

Representations

to the

Chichester Local Plan 2021-2039

Proposed Submission (Regulation 19 Consultation)

February 2023

on behalf of

Elivia Homes Southern Ltd

March 2023

GENESIS
T O W N P L A N N I N G

Representations to the Chichester Local Plan 2021-2039
Proposed Submission
Regulation 19 Consultation
February 2023

made on behalf of

Elivia Homes Southern Limited

March 2023

Document Management

Project	Version	Date	Author	Checked/ Approved by	Reason for Revision
23033	Reg19.v03	15/03/2023	JF	KM	Client request

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1 INTRODUCTION

- 1.1 These representations to the Chichester Local Plan 2021-2039: Proposed Submission (Regulation 19) Consultation (hereafter referred to as the “Reg 19 Plan”) have been prepared by Genesis Town Planning, on behalf of Elivia Homes Southern Ltd.
- 1.2 The representations also include at Appendix 1 a plan indicating the proposed settlement boundary extension at Clay Lane, which should be adopted to take account of the existing strategic allocation to the north, and the recent grant of planning permissions to the south. The inclusion of the land, which extends to approximately 2ha, is a logical extension of the boundary at this location and will provide the opportunity to deliver new housing in a way which is compatible with the character of the surrounding area. Such an approach complies with sustainability objectives and ensures that sites adjacent to the primary settlement of Chichester are appropriately considered as suitable sites to accommodate further housing.
- 1.3 Accompanying these representations are the appropriate representation forms in respect of Settlement Map A6a and SB1, Policy S1 and paragraph 3.7, and policy H1. These forms are to be read in conjunction with this submission.

2 LEGAL COMPLIANCE

- 2.1 One of the requirements for the preparation of a Local Plan as set in the Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Local Planning) (England) Regulations 2012, (as amended) is the publication of a Sustainability Appraisal (SA) that shows how the SA has been carried out, the information that is used as part of the process and what the outcomes were. The SA is a tool for assessing how the plan, when judged against other reasonable options will help achieve environmental, economic and social objectives.
- 2.2 The SA suggests that there is little or no argument for setting a housing requirement above the minimum local housing need of the 638 dwellings per annum (dpa) as set by the standard method (763dpa minus 125dpa for South Downs National Park area). This approach is contrary to paragraph 11a) of the National Planning Policy Framework (NPPF) in that it requires all plans to promote a sustainable pattern of development that seeks to meet the development needs of their area.
- 2.3 It is noted that paragraph 11b) confirms that strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas unless this is demonstrated to be unsustainable. The background evidence base for the Reg 19 Plan does not clearly demonstrate the reasons for restricting the overall scale, type and distribution of development in the plan area or that the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 2.4 It is noted that the standard method requirement of 638dpa for the plan area is arrived at by removing 125dpa for the part of the district that falls within the South Downs National Park. The lack of any meaningful assessment for providing sufficient housing to meet the standard method figure is a significant error. Without such an assessment, the SA disregards the possibility of providing for sustainable development at the outset and does not therefore accord with the regulatory requirements referred to above.
- 2.5 Table 5.3 of the SA identifies a range of development scenarios with dwelling requirements for the plan area ranging from 567dpa to 606 dpa. These figures result in a shortfall of between 32dpa and 71dpa when compared to the standard method requirement of 638 dpa. As neither of these figures is significantly above the standard method figure, it is not unreasonable to expect the SA to also test a housing requirement/scenario of 638dpa, so that it reflects the confirmed minimum housing need of the plan area. This would be a reasonable alternative and should be tested. Only when this has been carried will it be possible to fully understand the likely implications of meeting housing needs in full. In doing this, the Plan will then comply with the Legal and Procedural Requirements.

3 SOUNDNESS

3.1 As set in paragraph 35 of the NPPF when local plans and spatial development strategies are examined they should be prepared in accordance with legal and procedural requirements to ensure that they are sound. It goes on to state that:

“Plans are sound if they are:

- a) **Positively prepared** – providing a strategy which, as minimum, seeks to meet the area’s objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
- b) **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
- c) **Effective** – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
- d) **Consistent with national policy** – enabling the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy, where relevant.”

3.2 As set out above, the Reg 19 Plan does not provide a strategy that seeks to meet the area’s objectively assessed housing need, and the SA does not test all the reasonable alternatives. On this basis the plan has not been positively prepared and is not justified. As a result it is contrary to paragraphs 35a) and 35b) of the NPPF.

3.3 In addition to this, there is no clear evidence of effective and on-going working with neighbouring authorities as part of the statutory duty to cooperate. The SoCG should be made publicly available throughout the plan making process to provide transparency. Based on paragraph 1.25 of the Reg 19 Plan this requirement has not been carried out. This confirms that a SoCG is currently being prepared and will be made available for review on the council’s website. As a result, the SoCG should have been made available on the LPA’s website at the time the Reg 19 Plan was published for consultation. This does not appear to have been the case, which means that this part of the plan making process does not meet the requirements set out in paragraphs 27 and 35c) of the NPPF. As such the effectiveness test has not been complied with in full. The lack of a fully detailed SoCG on the Duty to Cooperate is particularly important in Chichester District as there is a substantial unmet need for housing arising in neighbouring authorities and other nearby authorities across the same sub-region. As yet the evidence base of the Reg19 Plan does not explain or demonstrate how the unmet housing need will be met.

3.4 This is an important omission as it does not accord with the procedural requirements. Until the outcome of this process is known and fully understood it is difficult to know if or how the strategy in the Reg 19 Plan is appropriate or needs modification.

4 COMMENTS ON THE REG 19 DRAFT PLAN

Policy H1 – Meeting Housing Needs

- 4.1 No exceptional circumstances exist in Chichester District to justify an alternative approach that deviates from the standard method figure of 763dpa. Taking account of the South Downs National Park requirement of 125dpa results in a minimum need of 638dpa for Chichester District.
- 4.2 Furthermore, the housing needs of particular groups are not reflected in the current standard method requirement of 638dpa. These include the following groups:
- Students – which creates a need for an additional 29dpa;
 - people who require affordable housing - which generates a need of 433 affordable dpa (based on this figure and the thresholds set out in draft Policy H4: Affordable Housing it would be necessary to deliver 1,083 homes per annum to meet affordable housing need in full); and
 - the unmet housing needs of neighbouring authorities and/or authorities in the same sub-region, which at best are between 10,141 and 10,620 homes.
- 4.3 When the needs of students are added to the standard method figure the minimum need dwelling requirement would be 666dpa or 11,988 dwellings over the 18-year plan period 2021-2039.
- 4.4 When the full affordable need of 1,083dpa is factored in this results in a need for at least 19,494 dwellings over the plan period.
- 4.5 In addition to the above figures, there is also an unmet need for over 10,000 homes in related authorities over the plan period.
- 4.6 Based on the above there is clearly a need for significantly more homes than is suggested by the minimum standard method figure.

Infrastructure Capacity

- 4.7 Whilst it is noted that there are long-standing highway capacity issues on the A27 Chichester Bypass and more intermittent capacity problems with Wastewater Treatment facilities in the southern part of the district, these could be resolved if the emerging Reg 19 Plan made provisions to improve their capacity through proper long-term planning.
- 4.8 This approach is supported by paragraph 22 of the NPPF which confirms that plan-making should respond to long-term infrastructure requirements; and by paragraph 059 Ref ID 61-059 of the Planning Practice Guidance (PPG) which requires local planning authorities and policies that set out infrastructure deficiencies and how these will be addressed.

- 4.9 Existing capacity problems on the A27 are referred to throughout the Reg 19 Plan and its evidence base. Paragraph 5.2.11 of the SA refers to the southern plan area (i.e. the east-west corridor and Manhood Peninsula) as being highly constrained by capacity on the A27 and to detailed discussions with National Highways and West Sussex County Council (WSCC) over the course of 2019-2022 that led to a resolution that there is capacity for no more than 535dpa in this area. The background evidence does not, however, make it clear as to how the 535dpa figure was arrived at or the implications/infrastructure improvements that would be required to accommodate a higher dwelling provision in this part of the plan area.
- 4.10 It is important to note the *“Chichester Transport Study - Local Plan Review Transport Assessment” (January 2023)* prepared by Stantec is mainly focused on testing a single Local Plan spatial scenario for the period to 2039. Section 5.6 confirms that in addition to testing the 535 dpa in the south of the plan area that a sensitivity test for the delivery of 700 dpa in this part of the plan area was also carried out. Paragraph 5.6.1 confirms that higher levels of Local Plan development would enable higher levels of developer contributions to be raised towards funding the required Local Plan mitigation; and paragraph 5.6.3 comments that generally the proposed Strategic Road Network (SRN) mitigation can accommodate, in the most part, additional increase in development to 700 dpa. This is reiterated in paragraph 5.6.5 where it concludes *“that in the main, the 700dpa (southern plan area) demands can generally be accommodated by the mitigation proposed for the 535dpa core test although at the Portfield roundabout and Oving junction, capacity issues get worse with the 700 dpa demands, with additional mitigation being required”*.
- 4.11 Paragraph 8.5 of the Reg 19 Plan comments that in 2021 National Highways confirmed that the A27 Chichester By-Pass major improvement scheme is included in the Road Investment Strategy Pipeline for the period 2025-30 (RIS3), but at this stage funding is not guaranteed. This situation is not uncommon as are many infrastructure projects which are considered necessary to support the emerging Local Plan. This is demonstrated by Table 3 of the Infrastructure Delivery Plan (January 2023). The fact that the funding has not yet been secured towards certain types of infrastructure, such as healthcare, should not be used as a reason to constrain the level of housing proposed in the emerging Local Plan. This approach also applies to transport infrastructure.
- 4.12 The approach of the Reg 19 Plan to impose limits on the amount of development over the Plan period because of existing infrastructure capacity issues is inconsistent with the objectives of national policy and could undermine the prospects of securing the funding necessary to improve infrastructure capacity. The approach of the emerging plan is therefore negative worded as it has the effect of constraining the level of housing below the minimum level needed and does not accord with the PPG or the objectives of national policy. A better, and more positive approach would be to plan for the necessary infrastructure, which in turn will maximise the prospects of securing the required infrastructure instead of deferring it.
- 4.13 The emerging Local Plan advocates a “monitor and manage” approach such that the funding for the necessary improvements to the A27 will be monitored, which itself will jeopardise that funding, and if the funding is secured then presumably the corresponding level of housing will

be released to address some of the housing need. Instead of this approach, the emerging plan should pursue a “plan, monitor and manage” approach to meeting housing needs in full by committing to the delivery of the infrastructure improvements and if necessary, phasing the housing requirements towards the end of the plan period.

The Proposed Housing Requirement

- 4.14 These submissions confirm that the housing needs of the plan area will not be met by the proposed 10,350 dwelling requirement set out in Policy H1 of the Reg 19 Plan.
- 4.15 According to the standard method the minimum housing need is 11,484 dwellings (638 x 18). When the growth of the student population (28dpa) is factored in the minimum housing need increases to 11,988 homes, and when the full affordable housing needs (433dpa) are taken into account the overall need increases to at least 19,485 dwellings. Finally, there is a need for excess of 10,000 more homes to address the unmet needs of the sub-region.

Suggested Modification

- 4.16 Based on the above it is clear that the Policy H1 requirement needs to be reconsidered and increased. This can be achieved if the Local Plan seeks to address infrastructure requirements including the capacity constraints on the A27 as required by paragraph 22 of NPPF.
- 4.17 In setting a revised housing requirement, the District Council must take into account the needs of particular groups (i.e. students and persons in need of affordable homes) and complete the Duty to Cooperate process by preparing a SoCG in respect of the unmet needs of the sub-region and then consider how/whether the Local Plan can provide for some of these unmet needs.

Policy S1 - Spatial Development Strategy

- 4.18 Chapter 3 and Policy S1 of the Reg 19 Plan sets out the spatial strategy of the emerging plan. These seek 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 of the Manhood Peninsula as home to existing communities, tourism and agricultural enterprise; and
 3. Where opportunities arise, supporting the villages and rural communities in the North of the Plan Area.
- 4.19 An increased dwelling requirement (as suggested in the context of Policy H1 above) could be accommodated without the need to significantly alter the proposed spatial strategy of the Reg 19 Plan.

- 4.20 In addition to Chichester city and the east-west corridor being the primary focus of growth, additional development could be accommodated through the re-appraisal of the settlement boundaries, particularly those around Chichester City.
- 4.21 In this respect the inclusion of additional land would make a significant contribution towards the delivery of the required housing need for Chichester, providing a flexible approach to housing delivery in a planned and progressive way.

Suggested Modification

- 4.22 The inclusion of land north of Clay Lane, as set out in Appendix 1 to these submissions, through an amendment to the settlement boundary on plans A6a and SB1, should comprise the area denoted in yellow.
- 4.23 This is a logical extension of the settlement boundary and aligns with the strategic allocation land to the west of Chichester, and the recently developed land to the south of Clay Lane. The enlarged settlement area comprises mostly commercial, and residential land (PDL) and is well-contained by existing trees and vegetation to its boundaries. To the west, the site is also contained by the A27 which provides a clear defensible boundary, significantly screened by existing planting. As such, the site makes no meaningful contribution to wider open countryside, being as it is, contained by development or infrastructure features on all boundaries.
- 4.24 Providing a contiguous boundary to include the proposed settlement extension will not impact on the wider countryside, will result in no adverse impact on the landscape setting of the settlement of Chichester, and will ensure that a developable parcel of land makes a meaningful contribution to the district's housing need. Being located on the edge of Chichester City and its settlement boundary and to the south of the strategic allocation suggests that the site is sustainably located and therefore appropriate to accommodate further development.

Appendices

Appendix 1






CHICHESTER DISTRICT COUNCIL



Map A6a

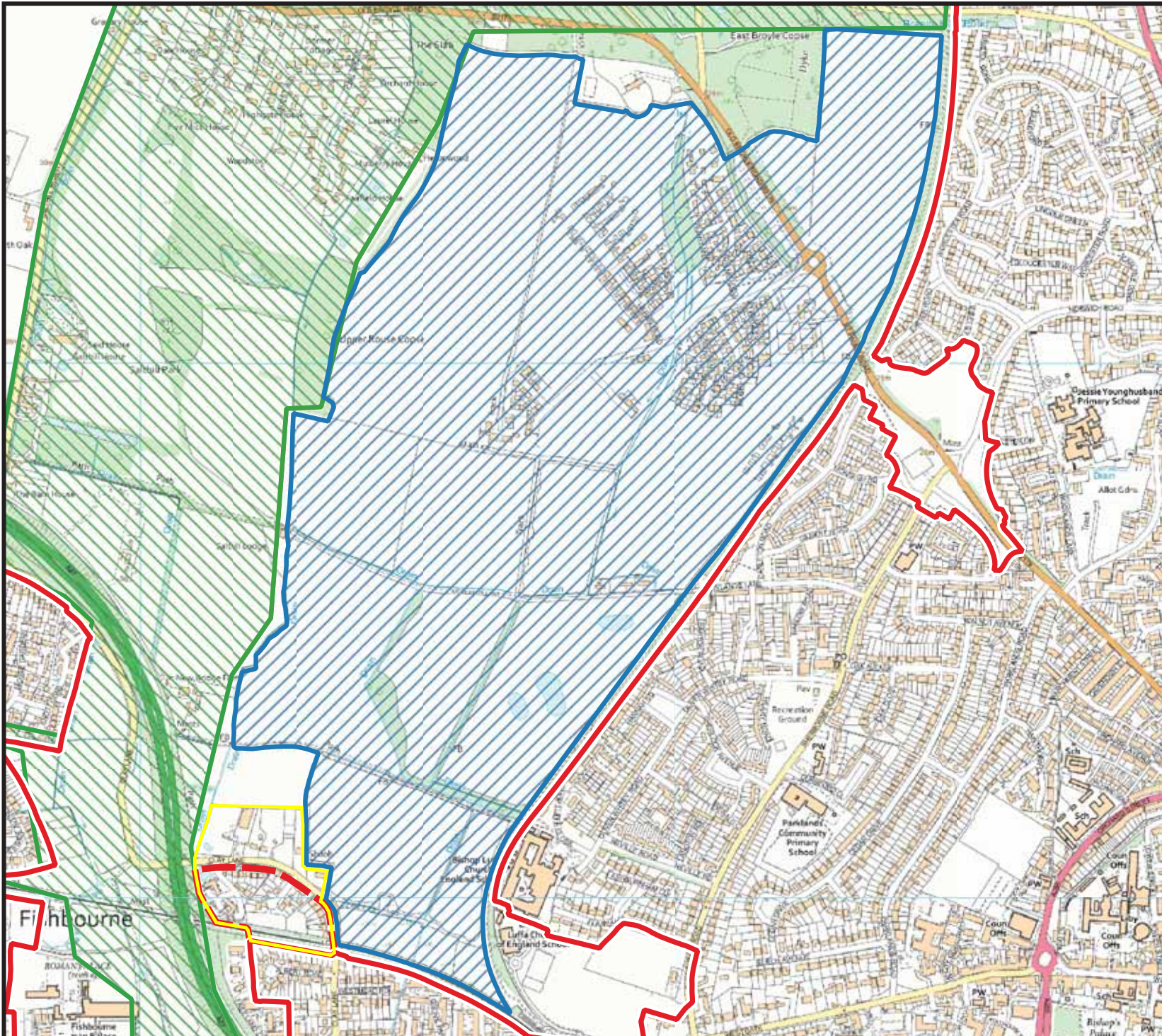
Policy A6 West of Chichester

Legend

-  Site Allocation
-  Amended settlement boundary
-  Existing settlement boundary
-  Strategic wildlife corridor
-  Proposed further amended settlement boundary

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Appendix 2



Representation Form

Local Plan 2021 – 2039 Publication Stage

Ref:

(For official use only)

The consultation on the Local Plan 2021 – 2039: Proposed Submission will run from 3 February 2023 to 17 March 2023. The document and more information on the consultation can be viewed on our website www.chichester.gov.uk/localplan

All comments must be received by 5pm on Friday 17 March 2023.

There are a number of ways to make your comments:

- Comment on the document on the internet using our online consultation website www.chichester.gov.uk/localplanconsultation **(Recommended)**
- Post a copy of this form to us at: Planning Policy Team, Chichester District Council, East Pallant House, 1 East Pallant, Chichester, West Sussex, PO19 1TY

How to use this form

Please complete Part A in full. Please note anonymous comments cannot be accepted, a full address including postcode must be provided.

Please complete Part B overleaf, using a new form for each separate policy or paragraph that you wish to comment on. Please identify which paragraph your comment relates to by completing the appropriate box.

For more information, or if you need assistance completing this form, please contact the Planning Policy Team by email at planningpolicy@chichester.gov.uk or telephone 01243 785166.

Part A

1. Personal Details*

**If an agent is appointed, please complete only the Title, Name and Organisation (if applicable) boxes below but complete the full contact details of the agent in 2.*

2. Agent's Details (if applicable)

Title

First Name

Last Name

Job Title
(where relevant)

Organisation

Address Line 1

Line 2	<input type="text"/>	<input type="text"/>
Line 3	<input type="text"/>	<input type="text"/>
Line 4	<input type="text"/>	<input type="text"/>
Post Code	<input type="text"/>	<input type="text"/>
Telephone Number	<input type="text"/>	<input type="text"/>
E-mail Address	<input type="text"/>	<input type="text"/>

Part B

Please use a new form for each representation that you wish to make. Please note anonymous comments cannot be accepted. Any personal information provided will be processed by Chichester District Council in line with the General Data Protection Regulations 2018. More information is available at: <http://www.chichester.gov.uk/dataprotectionandfreedomofinformation>.

Name or Organisation:

3. To which part of the Local Plan does this representation relate?

Paragraph Policy Policies Map

4. Do you consider the Local Plan is:

4.(1) Legally compliant	Yes	<input type="text"/>	No	<input checked="" type="text" value="X"/>
4.(2) Sound	Yes	<input type="text"/>	No	<input checked="" type="text" value="X"/>
4 (3) Complies with the Duty to co-operate	Yes	<input type="text"/>	No	<input checked="" type="text" value="X"/>

Please tick as appropriate

5. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

SEE ATTACHED

(Continue on a separate sheet /expand box if necessary)

6. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

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7. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?

No, I do not wish to participate in hearing session(s)

Yes, I wish to participate in hearing session(s)

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First Name

Last Name

Job Title
(where relevant)

Organisation

Address Line 1

Line 2	<input type="text" value="[REDACTED]"/>	<input type="text" value="[REDACTED]"/>
Line 3	<input type="text" value="[REDACTED]"/>	<input type="text"/>
Line 4	<input type="text" value="[REDACTED]"/>	<input type="text"/>
Post Code	<input type="text" value="[REDACTED]"/>	<input type="text" value="[REDACTED]"/>
Telephone Number	<input type="text"/>	<input type="text" value="[REDACTED]"/>
E-mail Address	<input type="text"/>	<input type="text" value="[REDACTED]"/>

Part B

Please use a new form for each representation that you wish to make. Please note anonymous comments cannot be accepted. Any personal information provided will be processed by Chichester District Council in line with the General Data Protection Regulations 2018. More information is available at: <http://www.chichester.gov.uk/dataprotectionandfreedomofinformation>.

Name or Organisation:

3. To which part of the Local Plan does this representation relate?

Paragraph Policy Policies Map

4. Do you consider the Local Plan is:

4.(1) Legally compliant	Yes	<input type="text"/>	No	<input checked="" type="checkbox"/>
4.(2) Sound	Yes	<input type="text"/>	No	<input checked="" type="checkbox"/>
4 (3) Complies with the Duty to co-operate	Yes	<input type="text"/>	No	<input checked="" type="checkbox"/>

Please tick as appropriate

5. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

SEE ATTACHED

(Continue on a separate sheet /expand box if necessary)

6. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

SEE ATTACHED

(Continue on a separate sheet /expand box if necessary)

Please note *In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.*

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

7. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?

No, I do not wish to participate in hearing session(s)

Yes, I wish to participate in hearing session(s)

Please note that while this will provide an initial indication of your wish to participate in hearing sessions(s), you may be asked at a later point to confirm your request to participate.

8. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

To address specific housing matters, housing shortfall, soundness of the plan as set out in the attached representations.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

GENESIS

T O W N P L A N N I N G

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