

Local Plan Chichester District Council
Representations in respect of the draft
Regulation 19 submission plan

for Landlink Estates Limited

March 2023



JACKSON PLANNING 

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Executive Summary

The representations have been prepared by Jackson Planning on behalf of Landlink Estates Ltd, representing the Langmead Group, as evidence to the proposed submission version of Chichester Local Plan 2021-2039 in preparation for an examination, should the Council and Planning Inspector determine the plan is fit to proceed.

The representations deal primarily with the strategic policies related to housing, environment, and land use and the spatial strategy for the Manhood Peninsula.

Landlink Estates **OBJECT** to the whole plan going forward to examination as it does not meet the tests of soundness, the key component missing from the plan is strategic proposals to deal with Climate Mitigation and Adaptation.

The plan is not ready for independent examination, and there is a question mark over its legal compliance in respect of national policy in respect of the mitigation of climate change, in section 19 of PCPA 2004

“(1A) Development plan documents must (taken as a whole) include policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change.”

There are no positive land use policies in the plan to address sustainable development and achieve mitigation and adaptation of climate change, this deficiency renders the plan unsound.

There is no evidence about how the district will deliver net zero by 2050, and how the plan will help to decarbonise the power system by 2035 and achieve a 78% reduction in carbon emissions by 2035, a government target that expires before the end of the plan period. There is no understanding of the land use implications for renewable energy development to meet those demanding and binding targets.

The draft plan fails to consider the full range of land use implications for the district despite the sustainability appraisal including the objective to achieve net zero GHG emissions to deal with climate change. There can be no certainty, as there is no evidence, that the aspirational strategic land policies for local gaps and biodiversity corridors can be accommodated simultaneously with achieving net zero. This lack of rigorous testing of the reasonable and necessary alternative land use implications of the strategic policies in the Sustainability Appraisal makes the plan unsound.

Furthermore, the sustainability appraisal does not test the spatial land use implications for coastal retreat and does not deal with the relocation of dwellings from the vulnerable parts of the Manhood Peninsula necessary in the plan's lifetime. This component of housing need, as part of climate justice, is not reflected in the housing requirements of the plan. Given that the thematic policy for the Peninsula enables such relocations and given the Climate Emergency declared by the Council in July 2019 the plan lacks a positive spatial and land use policy to achieve this.

The representations consider the tests of soundness in detail and identify omissions in the plan that make it unsound, particularly with regard to land use allocation for climate mitigation, and a lack of vision or strategy to deal with climate adaptation in respect of coastal flooding on the Manhood Peninsula and the spatial requirements that will result from the necessary coastal retreat.

The removal of the strategic development site at Selsey (previously included at the Regulation 18 stage as site AL12) from the spatial strategy is not justified by evidence and the plan should not proceed to examination until the strategic allocation is reinstated. The site is not vulnerable to any type of flooding. The removal of the site is not justified on the basis that the strategic access to this site via the Chichester Road is vulnerable to H++ climate scenarios because this strategic issue must be resolved to begin to mitigate climate impacts and secure the safety of the 10,000 existing residents of Selsey within the life of the Local Plan to 2039.

These representations explain why the North Selsey site (AL12) can be part of a 20-minute neighbourhood, with all necessary services within 20 minutes walking distance for a sustainable community. A full range of technical studies supports this representation. Given this is the second largest settlement in the district, it is a largely self-contained settlement, with primary and secondary education, a supermarket, and a wide range of other services and community facilities. The failure to allocate a strategic housing site in Selsey in line with the settlement hierarchy, that can assist with wider climate adaptation for the settlement, has not been justified by evidence.

1. Introduction

- 1.1 This statement has been prepared by Jackson Planning as evidence in support of representations to the proposed submission version of Chichester Local Plan 2021-2039.
- 1.2 Landlink Estates Ltd make these representations on behalf of the Langmead Group.
- 1.3 This submission deals primarily with **policy S1, NE1, NE2, NE3, NE4, NE14, H1, H2, H3**. The statement also deals with policy omissions and provides evidence to support the completed forms.
- 1.4 The Langmead Group is a diverse, consumer focused collection of fresh food, farming, renewables and property businesses operating across the world. They have been farming in West Sussex since 1881 and hold over 2,700 hectares of prime agricultural and horticultural land in Sussex, Suffolk and Perthshire. They hold nearly **1000 hectares in Chichester District** having recently expanded their portfolio with acquisitions at Hunston. The Langmead Group have large farms at Selsey, Bosham, Hunston, Runcton and Mundham.
- 1.5 The Langmead group Horticultural business is a significant employer and land user in the District. They lead with cutting edge mechanised herb production, potted herbs are grown in a state of the art 2.7-hectare dedicated facility in Bosham. Completed in 2015, it is the UK's first automated glasshouse growing facility, and the Group are expanding this technology to salad crops.
- 1.6 Langmead Group anticipate growth in the local plan period to 2039 to be significant, with the development of innovative automated horticulture, in particular vertical farming.
- 1.7 Landlink Estates on behalf of the Langmead Group have made submissions to the earlier phases of Chichester Local Plan in respect of land at Selsey. They have completed HELAA submissions for a variety of sites across the southern part of the District.
- 1.8 Landlink Estates are very active developers within Chichester District, with an impressive delivery record having secured and implemented the following recent planning permissions that have are now completed or live developments.
 - Asda Supermarket Selsey + A3 units completed 2017.
 - Ferry Farm 1, 2 and 3 – Solar Farms at Selsey in joint venture partnership with BNRC (renewables specialist) 2014-2023

- Chichester Food Park - Airfield Site, Glasshouse and Packhouse and Reservoir work commenced in 2021.
 - Manor Park/ Rushfield Selsey – 200 dwellings + Care Home – now on site 2023
- 1.9 Current live outline planning applications at Runcton (22/02191/OUT) for 94 units in response to CDC's Interim Housing Statement, and a sensitive heritage barn conversion at Hunston 22/02771/LBC and further replacement dwellings.
- 1.10 Landlink Estates have been active with development projects in neighbouring Arun District as well and have secured allocations in the Arun Local Plan and delivered the following planning permissions:
- Drove Lane, Yapton – outline planning permission for 300 units for strategic local plan site now being developed by Barratt Homes 2020
 - Lamb Field, Yapton – hybrid permission for 140 units – to be developed under Modern Method of Construction by BoKlok starting in 2023.
 - Saltbox -strategic mixed business commercial allocation at Bognor- Phase 1 completed in 2021 with additional phases to come.
 - Manor Farm Solar - 21MW implemented in 2019.
 - Arun Crematorium – granted permission on appeal, under construction completion anticipated 2023.
 - West of Bersted – Sustainable Urban Extension of 2200 units + 4ha employment uses in partnership with Church Commissioners -allocated site in Local Plan, planning application submitted -Committee consideration expected July 2023.
- 1.11 Landlink Estates have a demonstrable track record for positive engagement in the planning process and the delivery of a diverse range projects following allocation in local plans.
- 1.12 Landlink Estates have an ambitious Environmental Social Governance policy that has been demonstrated in practice at Selsey when the planning application at Manor Park delivered carbon savings in excess of current policy.

Nature of Representation

- 1.13 Landlink Estates **OBJECT** to the whole plan going forward to examination as it is not sound because it does not identify all the matters which need to be planned for and provide policies to address them with an assessment of deliverability and viability.
- 1.14 The key component missing from the plan is proposals to deal with Climate Mitigation and Adaptation. Landlink Estates believe the plan should be **WITHDRAWN** and fully reworked to properly plan for achieving net zero and providing a development strategy to deal with coastal inundation on the Manhood Peninsula as part of climate adaptation.
- 1.15 The plan is **NOT READY** for independent examination. It has not addressed the necessary evidence to plan positively for the future and there is a question mark over its legal compliance in respect of national policy in respect of mitigation of climate change¹ legal obligation in respect of Climate Change.
- 1.16 In addition, Landlink Estates **OBJECT** to key policies in the Local Plan in its current form as it is **not sound** as it fails to fully reflect the National Planning Policy Framework (NPPF). The detailed reasons are set out below, but in summary.

Summary of Failure of Soundness

- 1.17 The objections to the current Regulation 19 version of the plan have been considered against the test of soundness.
- 1.18 There is a significant question of legal compliance in respect of [Section 19\(1A\) of the Planning and Compulsory Purchase Act 2004](#) this requires local planning authorities to include in their Local Plans “*policies designed to secure that the development and use of land in the local planning authority’s area contribute to the mitigation of, and adaptation to, climate change*”.
- 1.19 Section 3 of the NPPF opens with the requirement that “*Succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for addressing housing needs and other*

¹ NPPF 2021 paragraph 11a) all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects;

economic, social and environmental priorities; and a platform for local people to shape their surroundings.”

- 1.20 The PPG² is clear that the plan must identify all matters that need to be planned for, however the plan as drafted does not identify all matters associated with climate mitigation and climate adaptation. Indeed it is silent of the spatial implications of achieving net zero.
- 1.21 In terms of climate mitigation, the draft plan has completely failed to demonstrate a vision of how to achieve net zero by 2050, and decarbonising of power systems by 2035 in line with the Government's Climate Act 2008 and ongoing ambitions towards Net Zero³. The plan is totally inadequate in respect of land use allocations for climate mitigation.
- 1.22 Chief amongst the omissions are any allocations, or areas of search for renewable energy production. Given the Climate Act 2008 and the Council's declared Climate Emergency in July 2019 this makes the plan unsound, in particular as the plan now proposes wide areas of additional sequential testing for development as a result of the policy NE4 (Strategic Wildlife Corridors) and potential constraints in untested policy NE3 (Landscape gaps between settlements).
- 1.23 There is no evidence to explain how much renewable energy is required in the district to achieve Net Zero, how this might be achieved and what the land use implications for this requirement are. This is particularly critical given the Council's ambitions using SCATTER⁴ in the Climate Action Plan only run to 2025, whereas the plan purports to include the land use strategy until 2039, just 11 years shy of the 2050 Zero Carbon legally binding requirement and well beyond the 2035 deadline to achieve decarbonised energy systems.
- 1.24 Likewise, the significant infrastructure requirements that flow from climate adaptation and mitigation are also missing meaning the plan

² Procedure Guide for Local Plan Examinations Updated 10 February 2023 1.2. Section 20(2) of the PCPA specifically states that the LPA must not submit the plan unless they think it is ready for independent examination. Having considered the Regulation 19 consultation responses, the LPA should only submit a plan if they consider it to be sound and there will not be long delays during the examination because significant changes or further evidence work are required. It must not be assumed that examinations can always rectify significant soundness or legal compliance problems. Before submission, the LPA must do all it can to resolve any substantive concerns about the soundness or legal compliance of the plan, including any raised by statutory undertakers and government agencies.

³ NPPF -Paragraph 7 -compliance with United Nations 17 Global Goals for Sustainable Development
⁴ (Setting City Area Targets and Trajectories for Emissions Reduction), a free to use tool for UK local authorities. This provides a current GHG baseline for area-wide emissions and models different trajectories for emissions reduction to 2050.

is not positive, not effective, or justified and it is not compatible with national policy.

- 1.25 There is no vision or strategy to deal with the climate adaptation in respect of coastal flooding. There is no consideration in terms of land use and the spatial strategy of the District as to how this mitigation will be delivered, and where the relocation of vulnerable communities will take place to deal with the necessary coastal retreat. The plan is not **justified** as an appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence; in particular in relation to the evidence for the removal of the strategic housing site at Selsey and an assessment of reasonable alternatives, which has not been carried out as part of the sustainability appraisal of the plan. In addition, the lack of proportionate evidence in relation to achieving net zero means the strategy is not justified.

Policy Representations

- 1.26 Please note that for each of the following representations a form has been completed. However, the representations are repeated and explained more fully here so that the background evidence to support the position can be reviewed alongside the policy representation. Each form highlights the soundness issues and cross references to the paragraphs in this report as to why the plan is not sound.

2. Examination of the Local Plan

Tests of Soundness

- 2.1 The National Planning Policy Framework at paragraph 35 sets out the tests of soundness.
- 2.2 POSITIVELY PREPARED, JUSTIFIED, EFFECTIVE and consistent with NATIONAL POLICY.
- 2.3 **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;
- 2.4 **Justified**- an appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
- 2.5 **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:
- 2.6 **Consistent with National Policy** – the plan should enable the delivery of sustainable development in accordance with policies in this Framework and other statements of national planning policy, where relevant.
- 2.7 The representations consider the tests of soundness, and these are shown on the forms and expanded upon in this submission.

Is the plan ready for Examination?

- 2.8 The advice on the nature of Local Plan examinations⁵ says quite clearly *“The LPA should rigorously assess the plan before it is published under Regulation 19 to ensure that, in their view, it is sound and meets all the necessary legal requirements. In particular, they should ensure that it takes full account of all relevant policies in the NPPF and relevant guidance in the PPG. The plan should identify all the matters which need to be planned for, and provide policies to address them, paying careful attention to deliverability and viability. This approach may raise uncomfortable questions but the purpose of preparing a plan is to address all the necessary matters as far as*

1. ⁵ Procedure Guide for Local Plan Examinations Updated 10 February 2023

possible, and not defer them to future updates or rely on the Inspector to deal with them at examination.

- 2.9 *Section 20(2) of the PCPA specifically states that the LPA must not submit the plan unless they think it is ready for independent examination. Having considered the Regulation 19 consultation responses, the LPA should only submit a plan if they consider it to be sound and there will not be long delays during the examination because significant changes or further evidence work are required. It must not be assumed that examinations can always rectify significant soundness or legal compliance problems. Before submission, the LPA must do all it can to resolve any substantive concerns about the soundness or legal compliance of the plan”.*
- 2.10 The plan is not ready for examination, these representations raise serious concerns about omissions in the evidence base, the alternatives that need to be tested and the subsequent land uses implications, the policy framework and the spatial strategy.
- 2.11 The requirement under [Section 19\(1A\) of the Planning and Compulsory Purchase Act 2004](#) requires local planning authorities to include in their Local Plans “*policies designed to secure that the development and use of land in the local planning authority’s area contribute to the mitigation of, and adaptation to, climate change.*” There is no policy or spatial strategy or evidence that addresses this in a comprehensive way to achieve the requirement for net zero.
- 2.12 In view of the serious concerns raised by these representations because there is no evidence about the quantum in terms of kilowatt hours of renewable energy provision or quantum in terms of land use needed for renewable energy development to deliver net zero by 2050 the plan should not be presented for examination.
- 2.13 Furthermore, there is basic level of evidence missing to support a strategy towards net zero to 2039. How can the Inspector be expected to understand what the spatial land use requirements that flow from the evidence?
- 2.14 The plan has not addressed other National Policy Statements that now are required to be considered as set out in the NPPF 35d)⁶. Chief amongst the omissions are the Climate Act 2008 and the more recent United Nations 17 Global Goals for Sustainable Development⁷.

⁶ A new requirement set out in the July 2021 version of the NPPF

⁷ Introduced as a high-level requirement in NPPF in 2021 at paragraph 7

- 2.15 In addition, there is no evidence to support the proposed land use solution for climate adaptation for the Manhood Peninsula, this indicates the examination should not proceed. The exact same issue was identified in the 2015 Local Plan this was not addressed then and almost 10 years on from the previous plan formulation it is not addressed now. The plan should identify a climate change management area on the Manhood Peninsula given the climate change vulnerability identified in the SFRA and as it contains the second largest settlement in the district.
- 2.16 As highlighted by the Peninsula Partnership⁸ when considering the 2015 plan policy it describes the policy as reflecting the views expressed 10 years ago, and that it is not thought sufficiently robust in the face of accelerating climate change and its consequences. The Regulation 19 plan has not moved on from the out-of-date position and the policy has barely changed. Work must begin on identifying the land use implications for long term sustainable solutions for the Manhood Peninsula and in particular the 10,000 strong community of Selsey which is effectively abandoned by this draft plan. The plan must signal how it will progress an area of climate change management. The plan is not sound without this critical spatial strategy response to climate change adaptation.
- 2.17 The scoping exercise for the Sustainability Appraisal with the Statutory Consultees⁹ identified concerns about the sustainability objectives, Natural England commented that the Climate Change is not only about control of emissions. They commented that it is about adaptation for wildlife and sea level rise, which they described a 'key for your authority' and should be included here. The plan has only moved part way to this, identifying potential climate change flooding issues without offering any strategic land use solution.

⁸ Resilience and Adaptation – ICZM 2021 and beyond' Manhood Peninsula Partnership, however, this is not within the evidence relied upon by the Council.

⁹ Comment in response to SA scoping by Rebecca Pearson, Natural England 04/08/21

3. Net Zero

Background

- 3.1 The plan fails to address the necessary national and local policy requirements to achieve legally binding targets in the Climate Change Act 2008 and as required in the NPPF¹⁰ and is therefore not sound. Additionally, the Local Plan does not explain how the Council will achieve its ambitions expressed in Chichester's declared Climate Emergency (July 2019).
- 3.2 The Local plan should be able to demonstrate how policy contributes to the Climate Change Act target regime, from an understanding of baseline carbon dioxide emissions and the actions needed to reduce emissions over time. This is entirely missing from the Council's evidence¹¹. National datasets for carbon dioxide emissions are held by the Department for Energy Security and Net Zero, which produces disaggregated figures for local authorities in the UK¹². This data should be in the Council's evidence.
- 3.3 As set out recently by the RTPI and TCPA¹³ *"Given the critical overarching need for the planning system to support the delivery of the Sixth Carbon Budget and the net-zero target, only viable development that is 'net-zero consistent' should be included in plan policy."* And
- 3.4 *"Only by treating climate change related issues as central to policy formulation will a local planning authority have effectively discharged its legal obligations".*
- 3.5 In this respect it is not clear if the plan is legally compliant.

National Policy

- 3.6 The Government has recognised a climate emergency and The Climate Change Act 2008, as amended, sets a legally binding target to reduce net greenhouse gas emissions from their 1990 level by 100%, Net Zero, by 2050. The Clean Growth Strategy anticipates that

¹⁰ NPPF 11. Plans and decisions should apply a presumption in favour of sustainable development. For plan-making this means that:

a) all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects;

¹¹ Evidence from Climate Change Climate Change & Natural Environment Supporting Evidence <https://www.chichester.gov.uk/thelocalplanclimatechange>

¹² <https://www.gov.uk/government/statistics/uk-local-authority-and-regional-greenhouse-gas-emissions-national-statistics-2005-to-2020>

¹³ TCPA, RTPI Jan 2023 The climate crisis – a guide for local authorities on planning for climate change

the 2050, targets require, amongst other things, a diverse electricity system based on the growth of renewable energy sources.

Local Policy

- 3.7 Chichester's Climate Emergency Action plan sets out a 10% reduction year on year until 2025.¹⁴ The Council do not project further than 2025 but suggest that actions would take them close to Net Zero in 2050.

Why is the plan not sound in relation to Net Zero?

- 3.8 The position of the Council is not compliant with National Policy. [Section 19\(1A\) of the Planning and Compulsory Purchase Act 2004](#) requires local planning authorities to include in their Local Plans "*policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change*". This is confirmed as a consideration when a Local Plan is examined.
- 3.9 Local planning authorities are bound by the above legal duty set out in Section 19¹⁵ of this powerful outcome-focused duty that clearly signals the priority to be given to climate change in plan-making. CDC has not addressed this in the Regulation 19 version of the plan. There has been some consideration on climate adaptation in relation to Flood Risk but none in relation to land use for climate mitigation.
- 3.10 Objective 1 of the plan (Paragraph 2.54 on Page 30) demonstrates the complete inadequacy of the plan in relation to the need to consider the land use implications for achieving net zero. It does not include any mention the requirement for renewable energy development.
- 3.11 Indeed, the only mention of energy is in Objective 7 – which does not even include the term 'renewable'.
- 3.12 The review of the Plan's objectives is telling. There is no plan for renewable energy provision in the District, therefore it fails to plan for

¹⁴ Extract from CDC Climate Emergency Detailed Action Plan 2021 - *As with the Council target, the area-wide target is a 10% reduction year on year until 2025 with year-end 2019 as the start point. A central government-funded tool called SCATTER has been used to estimate the area's emissions. The latest data available in SCATTER is from 2016 and 2017 and has been used as a proxy for 2019 data as this will not be available until 2021. A 10% year-on-year reduction would take the area's emissions to 342,739 tCO₂e in 2025, a 47% reduction What CDC has done in using SCATTER is select actions that would take us towards our 2025 target. They would also take us close to net zero in 2050*

¹⁵ Extract from NPPG What climate change legislation should planners be aware of? [Section 19\(1A\) of the Planning and Compulsory Purchase Act 2004](#) requires local planning authorities to include in their Local Plans "*policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change*". Paragraph: 002 Reference ID: 6-002-20140306 Revision date: 06 03 2014

its legal duty to contribute to the mitigation and adaptation to climate change.

- 3.13 There is no overarching policy on sustainable development in the plan. The 2015 Local Plan contained Policy S1 which included the presumption in favour of sustainable development. It is not clear why this policy has been removed, whilst it may be argued that as previously drafted it merely repeats national policy, it presented an opportunity for a more focused policy reflecting the changes to National Policy and the ambitions to achieve Net Zero in the District and what the key components of the spatial development strategy are that will achieve that.
- 3.14 The policy is not compliant with NPPF 20 which states that amongst other things that strategic policies should set out an overall strategy that makes sufficient provision to address climate change mitigation. Climate Change mitigation is defined in the Annex 2 Glossary of the NPPF¹⁶. Further advice is given in the NPPG.
- 3.15 The Council have not positively prepared and have not justified the appropriate strategy as they have not considered the reasonable alternatives in the light of climate change legislation and national guidance, so the plan is not sound. I say this because:
- i. The plan is not proactive in terms of achieving sustainable development that provides mitigation and adaptation for climate change as required by NPPF153(linked to Climate Change Act 2008)
 - ii. There is no policy in the plan that requires development to achieve Net Zero, as required by law (Climate Change Act 2008).
 - iii. The plan does not provide (as required by NPPF 155a) a positive strategy for energy from these sources¹⁷, that maximises the potential for suitable development.
 - iv. The plan does not identify suitable areas (as required by NPPF155b) for renewable and low

¹⁶ Climate change mitigation: Action to reduce the impact of human activity on the climate system, primarily through reducing greenhouse gas emissions.

¹⁷ NPPF 155 – “To help increase the use and supply of renewable and low carbon energy and heat, plans should:”

- carbon energy sources, and supporting infrastructure, where this would help secure their development; and
- v. The allocation policies in the plan do not identify opportunities for the proposed developments to draw their energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers¹⁸
 - vi. The main objectives of the plan do not even mention renewable energy.
 - vii. The only policy on renewable energy provision is negatively worded.
 - viii. There has been no assessment of the strategic scale of renewable energy needs and how these might be compatible with other policies in the plan -especially NE3 – Gaps between settlements (that remain undefined) and NE4 - Strategic Wildlife Corridors that impose additional new constraints on potential renewable sites¹⁹
 - ix. It is insufficient to rely on Building Regulations for Carbon reductions as this does not achieve the necessary reductions to achieve net zero in the plan timetable. Fabric efficiency is only one part of the solution and achieves nothing for existing buildings and land uses.

3.16 Landlink Estates limited believe a new additional strategic overarching policy is required in the plan to deliver Net Zero and secure sustainable development to make the plan sound. The Council must ensure all the climate change related issues and the planned land use strategy must, taken as a whole, deliver the necessary local contribution to national carbon budgets. Considering fully both adaptation and mitigation are necessary as part of the strategic policy to allow the local planning authority to effectively

¹⁸ Requirement of NPPF 155c)

¹⁹ Refer to representation on Policy NE4 below that demonstrates genuine incompatibility between biodiversity corridors and renewable energy potential

discharge its legal obligations in respect of climate change. The suggested wording of the additional policy is set out below:

Additional Strategic Policy 01 - Delivering Net Zero.

The Council will support growth and change that delivers a more sustainable, low carbon future for Chichester District, reflecting the Government's legal Net Zero targets and the Council's declared climate emergency (July 2019). The ambition is to reduce levels of carbon emissions by X²⁰% at the end of the plan period.

Climate change mitigation is required in all relevant policy areas, including sustainable travel, net zero buildings, energy and water efficiency, renewable energy production and energy storage, and also supporting the circular economy and green infrastructure through the protection of carbon sinks and opportunities for carbon sequestration.

Development and change will be planned for and managed in accordance with the following principles of sustainable development:

1. All development will contribute to achieving net zero by 2050 as follows (demonstrated through an energy calculation):

- No on-site fossil fuel combustion;**
- Energy use is minimised, demonstrated through space heating demand of less than 15kWh/m² /year and operational energy use of less than 35kWh/m² /year for dwellings; or demonstrated by using BREEAM Excellent level accreditation, with outstanding level for energy use (Credit Ene01) or equivalent for non-residential development;**
- On-site renewable generation is maximised, equivalent to at least the on-site energy demand.**
- Where the above criteria cannot be met, due to exceptional circumstances set out in support of the development, the proposal must deliver equivalent carbon reductions through off-site measures;**

2. The effective use of land is made for development through optimising reuse of previously developed sites and buildings, therefore reducing the need for greenfield development and retaining embedded carbon where viable;

²⁰ The percentage reduction in carbon emissions to 2039 (end of the plan period) needs to be calculated by CDC from the 1990 baseline. CDC's current Climate Change Action Plan targets stop at 2025

3. Supporting embedded and free-standing renewable energy development and de-carbonisation of the District as set out in policy NE1 and as defined in the site allocations DPD which will identify the necessary range of suitable sites for renewable energy to meet the legal climate obligations.

4. Policy S1-Spatial Development Strategy

- 4.1 Landlink Estates object to policy S1, the policy does not address net zero and climate change adaptation and mitigation. In order to be sound, the spatial strategy for the district must lead with the delivery of a positive strategy for sustainable development to expressly achieve net zero including renewable energy and carbon sequestration.
- 4.2 The policy must also address the strategic allocation of a climate change management area and the issue of coastal retreat, this must include a spatial and land use strategy for replacement homes lost to climate change. The plan at 4.76 says *“no coastal change management area is proposed in this plan, a 25m buffer zone around the coast allows for a degree of coastal change”*. This approach appears to be inconsistent with the reporting in the SA that excludes strategic development on the Manhood Peninsula due to climate change. In addition, the ‘reasonable alternatives’²¹ in the SA do not consider the alternative strategies in relation to the allocation of a climate change management area, which given the SFRA findings is a significant omission and would appear to suggest that the correct reasonable alternatives have not been considered.
- 4.3 The issue of coastal change management is a very difficult issue to grapple with and the Council have not included this as part of future housing need in the district. It is not appropriate for the Inspector to have to deal with this complex issue. Despite identifying this in the Manhood Peninsula policy NE14 there is nothing in the evidence base to explain what this means in terms of re-provision of homes and infrastructure that is required for climate adaptation. The representations by this objector on Manhood Peninsula Policy NE14 also make reference to this.
- 4.4 The removal of the strategic site at Selsey known as AL12 from the spatial strategy is not sound and its removal from the plan has not been justified, neither is it supported by evidence and is a clear demonstration that the plan should not proceed to examination until the strategic allocation is reinstated as part of a positively prepared and justified strategy. I say this because:

1. In order to achieve the distribution of development that respects the settlement hierarchy as set out in the plan it is

²¹ SA 4.1.7- 4.1.11

necessary to allocate strategic development site at Selsey the second biggest settlement in Chichester District.

2. The SFRA has confirmed that the site passes the sequential test and is free from all sources of flooding. The site is safe from flood for a 100-year time horizon and could also provide replacement housing to that lost to climate change.
3. The access via the Chichester Road B2145, whilst potentially vulnerable to H++ climate scenarios anticipated a 1.9m sea level rise by 2100, but this must be resolved to mitigate climate impacts and secure the safety of the 10,000 residents of Selsey, so will need to be resolved within the life of the Local Plan to 2039. Indeed, the draft policy NE14 (ICZM for Manhood Peninsula) indicates at point 4 '*enabling development to adapt to change for vulnerable facilities and infrastructure that might be directly affected by the consequences of climate change*'. This anticipates access to Selsey being resolved.

Suggested Alternative Policy Wording²²

The spatial development strategy identifies the broad approach to ~~providing~~ **delivering** sustainable development in the plan area. **The plan seeks to achieve net zero by providing a positive strategy for the development of energy from renewable sources by supporting renewable energy and carbon sequestration proposals across the District consistent with policy NE1.**

Land use considerations for climate adaptation will address a staged approach to coastal retreat by identifying a coastal change management area and growth areas for replacement services, facilities and housing and identify proposals for infrastructure resilience as follows.

It seeks to disperse development across the plan area by:

1. Focusing the majority of planned sustainable growth at Chichester city and within the east-west corridor,
2. Reinforcing the role **resilience of the** Manhood Peninsula **to climate change** as a home to existing communities, tourism and agricultural enterprise, **by planned change seeking broad development locations to accommodate climate change adaptation with relocation to sustainable locations and planned infrastructure upgrades. Preparing and accommodating settlement scale and**

²² Additional suggested text in **bold**, removed text shown with ~~strikethrough~~

critical infrastructure upgrades to deal with climate change adaptation in respect of tidal flooding on the Manhood Peninsula.

3. Where opportunities arise, supporting the villages and rural communities in the North of the Plan Area. To help achieve sustainable growth the council will:

4. Ensure that new residential and employment development is distributed in line a **net zero strategy** with the settlement hierarchy, with a greater proportion of development in the larger and more **most sustainable locations that maximise carbon reduction including emissions from transport, built development and can deliver the most corresponding renewable energy production** settlements:

<p>Within or adjacent to the sub-regional centre of Chichester city</p>	<p>Shopwyke (Policy A7)</p> <p>West of Chichester (Policy A6)</p> <p>Westhampnett (Policy A9 and Policy A10)</p> <p>East of Chichester (Policy A8)</p> <p>Southern Gateway (Policy A4 and Policy A5)</p> <p>Chichester City (Policy A2)</p> <p>Land South of Bognor Road (Employment) (Policy A20)</p>
<p>At the following settlement hubs</p>	<p>Selsey (Policy XX)</p> <p>Southbourne (Policy A13)</p> <p>Tangmere (Policy A14)</p>
<p>At the following service villages</p>	<p>Bosham (Policy A11)</p> <p>Hambrook / Nutbourne (Policy A12)</p> <p>Loxwood (Policy A15)</p>

5. Non-strategic **Strategic staged coastal retreat** provision for **infrastructure replacement and upgrades and replacement services, facilities, commercial uses and dwellings** is made in those areas subject to climate change adaptation

6. Sustainable provision for the following forms of development in the settlement hubs of Selsey and East Wittering:

- a. Retail development and local community facilities of an appropriate scale to promote the vitality and viability of the town centres;
 - b. Employment, tourism or leisure proposals of a suitable scale and nature for the characteristics of the area;
- 6.7** Non-strategic provision is made for the following forms of development in service villages:
- a. Small-scale housing developments consistent with the indicative housing numbers set out in Policy H3;

5. Policy NE1 -Standalone Renewable Energy

5.1 Policy NE1 doesn't meet the guidance required by National Policy in respect of climate change. The only policy aimed at securing renewable energy in the plan is negatively worded with barriers to development of the renewable energy rather than a positive policy, with proposals for provision, that recognise the significant scale of renewable development required to meet net zero and the land use implications for that commitment to carbon reduction now set out in law.

National Policy

5.2 The 2021 update to the NPPF significantly expanded the requirements for plan-making at Paragraph 11a)²³. Aligning growth and infrastructure are now a requirement as part of the pattern of sustainable development. Mitigation and Adaptation of Climate Change are now key components of plan making.

5.3 Likewise, the 2021 updates to the NPPF expanded the requirements for compliance on soundness of Local Plan to NPPF when examining plans with direct reference at NPPF 35d) to accord not only with the policies in the Framework but Statement of National Policy where relevant.

5.4 The Climate Change Act 2008 – is identified specifically as relevant²⁴.

5.5 The December 2020 Energy White Paper sets out that achieving net zero rests on a “decisive shift” away from fossil fuels to clean energy and describes solar as a “key building block” of the future energy generation mix. Moreover, The British Energy Security Strategy anticipates a five-fold increase of solar capacity in the UK from 14GW to 70GW by 2035.

5.6 National Policy Statements (NPS) in reiterating the urgent need for renewable energy with electricity projects to be brought forward for the delivery of major energy infrastructure, recognise that large scale

²³ NPPF 11 a) all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects;

²⁴ Extract from NPPG What climate change legislation should planners be aware of? [Section 19\(1A\) of the Planning and Compulsory Purchase Act 2004](#) requires local planning authorities to include in their Local Plans “policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change”. Paragraph: 002 Reference ID: 6-002-20140306 Revision date: 06 03 2014

energy generating projects will inevitably have impacts, particularly if sited in rural areas. Draft updates to NPSs EN-1 and 3 identify that solar farms, as part of the strategy for the low-cost decarbonisation of the energy sector, provide a clean, low cost and secure source of electricity.

- 5.7 The draft policy is not sound because it does not comply with national policy set out above and furthermore: NPPF155 a) and 155b) require the following:

NPPF 155 To help increase the use and supply of renewable and low carbon energy and heat, plans should:

a) provide a positive strategy for energy from these sources, that maximises the potential for suitable development, while ensuring that adverse impacts are addressed satisfactorily (including cumulative landscape and visual impacts);

b) consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure their development;

- 5.8 The issues and opportunities identified in the draft plan at Para 2.29 - last bullet point refers to “*Support the provision of renewable and low carbon energy generation*”. Given the negative policy and lack of land use allocations for renewable energy it would appear the plan has not provided a positive strategy to maximise this as it has failed to quantify the requirements or identify sites. The plan does not identify the quantum of additional renewable energy development required in the plan period. This is problematic as planned broad land use restrictions (Gaps Policy NE3 and Strategic Wildlife Corridors Policy NE4) have not considered the impact on achieving net zero.

- 5.9 Para 2.31 of the draft plan refers to the climate emergency and net zero. “*The council is also progressing and delivering a Climate Emergency Action Plan separately to the Local Plan process – the Action Plan seeks to deliver a 10% reduction in greenhouse gas emissions year on year from 2019 to 2025 (representing a 47% reduction overall), both for the Council’s own operations and for the whole district. This is just the first step – a more challenging target will be set beyond that to contribute towards the Government objective of net zero by 2050.*

- 5.10 The plan then goes on to discuss flooding, and target emissions for new buildings, but there is no discussion on the land use implications for achieving net zero.

5.11 The Vision at Page 26 of the plan has no reference at all to Net Zero and how much progress needs to be made by 2039 to achieve Net Zero just 11 years after the end of the plan period.

5.12 Likewise Objective 1: Climate Change refers to mitigate and adapting to Climate Change with a reduction of GHG to achieve Net Zero – with no reference to the land use implications to achieve renewable energy development and how that will be achieved in practice to decarbonise the District and the land use impacts.

5.13 The Royal Town Planning Institute and Town and Country Planning Association advise that plans:

“Identify the most, and least, environmentally sensitive areas for deployment of different renewable technologies, and communicate this information to developers and communities, making explicit what criteria have been applied, including the relevant approaches set down in the applicable national planning policy on renewable energy.

Ensure local criteria-based policies (including local approaches for protecting landscape and townscape) are used to inform allocations and assess planning applications for renewable energy and associated infrastructure:

provide appropriate safeguards, so that any adverse impacts are addressed satisfactorily, but ensure that the cumulative benefits of carbon reduction are fully recognised and given sufficient weight in the decision-making process”;

5.14 None of the above are included in the draft policy.

5.15 Whilst it is understood that the role of the Sustainability Appraisal (SA) is not to write the local plan, it is the primary tool to ensure that the draft plan is appraised for its reasonable alternatives for the development of the area.

5.16 Climate Change Mitigation section of the SA at 9.6 makes no reference to the need to plan for the production of renewable energy. This is despite the SA Framework which sets out at 3.3.1 states that the objective of SA under climate change mitigation was to achieve zero net increase in greenhouse gas emissions.

5.17 SA at 9.6.1 *“This is a key issue for the local plan, which must demonstrate a suitably ambitious approach in respect of*

minimising greenhouse gas emissions from both transport and the built environment.”

- 5.18 The SA at 9.6.8 says” *“Also, the plan says little on a host of built environment decarbonisation issues / opportunities that are often a major focus of local plans, potentially leading to an opportunity missed in respect of communicating the issues and education.”*
- 5.19 The SA at 9.5.1 in reference to Climate Change adaptation says. *“The primary consideration here is flood risk”*. No recognition of the significant role of renewable energy in mitigation of fossil fuels and GHG increasing climate change, and this is not addressed at all under climate change mitigation section of the SA.
- 5.20 Given large scale renewable energy requires planning permission it is a land-use consideration for the plan, and whilst there are some limits in relation to location and capacity of the existing electricity grid, this is being resolved in terms of capacity by flexible grid connections. Given the plan period to 2039 and the Government’s intentions towards net zero by 2050 the development of large scale renewable must be addressed properly in the plan so that it meets the National Policy Framework.
- 5.21 There is NO EVIDENCE in the totality of the published evidence base of the plan to consider renewable energy production and how this intersects with the other draft land use policies of the plan. Renewable energy projects <50MW are considered as land use planning applications by the District Council. They are a necessary component of meeting national policy as required by the updated NPPF (2021) under the addition to NPPF35d) *“and other statements of national policy, where relevant”*.
- 5.22 Likewise, renewable energy delivery has also been omitted from the Infrastructure Delivery Plan.
- 5.23 The NPPG advises on the type of evidence required - *What evidence might be needed to plan for meeting the challenge of climate change, flooding and coastal change?*

Plans may include: a review of energy provision (to help increase the use and supply of renewable and low carbon energy and heat) and [climate change mitigation and adaptation](#);

Paragraph: 044 Reference ID: 61-044-20190315 Revision date: 15 03 2019

Addressing climate change is one of the core land use planning principles which the National Planning Policy Framework expects to underpin both plan-making and decision-taking. To be found sound, [Local Plans](#) will need to reflect this principle and enable the delivery of sustainable development in accordance with the policies in the [National Planning Policy Framework](#). These include the requirements for local authorities to [adopt proactive strategies to mitigate and adapt to climate change](#) in line with the provisions and objectives of the [Climate Change Act 2008](#), and co-operate to deliver strategic priorities which include climate change.

In addition to the statutory requirement to take the Framework into account in the preparation of [Local Plans](#), there is a [statutory duty](#) on local planning authorities to include policies in their Local Plan designed to tackle climate change and its impacts. This complements the sustainable development duty on plan-makers and the expectation that neighbourhood plans will contribute to the achievement of sustainable development. The National Planning Policy Framework emphasises that responding to climate change is central to the economic, social and environmental dimensions of sustainable development.

Paragraph: 001 Reference ID: 6-001-20140306

Revision date: 06 03 2014

- 5.24 This is being addressed in other Local Plans. South Gloucestershire have developed a Renewable Energy Resource Assessment Study (RERAS) this covers a range of sources of renewable energy (such as biomass) and low carbon technologies (such as storage and hydrogen) which can support a renewable energy-based system and help decarbonise different sectors. This example is evidence of the approach that Chichester should take. This should also consider battery storage at scale and carbon capture and storage.
- 5.25 In order to explore the implications of the Council's Climate Emergency 2050 target it is necessary to consider the need for renewable energy demand and its development and to provide an indication of the scale of the challenge this should have been explored as an issue through the evidence base.
- 5.26 Renewable electricity is key to the UK's entire decarbonisation strategy: decarbonising our buildings relies on the full decarbonisation of grid electricity; and decarbonising our transport system relies on the role-out of electric vehicles, powered by renewable energy. The Committee on Climate

Change [estimates](#) that renewable electricity generation needs to quadruple to meet these demands.

- 5.27 The government is clear that this approach requires land use change. As set out in the UK Government Net Zero Strategy: Build Back Greener October 2021.
- 5.28 Net Zero²⁵ *“A systemic and spatial approach to land use, that considers net zero, socioenvironmental objectives, and various socioeconomic factors such as population and economic growth, is necessary to enact land use changes that delivers net zero as well as environmental outcomes in line with the 25 Year Environment Plan. Such an approach enables trade-offs to be managed among different objectives while facilitating win-win outcomes- for instance with flood protection and recreation”.*
- 5.29 The Council's own Climate Action Plan Progress Report 2023 (not referenced in CDC evidence base) states *“Working group is paused due to lack of grid capacity for more large-scale renewable generation”.* This is not a correct assessment of potential capacity and demonstrates the Council have not properly considered this as part of the Local Plan, and requires additional expertise to provide the necessary challenge within the Working Group
- 5.30 The reason this assessment by the Council is wrong is that there is significant scope for flexible grid connections for large scale PV production. Recent correspondence with my client and the DNO²⁶ in respect of a request for a solar farm connection confirmed a potential solution as follows: *“We may be able to offer you the option of a flexible connection that would avoid the requirement for these reinforcement works. A flexible connection is one that has restrictions either in relation to the times in which you can export and/or the capacity that you can export.”.* In March 2023 the offer was confirmed with the proposal to energise 30MW solar in Summer 2025.
- 5.31 In essence these are connections that will operate when the grid has capacity and rely on the renewable energy provider working with Battery Energy Storage Systems to smooth out peaks in production and demand.

²⁵ UK Government Net Zero Strategy: Build Back Greener October 2021

²⁶ DNO application response 15 February 2023 in respect of large-scale solar proposal at South Mundham subject of a pre-application request to CDC

Change required to policy NE1/ draft local plan

5.32 In order to be sound, the following policy change is requested. Text additions are shown in **bold** text, and text removed is shown with ~~strikethrough~~

NE1 Standalone-Renewable and low carbon energy (including heat)

The Council need to increase renewable energy production and storage in the District by a factor of X²⁷ by 2039. It is anticipated that this will be achieved largely through large scale ground mounted solar PV installations with supporting Battery Energy Storage Systems. District Heat Networks will be supported in large scale new developments. Scope for onshore wind will be more sensitive as will anaerobic digestion and biomass systems as these need very careful integration.

Development to support a transition to Green Hydrogen as a fuel alternative will be supported.

To increase the use and production of renewable and low carbon energy and storage to contribute to national targets, renewable energy development will be supported, and the significant benefits of renewable and low carbon energy supply will be weighed against any residual impacts of the development.

Development proposals will be granted for ~~stand-alone~~ **low carbon and renewable energy**, where it has been demonstrated that there is no significant **long term and irreversible** ~~harms adverse impacts~~ upon:

1. Landscape or townscape character, ecology and wildlife, water environment, heritage assets ~~whether designated or not, or upon areas or features of historic or local significance;~~ **that are not outweighed by the benefits of renewable and low carbon energy generation in helping to meet the national and local policy targets to decarbonise the District.**

2. **In assessing the proposals the Council will consider whether the benefits of the scheme outweigh any significant, long term and irreversible harms to** Local amenity, ~~outlook through unacceptable visual intrusion or upon general health and quality of life as a result of noise, odour, emissions to atmosphere, electronic interference, or traffic generation; and Highway safety or aircraft safety.~~

Careful mitigation of the visual aspects of the development will need to be demonstrated through a landscape and visual impact assessment

²⁷ Figure to be determined by CDC in relation to Net Zero goals for the District.

of the proposal, but there is recognition, that at the scale required to achieve policy targets some visual impacts and temporary changes to landscape character are inevitable.

~~All development proposals must be accompanied by a landscape assessment, and a cumulative assessment of any impacts identified in criteria 1 above, as well as mitigation measures, as appropriate to minimise any environmental impacts associated with the scheme~~

All development proposals **for renewable and low carbon energy** should take the opportunities available to provide for new or enhanced habitats within **or adjacent to** the site of the proposed development.

All development proposals for a renewable energy generation scheme should, as far as is practicable, provide for the site to be reinstated to its former condition should the development cease to be operational, though having regard to any new habitats created on the site in the interim.

Particular support will be given to the **community participation in or ownership of a scheme of renewable energy development.**

6. Policy NE2 - Natural Landscape

- 6.1 Policy NE2 is a wide-ranging policy and includes the parameters where development will be acceptable.
- 6.2 This strategic policy must reflect the NPPF to move to a low carbon economy²⁸ to be made sound.
- 6.3 Criterion 4 on best and most versatile land (BMV) as follows:

Development of poorer quality agricultural land is fully considered in preference to best and most versatile land (Grades 1, 2 and 3a). Where proposals would result in the significant loss of best and most versatile agricultural land, proposals will need to consider the economic impacts and the impacts on soil, air, water or noise pollution, or land instability;

- 6.4 To be sound the policy needs to be justified by proportionate evidence. As currently drafted the 'significant loss' of BMV Land as a result of the above policy is not quantified. The limit imposed by Schedule 4 paragraph (y) of the Development Management Procedure Order 2015 currently imposes a 20ha limit where Natural England are consulted. This sets the order for what is 'significant' and given the extensive coverage of BMV in Chichester District it is proportionate approach to consider this as evidence in support of the policy. Given the threshold may be subject to change the policy should refer to the DMPO.
- 6.5 The temporary loss of agricultural land for temporary uses, for example ground mounted solar farms, should be treated differently. This is because the land is not lost to agriculture permanently and a long fallow period can be highly beneficial soil health if managed well. Temporary uses mean that the use of land for agriculture is entirely reversible. The policy needs to be made sound by being effective in this regard given the need for significant solar development in the district, to meet legally binding net zero targets and the inevitable location of solar development on BMV given its widespread designation in the District.
- 6.6 Additional wording is required in the first line policy to reflect climate change priorities, alternative wording for criterion 4 is included below. Wording is revised to reflect the correct terminology in the

²⁸ NPPF 7b) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

NPPF. Additional text is shown in **bold** and text to be removed shown with ~~strikethrough~~

Policy NE2 Natural Landscape

The impact of all development proposals will be carefully assessed to ensure the protection, conservation and enhancement of the plan area's natural landscape **whilst facilitating climate mitigation and adaptation to achieve net zero.**

Planning permission will be granted where it can be demonstrated that all the following criteria have been addressed:

1. There is no **long term, irreversible** adverse impact on the openness of the views in and around the coast, designated environmental areas, including the setting of the Chichester Harbour AONB and South Downs National Park as well as the rural character of the plan area generally **that is not outweighed by the proposed benefits;**
2. Development proposals in the plan area are designed to respect, and enhance nationally designated sites, distinctive local landscape character, and public amenity whilst sensitively contributing to their settings;
3. Development proposals maintain the identity of settlements and ensure the integrity of predominantly open and undeveloped land between settlements is not undermined;
4. Development of poorer quality agricultural land is fully considered in preference to best and most versatile land (Grades 1, 2 and 3a17). Where proposals would result in the **permanent** significant loss **as defined by the limits imposed by Schedule 4 paragraph (y) of the Development Management Procedure Order 2015 (or in a subsequent revision)** of best and most versatile agricultural land, proposals will need to consider the economic impacts and the impacts on soil, air, water or noise pollution, or land instability;
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, sensitively located and designed to avoid or minimise adverse impacts on the AONB. Development proposals must comply with the Chichester Harbour AONB Management Plan and the Chichester Harbour AONB Joint SPD which are material planning considerations.

For ~~larger~~ **major development** schemes in identified character areas, Landscape and Visual Impact Assessments (LVIA) may be required. The LVIA should be used to identify and assess the significance of the effects of change resulting from the development on both the landscape as an environmental resource and on views and visual amenity. Further guidance should be sought from the relevant Strategy, Management Plan or SPD and/or general national guidance.

~~All development proposals affecting the natural landscape will be required to meet criteria contained in other relevant policies, especially: Landscape Gaps; Chichester Harbour AONB; Development around the Coast; Development in~~

the Countryside; Biodiversity; Development and Disturbance of Birds; Trees,
Hedgerows and Woodlands; Equestrian Development and the pollution
policies.

7. Policy NE3 – Landscape Gaps Between Settlements

- 7.1 This policy is problematic as it is not justified in relation to delivering net zero. Therefore, the plan is not consistent with National Policy and is therefore not sound.
- 7.2 The proposed gaps are not identified in the plan, although some preparatory work had been completed, however the policy is clear that the gaps could be anywhere, and the preparatory work is not an exhaustive list.
- 7.3 However, the SA at appendix A has screened out any consideration of impacts from this policy as follows: *“This is a development management policy. These policies do not have linking impact pathways. This policy can be screened out”*.
- 7.4 As confirmed in the NPPG the Sustainability Appraisal plays an important part in demonstrating that the local plan reflects sustainability objectives and has considered reasonable alternatives²⁹.
- 7.5 There needs to be an examination of reasonable alternatives so that the plan reflects the sustainability objectives. This has not been undertaken in this case. The proposed landscape gaps may contain important sites for the delivery of renewable energy to allow the Council to reach its binding net zero targets. The obvious development that may be contained in such settlement gaps are solar farms. As the Council have not identified any provision in the plan for renewable energy production there has been no examination in the SA of the impacts of gap designations in preventing development of critical climate adaptation development.
- 7.6 This policy should not proceed to Regulation 20 until the compatibility with the ability of the District to achieve net zero has been demonstrated, and this is tested through the SA process.

²⁹ NPPG Paragraph: 037 Reference ID: 61-037-20190315 Revision date: 15 03 2019

7.7 The policy should be removed from the plan as it has not been assessed in terms of reasonable alternatives in the sustainability appraisal and has therefore not met the requirements of The Environmental Assessment of Plans and Programmes Regulations 2004 -Regulation 12(2) b.

7.8 The Royal Town Planning Institute and Town and Country Planning Association advise that plans:

“Identify the most, and least, environmentally sensitive areas for deployment of different renewable technologies, and communicate this information to developers and communities, making explicit what criteria have been applied, including the relevant approaches set down in the applicable national planning policy on renewable energy.

Ensure local criteria-based policies (including local approaches for protecting landscape and townscape) are used to inform allocations and assess planning applications for renewable energy and associated infrastructure:

provide appropriate safeguards, so that any adverse impacts are addressed satisfactorily, but ensure that the cumulative benefits of carbon reduction are fully recognised and given sufficient weight in the decision-making process”.

7.9 This helpful advice has not been considered by the Council in relation to this policy.

8. Policy NE4 – Strategic Wildlife Corridors

- 8.1 Like policy NE3 this policy is problematic as it is not justified in relation to delivering net zero. Therefore, the plan is not consistent with National Policy and is not sound.
- 8.2 The wildlife corridors have the potential to enhance the natural environment however, they have not been assessed for their impact on delivering net zero. This is particularly the case here where the policy imposes a very high bar in the form of a sequential test³⁰.
- 8.3 However, the SA at appendix A has screened out any consideration of impacts from this policy as follows: *“This is a development management policy. These policies do not have linking impact pathways. In addition, this policy provides protection to the natural environment from degrading ecological value, function, integrity and connectivity, although it does not afford European sites specific protection. This policy can be screened out.”*.
- 8.4 As confirmed in the NPPG the Sustainability Appraisal plays an important part in demonstrating that the local plan reflects sustainability objectives and has considered reasonable alternatives³¹.
- 8.5 There needs to be an examination of reasonable alternatives so that the plan reflects the sustainability objectives. This has not been undertaken in this case. The proposed wildlife corridors may contain important sites for the delivery of renewable energy to allow the Council to reach its binding net zero targets. The obvious development that may be contained in such settlement gaps are solar farms. As the Council have not identified any provision in the plan for renewable energy production there has been no examination in the SA of the impacts of gap designations in preventing development of critical climate adaptation development.
- 8.6 A working example of this issue demonstrates this point. Landlink Estates with their renewable energy joint venture partner are developing a proposal for a 30+MW solar farm in the south of the District. This is located on lower grade agricultural land and where a

³⁰ Criterion 1 of Policy NE4 “There are no sequentially preferable sites available outside the wildlife corridor”.

³¹ NPPG Paragraph: 037 Reference ID: 61-037-20190315Revision date: 15 03 2019

network connection has been confirmed by the DNO. A wildlife corridor on the site as shown in the revised policy map NE4b would render the proposal unacceptable and require unjustified sequential testing. This policy is also inconsistent with NPP158a)³² and is not sound as it requires a level of justification through a sequential test not supported in national policy.

- 8.7 The SA in assessing this policy does not appear to have considered the impact of removing BMV land within the proposed wildlife corridors. It is not clear if Natural England have been consulted directly about this proposal as the land take of BMV for the proposed wildlife corridors exceeds the threshold defined by the limits imposed by Schedule 4 paragraph (y) of the Development Management Procedure Order 2015.
- 8.8 This policy should not proceed to Regulation 20 until the compatibility with net zero has been demonstrated, and the sequential testing of the policy should be removed as it is not consistent with national policy. This policy needs to be tested through the SA process to show it does not impact on delivering the spatial strategy.
- 8.9 The policy should be removed from the plan as it has not been assessed in terms of reasonable alternatives in the sustainability appraisal and has therefore not met the requirements of The Environmental Assessment of Plans and Programmes Regulations 2004 -Regulation 12(2) b.
- 8.10 The Royal Town Planning Institute and Town and Country Planning Association advise that plans:

“Identify the most, and least, environmentally sensitive areas for deployment of different renewable technologies, and communicate this information to developers and communities, making explicit what criteria have been applied, including the relevant approaches set down in the applicable national planning policy on renewable energy.

Ensure local criteria-based policies (including local approaches for protecting landscape and townscape) are used to inform

³² When determining planning applications for renewable and low carbon development, local planning authorities should: a) not require applicants to demonstrate the overall need for renewable or low carbon energy,

allocations and assess planning applications for renewable energy and associated infrastructure:

provide appropriate safeguards, so that any adverse impacts are addressed satisfactorily, but ensure that the cumulative benefits of carbon reduction are fully recognised and given sufficient weight in the decision-making process”.

- 8.11 This helpful advice has not been considered by the Council in relation to this policy.

9. NE14 -Manhood Peninsula

- 9.1 Landlink Estates object to Policy NE14 as it is not sound. This objection also relates to policy S1 which has removed site AL12 (allocated at Regulation 18 stage) (North Selsey) from the plan.

Background

- 9.2 Missing evidence – the Local Plan refers to ‘Resilience and Adaptation – ICZM 2021 and beyond’ prepared by the Manhood Peninsula Partnership, however, this is not within the evidence relied upon by the Council. The document is readily available online. https://peninsulapartnership.org.uk/abd/wp-content/uploads/2022/02/2021_06_24-Resilience-and-adaption_ICZM-2021_FINAL.pdf
- 9.3 The ICZM 2011 has particular significance as it was adopted as a material consideration by the Local Planning Authority. This is also not included in the Council’s evidence base.
- 9.4 The 2021 updated document is useful in setting out the hard truths about the impact of climate change on the Manhood peninsula.
- 9.5 *“The North Solent SMP policy recommends a Hold the Line approach, but this does not mean that public funding is secured or guaranteed. The Beachy Head to Selsey Bill SMP also recommends a Hold the Line approach, but also states it is not unreasonable to assume that future policy-makers will be more inclined to resist investing considerable sums in protecting property in high risk areas, such as the coast, if there are substantially cheaper options, such as constructing new properties further inland”.*
- 9.6 The ICZM 2021 considers the previous policy for the Manhood Peninsula and remarks: *“It reflects the views expressed 10 years ago well, but it is not thought sufficiently robust in the face of accelerating climate change and its consequences”.*
- 9.7 The conclusion of the ICZM 2021 is pertinent: *“There is a demand for development on the Manhood Peninsula. We must take all opportunities through the planning process to create sustainable communities by identifying risk, locating development in areas of lowest risk, and building resilient developments in the face of climate change and the increased potential for flooding. Development should enhance the area’s sense of place and support its main economies.*

The future needs to be based on a strategy that will allow the peninsula to be as adaptable and resilient as possible in the decades ahead, supporting a strong visitor and food growing economy based on land use that will create an environment best able to absorb both CO2 and rising sea levels while minimising the risk to residents, wildlife and ecosystems.

- 9.8 Issues raised by the ICZM 2021 including potential retreat and constructing replacement properties inland need consideration now as part of climate adaptation. The policy for the Manhood Peninsula should include an allocation of area of coastal change management consistent with the area of coastal retreat.

Sustainability Appraisal (SA)

- 9.9 The SA when assessing Policy NE14 describes it as a 'development management policy' with no linking impact pathways and screens out the policy. This is not a sound and evidenced based approach to the strategic planning of the Manhood Peninsula considering the necessary climate change adaptation that is required and set out in the policy. *"relocation of current settlement areas, vulnerable facilities and infrastructure that might be directly affected by the consequences of climate change"*. The linked pathways and impacts of relocating current settlement areas cannot be dismissed in this way.

Changes Required to the Policy

- 9.10 The local plan needs to provide a vision for the Manhood Peninsula that reflects accelerating climate change and the mitigation which requires solutions, and active policies to spatial and land use planning for climate change solutions as part of the third criterion in the policy to allow this to be a positive policy and meet the tests of soundness.
- 9.11 The need to plan for climate change is a legal responsibility of the Council as set out above. The Council must recognise that adaptation responses are wholly dependent on the success of mitigation strategies in securing climate stabilisation. The plan must allocate an appropriate area of coastal change management based on the evidence of the updated SFRA to be sound.
- 9.12 The local plan should acknowledge the potential sites needed now for the relocation of some communities in vulnerable areas. The

impact on Selsey in particular, with a population 10,000 and the other Manhood settlements has not been addressed. As confirmed in the ICZM 2021 the Council need to plan positively for climate change. *“Existing coastal flood defences will not be sustainable indefinitely to sea level rise and there is insufficient flexibility in current planning policies to help the local community determine a socially, economically and environmentally favourable way forward to enable the peninsula to thrive for as long as possible as it transitions and adjusts to climate related changes”.*

9.13 The first part of positive planning would be to identify a broad location for development for relocation of the vulnerable coastal area of the Peninsula, effectively examining the options for relocation now so that managed retreat in the face of climate change is possible. Simply replicating the inadequate policy that is nearly 10 years' old is not positively planning for climate change.

9.14 The Sustainability Appraisal explores the thinking on Selsey in particular:

5.2.37 The situation is less clear cut for Selsey. There is an area of slightly raised land to the north of the settlement that is not affected by flood risk; however, under climate change scenarios the SFRA (2022) shows that the only road in and out of Selsey (the B2145) is severely affected by tidal flood risk. This new evidence has had a significant bearing on the consideration of reasonable growth scenarios.

- *The proposal at the Preferred Approach Stage (2018), as well as at subsequent stages up to and including the targeted consultation³³ held in January 2022, was for an allocation at Selsey for ~250 homes. There is, realistically, only one site in contention for allocation at Selsey (see discussion in Appendix V).*
- *Views changed over the course of 2022, given flood risk concerns combined with reduced need for new allocations in the southern plan area (due to sites gaining planning permission at appeal) and increased concerns regarding A27 junction capacity. An allocation at Selsey was seen as a*

³³ Landlink Estates (the promoter representing the landowner) were not consulted in January 2022

reasonable option to explore (through appraisal of reasonable growth scenarios); however, by December 2022 the decision was reached that growth scenarios involving an allocation at Selsey could be ruled out as unreasonable.

5.2.38 Matters are discussed further below, in Section 5.4 (Appendix V)”.

9.5.8 “Policies also assist with a ensuring a clear framework under which further work might be undertaken in respect of long-term planning for those parts of the Manhood Peninsula that are protected by coastal defences”.

9.15 From the above extracts from the SA and in the SFRA the Council will need to address the vulnerability of the B2145, and as noted in the policy they need to carry out further work for the long term planning in respect of climate adaptation. The Council chose to remove the strategic site at Selsey from the plan (an otherwise entirely acceptable site , and even tested in SFRA as late as December 2022) rather than address the problem. The consequences of this strategic issue has land use implications and policy requirements in relation to climate adaptation that have not been addressed in the plan, making it unsound.

9.16 The SA should have tested the growth scenario at Selsey with the strategic allocation as it was a reasonable alternative right up to December 2022. This should also have been considered as part of reasonable alternatives that deal with the hard issue of coastal change management on the Manhood Peninsula.

9.17 The following is the alternative wording for the policy **NE14**.

Proposals and initiatives that promote the following general objectives will be supported:

The Council will support the strategic future of the Manhood Peninsula to adapt to climate change as follows:

1. Facilitate the economic, environmental and social well being of the area;

2. Address proposals **Provision will be made for development to adapt to climate change through the allocation of an area of coastal change management and identifying a broad area of search for development to enable the** relocation of current settlement areas, vulnerable facilities and infrastructure that might be directly affected by the consequences of climate change; ~~the coastline and coastal communities as set out~~

The site extent, definition of the boundary, including any amendments to the Selsey settlement boundary, and detailed guidance for the development within this broad location will be established through the making of allocation(s) in a future Site Allocation Development Plan Document working with parameters in

Coastal Defence, Flood Defence and Climate Change Strategies and Guidance; Shoreline Management Plans and Catchment Flood Management Plans; the South Marine Plan; relevant Marine Conservation Zone Designation Orders; and Surface Water and Drainage Management Plans;

Development will be supported that Increases resilience to climate change by contributing to greater safeguarding of property from flooding or erosion **recognising that this will be limited to those areas that are capable of long term defence and this will not be suitable for those areas of the Peninsula that will be in managed retreat.**

4. All development proposals should seek to enhance the distinctive character of the Manhood Peninsula, having particular regard to the ecology, landscape and heritage of the area.

5. Due to high groundwater levels and the low-lying nature of the Peninsula, any development and associated Sustainable Drainage System (SuDS) must not negatively affect the hydrological conditions or flood risk of neighbouring land or buildings and should contribute to the flood resilience and biodiversity of the peninsula. Open SuDS that support biodiversity should be encouraged where possible.

6. Improve infrastructure to support sustainable modes of transport, especially direct cycle routes, bridleways and footpaths, including the canal towpath and National Coastal Footpath; and

~~7. Provide the means of supporting regeneration which allows for climate change resilience and adaptation and nature recovery for the Manhood Peninsula, whilst aiding growth of existing local economy employment areas.~~

- 9.18 The policy as currently drafted is weaker and less certain than the policy for the Manhood Peninsul in the 2015 local plan. Given the advice of ICZM2021 this is not a sound approach based on proportionate evidence. The policy must be accompanied by a plan that identifies the land use implications for a managed, staged, retreat from the coast and to identify areas of search for the relocation of those parts of the settlement that must be relocated. This detail is a necessary part of a policy to allocate an area of coastal change management, which the Council have ruled out without any justification. The strategic allocation at Selsey that was included in the Regulation 18 plan could in part act as phase 1 of the managed retreat and relocation of the settlement with part of the allocation ring fenced for occupation by relocated inhabitants.

10. Policy HI – Meeting Housing Needs

- 10.1 The policy is not sound as it has not included housing allocations to deal with climate adaptation and managed coastal retreat. This housing requirement must be identified in the Local Plan as part of a robust land use strategy to deal with [Section 19\(1A\) of the Planning and Compulsory Purchase Act 2004](#) requires local planning authorities to include in their Local Plans “*policies designed to secure that the development and use of land in the local planning authority’s area contribute to the mitigation of, and adaptation to, climate change*”. Paragraph: 002 Reference ID: 6-002-20140306 Revision date: 06 03 2014
- 10.2 This component of the housing requirement is entirely missing from the plan, this is linked to the inadequate policy, land use and spatial framework in relation to the mitigation and adaptation to climate change.
- 10.3 The Council must identify an area of coastal change management to properly plan for climate adaptation and identify a quantum of development required to meet the managed coastal retreat.
- 10.4 As housing will be permanently lost to coastal retreat this must be replaced. The detail of such a policy might be subject to more detailed work in a subsequent DPD. However, the Local Plan as the spatial strategy for the area until 2039, must identify the broad spatial and land use requirements for this important component of housing supply. Given uncertainty this might be expressed as a range.
- 10.5 The interaction of the supply of replacement housing as a result of climate adaptation and more traditional housing need should be considered as part of the supply side calculations. In addition, the timeframe for replacement housing needs careful management and interaction with supply side for traditional housing.
- 10.6 The plan has no evidence at all to consider this complex difficult issue, so the plan is not justified by proportionate evidence in this regard and the plan is not sound.

11. Policy H2- Strategic Locations/ Allocations 2021-2039

- 11.1 This policy is not legally compliant as it has failed to be properly assessed in line with The Environmental Assessment of Plans and Programmes Regulations 2004 -Regulation 12.
- 11.2 Regulation 12 requires:
- 12(2)b The report shall identify, describe and evaluate the likely significant effects on the environment of—*
- (a)implementing the plan or programme; and*
- (b)reasonable alternatives taking into account the objectives and the geographical scope of the plan or programme.*
- 11.3 This policy is not sound it has not been justified by evidence. The reason for this is the unjustified removal of strategic housing site at Selsey. This is not a sound basis for the allocation of strategic sites following an established spatial strategy that seeks to concentrate development in the largest settlements.
- 11.4 The reasonable alternatives were not tested in the SA.
- 11.5 The consideration of Selsey as a strategic allocation has been queried as part of SA process. Paragraph 5.4.6 states *“As discussed there has been and still remains, some uncertainty regarding Selsey”*.
- 11.6 The SA testing as shown in Table 5.1. Shows the development scenario for Selsey as 0. Given the statement above about uncertainty the SA should have tested the 250 dwellings at Selsey. The SA justifies the decision to test one growth scenario is in a foot note, which says: *15 “One reasonable growth scenario does not mean that there is no choice, but only that there is less strategic choice than is the case for the other areas or, in other words, the choice at those parishes/ settlements assigned one reasonable growth scenario is considered to be less ‘marginal’. There is a pragmatic need to minimise the number of ‘variables’ progressed to Section 5.5.*
- 11.7 The final justification for not considering Selsey is described as ‘balanced’, so this would appoint to the alternative not being ‘marginal’ as the footnote implies. Given the site was still part of the plan until December 2022 it cannot be described as marginal. It was a serious alternative that should have been tested. Indeed, it was tested in detail

in the SFRA level 2 document (published December 2022) meaning it was a reasonable alternative.

- 11.8 The only justification I can find in SA at 5.4.6 relates to “*Latest understanding of Flooding*”. Given the Selsey site passes the sequential test this position is not justified by evidence.
- 11.9 There is no cogent argument that supports the removal of the site in the SA testing and in this regard the Council have failed the tests of soundness as the plan is not justified as they have not tested the reasonable alternative scenario for Selsey in a proportionate way justified by evidence.
- 11.10 The sustainability appraisal when considering “Broad Distribution” at 5.2.37 discusses the SFRA implications for Selsey:

“The situation is less clear cut for Selsey. There is an area of slightly raised land to the north of the settlement that is not affected by flood risk; however, under climate change scenarios the SFRA (2022) shows that the only road in and out of Selsey (the B2145) is severely affected by tidal flood risk. This new evidence has had a significant bearing on the consideration of reasonable growth scenarios.

• The proposal at the Preferred Approach Stage (2018), as well as at subsequent stages up to and including the targeted consultation held in January 2022, was for an allocation at Selsey for ~250 homes. There is, realistically, only one site in contention for allocation at Selsey (see discussion in Appendix V).

• Views changed over the course of 2022, given flood risk concerns combined with reduced need for new allocation in the southern plan area (due to sites gaining planning permission at appeal) and increased concerns regarding A27 junction capacity. An allocation at Selsey was seen as a reasonable option to explore (through appraisal of reasonable growth scenarios); however, by December 2022 the decision was reached that growth scenarios involving an allocation at Selsey could be ruled out as unreasonable”.

- 11.11 This discussion shows that this alternative for Selsey was not ‘marginal’. The objector was discussing the site all through 2022. What is clear is the following:

- The change made to remove the Selsey strategic site was last minute – noted as December 22, and the plan was first issued in January 2023

- The Selsey site was considered a reasonable growth scenario, despite the A27 concerns during the whole of 2022
- The Selsey site was included in the SFRA2 and passed the sequential test as published in December 2022.
- Note no appeals were granted consent in Selsey.
- The only reason to remove the site was climate change tidal flood risk on the B2145 (access and egress in an extreme tidal event)

11.12 If the full impacts of the statement in the SA are taken to the logical conclusion that the only road in and out of Selsey is severely affected by tidal flood risk as a result of climate change. The SA should have tested the significant effects of not improving the B2145, as that is the conclusion that meant the Selsey site was rejected.

11.13 The approach taken by the Council to only consider one option for Selsey in the SA should therefore have tested the physical impacts of assuming no improvement in the B2145 in H++ flood scenario. This would mean identifying how much of the town would be vulnerable to such a flood event and what action was required to resolve this as part of a spatial strategy that seeks to deal with climate change.

11.14 This chosen scenario tested in the SA assumes that a climate resilient solution to the road access to the second largest town in the District will not be found by 2100 when the site would be vulnerable. The practical effect of abandoning Selsey will be to make all dwellings in Selsey uninsurable and unmortgage-able now and effectively writes off the settlement of 10,000 inhabitants in an ad-hoc and unacceptable fashion. This fails entirely to plan positively and mitigate for climate change as required in the NPPF and therefore makes the plan unsound. The plan does not respect the work of the Manhood Peninsula Partnership and may account for the ICZM 2021 being missing from the Council's evidence documents.

11.15 In addition, the SA must consider the reasonable alternatives in the light of the objectives of the plan. Given the very first objective of the plan is Climate Change the plan should assume that future flooding issues on the B2145 will be adapted to deal with climate change. This is also reflected in policy NE14.

11.16 The Council cannot use the evidence to reject a site, without considering the implications of that rationale for rejection impose upon the area. If the Council choose to reject a strategic site because

they cite the strategic issue of flood mitigation on the B2145 they must identify how they will mitigate the flood impacts for the existing 10,000 population of the Selsey which will also be affected by the only access on the B2145.

11.17 There is no justified reason to remove the North Selsey site from the spatial strategy and I say this because of the following reasons:

1. In order to achieve the distribution³⁴ of development that respects the settlement hierarchy as set out in the plan³⁵ it is necessary to allocate strategic development site at here to second biggest settlement in Chichester District
2. Selsey is a sustainable settlement as it has a high degree of self-containment with primary, secondary education, supermarket, employment opportunities and with a wide range of other services and community facilities.
3. The SFRA has confirmed that the site passes the sequential test and is free from all sources of flooding. It tested the site up to December 2022.
4. The site is safe from flood for a 100-year time horizon, and in H++scenarios.
5. This site out-performs the Southern Gateway site A3/A4/A5 which partly fails the sequential test.
6. The site meets the exception test, the development will be safe over its entire lifetime, it will not increase flood risk elsewhere and, may reduce flood risk overall.
7. The access via the Chichester Road, whilst vulnerable to H++ climate scenarios, must be resolved to mitigate climate impacts and secure the safety of 10,000 residents, so will need to be resolved within the life of the Local Plan to 2039.
8. The SA has lumped other settlements on the Manhood Peninsula with Selsey in considering flooding issues and the assessment is not justified when considering the flooding impacts separately rather than in aggregate.

³⁵ Draft Policy S1 – Criterion 4 4. Ensure that new residential and employment development is distributed in line with the settlement hierarchy, with a greater proportion of development in the larger and more sustainable settlements.

9. It is possible to achieve zero carbon development at this site.
 10. The site can be part of a 20-minute neighbourhood³⁶, with all necessary services within 20 minutes walking distance for truly sustainable community.
 11. The site is lower agricultural grade land³⁷ than the allocation at Bosham A11 and lower than much of the broad location for Southbourne A13
 12. The development could form part of the relocation of vulnerable residents in Selsey which must be planned for as part of climate adaptation of the land use plan for the area and staged coastal retreat.
 13. Climate justice – the long-term access solution for Selsey and this site is part of planning policy response to meet the needs of those likely to be most vulnerable to climate change.
 14. Removing the site from the plan condemns the whole population of Selsey who all rely on the B2145 to effective abandonment.
- 11.18 It should be noted that at regulation 18 stage consultation of all the new sites identified outside of Chichester the North Selsey site received the lowest number of objections (16 in total).
- 11.19 This representation is supported by the extensive evidence prepared in support of the strategic site at Selsey that shows the site has no technical constraints to development including pre-application advice from WSCC in respect of highways. This also shows a site masterplan of how the site could be developed. The work demonstrates that the site can be a sustainable development solution. This extensive supporting evidence is included as **Appendix A** to this report and comprises the following:
- Site boundary
 - Site Constraints Plan
 - Supporting Statement

³⁶ <https://tcpa.org.uk/collection/the-20-minute-neighbourhood/>

³⁷ Extracts from Sustainability Appraisal -9.11.2 Agricultural land quality is not as high on the Manhood Peninsula, but a very high proportion of land is likely to be of BMV quality nonetheless. 9.11.4 In conclusion, there is a need to predict **significant negative effects**, given the likely scale of loss of high quality BMV agricultural land, likely to include land of grade 1 quality.

- Framework Masterplan
- Landscape Statement (part 1 and 2)
- Built Heritage Statement
- Archaeological Desk Based Assessment
- Wintering Bird Survey 2017-2022
- High Level ecological appraisal
- Flood Risk Assessment
- Transport Assessment
- Tree Survey and Schedule
- Soil Resource Survey

11.20 **Appendix B** contains the email exchange with CDC policy officers that shows that the Selsey site was still a 'reasonable alternative' until very late in the plan making process and was not 'marginal' as suggested by the footnote to the SA.

12. Policy H3 – Non-Strategic Parish Housing Requirements 2021-2039

- 12.1 The Policy H3 is not sound because the policy is not justified by evidence. The policy could include sites in the Parishes to seek to meet the Council's objectively assessed need where there are acceptable sites that are capable of accommodating housing to meet those needs.
- 12.2 The Planning Inspectorate made it clear to the Council that 'no stone should be left unturned' in relation to finding suitable sites for housing in order to meet that need. Evidence of suitable sites in the Parishes has been provided in terms of the HEELA assessment that has showed significant capacity in some villages. The policy identifies only 310 dwellings in total, but a reasonable alternative would have been to look at where Parishes were considering allocations in Neighbourhood Development Plans (Hunston) and where acceptable planning applications were well advanced (North Mundham).
- 12.3 The Council have evidence of reasonable alternative site at North Mundham that should have been tested in the SA. This is the site at Charmans Field, Runcton which is currently subject to a live outline application for 94 dwellings (22/02191/OUT), where the Council have advised that the proposal is acceptable, all technical issues are resolved and issues over capacity with the A27 have been found to be acceptable with an appropriate contribution towards mitigation.
- 12.4 The Council should include allocations in Parishes that can successfully accommodate growth. Where live applications that have a reasonable prospect of success are currently in the system the Council should have evaluated these as a reasonable alternative, especially as newly consented schemes that have not been previously allocated are not counted as windfall but as allocations in the plan.
- 12.5 In order to make the policy sound the plan must include a table with the appropriate dwelling capacities against the villages as part of the allocations where these sites (over 5 dwellings) have either been promoted in Neighbourhood Plans or are at an advanced stage of consideration where the Council can support their development under their interim housing policy³⁸.

³⁸ CDC Interim Position Statement for Housing Development -November 2020

13. Conclusion

- 13.1 Landlink Estates believe the plan should not proceed to examination until the plan is ready with a full suite of policies and background evidence to deal with all the key land use issues that face Chichester District until 2039.
- 13.2 The plan does not yet take full account of all the relevant policies in the NPPF and other National policy and guidance. The Plan needs to identify all the matters which need to be planned for, with policies to address them as far as possible, and must not defer these to a later date.
- 13.3 Landlink Estates suggest the plan is withdrawn to reconsider the full range of key issues and revise and prepare a more complete plan that deals with all relevant matters including these additional issues:
- Fully embrace the legal duty under section 19(1A) of PCPA 2004 with policies to secure development and land use to contribute to mitigation and adaptation of climate change,
 - Include land use and spatial strategy policies to deal with delivery of Net Zero,
 - Identify quantum and location of sites/ areas for renewable energy development to meet net zero targets,
 - Identify an Area of Coastal Change Management for the Manhood Peninsula,
 - Identify an area of search for relocated communities that may be lost as part of climate change adaptation.
 - Consider the Strategic site at Selsey as a reasonable alternative in the Sustainability Appraisal
 - Reinstate the strategic site at Selsey to ensure the plan is found sound.
- 13.4 As advised by the NPPG once the Council has considered the Regulation 19 consultation responses, they should only submit a plan if they consider it to be sound to avoid long delays during the examination if it is clear that significant changes or further evidence work are required. From these representations made by Landlink Estates it is clear that there is significant further work required.

13.5 As advised by the NPPG it should not be assumed that the examination stage will allow the Council to rectify significant soundness or legal compliance problems. Landlink Estates request the Council takes these representations seriously and before submission of the plan ask that the LPA do all it can to resolve the substantive concerns raised about the soundness and legal compliance of the plan.