possible and satisfies the relevant legal requirements in accordance with paragraph 32 of the NPPF. Premier note the Sustainability Appraisal (SA) of the Chichester Local Plan: SA Report (January 2023) appears to avoid adverse impacts at this Regulation 19 plan-making stage.

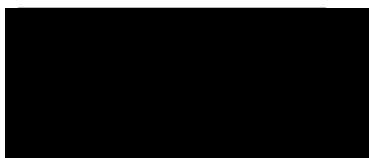
## **Summary**

Chichester Marina is a key employment and tourism/leisure Site in the Chichester Harbour area. Premier seek necessary operational flexibility to create a more diverse marina offering including an appropriate mix of marine and non-marine uses to ensure the long term vitality and viability of the marina. The Site is further suitable for sustainable residential-led mixed use development, is available now and deliverable within the medium-longer term within the new Plan Period.

We trust the above comments are helpful in the context of the emerging Local Plan. We would be grateful if you could confirm receipt of this letter and that the representations have been duly considered. We would also be grateful if Premier can be kept up-to-date on the process of consideration of these representations and the timescales for progressing the Local Plan further.

We would further welcome the opportunity to meet to discuss the Site in more detail with CDC, should you have any queries please do not hesitate to contact me. If you would like to discuss further, please do not hesitate to contact me on 07919 112833 or [andy.pearce@cbre.com](mailto:andy.pearce@cbre.com) or my colleague, Jonathan Stoddart ([jonathan.stoddart@cbre.com](mailto:jonathan.stoddart@cbre.com)).

Yours sincerely,



Andy Pearce  
SENIOR PLANNER  
CBRE Ltd

Cc:  
Pete Bradshaw (Premier Marinas Limited)  
Jonathan Stoddart (CBRE)

FOR AND ON BEHALF OF PREMIER MARINAS LIMITED.