

16 March 2022  
Delivered by email

Planning Policy Team  
Chichester District Council  
East Pallant House  
1 East Pallant  
Chichester  
PO19 1TY

Ref: COUS3002

Dear Sir/Madam,

## CHICHESTER LOCAL PLAN REG. 19: CONSULTATION RESPONSE (COUNTRYSIDE PROPERTIES)

Thank you for the opportunity to comment on this consultation. We write on behalf of Countryside Properties, who are Chichester District Council's (CDC) chosen development partner for land west of Tangmere (Draft Local Plan Policy A14).

Our client has examined the draft Local Plan and its supporting evidence base, and provides the following comments to assist the Council in finalising the Local Plan for submission and independent examination:

### CDC Draft Local Plan (Regulation 19 Version – February 2022)

Paragraph/Policy	Comment
Paragraph 5.3 – Duty to Cooperate	<p>We note reference in this paragraph to the Council's '<i>Duty to Cooperate Statement of Compliance</i>'. This was published in support of the proposed submission stage Local Plan in January 2023.</p> <p>This seeks to demonstrate how the Council have complied with their legal duty to cooperate, as defined in Section 33A of the Planning and Compulsory Purchase Act 2004.</p> <p>Paragraph 1.15 of the Planning Inspectorate Procedure Guide for Local Plan Examinations<sup>1</sup> confirms such statements '<i>should identify any relevant strategic matters and how they have been resolved – or if they have not, why not.</i>'</p>

<sup>1</sup> [Procedure Guide for Local Plan Examinations - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/103112/Procedure_Guide_for_Local_Plan_Examinations.pdf)

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	<p>At the time of writing, the detail of how certain strategic matters are to be resolved, or if not, why not, remain to be confirmed. Appendix 2 of the ‘<i>Duty to Cooperate Statement of Compliance</i>’ (CDC, 2023) confirms that agreed positions on such matters, in the form of Statements of Common Ground (SoCG), are yet to be finalised with several adjoining LPAs.</p> <p>It is also noted that a SoCG between the authorities that make up the West Sussex and Greater Brighton Strategic Planning Board has been drafted, but is yet to be formally agreed by all the authorities<sup>2</sup>.</p> <p>We would therefore wish to reserve the right to comment further on such matters, in the interests of assisting both the Council and the Examining Inspector, once such evidence has been published.</p> <p>At present, it is unclear for example the extent to which CDC can or cannot offer assistance to adjoining authorities with unmet housing needs through the emerging Local Plan. Paragraphs 5.11-5.13 of the ‘<i>Duty to Cooperate Statement of Compliance</i>’ (CDC, 2023) suggests engagement with adjoining authorities on this matter was largely predicated on the assumption CDC could not accommodate more than 575dpa within their plan area. To a large extent this is itself informed by a working assumption that no more than 535dpa can be provided in the southern part of the plan area, owing to specific highway capacity constraints in this area.</p> <p>However, paragraph 5.6.5 of the recently published Chichester Transport Study (Stantec on behalf of CDC, Jan 2023) indicates a greater quantum of housing could well be possible in this area. If this is the case, it would enable CDC to not only meet their calculated minimum housing need for the plan area as a whole, but would also offer the potential to assist adjoining LPAs, such as the South Downs National Park (SDNP), with some of their unmet need.</p> <p>Given SDNP have formally requested assistance with such needs<sup>3</sup>, it would be prudent for CDC to acknowledge this latest study in the Duty to Cooperate Statement of Compliance, and demonstrate how they have engaged constructively on this <u>prior to the formal submission of the Local Plan</u>, with outcomes and actions (including any necessary revisions to the Local Plan and supporting documents) evidenced in the SoCG being drafted with adjoining LPAs.</p> <p>The lack of reference to the latest transport study conclusions in the CDC Duty to Cooperate Statement of Compliance, and how</p>
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<sup>2</sup> Paragraph 3.5 of the ‘Duty to Cooperate - Statement of Compliance’ (CDC, 2023)

<sup>3</sup> Paragraph 5.12 of the ‘Duty to Cooperate – Statement of Compliance’ (CDC, 2023)

	<p>this was accounted for in duty to cooperate discussions with adjoining LPAs; along with a lack of progress with adjoining LPAs SoCG, makes it difficult in the interim to conclude whether the Council’s legal duty has been met. Accordingly, we would respectfully wish to reserve the right to comment further on this once such evidence is available.</p>
<p>Policy NE5 – Biodiversity and Biodiversity Net Gain</p>	<p>Whilst our client supports the overall objective of this policy, the first paragraph is insufficiently flexible to discharge the remaining criteria of the policy. For example, in instances where ‘protection’ or ‘adverse impact’ cannot be avoided, but can be reduced in accordance with the mitigation hierarchy, and / or the benefits clearly outweigh the likely impact.</p> <p>The wording of the first paragraph is therefore neither ‘justified’ nor likely to be ‘effective’ in its current form. It is assumed reading the remainder of the policy that this may be an unintended consequence. The second paragraph also duplicates provisions in the remaining criteria of the policy.</p> <p>As a result, we would suggest the following text be struck out of the policy wording:</p> <p><i><del>‘All development shall ensure the conservation, protection, enhancement and restoration of biodiversity, avoiding any adverse impact on the condition and recovery of all types of nature conservation sites, habitats and species within their ecological networks including:</del></i></p> <ul style="list-style-type: none"> <li><i><del>A. Internationally designated sites (SPA, SAC, Ramsar)</del></i></li> <li><i><del>B. Irreplaceable habitats, including ancient woodland and ancient or veteran trees</del></i></li> <li><i><del>C. Nationally designated sites, such as Sites of Special Scientific Interest (SSSI), National Nature Reserves (NNR) and Marine Conservation Zones (MCZ)</del></i></li> <li><i><del>D. Riverine and Marine Habitats</del></i></li> <li><i><del>E. Priority Habitats and Species</del></i></li> <li><i><del>F. Biodiversity Opportunity Areas (BOA)/ Nature Recovery Networks (NRN)</del></i></li> <li><i><del>G. Locally designated sites, such as local wildlife sites and Local Nature Reserves</del></i></li> <li><i><del>H. Wildlife corridors and stepping stones</del></i></li> </ul>

	<p><del>Opportunities to conserve, protect, enhance, and recover biodiversity and contribute to wildlife and habitats connectivity will be undertaken, including the preservation, restoration and recreation of priority habitats, ecological networks and the protection and recovery of priority species populations.</del></p> <p>The remaining policy text addresses the elements omitted, and is therefore sufficient to deliver the policy objectives in their own right.</p>
<p>NE15 – Flood Risk and Water Management</p>	<p>The wording ‘<i>exceed the normal design standards</i>’ in the first criterion of this policy is somewhat ambiguous, and as a consequence is unlikely to be ‘effective’ in its application. We would suggest the first criterion is revised to define the ‘normal design standards’ the Council will expect to see as a minimum when determining planning applications, either in words, or by reference to the specific guidance outlined in the remainder of the policy.</p> <p>The requirement in criterion 2 that, ‘<i>There is no increase in either the volume or rate of surface water run-off leaving the site</i>’ is also unlikely to be justified on all sites, particularly where ground conditions do not permit infiltration. We would accordingly recommend the first sentence of criterion 2 be amended to:</p> <p><i>‘There is no increase in either the volume or rate of surface water run-off leaving the site’</i></p>
<p>NE23 - Noise</p>	<p>The words ‘<i>an absence of significant noise disturbance or annoyance</i>’ in criterion 1 are sufficiently ambiguous to compromise the effectiveness of this policy. We would accordingly suggest wording that aligns better to NPPG<sup>4</sup> on such matters, such as:</p> <p><del>‘...by seeking to ensure achieve an absence of significant noise disturbance or annoyance as well as noise exposure likely to give rise to no significant adverse impact effects on health and quality of life is avoided...’</del></p> <p>Similarly, in criterion 2 the wording ‘<i>by reason of noise disturbance and annoyance on the surrounding area or environment</i>,’ (our emphasis) is sufficiently ambiguous to compromise the effectiveness of this policy. We would suggest criterion 2 be reworded to be more specific to the noise sensitive uses and users this criterion is aimed toward.</p>
<p>H1 – Meeting Housing Needs</p>	<p>The Council rightly acknowledge the plan as drafted will fail to meet the minimum need for housing in the plan area. A total of 575dpa is provided for over the period 2021-2039, versus the</p>

<sup>4</sup> 003 Reference ID: 30-003-20190722

	<p>calculated stated minimum Local Housing Need (LHN) of 638pa for the plan area<sup>5</sup>.</p> <p>Paragraph 5.2 of the draft Local Plan indicates this is due to constraints, particularly in relation to the capacity of the A27 in the south. As a consequence, the Council assert they are unable to provide for more than 535dpa in the southern plan area, and 40dpa in the northern plan area.</p> <p>This strategy has been arrived at through the Sustainability Appraisal (SA) process, which at paragraph 5.2.11 concluded:</p> <p><i>‘there is a clear basis for exploring growth scenarios that would involve setting the housing requirement at a figure below LHN’.</i></p> <p>The first and most significant ground cited in the same paragraph relates to the capacity of the A27, with assessments to date concluding there is capacity for no more than 535dpa in the southern plan area.</p> <p>However, paragraph 5.6.5 of the recently published Chichester Transport Study (Stantec on behalf of CDC, Jan 2023) indicates 700dpa could well be possible in the southern area (165dpa more than currently being planned for in the draft Local Plan). If this is the case, it would enable CDC to meet their calculated minimum LHN figure of 638dpa for the plan area.</p> <p>The revised combined total of 740dpa (700dpa in the south and 40dpa in the north) could also make a modest contribution to meeting a proportion of other needs in accordance with both NPPG<sup>6</sup> and NPPF<sup>7</sup>.</p> <p>Paragraph 9.10.5 of the Sustainability Appraisal<sup>8</sup> for example indicates the district need for affordable housing alone is likely to be in the region of 579dpa<sup>9</sup>. As a consequence, it is reasonable to assume the objectively assessed need for housing (market and affordable), is likely to be higher than the minimum capped LHN figure of 638dpa.</p> <p>In addition, there are known unmet housing needs in adjoining LPAs. SDNP have formally requested assistance with such needs<sup>10</sup>.</p> <p>The SA accompanying the current draft Local Plan asserts it would be unreasonable to test growth scenarios through the SA above</p>
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<sup>5</sup> 763dpa for the District (inc. SDNP parts)

<sup>6</sup> NPPG Paragraph: 024 Reference ID: 2a-024-20190220

<sup>7</sup> NPPF Paragraphs 35 and 61

<sup>8</sup> Chichester Local Plan Sustainability Appraisal (Aecom, Jan 2023)

<sup>9</sup> As derived from the ‘Housing and Economic Development Needs Assessment’ (Iceni Projects, on behalf of CDC, 2022)

<sup>10</sup> Paragraph 5.12 of the ‘Duty to Cooperate – Statement of Compliance’ (CDC, 2023)

	<p>the LHN figure of 638dpa<sup>11</sup>. However, if the aforementioned transport study conclusions are correct, this may not prove to be the case. As a consequence, these matters may need to be revisited through an update or addendum to the SA to ensure the SA process is found to be legally compliant, with further revisions and consultation on Policy H1 as necessary to ensure it meets the ‘positively prepared’ and ‘justified’ tests of soundness in NPPF. This should be progressed <u>prior to the formal submission of the Local Plan</u>, with outcomes and actions (including any necessary revisions to the Local Plan) discussed with adjoining LPAs as part of the Council’s parallel legal Duty to Cooperate on strategic matters.</p>
<p>H2 – Strategic Locations / Allocations 2021-2039</p>	<p>Our client supports the justification for and re-allocation of the ‘Tangmere Strategic Development Location’ for 1,300 homes under site specific policy A14 (subject to the site-specific policy comments contained herein).</p> <p>As outlined at paragraph 10.64 of the draft Local Plan, the site benefits from a CDC resolution to grant outline planning permission for a mixed-use development, which incorporates this quantum of homes (20/02893/OUT). Our client can confirm the site remains suitable for this use and that there are no known overriding constraints to the delivery of the proposed allocation within the plan period. Further evidence in support of this can be found in the documentation and Committee Reports associated with outline planning application 20/02893/OUT.</p>
<p>H5 – Housing Mix</p>	<p>Our client supports the inclusion of criterion 3, which acknowledges a housing mix deduced solely from a district wide assessment of needs (i.e. the HEDNA), may not always reflect evidenced needs at a site specific level.</p> <p>In addition to evidenced local need, there may be other site-specific factors that justify a need to provide a different mix of housing for a particular site. This could include for example, viability considerations. To ensure the policy is ‘effective’ over the plan period envisaged, we would suggest the following revision to this criterion:</p> <p><i>‘robust evidence of local housing need demonstrates that a different mix of dwellings is required justified to address particular site-specific factors, or to meet local needs and demand for specific types, tenures and sizes of housing to contribute to the diversity of housing in the local area and help to redress any housing imbalance that exists; ‘</i></p>

<sup>11</sup> Paragraph 5.2.13: last sentence (Chichester Local Plan Sustainability Appraisal, Aecom, Jan 2023)

<p>H8 - Specialist accommodation for older people and those with specialised needs</p>	<p>To be consistent with the approach outlined in the first paragraph of Policy H6, it is suggested such requirements are set out and justified in the relevant site-specific allocation policies. As outlined in the policy, this is in recognition of the fact that the specific type and amount of accommodation required will depend on the size and location of the site.</p> <p>To be effective over the plan period therefore, we would suggest the first paragraph be amended to:</p> <p><del>'All New housing sites over 200 units, including those which are allocated in the Local Plan this plan, will be required to provide specialist accommodation for older people as set out in the relevant site-specific allocation policies. to include a support or care component.</del> The specific type and amount of accommodation required will depend on the size and location of the site.'</p> <p>Any specific requirements for non-allocated sites should also be clarified, with appropriate flexibility built in to ensure this can account for specific site circumstances.</p>
<p>H10 – Accessible and Adaptable Homes</p>	<p>We note the Government has published its response to the consultation on the building regulations governing accessibility - Part M . This response states that the Government will make part M4(2) the mandatory standard. Whilst this is still to be introduced, given the likelihood that the Government will make M4(2) the mandatory standard we would recommend that the Council amend its policy accordingly to ensure no unnecessary repetition of building regulations within planning policy.</p>
<p>P1 – Design Principles</p>	<p>Under Part A, the policy requires proposals to make:</p> <p><i>'use of materials that reduce the embodied carbon of construction and make use of re-used or recycled materials;'</i></p> <p>Whilst our client has no objection to the overall policy objective, the extent to which such materials can be applied is likely to vary on a site by site basis. Consequently, to ensure the policy remains effective for the plan period, we suggest the policy is amended to read <i>'...including, where possible, the use of materials ...'</i></p> <p>Whilst our client has no objection to the objective of Part B of this policy, the inclusion of the elements listed are unlikely to be appropriate for all developments and site circumstances, particularly elements such as green and blue roofs and green walls for example. As a consequence, the policy as worded is unlikely to be effective over the plan period.</p>

	<p>We would suggest the following revision to ensure this policy is sufficiently flexible to endure the plan period:</p> <p>‘The proposals include measures to adapt to climate change, such as the provision <i>where possible</i> of green infrastructure, sustainable urban drainage systems (SuDS), suitable shading of pedestrian routes and open spaces, a mixture of drought and rain tolerant native planting and the incorporation of green or blue roofs or green walls; ‘</p>
<p>P6 – Amenity</p>	<p>Under part g) the policy requires:</p> <p><i>‘Service equipment is fully integrated into the building envelope or located in visually inconspicuous locations within effective and robust screening/enclosure, and does not cause disturbance through its operation’</i></p> <p>It is unclear if PV, EV and ASHP’s are defined as ‘service’ equipment. These elements are often difficult to be fully integrated all of the time, and would make this element of the policy ineffective for the duration of the plan period. We would suggest this is defined in a footnote for avoidance of doubt.</p>
<p>P8 – Materials and Detailing</p>	<p>Whilst our client has no objection to the overall policy objective, criteria 9 and 11 are considered overly prescriptive and insufficiently flexible to effectively address site specific circumstances.</p> <p>The omission of criteria 9 and 11 would not in our opinion undermine the policy objectives, nor preclude the Council resisting materials that would not be appropriate to local site context. We accordingly recommend these criteria be deleted.</p> <p>Similarly, the penultimate paragraph of this policy seeks to resist value engineered approaches. This is sufficiently ambiguous to compromise the effectiveness of the policy in our view, as there may be justifiable reasons why alternative materials may have to be sought on approved schemes to address particular site-specific factors. The omission of this paragraph would not compromise the effectiveness of the policy in our view, as the Council would still be able to resist such approaches if they resulted in an unacceptable development when judged against the policy as a whole. As a result, we would recommend this paragraph be deleted.</p>
<p>P14 – Green Infrastructure</p>	<p>The wording <i>‘and beyond the site boundaries’</i> in Criterion 2 is sufficiently ambiguous to compromise its effectiveness. It could imply a requirement to meet needs beyond that required to satisfy the statutory tests in regulation 122 (as amended by the</p>



	<p>2011 and 2019 Regulations) and policy tests in the National Planning Policy Framework, namely that these are:</p> <ul style="list-style-type: none"> <li>• necessary to make the development acceptable in planning terms;</li> <li>• directly related to the development; and</li> <li>• fairly and reasonably related in scale and kind to the development</li> </ul> <p>We would recommend the following revision:</p> <p>'...and meet the needs of the <del>communities within and beyond</del> development.'</p>
<p>P15 – Open Space, Sport and Recreation</p>	<p>The first criterion references Table 6.1 development thresholds with regards to on-site requirement provisions. The policy refers to '<i>...(including indoor facilities)</i>'. However, there is no development threshold requirement listed in Table 6.1 for such facilities to assess this against.</p> <p>These requirements are by their nature only likely to be justified on a very small number of sites, and hence contributions are likely to be sought and pooled where justified, with the goal of attaining the quantum and accessibility standards in table 6.4.</p> <p>We would suggest either table 6.1 is re-worked with the benefit of further evidence, to include thresholds for on-site indoor space, or deleted, and left to be expressed in individual site allocation policies.</p>
<p>T1 – Transport Infrastructure</p>	<p>The use of the term 'reducing' in the first bullet point implies that this is from a baseline. Where a development has been designed in way that achieves this objective, the promotion of sustainable modes of transport is inherent as an outcome. We would suggest that the word 'minimise' is used instead to ensure this policy objective is effective on a site-by-site basis.</p> <p>In addition, in sub-point (3), consider using '<i>and/or</i>' when referring to the public transport options, as not all development will be required to deliver improved rail infrastructure.</p>
<p>T2 – Transport and Development</p>	<p>To be consistent with the comments provided for Policy T1, we would suggest at sub-point (1) (a), the Council consider replacing 'reduce' by '<i>minimise</i>', as to reduce implies that this should be from a specific baseline, when in fact sustainable developments will be designed to include this objective at the outset.</p> <p>In respect of sub-point (1) (i), this should be expressed as a stated preference of the council and not a binary requirement, as this may be subject to detailed design considerations which the</p>

	<p>council may wish to come to a balanced view on a site-by-site basis. There may be instances for example where on-street servicing may be desirable in delivering an appropriate layout or overcoming a constraint.</p> <p>In the same paragraph, the term ‘accessing’ is ambiguous as it could refer to other modes of transport. The wording remains ambiguous unless the term ‘<i>delivery access and servicing</i>’ is used instead.</p> <p>In sub-point (1) (j), it is suggested that ‘Provide’ is replaced by ‘<i>Provide or contribute towards</i>’ to provide the flexibility for development to jointly fund specific mitigation measures.</p> <p>Sub-point (2) mentions the adoption of a specific threshold of impact which is not defined for either Transport Statements or Assessments. Further clarification would help make this policy effective for the plan period.</p> <p>In Sub-point (3), it is clear that monitoring should be carried to determine the requirement for additional measures. It should also be recognised that monitoring would also offer an opportunity for Travel Plan targets to be reviewed regularly to ensure that they remain relevant or can respond to exogenous factors / external influences. The conditions at the time of production of the Travel Plan may change in the future. As such, consider adding the following bullet:</p> <p><i>“d) appoint a Travel Plan Co-ordinator whose role will be to oversee the implementation of the Travel Plan and use the outcome of monitoring to review its targets to ensure continued relevance”</i></p>
<p>I1 – Instructure Provision</p>	<p>Sub-point (iv) can only require ‘future-proofing’ to be secured through the application of reasonable allowances, rather than be treated as an absolute term, and hence is ineffective in its current form. Consider revising wording to require:</p> <p><i>“Appropriate allowances should be made to future-proof development to take account of the impacts of climate change, ...”</i></p> <p>In Sub-point (v), if the intention is to ensure that appropriate fixed commuted sums are identified to cover a period of maintenance for infrastructure, this should be stated. Consider the following wording:</p> <p><i>“To consider and meet the costs of construction for infrastructure, including for its future management and maintenance through appropriate commuted sum payments”</i></p>

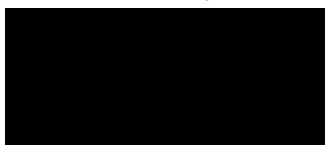
	<p>Our client supports the policy objective in criterion vii, but to be effective for all site-specific circumstances suggest the words <i>‘where possible’</i> be added after the word <i>‘benefits’</i>.</p>
<p>A14 – Land West of Tangmere</p>	<p>Our client supports the justification for and re-allocation of the <i>‘Tangmere Strategic Development Location’</i> for 1,300 homes under this policy A14.</p> <p>As outlined at paragraph 10.64 of the draft Local Plan, the site benefits from a CDC resolution to grant outline planning permission for a mixed-use development, which incorporates this quantum of homes (20/02893/OUT). Our client can confirm the site remains suitable for this use and that there are no known overriding constraints to the delivery of the proposed allocation within the plan period.</p> <p>Further evidence in support of this can be found in the documentation and Committee Reports associated with outline planning application 20/02893/OUT.</p> <p>Our client notes the requirement under criterion 2 to include specific provision to meet the need for specialised housing, including accommodation for older people. Whilst our client has no objection in principle to this requirement, which is over and above that sought in the current adopted Local Plan policy for this site (Policy 18), they would welcome agreement over the specific type and amount of accommodation required, having regard to the latest HEDNA (April 2022) and guidance in NPPG<sup>12</sup>.</p> <p>Considering the outcome of engagement, public consultation, and the description of development the Council have resolved to grant outline planning permission for this site (20/02893/OUT), our client would welcome confirmation that the specialist needs required from this particular allocation will be limited to Use Class C3. We would recommend this criterion is accordingly amended to:</p> <p><i>‘A range of types, sizes and tenures of residential accommodation to include specific provision to meet specialised housing needs within Use Class C3, including accommodation for older people;’</i></p> <p>At criterion 3, the wording <i>‘transforming the existing village centre into a new local centre’</i> does not take into account the outcome of engagement, consultation, and Council resolution on the outline planning application for this site (20/02893/OUT). As a result, we would suggest this is revised to <i>‘expanding and enhancing the existing local centre’</i>.</p> <p>For the same reasons, we would suggest the reference in criterion 10 to conserving or enhancing the WWII airfield should be deleted. In addition, the reference to the relocation of</p>

<sup>12</sup> 012 Reference ID: 63-012-20190626 and 014 Reference ID: 63-014-20190626

	allotment space is addressed in criterion 5, so could be deleted here to avoid duplication.
Map 10.8 – Policy A14 Land West of Tangmere	For consistency and precision, we would recommend cross checks are undertaken prior to formal submission of the Local Plan to ensure the black line extent of the site aligns with that progressing towards grant of permission under application reference 20/02893/OUT.
Map 14a – Policy A14 Land West of Tangmere (Schedule of Proposed Changes to the Policies Map)	For consistency and precision, we would recommend cross checks are undertaken prior to formal submission of the Local Plan to ensure the black line extent of the site aligns with that progressing towards grant of permission under application reference 20/02893/OUT.

We trust the enclosed comments are useful. Our client would welcome the opportunity to meet representatives of CDC to discuss these matters further, in advance of the formal submission of the Local Plan for examination. Given the nature of these comments, we would also wish to reserve the right to participate in the examination hearing sessions to assist the Inspector in due course.

Yours sincerely



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