



Kirdford Parish Council Representations

**Chichester Local Plan
Proposed Submission (Regulation 19)**

March 2023

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These Representations are prepared and submitted on behalf of Kirdford Parish Council (KPC).

1. Introduction

1.1 These representations provide a response, on behalf of Kirdford Parish Council (KPC), to the Chichester Local Plan (Proposed Submission Regulation 19).

1.2 KPC considers the Local Plan to not be legally compliant due to Chichester District Council's (CDC) failure to discharge its Duty to Cooperate.

KPC considers the Local Plan's proposed spatial strategy and the proposed development at Kirdford to be unsound as the plan fails all the tests of soundness set out in the National Planning Policy Framework (NPPF) (Paragraph 36) which are set out below:

“Positively prepared - providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;

Justified - an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;

Effective – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and

Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in this Framework.”

2. Duty to Cooperate

2.1 KPC considers the Local Plan to not be legally compliant due to Chichester District Council's (CDC) failure to discharge its Duty to Cooperate.

2.2 CDC has not complied with the Government's legal test for discharging its Duty to Cooperate. Local authorities must fulfil the legal requirement to cooperate with the Duty to Cooperate prescribed bodies by "engaging constructively, actively and on an ongoing basis"¹ on cross boundary strategic matters from the commencement of preparing the Local Plan to submission of the Local Plan to the Secretary of State for examination.

2.3 Section 33A of the Planning and Compulsory Purchase Act 2004, as inserted by section 110 of the Localism Act 2011² requires the council to cooperate with other local planning authorities and other 'prescribed bodies' in preparing and developing development plan documents and other local development documents so far as it relates to a strategic matter.

2.4 The NPPF is clear about the role and requirements imposed by the Duty to Cooperate which states:

*"Effective and on-going joint working between strategic policy-making authorities and relevant bodies is integral to the production of a positively prepared and justified strategy. In particular, joint working should help to determine where additional infrastructure is necessary, and whether development needs that cannot be met wholly within a particular plan area could be met elsewhere."*³

2.5 In order to demonstrate that effective and on-going joint working, Statements of Common Ground must be prepared and maintained with Prescribed Bodies and the PPG guidance on preparing SOCGs is to be followed including the need for these to be publicly available through the plan making process for transparency:

*"In order to demonstrate effective and on-going joint working, strategic policy-making authorities should prepare and maintain one or more statements of common ground, documenting the cross-boundary matters being addressed and progress in cooperating to address these. These should be produced using the approach set out in national planning guidance, and be made publicly available throughout the plan-making process to provide transparency."*⁴

2.6 Planning Practice Guidance (PPG) states that authorities should make any statements of common ground (SOCG) available on their website **by the time they publish their draft plan so that communities and stakeholders have a transparent picture of how they have collaborated:**

"Authorities should have made a statement of common ground available on their website by the time they publish their draft plan, in order to provide

¹ Section 33A of the Planning and Compulsory Purchase Act 2004, as inserted by section 110 of the Localism Act 2011 (2) (a)

² <https://www.legislation.gov.uk/ukpga/2004/5/section/33A>

³ NPPF, 2021, paragraph 26

⁴ NPPF 2021, paragraph 27

*communities and other stakeholders with a transparent picture of how they have collaborated”.*⁵

2.7 Despite CDC’s attempt to evidence that it has discharged the duty in its Duty to Cooperate Statement of Compliance (January 2023), these lack substantive and up to date evidence that ‘active’, ‘ongoing’ and ‘constructive’ cooperation took place from the start of the preparation of the Local Plan. If further evidence of cooperation were to be submitted by CDC in the lead up to, or after submission of the Local Plan then this would clearly demonstrate that the Local Plan and its policies were not informed by this engagement – which is, after all, the entire reason for the Duty to Cooperate as explained in the NPPF: *“effective and on-going joint working between strategic policy-making authorities and relevant bodies is integral to the production of a positively prepared and justified strategy”*⁶.

2.8 As we set out below **there are no up to date, published and agreed SOCGs with any Prescribed Bodies to support the Pre-Submission Local Plan.** Furthermore the ‘status’ of each of the SOCG’s is unclear from CDC’s statement with the wording varying only slightly to presumably convey whether the drafting of the SOCG has commenced or not. The terms used by CD are ‘Drafting’ and ‘Draft with organisation for agreement’. Regardless of the wording the fact that CDC is only in the ‘drafting’ stage with all of the prescribed bodies is a clear failure of discharging the Duty to Cooperate. There are not even draft SOCGs provided as part of CDC’s DtC Statement of Compliance for consultees to review.

2.9 We make a number of observations about CDC’s Duty to Cooperate Statement of Compliance:

- There are no draft SOCGs provided by CDC for consultees to review. CDC’s Statement simply says that *“All signed Statements of Common Ground will be published on the Council website”*. This is clearly a failure to meet the requirements of PPG and fails to provide the necessary evidence required by CDC to evidence that it has discharged its Duty to Cooperate.
- There is no evidence provided of meeting minutes, emails or letters between CDC and Prescribed Bodies. This makes it impossible for one to read more about the content of the meetings and what was discussed. One is unable to cross-reference or verify the statements made by CDC in its DtC Statement of Compliance including Appendix 1 (Record of Engagement with Duty to Cooperate Bodies).
- CDC is only at the SOCG ‘Drafting’ stage with the following Prescribed Bodies. SOCGs that are at ‘draft’ stage do not give them more weight but does potentially indicate they are further progressed than those that are at the ‘drafting’ stage. It is not possible to ascertain as the draft SOCGs and minutes of meetings are not provided by CDC at this critical Regulation 19 stage of the Local Plan process. SOCGs with the following Prescribed Bodies are only at the ‘Drafting’ stage at the time of the Regulation 19 consultation:
 - Arun DC
 - Waverley BC
 - Havant BC

⁵ Paragraph: 020 Reference ID: 61-020-20190315 <https://www.gov.uk/guidance/plan-making#maintaining-effective-cooperation>

⁶ NPPF paragraph 26

- South Downs NPA
 - West Sussex County Council
 - Environment Agency
 - Historic England
 - Natural England
 - National Highways
 - Topic Based SOCG (Wastewater Treatment): Environment Agency and Southern Water
 - Topic Based SOCG (Water Neutrality): Crawley BC and Horsham DC
- CDC's Statement provides a 'Record of Engagement with Duty to Cooperate Bodies' in Appendix 1. We make a number of observations about this Appendix which, in the absence of any draft SOCGs being provided is the only evidence CDC has provided to attempt to demonstrate it has discharged the Duty:
 - The 'Summary of key outcomes / current position' is very light on details and does not provide the reader with a clear understanding of the 'key outcomes' or the 'current position' between CDC and the respective Prescribed Body.
 - When one does review the table in detail there appear to be errors and inconsistencies that confuse matters further. For instance, under 'Horsham District Council' it refers to Arun rather than Horsham which raises concern about the accuracy of the table. See the final entry (14th December 2022): *"Pause to Local Plan was maintained in July 2022 so Arun is not in a position to confirm whether any unmet need arising from neighbouring authorities can be accommodated."*

Consulted on Regulation 18 preferred approach DPD in 2020, which set out Arun was meeting own requirement for pitches and plots but Limited availability of sites. Unable to offer any assistance in meeting accommodation needs of Gypsy and Travellers or Travelling Showpeople."
 - Another example of lack of clarity and inconsistencies is the Horsham entry 'December 2020' regarding 'revised development distribution and IDP updates' and it states the outcome of the engagement is that there are 'No cross-boundary issues identified'. Yet two entries above this it sets out the topics of the Memorandum of Understanding between the authorities as being 'Housing, Transport, Employment, Green Infrastructure, Gypsy and Traveller requirements.
- CDC's Statement provides a short summary of the Duty to Cooperate in relation to 'Water Neutrality'. It states that:

"The Council has worked with other affected local authorities (Crawley Borough Council and Horsham District Council) and other partners including Natural England, Environment Agency and Southern Water to address the issue. The three local authorities commissioned the preparation of a technical evidence base and a water neutrality mitigation strategy to address the in-combination impacts of planned development across the whole Water Resource area. This work has involved the setting up of several cross authority officer groups to

take forward the technical work and development of the water mitigation strategy. The mitigation strategy was published in December 2022 and has been endorsed by Natural England. A separate Water Neutrality Background Paper and Statement of Common Ground between is being prepared that details the work undertaken and sets out the agreed position on water neutrality.”⁷

KPC and other consultees cannot be expected to provide a response to the ‘Water Neutrality’ matter, which is clearly one of the major issues for the Local Plan and particularly for the Northern Area of the District, on the basis of this one paragraph and without sight of the ‘Water Neutrality Background Paper and Statement of Common Ground’.

KPC had issued multiple FOIs to CDC to determine the state of the COSGs regarding Water Neutrality yet were rejected each time by CDC.

We would like to point out that CDC’s Statement refers only to ‘Water Neutrality’ in the section above, yet in Appendix 2 it refers to ‘Nitrate Neutrality’, ‘Nutrient Neutrality’ and ‘Water Neutrality’. It is unclear whether CDC is using these terms interchangeably or not.

2.10 We note that ‘Water Neutrality’ is not identified as a ‘matter to be covered’ by the SOCG with South Downs National Park Authority (SDNPA). The Hardham groundwater abstraction supplies water to the Sussex North Water Resource Zone (WRZ) which covers the majority of Crawley, Horsham, part of the Chichester local authority area and part of the South Downs National Park. Surely ‘Water Neutrality’ will be addressed in the SOCG with SDNPA?

2.11 CDC has also failed to comply with the Town and Country Planning (Local Planning) (England) Regulations 2012⁸ which states that:

“(6) Where a local planning authority have co-operated with another local planning authority, county council, or a body or person prescribed under section 33A of the Act, the local planning authority’s monitoring report must give details of what action they have taken during the period covered by the report.”

2.12 CDC’s Authority Monitoring Report (AMR) (2021-22)⁹ is the most recent report available on the Council’s website. The Report includes a section on Duty to Cooperate however it does not *“give details of what action they have taken during the period covered by the report”*. The Report simply lists the Prescribed bodies and provides an overview of selective collaborations which consist of:

- Solent Recreation Mitigation Partnership – Bird Aware Solent
- Coastal West Sussex
- Other Collaborative Working Projects

⁷ Paragraph 5.34

⁸ <https://www.legislation.gov.uk/ukxi/2012/767/regulation/34/made> (see 34(6))

⁹ https://www.chichester.gov.uk/media/37575/Authorities-Monitoring-Report-2021-22/doc/Authority's_Monitoring_Report_2021-2022_Final.docx

2.13 Critically, CDC cannot demonstrate that the Local Plan's policies have been developed through effective, ongoing and constructive engagement with Prescribed Bodies.

2.14 The Duty to Cooperate cannot be rectified post-submission so if the Inspector finds that the Duty has not been complied with the examination will not proceed any further¹⁰. CDC should not be proceeding with this Regulation 19 consultation given that all indications are that the Duty to Cooperate has not been discharged.

¹⁰ PPG Paragraph: 031 Reference ID: 61-031-20190315

3. Sustainability Appraisal (SA)

Lack of Topic / Background Paper

3.1 CDC has unhelpfully not provided a ‘Topic Paper / Background Paper’ so that consultees can understand the SA process that has been undertaken in the preparation of the Local Plan. It is very rare for an LPA to avoid the preparation of this documentation and makes it more difficult to make representations into the soundness and legality of the SA. If CDC intends to provide a Topic / Background Paper as part of its Local Plan submission this is too late in the process and consultees are not able make responses to this apart from as part of Hearing Statements and verbally at the Local Plan Hearings.

Local Plan Areas

3.2 The SA states that the local plan area is “split into two broad sub-areas:

- *Southern plan area – comprises land to the south of the SDNP. It includes Chichester and the A27 corridor (also known as the “east-west corridor”) and the Manhood Peninsula.*
- *Northeast plan area – comprises land to the north of the SDNP.(footnote: There is also a third plan sub-area, at the northern extent of the district; however, this is a very small area comprising the southern extent of Haslemere, with no significant growth opportunity. Land here is within Linchmere Parish.)”¹¹*

However, the Local Plan conflicts with the SA stating the following:

The plan area (Chichester District excluding the area within the South Downs National Park; see Map 1.1) has three distinct sub-areas:

- *The East-West Corridor (Chichester city, east of the city, west of the city);*
- *The Manhood Peninsula; and*
- *The North of the Plan Area (the northeast of the district and Hammer/Camelsdale).*

The plan provides a direction for development based on the characteristic of the areas, which is set out in the spatial strategy.¹²

3.3 This is a fundamental error, in that the Local Plan confirms there are “three distinct sub-areas” yet the SA of the Local Plan states there are “two broad areas”.

3.4 The SA refers to the “Northeast Plan Area” yet the Local Plan refers to it as “North of the Plan Area”.

3.5 It is concerning that the SA cannot get such a basic and fundamental part of the Local Plan correct and raises concerns as to the accuracy and robustness of the detailed contents of

¹¹ Sustainability Appraisal (Jan 2023) Para 2.2.4

¹² Local Plan Paras 1.9 – 1.10

the SA. We refer to the North of the Plan Area in our representations as **NPA** for the sake of clarity and consistency.

Data Sources and Inconsistencies

3.6 The SA provides population statistics for the District and places within the District on page 2-3 yet it does not provide the source of the statistics and for example whether the 2021 Census is being used. In addition, the SA does not state whether the statistics presented are in relation to whole parishes or settlements. This should be clarified by the Council and updated in the report.

3.7 Paragraph 2.2.12 makes the statement, that the southern plan area is particularly heavily constrained setting out the international designation of Chichester Harbour and its susceptibility to water pollution. Whilst we do not disagree that the south of the District is constrained, this statement undermines the significant biodiversity constraints of the NPA including the Ebernoe Common SAC, and The Mens SAC inside Kirdford Parish. It also fails to mention the Sussex North Water Resource (WRZ) which Kirdford Parish is also located within and is clearly a key constraint. This suggests there has been a failure by CDC, the Local Plan and its evidence base to grapple with the very real constraints in the NPA.

“International, national and local biodiversity designations constrain both plan areas, but this is particularly the case for the southern plan area, which is heavily constrained on account of Chichester Harbour, which is internationally designated, and particularly susceptible to water pollution (nutrient enrichment). The UK’s largest exposed-coast Managed Realignment Scheme is at Medmerry, west of Selsey. Elsewhere, key green / blue infrastructure assets include woodlands, river corridors, former gravel pits and canals.”¹³

Transport and Accessibility of Kirdford

3.8 The SA rightly states that the “other villages” within the NPA, which includes Kirdford, are more distant than the four service villages and that they are served only by minor roads and that there is undoubtedly limited potential to travel by walking / cycling or public transport in comparison to the southern plan area and there are not settlement hubs in this area.

“Of the four service villages, it is Loxwood and (in particular) Wisborough Green that are best connected to a higher order settlement (Billingshurst and Horsham), with the other villages more distant and connected by minor roads. However, across the area as a whole there is undoubtedly limited potential to travel by walking / cycling or public transport in comparison to the southern plan area (and the east-west corridor in particular). It is important to recall that there are no settlement hubs in this area.”¹⁴

¹³ Sustainability Appraisal (Jan 2023) para 2.2.12

¹⁴ Sustainability Appraisal (Jan 2023) para 5.2.33

Parish Scenarios

3.9 The SA explains that it has concluded that there are three reasonable growth scenarios for each of the four parishes in the NPA under the assumption that a new settlement at Crouchlands Farm is to be ruled out as unreasonable¹⁵. It then states that:

“with regards to the option of a new settlement at Crouchlands Farm, there is a strong argument to suggest that this option is unreasonable, such that it should not be taken forward to Section 5.5. However, on balance, it is considered reasonable and appropriate to take the option forward for further consideration. The implication is that there is a fourth scenario for Plaistow and Ifold Parish, involving ~600 homes”¹⁶

3.10 KPC supports the SA’s original ‘strong argument’ that a new settlement at Crouchlands Farm is unreasonable and that it should be rejected. It is entirely unclear as to what the ‘on balance’ factors were that led the SA consultants to then conclude that Crouchlands Farm should be considered ‘reasonable’ to be taken forward as an option for further consideration. This needs to be explained in the SA as there is no substance presented behind this decision.

3.11 Furthermore, the SA states that:

“a maximum reasonable growth scenario for the northeast plan area (in terms of new homes over-and-above completions and commitments) involves ~2,250 homes from allocation (i.e. over-and-above completions and commitments, as well as windfall assumption). However, there is a clear potential to argue that growth of this scale is in fact unreasonable, including due to the water neutrality issue. As discussed above, the agreed Mitigation Strategy assumes ~1,800 homes in total.”¹⁷

3.12 Whilst KPC welcomes the SA’s conclusion that 2,250 new homes in the NPA is unreasonable, and that a key reason for this is the ‘water neutrality issue’, this requires much further explanation as to why the SA considers 1,800 homes is considered reasonable. We note that the isolated nature of the NPA with lack of access and services and biodiversity constraints including the Ebernoe Common SAC.

3.13 In relation to Water Neutrality and the Sussex North Water Resource Zone (WRZ) where Kirdford is situated KPC, the SA (and the Local Plan) appear to assume that the Sussex North Water Neutrality Study, and particularly Part C – Mitigation Strategy (November 2022) presents a relatively ‘straightforward’ solution to Water Neutrality for the WRZ which falls into 5 local authority areas: West Sussex CC, Chichester District, Crawley Borough, Horsham District and South Downs National Park. The SA fails to grasp the complexity of delivering Water Neutrality across these five areas and meet the requirements as set out by Natural England in its Endorsement of the Mitigation Strategy:

“For every new development, total water use in the region after the development must be equal to or less than the total water-use in the region before the new development.”

3.14 Natural England states in the same document that:

¹⁵ Sustainability Appraisal (Jan 2023) para 5.4.7

¹⁶ Sustainability Appraisal (Jan 2023) para 5.4.8

¹⁷ Sustainability Appraisal (Jan 2023) para 5.4.9

“If properly implemented, these proposals can provide sufficient certainty that those developments which would potentially place additional demands on existing water use in the area served by the Pulborough abstraction, collectively identified in the respective Local Plans, will be water neutral and will therefore not add to the potential adverse effects on the habitats of the Arun Valley in this respect, either alone or in combination.”

3.15 Natural England is clearly stressing the caveat of “if properly implemented” which is still unproven that the Strategy can be properly implemented across five local authority areas. For example, how does CDC and the other authorities intend to provide more development in the WRZ and reduce or keep constant the current total water usage and effectively monitor this on an ongoing basis?

3.16 Clearly the SA should be less certain about the achievability of the Strategy when determining reasonable alternatives for the North of the Plan Area.

3.17 The SA then presents the table below setting out the “Summary of parish scenarios for the northeast plan area. The total ‘highest growth’ scenario is 1,650, the ‘higher growth’ scenario is 825 and the ‘lower growth’ scenario is 200. It is entirely unclear how this table relates to the SA’s stated conclusion that 1,800 homes is considered reasonable across the NPA. There is no further explanation about the table.

Table 5.2: Summary of the parish scenarios for the northeast plan area

Parish	Parish scenarios (N.B. over-and-above completions and commitments)		
	Lower growth	Higher growth	Highest growth
Kirdford	50	150	300
Loxwood*	75	450	1,050
Plaistow and Ifold**	25	150	175
Wisborough Green	50	75	125
Total homes (over-and-above completions and commitments)	200	825	1,650

* the assumption under the ‘higher’ and ‘highest’ growth scenarios for Loxwood is that there would be a strategic extension to the west of the village. The strategic extension might be in the region of 400 homes or 1,000 homes plus, under both scenarios, it is assumed that a package of smaller sites for around 50 homes would be allocated.

** Additionally, there is a need to consider the option of a new settlement at Crouchlands Farm. The site is being actively promoted for around 600 homes plus land for a new primary school, but there is also a separate / parallel proposal for a Whole Farm Plan without housing (22/01735/FUL/EA). The Whole Farm Plan proposes commercial and high welfare, low impact and low intensity farming activity, the gradual development of a rural enterprise centre, a rural food and retail centre, equestrian centre, and glamping site.

Figure 3.1: SA Summary of parish scenarios for the NPA

3.18 Turning to Appendix V: Parish Scenarios, it states that “reaching a decision on reasonable growth scenarios for the northeast plan area and, in turn, a decision on preferred approach to growth, is inherently challenging, in comparison to the southern plan area”¹⁸. The reasons it provides to justify this statement is that:

- the range of potential total growth quantum figures that warrant consideration is broad from 200 new homes to 1,800 homes which it states is the level of growth assumed in the Water Neutrality Mitigation Strategy; and

¹⁸ Sustainability Appraisal (Jan 2023) Appendix V – Parish Scenarios page 104

- there are relatively few clear cut strategic distribution factors with all four/five settlements placed in the same tier of the settlement hierarchy and the two other primary facts that apply in the southern area, namely nutrient neutrality and A27 capacity constraints, do not apply to the northeast plan area.

3.19 The ‘reasonable alternatives’ for the NPA are therefore wholly framed by two key factors: **1)** the reliance on assumptions made about development capacity in the Water Neutrality Mitigation Strategy; and **2)** the reliance on the ‘settlement hierarchy’. KPC considers this to be far too simplistic and an unacceptable approach for determining the reasonable alternatives in the NPA. The Water Neutrality Mitigation Strategy is not supported by a Statement of Common Ground and has not yet been tested and therefore cannot be fully relied upon. The ‘settlement hierarchy’ is itself flawed with a ‘broad brush’ approach to designating seventeen settlements as ‘service villages’ rather than taking an evidence-based and objective approach to deciding on a settlement hierarchy.

3.20 In addition, the SA “introduces some key issues” for the NPA which include the following with our comments provided in bold:

- **Connectivity:** Loxwood and (in particular) Wisborough Green are best connected to both Billingshurst and Horsham, with other villages more distant and connected by minor roads. This is simply in terms of road connectivity, but there is also a need to consider speed and frequency of bus services. **Given this is the case, how can the SA justify a range of 50-300 dwellings in Kirdford which is clearly more poorly connected than the two main settlements.**
- **Landscape:** the Capacity Study (2019) is a key source of evidence. **This study determines that three out of the four sub-areas surrounding Kirdford have a ‘low capacity for landscape change’ (Areas 162, 163 and 165) and the fourth sub-area has a ‘medium capacity for landscape change’ (Area 164). See Sub-area map below:**

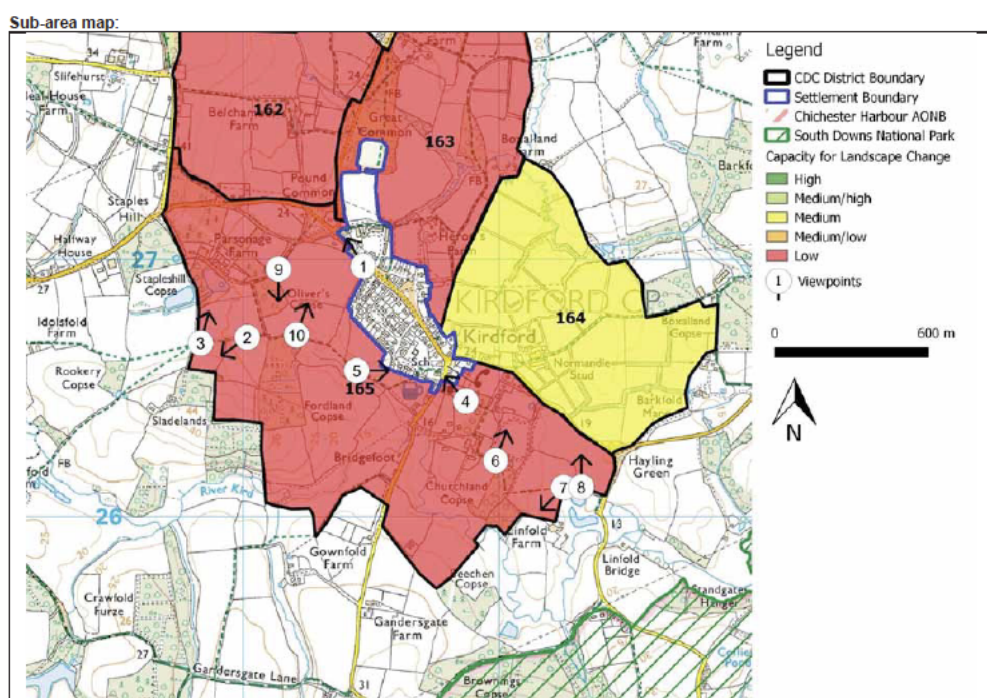


Figure 3.2: Landscape Capacity Study (March 2019) – Section D Sub-area reports: North East (Kirdford)

- **Waste water treatment** – the waste water treatment works (WwTW) at Loxwood, which also serves Plaistow and Ifold, is currently operating above capacity, but there is understood to be potential for upgrades, such that this is an issue for the phasing of development more so than spatial strategy / site selection.
- **Other environmental constraints** - ancient woodland is widespread, including nationally designated SSSIs, and four of the five villages are associated with river corridors. Wisborough Green is closest to the SDNP and also the Mens Special Area of Conservation (SAC), which falls within the SDNP and is associated with a sensitive bat population known to forage across landscape scales. However, visual and footpath/bridleway links to the SDNP are limited. In contrast, the three northern villages are all associated with important footpath/bridleway routes associated with the River Arun corridor and/or linking to open access common land / woodlands. **This statement in the SA overstates Wisborough Green’s environmental sensitives compared to Kirdford and it fails to highlight that The Mens is within Kirdford Parish, Kirdford is in the SSSI impact zone for the Mens SAC / SSSI, is closest to the Ebernoe Common SAC / SSSI / NNR and is in close proximity to the South Downs National Park – see map illustrating this below.**
- **We also note the following description in the SA (page 36) regarding the ‘north east plan area’:**
 - **Biodiversity** – it is not clear that there is any significant risk of impacts to a nationally designated SSSI or a locally designated Site of Importance for Nature Conservation (SNCI), but there are risks to ancient woodland and non-designated priority habitats. The greatest concern potentially relates to the likely need for significant expansion to the north of **Kirdford**, under a higher / highest growth scenario, as this is a landscape associated with a dense network of ancient woodlands, common land and historic field boundaries.
 - A second concern relates to **Crouchlands Farm** new settlement, where development would again lead to fragmentation of ancient woodland patches, and potentially lead to problematic recreational pressure; although, on the other hand, there could be green infrastructure benefits around enabling access to woodlands.
 - **Ifold**, where there is a stream corridor associated with a fluvial flood risk zone, and to the north of **Kirdford**, where there is a small stream corridor associated with a surface water flood risk zone.

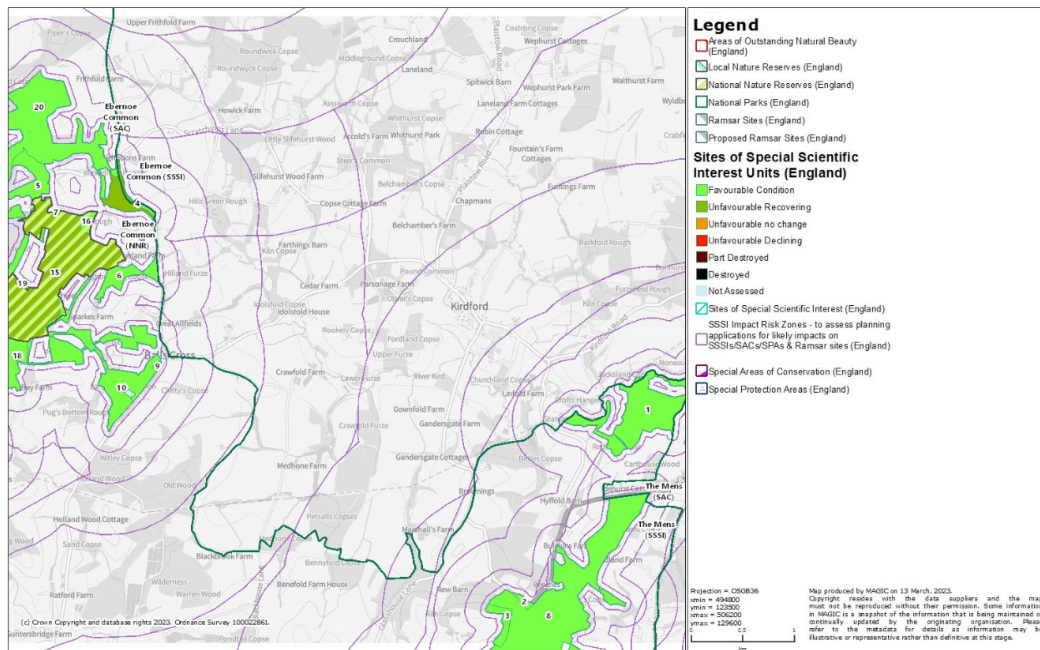


Figure 3.3: Magic Map of Kirdford and surrounding area

3.21 The SA then goes into parish / village specific considerations. For Kirdford it states:

“Kirdford - there is a village shop, but no primary school, with the nearest at Plaistow, ~5km to the north. The village is located on minor roads, but the A272 at Wisborough Green is ~4.5km distant, which links to Billingshurst (~9km). Kirdford is a historic village associated with the River Kird, with a designated conservation area and grade 1 listed church, plus there are landscape and biodiversity constraint, including associated with ancient woodland and common land. The village has expanded modestly beyond the conservation area, and there is a need to consider further expansion, despite clear constraints.”

3.22 The statement that *“there is a need to consider further expansion, despite clear constraints”* is not substantiated by any explanation or evidence to suggest that this is the case. This is purely subjective statement and conclusion by the SA consultants. If such a statement is to be included in a SA it needs to be substantiated.

3.23 How is it of relevance to state that the A272 at Wisborough Green is 4.5km from Kirdford and that it links to Billingshurst which is 9 km away? These are clearly too far from the remote village of Kirdford to even mention. This summary fails to mention the nearby Mens SAC, SDNP and Ebernoe SAC.

3.24 Kirdford (and the other northern settlements) are then ‘discussed’ individually in detail by the SA.

Detailed Section on Kirdford Village

3.25 The SA incorrectly sets out the Development Plan for Kirdford Parish as it states that it has a ‘committed growth’ of 73 dwellings. However, the Chichester Local Plan: Key

Policies 2014-2029 specifies in Policy 5 an indicative housing number of 60 dwellings for Kirdford. It does correctly explain that 54 dwellings have planning permission for site HKD0002 (ref. 19/00086/FUL). This means that Kirdford has fulfilled the requirements of this extant policy in the Development Plan. KPC agrees with the SA where it states that the committed growth at Kirdford “*amounts to a significant level of growth for a small village such as Kirdford*”. As set out in the Kirdford Neighbourhood Plan there are currently *approximately 226 existing homes in Kirdford*. With the introduction of 54 dwellings through the consented scheme mentioned above **this will result in a growth in 24% in the number of dwellings in Kirdford**. The Pre Submission Local Plan’s proposal of an additional 50 dwellings in Kirdford, on top of this, would result in an increase of 46% housing growth in an unsustainable and isolated location of the District, constrained by water neutrality.

Southern Options

3.26 In terms of potential options for further growth it states: “*the first port of call is land to the south of the village, namely adjacent sites HKD001a and HKD001b*”. Why does the SA consider this to be the ‘first port of call’? What justification is there for stating this and using such subjective language?

3.27 The site has a substantial biodiversity value and lies directly in the path of the bat corridor used to transit between the Mens SAC and Ebernoe Common. KPC Submitted evidence to the Police Rural Crimes Unit demonstrating the destruction of habitat and protected species on this site. West Sussex Police confirms that the evidence produced would have met a sufficient bar to pursue an investigation, had it not timed out on the basis of statute of limitations. There was a failure by the company that carried out the HRA on behalf of the land agent to follow professional conduct rules that places a duty to report the crime. KPC is pursuing this through a professional misconduct complaint process with the governing body.

3.28 The SA appears to unduly give weight to this option due to there being a planning application for 70 dwellings across the two sites and it states this is a reasonable option to test as it states that it relates well to the village. It considers there to be an argument for modest housing growth to the south of 50 dwellings alongside community infrastructure due to the adjacent conservation area, public right of way through the site (plus the wider site being informally accessed) and possible on-site biodiversity value.

3.29 We refer the SA consultants to KPC’s representations to the planning application for the southern sites discussed above (**see Appendix A**). The consultant’s overview of issues and opportunities are not based on an understanding of the site and its full constraints. KPC’s representations about the application and site can be summarised as follows:

The scheme is not deliverable: The applicant has not provided evidence to justify that the site is deliverable or that it can be delivered ‘quickly’ to help with Chichester’s five year housing land supply position. If the applicant was in a position to deliver this scheme quickly then a full application would have been submitted rather than the ‘light touch’ outline application it did submit with all matters reserved apart from access. This is further evidenced by the response from Southern Water regarding the sewerage pipe running directly through the site (one of the previous reasons for refusal) and the applicant’s failure to properly address this in the planning submission. As explained below, the circumstances relating to water supply in Kirdford and the wider Sussex North Water Supply Zone mean that there is no possibility of the site being considered as deliverable.

Sussex North Water Resource Supply Zone: Natural England has advised that any developments in Chichester District which fall within the Sussex North Water Resource Supply Zone (including Kirdford) will need to be tested through an HRA. This is because the Sussex North area is supplied by a water extraction at Hardham, which cannot with certainty conclude is not having an adverse impact on integrity on the Arun Valley SPA, SAC and Ramsar. Given the in-combination impacts on the Arun Valley SPA SAC and Ramsar need to be considered. Natural England advised that a water neutral approach is a mechanism for avoiding impact if an alternative water supply cannot be secured. Natural England described this as a 'complex issue' and requested engagement with CDC on this matter and through the Local Plan review. Water neutrality is a material planning consideration. It raises a specific issue under the European protections which apply to the Arun Valley SPA, SAC and Ramsar Site. For the reasons set out below it is currently a prerequisite to compliance with regulation 63 of the Habitats Regulations 2017 and, consequently, the lawfulness of a grant of planning permission for proposed development. (We note that the application referred to was validated by CDC on 23 February 2021 - it has been active for 107 weeks and yet no Water Neutrality calculations have been published).

Utilities: The representations from Southern Water highlight a number of site-specific issues with the sewer line that runs across the site that the applicant has not adequately taken account of or addressed in its proposals. It states that it will endeavour to provide reinforcement within 24 months of a planning consent being granted but that there a number of factors that could lead to an extension of 24 months. There is no certainty that the issues that Southern Water raises are resolvable, and the sewer line should be considered as a potential 'show stopper' to development.

Unsustainable location: There is no way that one can possibly conclude that two pubs, a church, a recreation ground, a village store, a few industrial units and a bus stop with an inadequate bus service constitute an accessible and sustainable location to deliver housing of the scale being proposed through this application. Whilst the applicant relies very heavily on a recent planning application approved at Loxwood as justification for why its scheme should be approved it is critical that CDC recognises that 'Kirdford is not Loxwood' and despite a planning permission being granted in a nearby village the circumstances and material considerations must be looked at for each case individually.

Site access: There is only a single access for the proposed cul-de-sac scheme of 70 dwellings. The single access off Townfield / Cornwood is on a very tight bend raising serious concerns about the safety and practicality of accessing the development with the applicant's own estimate of 348 movements per 12 hour period. There is no emergency access, so in the event of an emergency whereby the bellmouth of the development were to be blocked there would be no alternative access for the residents. Likewise, if there was a blockage on Townfield / Cornwood there would be no alternative way to access the site. It is concerning that the applicant's technical transport evidence makes no mention of emergency access to the site or the ability of emergency vehicles to use the proposed access.

Landscape: The proposal would generate significant detrimental effects upon landscape character, rural qualities and key views. The site lies within a highly sensitive rural landscape with a recently identified low capacity for change. Through its scale and design the proposal would fundamentally harm the character and identity of this small, rural settlement and its ecologically-rich countryside setting. As a result, this proposed

extensive development represents an unsustainable addition to Kirdford in landscape terms.

Heritage: The proposals would cause demonstrable harm to the settings of a Grade I Listed Building, three Grade II Listed Buildings and the designated and appraised Conservation Area. The proposals would have a severe impact on the scale and individual identity of this secluded Wealden settlement, damage the historic and landscape integrity of open and undeveloped areas to the south west of the village and irreversibly compromise iconic views of the Parish Church.

Ecology: The NPPF stipulates that decisions should contribute to and enhance the natural and local environment. Whilst some mitigatory measures such as tree planting and the provision of a retention pond have been proposed on site, the applicant appears to have an overall lack of appreciation for and understanding of the significance of the ecology of the site. The applicant has failed to apply the findings of the ecology assessments to the overall design of the scheme resulting in insufficient mitigatory measures despite there being a considerable number of important and rare faunal species on the site which require targeted and appropriate conservation measures. The applicant has failed to comply with the policies set out in Chapter 15 of the NPPF. As stated in the ‘procedural issues’ section above, we have serious concerns about the validity of the ecology studies due to these being undertaken after the intentional clearing of the site by the landowner.

Design: The indicative layout for 70 dwellings is dependent on an inappropriate suburban cul-de-sac layout which includes tandem parking to maximise the density. The proposals would result in a break in the existing settlement pattern at Kirdford which is currently loose knit and linear whilst the proposals would result in a nucleated development characteristic of a suburban development. The site is in the transition area between the village centre and the open landscape edge. Standard house types that are regular in their massing and form do not respond to the site’s location and would irreversibly erode Kirdford’s distinctive character as a ‘hidden village’. An appropriately sized development in this location (as set out in the Neighbourhood Plan) would yield nowhere near this number of dwellings. The design rationale for the architectural style of the dwellings has failed to reflect the rural characteristics found at the edge of settlement and instead have mistakenly interpreted a ‘centre of village’ typology as an appropriate design response for the architectural style of the proposed dwellings.

Northern Options

- 3.30 The SA explains that options north of the village are a “sequentially less preferable” direction for growth. The reasons given for this are **1)** less well connected to the village and road network; **2)** high density of woodland, mature hedgerows and PRoWs; **3)** committed site HKD0002 is nearby; **4)** access is key issue – it seems likely that sites would require access from one another (HKD0007 requires access from HKD0009 via a small stream / surface water flood channel); and **5)** the lack of any field boundary between HKD0009 and / or HKD0011.
- 3.31 As the SA sets out above, the sites to the north are clearly unsuitable for the reasons given and they should be removed from consideration in the SA and Local Plan for these reasons. There is no need to test these as reasonable options as the reasons provided should render the sites unsuitable and undeliverable.
- 3.32 The SA states that in relation to “looking beyond HELAA sites” that it is difficult to envisage a higher growth scenario that delivers a primary school. Clearly any additional

growth than that already committed at Kirdford is creating unsustainable movement patterns for children who have to travel by car to school.

- 3.33 The SA states that the Landscape Capacity Study notably identifies “*land to the east of the village as having relatively high landscape capacity; however, in addition to the land in question not having been made available, there would be a concern regarding long term development creep east across a flat and relatively featureless landscape*”. Firstly, the Landscape Capacity Study assessed sub-area 164 as having ‘medium’ capacity for landscape change not ‘relatively high’ capacity as the consultants claim. Given the consultant’s strong views on the poor suitability of options to the east on sub-area 164 which has ‘medium’ capacity for change, the consultants should be considerably clearer about the poor suitability of options to the south and north of the village in landscape terms given that the Landscape Capacity Study assesses both of these areas as having ‘Low’ capacity for change. Yet instead the consultants recommend that options south and north are reasonable for being assessed in the SA.

Kirdford - Reasonable Alternatives

- 3.34 Given the explanation above both by the consultant and KPC it is perplexing to read the consultant’s conclusions about ‘reasonable’ and ‘unreasonable’ alternatives:

- The only scenario that is ruled out is the ‘lowest growth scenario (i.e. growth at committed sites only)’. It’s only justification for ruling this scenario out is that “there is a clear argument for growth over-and-above commitments, given A) the strategic context (1,800 home target figure for the north east plan area) and B) significant capacity at sites found to have capacity through the HELAA. **These conclusions by the consultant are not founded on an objective assessment of sustainability evidence, but rely entirely on a ‘1,800 dwelling target for the north east’ and the Council’s HELAA. Where even is the 1,800 dwelling target that the SA refers to – it is not in the Local Plan and even if this target were in the Local Plan it is the SA’s role to assess options rather than simply reinforce what the draft Local Plan states. In terms of relying on the HELAA it is an unsound document itself and should not be relied upon in the SA.**

KPC has set out above the reasons why the southern options / sites are unsuitable and undeliverable. In respect of the northern options the assessments in the HELAA are not detailed enough to draw conclusions that they are suitable or deliverable.

Taking the above analysis into consideration it appears that CDC has sought to fulfil an artificial housing capacity / target of 1,800 dwellings rather than approaching this exercise with an open mind.

- 3.35 The section on Kirdford concludes by recommending three ‘reasonable’ growth scenarios:

Scenario 1 – 50 homes, assumed likely to involve a southern focus.

Scenario 2 – 150 homes, assumed to involve up to 70 homes to the south plus limited growth to the north (presumably to include HKD0009).

Scenario 3 – 300 homes, assumed to involve up to 70 homes to the south plus up to 250 homes to the north.

3.36 There is no explanation provided for Scenario 2. However this scenario appears to assume that the southern option would be maximised at 70 dwellings plus ‘limited growth’ to the north of 80 dwellings. Given what has been explained, this should be dismissed as ‘unreasonable’

3.37 The SA states that there is an argument for ruling out Scenario 3 as ‘unreasonable’ due to Kirdford’s poor connectivity, lack of primary school and no potential to deliver a new school. It then goes back to the baseless argument of ‘the strategic context’ and ‘a view that development of HKD0009 would in turn lend support for additional allocation of HKD0011 because of a lack of an intervening field boundary.

3.38 It recommends that the Kirdford Neighbourhood Plan is delegated the responsibility of allocating sites under Scenarios 1 and 2 and that the Local Plan allocates the sites if Scenario 3 were selected. In terms of the Neighbourhood Plan, the SA should not be determining locations for growth if the allocations are to be determined through the NDP which will be accompanied by its own SA.

Detailed Site Assessments

3.39 The site assessments are extremely basic with the constraints simply set out across the top of the table and each site is given a RAG rating against each constraint based on the consultant’s methodology. There is no narrative provided for each site and there is no weight given to the scoring.

3.40 It is therefore not a particularly useful or insightful assessment and lacks the rigor required in an SA to draw conclusions about potential effects of allocating sites.

3.41 KPC did note an error for the Kirdford HELAA sites regarding the assessment of the ‘primary school’. The assessment indicates this as ‘dark green’ which would require that a primary school is less than 400m away. Yet, as the SA explained in some detail, Kirdford does not have a primary school and the nearest primary school is nearly is in Plaistow 5 km away, therefore all the Kirdford sites should assessed as ‘dark red’.

HELAA ref.	Parish	Broad area	Size (ha)	AQMA	SPA	SAC	SSSI	LWS	Ancient woodland	Priority habitat	TPO	Wildlife corridor	Conservation area	G1 listed building	G2* listed building	G2 listed building	RPG	Scheduled monument	Archaeological Record	National park	AONB	Landscape capacity	Flood Zone	SWFR	Agricultural land	Minerals safeguarding	Primary School	Secondary School	Doctors Surgery	Train Station	Bus stop	IMD
HKD0010	Kirdford*	Northeast	11.1	Green	Green	Red	Green	Green	Red	Green	Green	Green	Red	Red	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green
HKD0011	Kirdford*	Northeast	6.5	Green	Green	Red	Green	Green	Red	Green	Green	Green	Red	Red	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green
HKD0001b	Kirdford*	Northeast	2.0	Green	Green	Red	Green	Green	Red	Green	Green	Green	Red	Red	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green
HKD0009	Kirdford*	Northeast	1.7	Green	Green	Red	Green	Green	Red	Green	Green	Green	Red	Red	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green
HKD0007	Kirdford*	Northeast	1.6	Green	Green	Red	Green	Green	Red	Green	Green	Green	Red	Red	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green

Figure 3.4.: SA Table B: GIS analysis of all developable HELAA sites

4. Habitats Regulations Assessment (HRA)

4.1 The HRA provides a Screening Assessment on the ‘likely significant effect test’ of the Local Plan Policies and Allocations (see Appendix A – Policy & Allocation Screening). In relation to Policy H3 (Non-Strategic Parish Housing Requirements 2021 – 2039) which includes 50 dwellings at Kirdford, it states that there are “potentially likely significant effects” and that “there is the potential this development may have impacts on European sites”. It explains that the implications of this are discussed within the body of the report.

<p>Policy H3: Non-Strategic Parish Housing Requirements 2021 – 2039</p>	<p>This policy sets out where small scale housing sites would be required to meet the needs of local communities. A total of 310 dwellings are allocated for small scale housing sites in the following parishes:</p> <ul style="list-style-type: none"> - Boxgrove – 50 dwellings - Fishbourne – 30 dwellings - Kirdford – 50 dwellings - North Mundham – 50 dwellings - Plaistow and Iford – 25 dwellings - Westbourne – 30 dwellings - Wisborough Green – 75 dwellings 	<p>Potential likely significant effects.</p> <p>This policy allocates parishes for development and quantifies of development within those parishes. There is the potential this development may have impacts on European sites.</p> <p>The implications of this and other policies with potential likely significant effects will collectively be discussed further within the body of the report.</p>
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Figure 4.1: Extract from HRA Appendix A - Table 19: Screening Assessment of the Local Plan Policies and Allocations

Ebernoe Common SAC

4.2 The HRA identifies Ebernoe Common SAC at its closest point adjacent to the Local Plan area in the vicinity of Kirdford, Plaistow and Ifold. Ebernoe Common SAC qualifies as an SAC for both habitats and species. Firstly, the site contains the following Habitats Directive Annex I habitat: Beech forests on acid soils and secondly, the site contains the following Habitats Directive Annex II species: Barbastelle (*Barbastella barbastellus*); and Bechstein’s bat *Myotis bechsteinii*.

Site Allocations

4.3 Whilst the Local Plan does not make strategic allocations within proximity of the SAC site, the HRA specifically identifies the Local Plan’s allocation of dwelling numbers to Parishes (for allocation through neighbourhood plans) that are within proximity to the SAC. This identifies Kirdford’s allocation of 50 dwellings (Policy H3).

4.4 The HRA states that that the “potential linking impact pathways are:

- Disturbance of bat flight lines through development within the north of the Local Plan area; and
- Potential air quality impacts associated with traffic.

Appropriate Assessment – Disturbance of Bat Flight Lines

4.5 Under the heading of Appropriate Assessment and regarding bat flight lines, the HRA explains that Ebernoe Common is an exceptional site for both Bechstein’s and Barbastelle bats and that key conservation areas have been determined as follows:

- A ‘key conservation area’ – for any development proposed within 6.5km of the SAC, all impacts will be considered; and

- A 'wider conservation area' – for any development proposed 6.5-12km from the SAC, significant impacts or severance of flightlines will be considered. This area encompasses the full extent from the SAC in which bats may forage.
- 4.6 The HRA explains that in due course allocations will be made through the respective North of the Plan Area neighbourhood plans or a subsequent Site Allocation DPD. It explains that the entirety of all three parishes lies within the 12km zone and much lies within the 6.5km zone. Therefore, it states the allocations could impact upon the supporting habitat of bats associated with Ebernoe Common SAC. The same applies to any windfall development that could feasibly occur within the northern part of the plan area.
- 4.7 The HRA explains that all neighbourhood plans that come forward will be subject to their own HRA which will ensure that impacts on functionally linked habitat are minimised and that guidance is included ensuring surveys for significant areas of functionally-linked habitat, and their preservation where identified. It suggests this could be a policy in the neighbourhood plan, if the neighbourhood plan is likely to be adopted before the Local Plan, or could be a reference to a policy within the adopted Local Plan.
- 4.8 It concludes, in relation to bats, that along with implementation of the Sussex Bat Special Area of Conservation Planning and Landscape Scale Enhancement Protocol' (2017), the Local Plan policies (NE8, NE5 and NE6) provide a protective framework for the SAC and the Local Plan will not result in an adverse effect in integrity on this SAC.
- 4.9 KPC challenges the conclusions of the HRA that the draft Local Plan policies and future neighbourhood plan policies are the appropriate way to ensure protection of the conservation of the SAC. This Local Plan is the strategic planning document where the key decisions are being made including the proposals for considerable development in the North of the Plan Area (370 dwellings) with 50 dwellings proposed as a housing figure for Kirdford. It appears that the HRA is attempting to leave the difficult decisions and issues for the Neighbourhood Plan rather than properly assessing the impacts and whether mitigation measures can accommodate the 50 dwelling housing figure for Kirdford at the Regulation 19.**

Appropriate Assessment – Atmospheric Pollution

- 4.10 The SAC lies within 200m of the A283 and for a short stretch in contract with the A283. The HRA states that *"According to APIS the average background nitrogen deposition rate for this site (not specifically within 200m of the roadside) is 26.9 kg/N/ha/yr which is above the upper critical load of 20 kgN/ha/yr and well above the lower critical load of 10 kgN/ha/yr."*¹⁹
- 4.11 It states that *"The Local Plan does not allocate any dwellings within the north of the Plan area but does make provision for 370 dwellings across Loxwood, Wisborough Green, Kirdford and Plaistow and Ifold parishes. Within the north of the plan area all settlements outside of the South Downs National Park Authority are small villages that have many roads connecting them to the wider landscape other than the A283."*²⁰ **This statement attempts to downplay the potential impact of the allocations in the North of the Plan**

¹⁹ HRA para 7.20

²⁰ HRA para 7.21

Area on the A283 and as a result on the Ebernoe SAC. In fact the A283 is a key north - south corridor used to connect Kirdford to the wider area.

4.12 The HRA goes onto to state:

“Modelling was conducted for a single transects on the A283. The first point for the transect is shown within the Table below. Current nitrogen deposition is therefore well above the most stringent critical load (10 kgN/ha/yr) for beech forest, the relevant SAC site habitats in this location according to www.magic.gov.uk.”²¹

“The above tables show, that in both cases either alone or in combination the SAC will still be well over the critical load for beech woodland. However, Table 11 the ‘in isolation’ table i.e. the Chichester Local Plan contribution to air pollution shows a 0.16 kgN/ha/yr reduction in deposition rates due to the implementation of the Plan verses not implementing the Plan. This reduction in deposition rates is likely due to improvements in active travel and public transport promoted within the Local Plan reducing the number of vehicular passes along the A283. The same trend is observed for NOx concentrations and ammonia concentrations i.e. a decrease (improvement) due to the Local Plan.”²²

“Moreover, the Local Plan provides the following policies that would reduce atmospheric pollution contributions stemming from development:

- *Policy NE21: Air Quality: This policy aims to improve air quality within the district of Chichester. This includes minimising traffic generation, Air Quality Management Areas and air quality assessments.*
- *Policy T2: Transport and Development: This policy ensures that the development is safe, sustainable, connected and accessible by active and public travel networks and the use of air quality assessments where significant adverse effects are likely.*
- *Policy T3: Active Travel – Walking and Cycling Provision: Promotes sustainable transport and prioritises walking and cycling to remove vehicles from the roads.*
- *Policy NE1: Stand-alone Renewable Energy: The provision of renewable energy has the ability to reduce atmospheric pollution contributions.”²³*

4.13 **It is an unjustified assumption by the HRA that a reduction in deposition rates will occur in Chichester as a result of the implementation of the Local Plan which it claims is due to ‘active travel and public transport promoted within the Local Plan reducing the number of vehicular passes along the A283’.**

4.14 **As the Council’s own evidence demonstrates in the Sustainability Appraisal (prepared by the same consultants as the HRA) there is very limited potential by travel by walking / cycling or public transport in the North of the Plan Area. The SA states the following (our emphasis):**

“Of the four service villages, it is Loxwood and (in particular) Wisborough Green that are best connected to a higher order settlement (Billingshurst and Horsham), with

²¹ HRA para 7.22

²² HRA para 7.23

²³ HRA para 7.24

*the other villages more distant and connected by minor roads. However, across the area as a whole there is undoubtedly limited potential to travel by walking / cycling or public transport in comparison to the southern plan area (and the east-west corridor in particular). It is important to recall that there are no settlement hubs in this area.*²⁴

The Mens SAC

4.15 In relation to the Mens SAC, the criticisms about leaving the assessment work to the neighbourhood planning process are repeated.

*“Actual sites will be identified in due course through the respective neighbourhood plans or a subsequent Site Allocation DPD. Clearly, the entirety of all parishes lies within the 12km zone and much of it lies within the 6.5km zone. Therefore, they could impact upon the supporting habitat of bats associated with The Mens SAC. The same applies to any windfall development that could feasibly occur within the north of the plan area. However, before adoption, all Neighbourhood Plans that come forward will be subject to their own HRA which will ensure that impacts on functionally linked habitat are minimised and that a policy is drafted ensuring surveys for significant areas of functionally-linked habitat, and their preservation where identified.”*²⁵

4.16 If the Local Plan is to endorse the sites identified as being appropriate for development, then there must be certainty that there would be no adverse effect on the integrity of the site. Leaving this assessment work to the neighbourhood plan process is inadequate.

4.17 KPC considers that policy NE8 does not provide adequate protection to the relevant SAC. Policy NE8 protects, conserves and where appropriate enhances woodland (in the generality) which can provide habitat for the protected species. It is not specifically directed at this habitat, or the significant conservation characteristics that this SAC has, in particular. The policy also does not manage, for example, recreational use – and low recreational use is noted as a ‘key environmental condition’ of the SAC.

4.18 The Mens SAC lies almost in entirety within Kirdford Parish. The majority of the SAC is in contact with the A272 (the main west-east road in the area) and in some places the SAC straddles both sides of the A272.

4.19 There are several criticisms of the HRA insofar as it deals with the Mens SAC. The HRA assesses the atmospheric pollution as minimal air pollution is described as one of the key environmental conditions that support the features of the European interest having been identified. There is no assessment of the recreational impacts likely to arise from the planned development. KPC therefore considers that there has been a critical oversight in the preparation of the HRA because ‘low recreational pressure (because management is minimum intervention and bridleway by horse riding is a recurring threat) is specifically identified as a ‘key environmental condition’²⁶. Though policy support for ‘active travel’ is identified as a means of reducing vehicle travel which would, in-turn, reduce atmospheric

²⁴ Sustainability Appraisal (Jan 2023) para 5.2.33

²⁵ HRA Para 7.13

²⁶ HRA Para 8.8.

pollution contributions, that could have other knock-on consequences for the habitat if more people are encouraged to walk/cycle. These impacts do not appear to have been assessed at all.

Water Neutrality

- 4.20 Before moving on to consider the Water Neutrality issue in detail, it is relevant to note that KPC wrote five times to PINS informing them of Natural England's Water Neutrality issue as this was omitted by CDC in their meeting with PINS in July 2021. The CDC trajectory was to look at northern allocations because PINS had given them the initial advice to that effect. That was evident from the Chichester Local Plan review Advisory Visit of Monday 12 July 2021. CDC's withholding of the knowledge of water neutrality in July 2021 gave PINS a false impression such that the advice issued set CDC on its trajectory to look again at the north. It is KPC's contention that PINS would not have advised additional allocation in an area so afflicted by water neutrality. For clarity, CDC was aware of Water Neutrality since Feb 2021 and had written to all northern parishes in April 2021 to outline the issue.
- 4.21 In a call between CDC and all Parish Councils in late January 2023, CDC introduced the Local Plan and allocations overall, but when mentioning the north, commented that 'the allocations should satisfy PINS advice'. It appears that was predicated on the 2021 Advice from PINS. Had the allocations considered the most up-to-date advice, it would have been evident that the north is severely constrained by the water neutrality issue, which the September 2022 (meeting with PINS and LPAs) and October 2022 (meeting with PINS and CDC specifically) appear to recognise. KPC are of the view that this more recent advice (that the north 'has its own issues' and 'it is not an obvious location for significant development' recorded in the Inspector's Note) do not appear to have fed through into the strategy.
- 4.22 In respect of Policy NE17 (Water Neutrality) the Screening Assessment concludes that there will be "No likely significant effects". However, there are concerns that are raised by KPC with this finding. The Arun Valley SPA, SAC, and Ramsar sites lies within the Sussex North Water Resource Zone which is served by supplies from groundwater abstraction at Pulborough. NE have advised that there is a significant threat to the Arun Valley SPA, SAC and Ramsar site arising from the groundwater abstraction, and that water neutrality is one way to ensure that no further adverse effect is produced, and for sufficient water to be available to the region.

Policy NE17: Water Neutrality	This policy sets out that all development in the Sussex North Water Resource Zone (WRZ) are required to demonstrate water neutrality through water efficient design and offsetting any additional water use of the development. There are development management criteria within the policy to ensure this.	No likely significant effects. This is a development management policy. These policies do not have linking impact pathways. In addition, this policy is a protective policy for Arun Valley SPA and Ramsar to ensure no adverse effects to qualifying features by ensuring appropriate water levels are maintained and no further abstraction is required from the River Arun. This policy can be screened out.
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Figure 4.2: Extract from HRA Appendix A - Table 19: Screening Assessment of the Local Plan Policies and Allocations

4.23 The response from the Local Plan is set out below.

*“This means that all development will need to be designed to achieve water efficiency standards **above the requirements set by the optional requirements in Building Regulations** – new residential development will be required to use **no more than 85 litres per person per day** and non-residential buildings required to achieve 3 credits within the BREEAM water issue category. This may include incorporating a range of measures, such as greywater recycling and rainwater harvesting into the design of new developments, and fitting water saving fixtures such as flow regulators, low flush toilets, low volume bath, aerated taps and water efficient appliances (in particular, **washing machines and dishwashers**). The **Water Neutrality Strategy shows that water efficient design will not be sufficient alone to achieve water neutrality**, as new development would still increase the demand for water above existing levels. As a consequence, this additional demand will need to be offset against existing supplies. It is envisaged this will be achieved through demand management savings identified in Southern Water’s Water Resource Management Plan, together with measures to be identified in a joint local planning authority-led Offsetting Implementation Scheme (OIS) being prepared. Those using the OIS to offset water, will ‘buy in’ to the scheme at a level to ensure their development achieves water neutrality.²⁷*

4.24 There are several concerns that arise out of this - first, the Plan requires the use of no more than 85 litres per person per day. There are very serious questions about how that is going to be enforced. It gives rise to serious questions about whether each household (or LPA) will have the capabilities to monitor usage if that is what is suggested.

4.25 Second, though the house might be fitted with low usage appliances, ultimately, the *intensity* and *frequency* of the use is what will likely contribute to the production of the water. There cannot be regulation through planning condition on, for example the number of times a resident puts the dishwasher on in any given 24-hour period. In KPC’s view, the methods of limiting water usage are completely unenforceable in planning terms.

4.26 Third, based upon this, monitoring from the LPA’s perspective is going to be nigh on impossible. Will it be measured on a house-by-house basis? Are all houses going to be retrofitted with water meters to aid monitoring of overall water usage? Is it going to be monitored on a system-wide basis? If it is the latter, how will the LPA know who is in breach of the planning condition? Given that there is already an exceedance of the acceptable limits on water neutrality, then any further exceedance is likely to only exacerbate the problem, and further adversely affect the integrity of the SAC.

²⁷ Local Plan para 4.110

4.27 Fourth, and perhaps what is more, is that in order to grant planning permission, the LPA will be required to be certain that the mitigation will be effective. If the mitigation plan is discovered to be unworkable and in breach, what is the roll-back option? Will households be evicted and water supplies stopped? How can the LPA possibly be certain that the measures imposed to achieve water neutrality will be effective given the obvious uncertainties raised above?

4.28 The Local Plan then provides further detail on the other measures that will be needed.

*“The Water Neutrality Strategy provides evidence that the amount of development proposed in the affected area in this Local Plan, and in Local Plans of the other affected authorities, would not increase abstraction at Pulborough and, thus, would not negatively impact on the Arun Valley Sites. **Recognising that the capacity of water offsetting the OIS can provide may be limited at particular points in time during the plan period, the authorities will have to monitor use across the WRZ and manage access to the OIS to ensure sufficient water capacity exists to ensure water neutrality is achieved when permissions are granted.**”²⁸*

*Applicants will have to demonstrate their scheme is water neutral within a water neutrality statement submitted as part of any application within the WRZ. Should applicants not seek to utilise the OIS, applications should also provide full details of the offsetting scheme that their development would rely upon. The council will seek to provide additional guidance to further assist applicants with water neutrality statements. **Offsetting schemes can occur in any part of the WRZ, with the exception of the Bramber/Upper Beeding area in Horsham District identified on the WRZ Map – unless the development is also proposed in that area. This is on the basis water in this part of the WRZ is usually provided by a water source other than the Pulborough abstraction site.**”²⁹*

“Alternative Water Supply

*Where an alternative water supply is to be provided, the statement will need to **demonstrate that no water is utilised from sources that supply the Sussex North WRZ.** The acceptability of alternative water supplies will be considered on a case-by-case basis.”³⁰*

4.29 No provisions are made for the circumstances in which the offsetting scheme is not available. That poses significant challenges, as ‘sharing it out’ does not constitute a sufficiently robust response in order to adequately respond to the mitigation required in order to be certain in demonstrating that there is no adverse effect on the integrity of the SAC.

4.30 KPC is also perplexed by the suggestion that offsetting can happen within the WRZ. That will surely exacerbate the issue? Similar issues around enforcement are raised with regard to the suggestion that an alternative water supply be used which is required to demonstrate that no water is utilised from sources that supply the Sussex North WRZ.

²⁸ Para 4.112

²⁹ Para 4.113

³⁰ See NE17, para 89

How can that be adequately monitored? Who holds legal jurisdiction if there is a breach in another LPA area of the WRZ? If water offsetting is achieved at the outset, how will an LPA determine the offsetting is still in effect? If the ownership of the offsetting location changes, what obligations will the new owner have to maintain the offsetting? Will this be a covenant in the property title? How will this be monitored in perpetuity?

4.31 In addition, in the event that the water is drawn from beyond the Sussex North WRZ, then that casts considerable doubt on the sustainability of the development, particularly where the water is drawn from much further afield.

4.32 KPC note the suggested content of the Water Neutrality Statement:

“Water Neutrality Statement

A water neutrality statement will be required to demonstrate how policy requirements have been met in relation to water supply, water efficient design and offsetting. The statement shall provide, as a minimum, the following:

- a) **baseline information relating to existing water use within a development site;***
- b) **full calculations relating to expected water use within a proposed development; and***
- c) **full details of how **any remaining water use will be offset.**”***

4.33 This requires a full understanding of how water will be managed from consented development. There is serious doubt about whether those works will themselves need planning permission, and the extent to which that too hinders deliverability of the units proposed to be allocated. That is also a material consideration which must be taken into account.

4.34 There are considerable doubts too about how the applications for development can be managed in the manner suggested by the Local Plan.

There are a number of specific issues that need to be taken into account in planning development for the area. These should be considered and included in the overall masterplanning that will be required for the area, these include:

Phasing of development to ensure water neutrality and wastewater infrastructure improvements

The **development/s will need to be phased** in such a manner as to ensure that sufficient wastewater disposal capacity is available to accommodate the requirements resulting from development/s and to ensure that water neutrality can be achieved;”

4.35 The Local Plan indicates that the ‘monitoring indicators’ will be the ‘daily domestic use’. Assessment of the permissions granted within the Sussex North Water Resource Zone, and the number of applications refused for failing to demonstrate water neutrality etc. This does not adequately grapple with the *intensity* of the usage, and the issue of monitoring of the developments post-consent which is the critical factor.

- 4.36 There is reference to phasing. Development can be ‘phased’ where there is a scheme that is offered in outline, and there are phases which come forward later as part of a Phasing Plan. That will not be the case with the smaller scale developments. Smaller developments will likely come forward as full applications for planning permission. In such cases, phasing cannot be managed in the same way. Furthermore, there is a broader concern too about how developments in the WRZ could be managed on a phased basis, for example, where you have multiple, but separate applications for permission. It would not be within the gift of the LPA to refuse an application on the basis that it is for example, ‘premature’ or does not fall in line with the wider phasing plan for development in WRZ.
- 4.37 In KPC’s view this is an almost insurmountable challenge. The LPA could not stop two developments coming forward under separate applications and delaying their commencement. There are statutory time frames within which applications must be determined (and if not determined within those timeframes it is open to the applicant to appeal to the Secretary of State). Those too are subject to rules around timing of development. As mentioned, permission could not be withheld on the basis that the development should not yet come forward (particularly where it is in accordance with the development plan). Furthermore, if permission was granted, then there is a statutory time limit within which development must be commenced. It is not credible that ‘phasing development’ can be an effective way to control the extent to which development comes forward.
- 4.38 In addition, it is also likely that the works to rectify the water neutrality issue will take much longer than the extent to which development could be managed by ‘phasing’ conditions. KPC is therefore of the view that this is a completely ineffective tool for managing the way in which sites come forward.
- 4.39 Finally, it is also relevant to note that generally, the management of water resources needs to be done on a ‘catchment wide basis’. Issues have been raised in relation to the plan-making process (see Sussex North Advisory Meeting on Water Neutrality’s 6 September 2022 memorandum where the following question was posed:
- “Q2 - How can the five Local Plans, being considered at different times and by different Inspectors, be assured to be aligned and not have the Water Neutrality Strategy supporting each Plan undermined by a contrary decision by one or more of the local plans’ inspectors?”*
- 4.40 The same issue can be raised for decision-taking. The assessment of the impacts needs to happen alongside neighbouring authorities, which adds considerable complexity to the process. This again, amplifies the concern that it will be impossible to monitor for both decision-taking and enforcement across all of the affected authorities.

5. Vision and Objectives

Vision

- 5.1 The KPC provides a number of comments on the Vision and Objectives in the Local Plan.
- 5.2 The Vision and Objectives should be amended so that they are locally distinctive to give a greater 'sense of place' of the District and the clear vision for its future. It is important for the Local Plan to be effective that it does not read as an 'anywhere' place. Currently the Vision is void of talking about any places or settlements in the District, the only mention of anything discernibly Chichester is the mention of Chichester College, Chichester and Pagham Harbours and Medmerry Compensatory Habitat.
- 5.3 Where it does mention local features it leaves out important designations particularly in the North of the Plan Area (NPA). For example, it specifies that Chichester and Pagham Harbours and Medmerry Compensatory Habitat, strategic wildlife corridors and nature recovery networks are fully protected, managed and enhanced yet it does not specify any areas in the NPA (and there are no wildlife corridors proposed in the NPA). It should also specify Ebernoe SAC and The Mens SAC. The Vision states:
- "Know that the special natural environment and biodiversity of the area, including Chichester and Pagham Harbours, Medmerry Compensatory Habitat, and the strategic wildlife corridors and nature recovery networks are fully protected, managed and enhanced;"*
- 5.4 Linked to the above point about the Vision being 'generic' we note that the Vision does not talk about the NPA East-West Corridor or Manhood Peninsula areas despite this being a key part of the Plan's strategy. Linked to this the Vision does not mention the South Downs National Park despite the National Park bisecting the Plan Areas and clearly playing an important role in the defining the character and functionality of the District.
- 5.5 The Vision says nothing about water quality, water neutrality, nutrient neutrality or source protection zones despite these being key considerations in the Local Plan and its policies.
- 5.6 In order to be effective, the Vision should be realistic and there are a number of instances where the Vision falls short of this. A key aspect of the Vision that is not realistic is where it states:
- "Get about easily, safely and conveniently with less reliance on private cars – making use of the rail and bus network, and with more opportunities for active travel including walking and cycling".*
- 5.7 As confirmed through the Council's own evidence base including the Sustainability Appraisal, the NPA and particularly Kirdford there is limited potential to travel by walking, cycling or public transport to key services and facilities. To attempt to artificially engineer this would be detrimental to the character and sense of place in Kirdford. Therefore, the Vision should recognise that sustainable travel and active travel will not be possible in some areas of the Local Plan, including Kirdford.

Section on the North of the Plan Area

5.8 Following the Vision, the Local Plan has a section on each of the three plan areas (East-West Corridor, Manhood Peninsula, North of the Plan Area). There is no explanation or heading for this section of the plan so it is unclear what its role or purpose is in the Local Plan. This is a sort of ‘no man’s land’ in the Local Plan and it needs to either form part of the Vision, Objectives or be included in the Spatial Strategy section.

5.9 In respect of the North of the Plan Area this section states that

- *“the emphasis will be primarily upon maintaining the rural character of the existing villages, whilst enabling the local communities to become more self-reliant in meeting their local needs”³¹.*
- *“Whilst recognising that the area will look predominantly to centres outside the plan area for major shopping, employment leisure and other services, wherever possible opportunities will be sought to maintain and enhance local services such as shops, schools and health facilities, and provide for local employment.”³²*

5.10 KPC supports the emphasis of maintaining the rural character of the existing villages, it is however unclear as to what CDC means by local communities to become more self-reliant in meeting their local needs. For example what does this mean for Kirdford which has virtually no local infrastructure apart from a small village shop and two pubs? The introduction of 50 additional dwellings in Kirdford (on top of the 54 dwellings currently commencing development through planning application ref: 19/00086/FUL) will simply make the village more reliant on services and facilities outside the village.

5.11 It also states that *“conservation and enhancement of the historic environment, the high-quality landscapes and the agricultural and other rural activities that support it will remain paramount”³³*. KPC supports this statement in relation to Kirdford yet the Local Plan’s proposal to locate 50 dwellings in Kirdford will not achieve the objective of conserving and enhancing Kirdford’s rural character, historic environment (conservation area and heritage assets) and its agricultural land.

Objectives

5.12 KPC considers the Objectives to have severe faults. As a general point about the Plan’s Objectives, they are not measurable and are therefore ineffective both in terms of the Local Plan Policies prepared to help deliver the respective objectives and in terms of decision making.

5.13 **Objective 1 (Climate Change)** This Objective is focused on reducing greenhouse gas emissions to achieve net zero by 2050. It states that it will achieve this by new development being located in accessible locations designed to reduce reliance on the private car with convenient walking and cycling routes and public transport to access local facilities and open spaces.

³¹ Local Plan para 2.49

³² Local Plan para 2.50

³³ Local Plan para 2.49

KPC supports this Objective however, as explained above, as far as Kirdford is concerned this objective simply cannot be achieved. By the Local Plan proposing 50 additional dwellings in Kirdford CDC is consciously locating development in a rural inaccessible location with virtually no local facilities. Whilst the Council that it seeks to reduce greenhouse gas emissions in line with its Climate Emergency Action Plan, what are the actual measurable outcomes of this?

5.14 Objective 2 (Natural Environment) This Objective states that it will protect and enhance the natural environment, achieving net gains in biodiversity, nature recovery and tree cover, contributing towards improvements in the condition of designated sites including Chichester Harbour, Pagham Harbour and Medmerry Compensatory Habitat and protecting wildlife and landscape character.

This objective needs to be clear that there are more designated sites than those listed – this should also include Ebernoe SAC and The Mens SAC. The inclusion of ‘landscape character’ at the end of the objective reads like an afterthought and is ineffective.

What is the quantum of biodiversity net gains the Plan is seeking to achieve – this should be clearly set out here. How will it measure the protection and enhancement of the natural environment, nature recovery, tree cover?

Given the importance of landscape in the District and its location within the setting of the South Downs National Park KPC requests that a new objective on Landscape is included in the Local Plan.

5.15 Objective 3 (Housing) As explained above, this Objective which states that housing should be located in ‘accessible neighbourhoods’ cannot be met in rural locations such as Kirdford. This objective clearly cannot be achieved by the Local Plan allocating 50 dwellings to Kirdford.

The Housing Objective includes no mention of the amount of housing it is seeking to deliver, what tenure, what location and when. This should be clearly set out.

The inclusion of a section on Design in this section makes it unclear and confusing compared with Objective 6 (Design and Heritage – Ensuring Beautiful Places).

Objective 3 should include a statement about the Accessibility Standards and Space Standards of housing, but it does not currently mention either.

5.16 Objective 4 (Employment and Economy) This Objective should state the amount of jobs / employment floorspace the Local Plan is seeking to achieve, and it should be much clearer about the objectives for employment in villages and rural areas.

5.17 Objective 5 (Health and Well-being) A key aspect of this Objective is improving ‘health indicators’ and ‘life expectancy’ yet the Objective does not say what these indicators are or what the goal is for increasing life expectancy. The objective should be much clearer about these.

5.18 Objective 6 (Design and Heritage – Ensuring Beautiful Places) This objective states that the National Design Code will be supplemented by local design codes. Yet the Local Plan’s Policy D1 (Design Principles) says nothing about Design Codes being used. Although the title of this Objective includes ‘Heritage’ the actual text provides no further detail about what the Local Plan’s Objectives are in relation to Heritage – this is a clear omission and needs to be rectified through modifications.

5.19 Objective 7 (Strategic Infrastructure) The main text of this Objectives states “*To work with infrastructure providers to ensure the timely delivery of key infrastructure to support*

delivery of new development". Whilst working with infrastructure providers is clearly important this should not be the overall objective – the overall objective should be to identify and deliver the infrastructure required to deliver the spatial strategy. What are the key measurable deliverables for infrastructure, when will they be delivered and for what purpose?

- 5.20 **Water Neutrality** The Objectives only mention Water Neutrality in passing and it comes across as an 'add on' or 'afterthought' by CDC despite it being a very important issue for the Local Plan. There is no mention of the Sussex North Water Resource Zone or the Arun Valley SPA / SAC. Currently Objective 2 states: *"All relevant developments will also be nutrient neutral to protect water quality"* and Objective 7 states: *"Sewerage undertakers will need to work with regulators to deliver improvements in wastewater infrastructure to support new development and to ensure adverse environmental impacts are avoided on internationally designated habitats. Improvements to water efficiency, conservation and storage capacity will be made"*.
- 5.21 KPC suggests that a new Objective on this topic of Water Neutrality is created, and the Objective is made measurable so that it is an effective Objective. The Objective should as a minimum first seek to restrict growth in the Sussex North Water Resource Zone (WRZ) and where development must take place then there will be a need to reduce water demand through clearly set and agreed targets for water usage across the WRZ and its offsetting as set out in the Water Neutrality Study: Part C – Mitigation Strategy (November 2022).

6. Spatial Strategy

Policy S1 Spatial Development Strategy

6.1 KPC considers this policy to be **unsound** due it **not being justified, effective or consistent with national policy**. We explain the reasons for concluding this below.

6.2 The supporting text³⁴ to Policy S1 states that the spatial strategy has been informed by a range of factors and it sets out seven bullet points.

6.3 Notably missing from the Council's list of factors that informed the spatial strategy are:

- Sustainable access to facilities and services; and
- Water neutrality and specifically the Sussex North Water Resource Zone.

6.4 The supporting text states that *"the strategy's emphasis is to locate development in areas which are well located to other uses, serviced by a choice of transport modes and accessible to the communities they serve"*³⁵.

6.5 As set out throughout our representations, Kirdford is not an area that is well located to other uses and nor is it serviced by any choice of transport modes apart from the private automobile and a poor bus service.

6.6 The further justification provided by CDC for the selected Spatial Strategy in relation to the North of the Plan Area (NAP) is difficult to follow and it fails to effectively justify CDC's decision to look to Kirdford for additional housing. It states that "Conserving the rural character of the area, with its high quality landscape and environment is a key objective"³⁶ yet this is not the actual Strategic Objective of the Local Plan, therefore what exactly is the Local Plan referring to here?

6.7 The Local Plan explains that there is *"an identified need to accommodate some development to address local housing and employment needs and support local village facilities"*³⁷. KPC does not see where there is an identified need set out in evidence for additional housing need in Kirdford – the 54 consented dwellings has only just commenced development which will represent a very considerable increase in the population of the village. Any additional housing will simply result in commuting to jobs outside of Kirdford. The local facilities do not need further support as this currently consists of a small village shop and two pubs.

6.8 Paragraph 3.23 of the Local Plan³⁸ acknowledges very clearly that *"accessibility to services and facilities is a particular issue for this area with local residents having to travel significant distances for many facilities"* and that larger villages (clearly not Kirdford) *"provide a range of local facilities for their local communities"*.

6.9 It explains that for *"higher order facilities such as employment shopping, secondary schools and leisure facilities, the area mainly depends on larger settlements outside the plan area, principally Billingshurst and Haslemere and further afield Guildford, Horsham and Crawley"*. From Kirdford these are the respective distances and driving times (based

³⁴ Local Plan para 3.5

³⁵ Local Plan para 3.6

³⁶ Local Plan para 3.22

³⁷ Local Plan para 3.22

³⁸ Local Plan para 3.23

on google maps) to each of these ‘higher order facilities’ which are more like day to day needs including shopping, schools leisure and employment. It should be noted that Billingshurst and Haslemere are not particularly large settlements rich with services and facilities.

Kirdford – Billingshurst: 5.5 miles (11 minute drive)

Kirdford – Haslemere: 11 miles (21 minute drive)

Kirdford – Horsham: 13 miles (27 minute drive)

Kirdford – Guildford: 18 miles (40 minute drive)

Kirdford – Crawley: 20 miles (36 minute drive)

6.10 The Local Plan also suggests that opportunities should also be explored to improve the accessibility of these communities to local facilities, larger settlements outside the plan area specifically mentioning the proposed development of Dunsfold Park Garden Village in Waverley Borough which it states presents an opportunity to explore the longer term potential to improve public transport provision in this area, particularly for Loxwood.³⁹ As the Local Plan states Dunsfold Park Garden Village is a proposed development and the services and facilities are not confirmed and are not clear from Waverley’s Dunsfold Park SPD (adopted February 2022)⁴⁰. In any case this suggestion that Kirdford should access its services and facilities from Dunsfold Park which is over 10 miles away and a 20 minute drive away and not yet built is a very considerable stretch by CDC to attempt to justify proposing development at Kirdford.

6.11 In terms of public transport, as the Local Plan states “*public transport serving the area is also currently very limited*”. In Kirdford the bus service consists of the 64 and 69 buses which have the following services:

- 69 bus service (Alfold – Worthing) stops in Kirdford at 9:36 on Tuesdays and Fridays. The bus will only stops in the afternoon at 14:34 if required by passengers who are already on the bus .
- 64 bus service (Loxwood – Horsham) stops in Kirdford at 10:56 and 14:06 on Mondays and Thursdays.

6.12 Clearly this is not a level of public transportation that anyone could utilise to travel to work or school or to do their shopping. Therefore, the only viable means for accessing services apart from a very small village store, going to the pub or to church is to drive by car.

6.13 In its description of the NPA the Local plan explains its rural nature and character as undulating countryside with the key objective being to conserve this character, high quality landscape and environment which is contradicted by the final sentence saying that there is a need for housing:

³⁹ Local Plan para 3.26

⁴⁰ <https://www.waverley.gov.uk/Portals/0/Documents/services/planning-and-building/planning-applications-and-enforcement/dunsfold%20park/Dunfold%20Park%20Garden%20Village%20SPD.pdf?ver=V55EICFbjDxrh1CsShzUzA%3d%3d>

“This part of the plan area is predominantly rural with few sizeable settlements, characterised by undulating countryside with a high proportion of woodland, typical of the Low Weald landscape. Conserving the rural character of the area, with its high-quality landscape and environment, is a key objective. There is, however, an identified need to accommodate some development to address local housing and employment needs and support local village facilities.”⁴¹

- 6.14 A key justification given by CDC in the Local Plan for locating development in the NPA confuses matters further. It explains that previously (presumably in previous Local Plans?) given the present constraints on development in the NPA the Local Plan only provided for *“limited growth, focused on enabling the communities to continue to sustain their local facilities and contribute towards meeting locally generated housing needs as well as support for the rural economy in line with the settlement hierarchy”⁴²*. It then attempts to explain that due to the constraints on the A27 in the south of the plan area, that a *“moderate level of growth in the north to help make up the overall shortfall of dwellings”⁴³*. However it does not state what the “constraints on the A27” actually are. It does not set explain what the “overall shortfall of dwellings” is due to the “constraints on the A27”.
- 6.15 It then explains that *“higher levels of growth were considered at Kirdford, Wisborough Green and Plaistow and Ifold, but ruled out due to the need to conserve the rural character of the area and its high-quality landscape and minimise the impact on the historic environment”⁴⁴*.
- 6.16 To be clear, the Adopted Chichester Local Plan: Key Policies gave an indicative housing number of 60 dwellings to Kirdford for the years 2012 – 2029 which is a very considerable housing growth for a parish with a population of 1,000 (Census 2021). Yet the Local Plan makes out that an additional 50 dwellings in the new Local Plan is considered ‘low growth’. KPC provides further analysis of this in response to the Sustainability Appraisal which is unsound.
- 6.17 It is important to note that Kirdford was given a housing figure of 0 in the Preferred Approach Local Plan (Policy S5 – Parish Housing Requirements) on the grounds of sustainability. Yet with a backdrop of worsening environmental constraints, including Water Neutrality, the Local Plan now proposes 50 dwellings in Kirdford with no justification for reverse in direction of the Local Plan.
- 6.18 In terms of the wording of Policy S1 (Spatial Development Strategy), we have the following points:
- Overall comment: the Policy is confusing and does not provide a clear and unambiguous spatial strategy for the Local Plan. For example, it sets out locations such as ‘Within or adjacent to the sub-regional centre of Chichester city and sets out the names of the Strategic Development Locations but it does not state the quantum of housing, employment or critical infrastructure required for each of the areas or when the development will come forward – including the need for a Water Neutrality solution in the NPA. This is arguably

⁴¹ Local Plan para 3.22

⁴² Local Plan para 3.24

⁴³ Local Plan para 3.24

⁴⁴ Local Plan para 3.24

the Local Plan's most important Policy yet it fails to meet the requirements of the NPPF regarding 'Strategic Policies' (paragraphs 20-23).

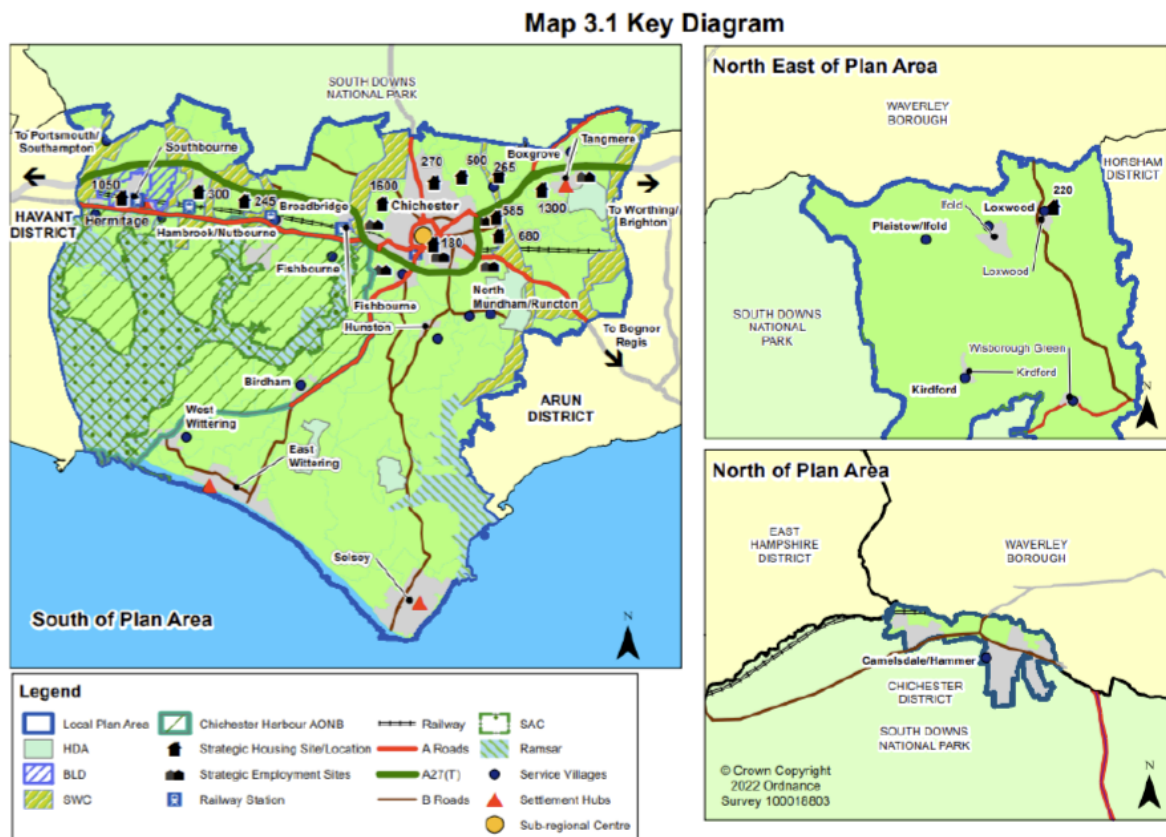
- First sentence: the Policy is described as identifying the *"broad approach to providing sustainable development in the plan area"* and that it *"seeks to disperse development across the plan area"*. This policy wording is considered to be ambiguous not clear how a decision maker should react to development proposals. Also 'dispersing development' is not consistent with the principle of sustainable development and concept of place-making which are at the heart of the NPPF and planning system.
- Point 1: States *"Focusing the majority of planned sustainable growth at Chichester city and within the east-west corridor"*. Is this wording indicating that there are different types of growth with one of the types being "planned sustainable growth"? Does the Plan make provision for 'unplanned sustainable growth' or 'planned growth' that is not sustainable?
- Point 2: What does *"Reinforcing the role of Manhood Peninsula as a home to existing communities"* actually mean? It is unclear what the meaning of this is in strategy and policy terms.
- Point 3: In relation to the NPA it states *"Where opportunities arise, supporting the villages and rural communities in the North of the Plan Area"*. What exactly is meant by *"where opportunities arise"*? The Local Plan is proposing housing numbers to NPA settlements that will need to be allocated in the neighbourhood plans – so why does the Policy make out that the NPA villages should simply wait for opportunities to arise?
- Point 6: The Policy states that *"non-strategic provision is made for the following forms of development in service villages"* and includes (our emphasis) *"a. Small-scale housing developments consistent with the indicative housing numbers set out in Policy H3"*. Does this wording relate to the NPPF definition for 'Major development which is development for 10 or more homes or the site has an area of 0.5 hectares or more. Therefore the definition for non-major development would be less than 10 homes or less than 0.5 hectares. If this is not the case then what is the Council's definition of 'small-scale housing'?

Furthermore, the policy refers to *"b. Local community facilities including village shops that meet identified needs within the village, neighbouring villages and surrounding smaller communities"* and *"c. Small-scale employment, tourism or leisure proposals"*. What does the Policy mean by "local community facilities" and "small-scale employment, tourism or leisure proposals"? Is CDC using the NPPF definition for 'Major development' in the NPPF for this, which states: "For non-residential development it means additional floorspace of 1,000m² or more, or a site of 1 hectare or more, or as otherwise provided in the Town and Country Planning (Development Management Procedure) (England) Order 2015. It is currently unclear and ambiguous.

- Point 7: It states that (in the case of Kirdford) the provision of the above will be made through the Neighbourhood Plan. To be clear then, in Kirdford all housing and non-housing proposals will be handled through the preparation of the Neighbourhood Plan and not the Local Plan?
- Final Paragraph: The final paragraph of the Policy is extremely ambiguous stating that "*the distribution of development may need to be flexibly applied*". The Policy does not actual state what the distribution of development is in any case as we have pointed out above. This clause in the Policy demonstrates a lack of confidence by CDC in the robustness of perhaps its most important Policy in the whole Local Plan.

Key Diagram

- 6.19 The Key Diagram has a number of deficiencies that result in the Local Plan being unsound as it is not effective and not consistent with national policy.
- 6.20 The Key Diagram map titled "North East of Plan Area" is referred to in the Local Plan as 'North of the Plan Area' (the area that includes Kirdford, Wisborough Green, Plaistow & Ifold, and Loxwood) which creates confusion to the reader when comparing with Paragraph 1.9 of the Local Plan ('How to Use the Plan').
- 6.21 The Legend for the Key Diagram includes SAC yet neither the Ebernoe Common SAC or the Mens SAC are not indicated in the North of the District.
- 6.22 It is a very messy Diagram for the South of the Plan Area to the point where it is not possible to make out what is being proposed, we suggest that it is simplified and clarified.
- 6.23 The use of acronyms such as HDA, BLD, SWC and SAC should be provided in full as most users will not be aware of what these acronyms stand for. When one searches the Local Plan it is not clear what these stand for.



Policy S2 Settlement Hierarchy

6.24 KPC considers this policy to be **unsound** due it **not being justified, effective or consistent with national policy**. We explain the reasons for concluding this below.

6.25 Policy S2 identifies the settlement hierarchy area which informs the spatial distribution across the plan area⁴⁵.

6.26 When one looks to the supporting text in the Local Plan (paras 3.30 – 3.35) to attempt to gain an understanding as to the justification for the Settlement Hierarchy policy there is simply no justification with any substance to explain of how the Council has arrived at the policy or hierarchy.

6.27 Furthermore, there is no definition in Policy S2 or supporting text of what each tier of the hierarchy actually means. For example what does it mean for a ‘Sub-Regional Centre’, ‘Settlement Hub’ ‘Service Village’ or a settlement in the ‘Rest of the Plan Area’? This is discussed further in relation to the Council’s Background Paper on this policy.

6.28 The only attempt at an explanation is set out in Paragraph 3.35 which states “*The settlement hierarchy has been defined in relation to the presence of certain services and facilities. The list of services and facilities considered included:*

- *Convenience stores;*
- *Primary schools;*

⁴⁵ Local Plan para 3.30

- Village halls / community centres;
- Play areas;
- Medical facilities; and
- Public transport.”

6.29 As there is no reference to an evidence base used to justify the Policy, KPC is somewhat reluctant to comment on the only settlement hierarchy evidence it is aware of which is the Local Plan Review Background Paper – Settlement Hierarchy (December 2018). However, given that there is no other evidence on offer we provide comment on this as well as Policy S2.

6.30 Reviewing the Settlement Hierarchy Background Paper it provides an overly simplistic methodology for assessing the services, facilities and roles of the settlements across the District. The criteria used for the assessment is provided below.

6.31 It states that the sum of all facilities, included transport provision, will indicate the position of that settlement in the hierarchy⁴⁶.

6.32 This overly simplistic approach provides no assessment of the accessibility or capacity of the facilities and nor does it assess the distance or time required to access key facilities and services sustainably. We note that the Background Paper was prepared in 2018 and is using outdated information including the old Census data despite the 2021 Census having been published. Whilst some local facilities and services will not have changed since 2018, for Kirdford a key change was that the bus service has been reduced. During the Covid pandemic all bus services were suspended. When Kirdford does have a running bus service it only stops 1 time a day Monday, Tuesday, Thursday and Friday.

64: LOXWOOD - WISBOROUGH GREEN - BILLINGSHURST - BARNS GREEN - HORSHAM
 69: ALFOLD - LOXWOOD - WISBOROUGH GREEN - BILLINGSHURST - PULBOROUGH - WORTHING
 From 31st August 2021

Mondays, Tuesdays, Thursdays & Fridays only

	TuF 69	MTh 64		MTh 64	TuF 69
Alfold Crossways	0915 *		Worthing, Marine Parade, M&S		1320
Alfold, Crown Inn	0917 *		Worthing, High Street, Waitrose		1324
Loxwood, Spy Lane		1038	Broadwater Church		1329
Loxwood, Post Office	0921 *	1040	Offington Corner		1332
Ifold, Stores	0924 *	1044	Clapham Common		1336 R
Plaistow, Church	0928 *	1049	Patching Village		1339 R
Mackerells Common	0933	1053	Poling Corner		1342
Kirdford, Memorial	0936	1056	Arundel, Riverbank		1346
Wisborough Green, Three Crowns	0942	1102	Houghton, George & Dragon		1354 R
Billingshurst, Village Hall	0948		Bury, Coombe Crescent		1356 R
Billingshurst, Kings Arms	....	1109	Bury, Squire & Horse		1358
Coolham, Crossroads	....	1115	Watersfield Village		1402
Brooks Green	....*	1118	Coldwaltham, A29, Brookview		1406
Barns Green, The Hordens	....	1122	Hardham, Church		1408
Barns Green, Recreation Ground	....	1124	Pulborough, Swan Corner		1410
Christ's Hospital, Bluecoat Pond	....	1130	Pulborough, Sainsburys A29		1413
Horsham, Bus Station	....	1138	Adversane, Blacksmiths Arms		1417
Horsham, Carfax	....	1140	Horsham, Bus Station	1325	....
Adversane, Blacksmiths Arms	0954		Horsham, Carfax	1327	....
Pulborough, Sainsburys A29	0959		Christ's Hospital, Bluecoat Pond	1337	....
Pulborough, Swan Corner	1002		Barns Green, Recreation Ground	1341	....
Hardham, Church	1004		Barns Green, The Hordens	1343	....
Coldwaltham, A29, Brookview	1007		Brooks Green	1346	....
Watersfield Village	1008		Coolham, Crossroads	1350	....
Bury, Squire & Horse	1012		Billingshurst, Kings Arms	1355	....
Bury, Coombe Crescent	1013		Billingshurst, Jengers Mead	....	1423
Houghton, George & Dragon	1016		Wisborough Green, Three Crowns	1400	1429
Arundel, High Street, Norfolk Arms	1023		Kirdford, Memorial	1405	1434 R
Poling Corner	1028		Mackerells Common	1408	1437 R
Patching Village	1034		Plaistow, Church	1412	1441 R
Clapham Common	1037		Ifold, Stores	1416	1445 R
Offington Corner	1044		Loxwood, Post Office	1419	1435 #
Broadwater Church	1047		Loxwood, Spy Lane	1421	....
Worthing, High Street, Waitrose	1050		Alfold, Crown Inn	....	1439 #
Worthing, Marine Parade, M&S	1053		Alfold Crossways	....	1441 #

MTh: Operates Mondays & Thursdays only TuF: Operates Tuesdays & Fridays only
 * Surrey and West Sussex concessionary passes accepted on this journey from Alfold
 R: serves this point only if required by passengers already on the bus
 #: these stops may be served up to 14 minutes later

Figure 6.2: Kirdford Bus Timetable (Bus Route 64 and 69)

⁴⁶ Background Paper – Settlement Hierarchy (2018) para 3.8

6.33 There is no bus service on Wednesdays or at the weekend. If you miss a bus in one direction, the next service is the next day. One can travel to Billingshurst on a Monday, Tuesday, Thursday and Friday provided one does not miss the single bus, and one is willing to spend 5 hours there to get the return bus home. If one wants to travel to Horsham, one can only travel on a Monday or Thursday.

6.34 **There is no bus service on Wednesday therefore Kirdford should not score any points according to the Council’s methodology.**

Criteria	Description
Population size	Number of people living in the settlement
Primary education	Primary school within the settlement
Secondary education	Secondary school within the settlement
Health	GP surgery within the settlement
Local shop	Access to a local store (village shop, newsagent, supermarket) within the settlement which sell fresh food
Public house	A public house within the settlement
Community facility	Built leisure/community facilities (village/church halls and community centres) within the settlement
Outdoor community facility	Outdoor leisure facilities (playing fields, play areas and village greens, for example) within the settlement
Place of worship	Church or other place of worship in the settlement
Public transport	Rank scored according to public transport provision 3 – bus route operating hourly (Monday to Saturday) or more frequently 2 – bus route which operates 4 or more services per day 1 – bus journey only once per day (Monday – Friday)
Train station	Train station within the settlement

Figure 6.3: Background Paper – Settlement Hierarchy (2018) – Criteria for Assessment

6.35 The Background Paper’s definition of each tier of the Settlement Hierarchy (see below from Appendix 2 in the Background Paper) is very light on details. For example, it does not provide any explanation of what constitutes a ‘Sub-regional Centre’?

6.36 In terms of Settlement Hubs it states they are a ‘main centre for services providing for surrounding communities’. It explains that the settlements that fall within this tier *“has access to a range of services and facilities and a reasonable size population base to support them”*⁴⁷. What does ‘a range of services and facilities’ actually mean in terms of the selection of settlements that meet such an ambiguous definition? Why for example is Bosham & Broadbridge assessed as Service Village and not a Settlement Hub – is the 5th largest population and has the highest facilities scores? It is entirely unclear.

6.37 For ‘Service Villages’ the definition in Appendix 2 below states they are a *“local centre for services providing for villages and parishes”*. The Background Paper also explains that Service Villages *“vary in terms of their access to facilities and services, however they generally offer a combination of facilities including a local shop, public house and built and outdoor community facilities, and are therefore considered sustainable.”*⁴⁸ There is a clear need for a finer granulation of settlement types as the ‘Service Village’ tier is far too broad with 17 settlements included in this tier (which includes combining some settlements). The fact that the Background Paper acknowledges that the settlements considered ‘Service Villages’ *“vary in terms of access to facilities and services”* demonstrates that this variation of access needs much further investigation in order to arrive at a robust

⁴⁷ Background Paper – Settlement Hierarchy (2018) para 4.3

⁴⁸ Background Paper – Settlement Hierarchy (2018) para 4.6

assessment. To state that (our emphasis) *“they generally offer a combination of facilities”* such as a local shop, public house and built and outdoor facilities makes these settlements ‘sustainable’ is simply an unjustified statement. There are more criteria that should be assessed to determine the sustainability of a settlement.

6.38 For example, Kirdford is only of two settlements without a primary school. Stockbridge is the only other settlement assessed as not having a primary school however this is irrelevant and not a fair comparison given that Stockbridge has a range of primary schools and secondary schools within very close proximity, yet the Background Paper fails to take this into account and gives it a 0 score for both primary and secondary schools. Therefore Kirdford is therefore in fact the only settlement without a primary school in close proximity. This should be a key factor in determining sustainability and the suitability for a settlement to accommodate growth given that the students of the primary school have no choice but to travel by car to and from school each day with no opportunity to walk, cycle or take public transport.



Figure 6.4: Stockbridge proximity to schools (Google Maps)

6.39 The Background Paper sets out the population of each settlement (although it is more likely to be the parish rather than settlement) and ranks the area. It is notable that Kirdford is ranked 20th out of the 22 settlements listed. When one examines the population ranking in closer details it becomes apparent that the other settlements that are the lowest ranked are physically and functionally linked to larger settlements – see below:

- Pop. Rank 22: Westhampnett – connected to Chichester City and Goodwood
- Pop. Rank 21: Boxgrove – connected to Tangmere
- Pop. Rank 20: Kirdford Village – stand alone settlement with limited facilities and poor public transport
- Pop. Rank 19: Westbourne – connected to Emsworth / New Brighton

6.40 If the functional populations of these other settlements were taken into account, then Kirdford would clearly be the smallest settlement of all those included in the Background Paper. This demonstrates that Kirdford should not be assessed as a ‘Service Village’ and belongs instead as a ‘Rest of the Plan Area’ settlement which is defined in the

Background Paper as having “generally poor access to facilities”⁴⁹ and “do not contain the range of facilities to be classified as sustainable”⁵⁰.

6.41 Concerningly and with no merit, the Local Plan allocates a housing figure of 50 dwellings to Kirdford. This is discussed in more detail in relation to Policies H1, H2 and H3.

Appendix 2: Settlement Hierarchy

Settlement Type	Associated scale of development	Communities
Sub-regional Centre	<ul style="list-style-type: none"> - Strategic allocations - Higher and further education and health facilities - Employment - Retail - Entertainment - Leisure 	Chichester city
Settlement Hubs (main centre for services providing for surrounding communities)	<ul style="list-style-type: none"> - Strategic allocations - Employment - Leisure - Retail - Community facilities 	East Wittering/Bracklesham, Selsey, Southbourne, Tangmere
Service Villages (local centre for services providing for villages and parishes)	<ul style="list-style-type: none"> - Small-scale strategic and non-strategic allocations - Community facilities - Small-scale employment, tourism or leisure proposals 	Birdham, Bosham/Broadbridge, Boxgrove, Camelsdale/Hammer, Fishbourne, Hambrook/Nutbourne, Hermitage, Hunston, Kirdford, Loxwood, North Mundham/Runcton, Plaistow/Ifold, Stockbridge, West Wittering, Westbourne, Westhampnett, Wisborough Green
Rest of the Plan area (generally poor access to facilities)	Development is restricted to that which requires a countryside location, or meets an essential local rural need, or supports rural diversification	Small villages, hamlets, scattered development and countryside

Figure 6.5: Settlement Hierarchy Background Paper – Appendix 2

⁴⁹ Background Paper – Settlement Hierarchy (2018) Appendix 2 – Settlement Hierarchy

⁵⁰ Background Paper – Settlement Hierarchy (2018) para 4.8

7. Natural Environment

Policy NE3 Landscape Gaps between Settlements

7.1 KPC considers this policy to be **unsound** due it **not being effective and not justified**. We explain the reasons for concluding this below.

7.2 KPC is generally supportive of this Policy and that it states neighbourhood plans can define the precise Landscape Gaps. However, having reviewed the Landscape Gap Assessment (May 2019) it is disappointing to learn that CDC only had the south of the plan area assessed and not the North of the Plan Area. It should be made clear that this Policy applies to all settlements in the District including the North of the Plan Area.

Policy NE4 Strategic Wildlife Corridors

7.3 KPC considers this policy to be **unsound** due it **not being effective and not justified**. We explain the reasons for concluding this below.

7.4 Whilst KPC supports the Strategic Wildlife Corridors and the Policy in principle, the Local Plan is, as far as we can tell, proposing the Corridors in the South of the Plan Area. Clearly these Corridors should also be planned and delivered in the North of the Plan Area as well.

7.5 Paragraph 4.16 of the Local Plan states that *“these corridors do not stop at the plan area boundaries”* however it fails to mention that the corridors do stop at the before reaching the North of the Plan Area boundary.

7.6 There is currently no justification provided in the Local Plan for excluding these Corridors from the North of the District which also links to the South Downs National Park and two SACs at Ebernoe and The Mens.

Policy NE6 Chichester’s Internationally and Nationally Designated Habitats

7.7 KPC considers this policy to be **unsound** due it **not being effective and not justified**. We explain the reasons for concluding this below.

7.8 KPC refers the Council to its representations made on the HRA as these clearly have relevance to Policy NE6 regarding ‘Water Neutrality in the Sussex North Water Resource Zone – Arun Valley SPA and SAC’ and ‘The Mens SAC, Ebernoe SAC’.

7.9 Regarding ‘clause a’ of Policy NE6, this effectively relies on Policy NE17 (Water Neutrality) and we provide our representations to that Policy separately.

7.10 Policy NE6 states at ‘clause d’ that *“development proposals on greenfield sites and that support, or are in close proximity to, suitable commuting and foraging habitats (including mature vegetative linear features such as woodlands, hedgerows, riverine and wetland habitats) within the following ranges (as shown on the policies map) should have due regard to the possibility that barbastelle and Bechstein’s bats will be utilising the site.”*

7.11 KPC questions why this policy specifies ‘greenfield’ sites. Is there an assumption that previously developed land cannot support commuting and foraging habitats?

- 7.12 The Policy refers to “the following ranges (as shown on the policies map)” however the Council’s ‘Schedule of Proposed Changes to the Policies Map’ refers to Map NE18a however there is no map covering the North of the Plan Area therefore it is not possible for KPC to comment on the mapping element of this, which is obviously rather important.
- 7.13 The wording of the Policy appears weakly drafted where it states that “*due regard to the possibility that barbastelle and Bechstein’s bats will be utilising the site*”. This wording should be strengthened.
- 7.14 The Policy requires ‘necessary surveys’ but it should be clear about what surveys are required.
- 7.15 The Policy requires a ‘suitable buffer’ to safeguard against disturbance and explains in the footnote that the scale of the buffer will need to be determined on a case-by-case basis informed by bat activity survey work. However, the policy should be clearly about the scale and form of buffers rather than leaving it completely open.
- 7.16 The Policy should require that proposals undertake bat surveys as early as possible and that the surveys should provide evidence over sufficient time. Given that developers have been known to ‘clear’ habit-rich sites in advance of preparing surveys this is a particularly important consideration.
- 7.17 The Policy makes no mention of Atmospheric Pollution despite this being highlighted in the HRA as having an impact on the Ebernoe SAC resulting from nitrogen deposition (arising from the A283) above the critical load for beech forest. Clearly this should be addressed in this policy and be specified as a requirement that needs to be assessed. It does not appear to be possible for mitigation to take place as opportunities for sustainable transport in the North of the Plan Area are severely limited.
- 7.18 The Policy states that “*regard should be had to the Sussex Bat Special Area of Conservation Planning and Landscape Scale Enhancement Protocol (2018), or any subsequent equivalent document*”. Having reviewed this document this appears to be a South Downs National Park and Natural England document, so it is unclear whether CDC is formally signed up to this Protocol. The document is also watermarked as ‘draft’ therefore it is unclear what the status of the Protocol is. If CDC is signed up to the Protocol and it is not in ‘draft’ form then KPC considers that development proposals should be required to adhere to the Protocol rather than just have ‘regard’ to it.

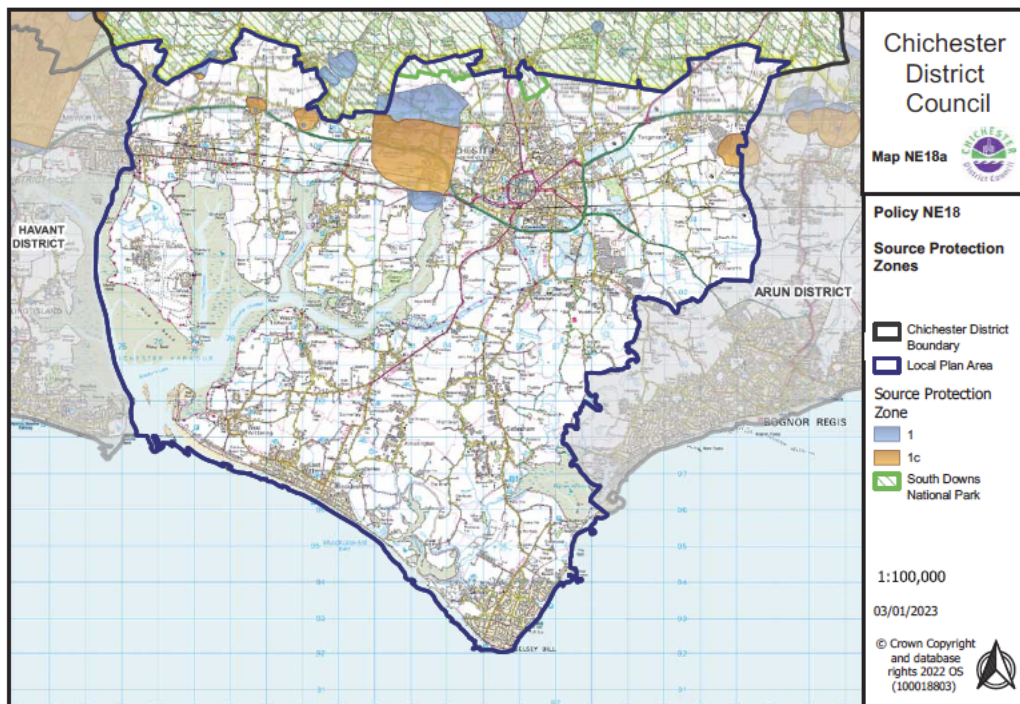


Figure 7.1: Local Plan Map NE18a – Source Protection Zones

Policy NE16 Water Management and Water Quality

- 7.19 KPC considers this Policy to be **unsound** due it **not being effective and not justified**. We explain the reasons for concluding this below.
- 7.20 This Policy relies on Policy 17 regarding Water Neutrality in the Sussex North WRZ. KPC refers the Council to its representations made on the HRA as these clearly have relevance to Policy NE6 regarding ‘Water Neutrality in the Sussex North Water Resource Zone – Arun Valley SPA and SAC’ and ‘The Mens SAC, Ebernoe SAC’.

Policy NE17 Water Neutrality

- 7.21 KPC considers this Policy to be **unsound** due it **not being effective and not justified**. We explain the reasons for concluding this below.
- 7.22 KPC has provided detailed representations on Water Neutrality in the HRA section. However, it has the following comments to make regarding this critical policy for the North of the Plan Area.
- 7.23 In respect of Policy NE17 (Water Neutrality) the Screening Assessment concludes that there will be “No likely significant effects”. However, there are concerns that are raised by KPC with this finding. The Arun Valley SPA, SAC, and Ramsar sites lies within the Sussex North Water Resource Zone which is served by supplies from groundwater abstraction at Pulborough. NE have advised that there is a significant threat to the Arun Valley SPA, SAC and Ramsar site arising from the groundwater abstraction, and that water neutrality is one way to ensure that no further adverse effect is produced, and for sufficient water to be available to the region.

Policy NE17: Water Neutrality	This policy sets out that all development in the Sussex North Water Resource Zone (WRZ) are required to demonstrate water neutrality through water efficient design and offsetting any additional water use of the development. There are development management criteria within the policy to ensure this.	<p>No likely significant effects.</p> <p>This is a development management policy. These policies do not have linking impact pathways. In addition, this policy is a protective policy for Arun Valley SPA and Ramsar to ensure no adverse effects to qualifying features by ensuring appropriate water levels are maintained and no further abstraction is required from the River Arun. This policy can be screened out.</p>
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Figure 7.2: Extract from HRA Appendix A - Table 19: Screening Assessment of the Local Plan Policies and Allocations

7.24 The response from the Local Plan is set out below.

*“This means that all development will need to be designed to achieve water efficiency standards **above the requirements set by the optional requirements in Building Regulations** – new residential development will be required to use **no more than 85 litres per person, per day** and non-residential buildings required to achieve 3 credits within the BREEAM water issue category. This may include incorporating a range of measures, such as greywater recycling and rainwater harvesting into the design of new development, and fitting water saving fixtures such as flow regulators, low flush toilets, low volume bath, aerated taps and water efficient appliances (in particular, **washing machines and dishwashers**). The **Water Neutrality Strategy shows that water efficient design will not be sufficient alone to achieve water neutrality**, as new developments would still increase the demand for water above existing levels. As a consequence, this additional demand will need to be offset against existing supplies. It is envisaged this will be achieved through demand management savings identified in Southern Water’s Water Resource Management Plan, together with measures to be identified in a joint local planning authority-led Offsetting Implementation Scheme (OIS) being prepared. Those using the OIS to offset water, will ‘buy in’ to the scheme at a level to ensure their development achieves water neutrality.⁵¹*

7.25 There are several concerns that arise out of this - first, the Plan requires the use of no more than 85 litres per person, per day. There are very serious questions about how that is going to be enforced. It gives rise to serious questions about whether each household (or LPA) will have the capabilities to monitor usage if that is what is suggested.

7.26 Second though, new dwellings might be fitted with low usage appliances, ultimately, the *intensity* and *frequency* of the use is what will likely contribute to the production of the water. There cannot be regulation through planning condition on, for example, the number of times a resident puts the dishwasher on in any given 24-hour period. In KPC’s view, the methods of limiting water usage are completely unenforceable in planning terms.

7.27 Third, based upon this, monitoring from the LPA’s perspective is going to be nigh on impossible. Will it be measured on a house-by-house basis? Are all houses going to be retrofitted with water meters to aid monitoring of overall water usage? Is it going to be monitored on a system-wide basis? If it is the latter, how will the LPA know who is in breach of the planning condition? Given that there is already an exceedance of the acceptable

⁵¹ Local Plan para 4.110

limits on water neutrality, then any further exceedance is likely to only exacerbate the problem, and further adversely affect the integrity of the SAC.

7.28 Fourth, and perhaps what is more, is that in order to grant planning permission, the LPA will be required to be certain that the mitigation will be effective. How can the LPA possibly be certain that the measures imposed to achieve water neutrality will be effective given the obvious uncertainties raised above?

7.29 The Local Plan then provides further detail on the other measures that will be needed.

*“The Water Neutrality Strategy provides evidence that the amount of development proposed in the affected area in this Local Plan, and in Local Plans of the other affected authorities, would not increase abstraction at Pulborough and, thus, would not negatively impact on the Arun Valley Sites. **Recognising that the capacity of water offsetting the OIS can provide may be limited at particular points in time during the plan period, the authorities will have to monitor use across the WRZ and manage access to the OIS to ensure sufficient water capacity exists to ensure water neutrality is achieved when permissions are granted.**”⁵²*

*Applicants will have to demonstrate their scheme is water neutral within a water neutrality statement submitted as part of any application within the WRZ. Should applicants not seek to utilise the OIS, applications should also provide full details of the offsetting scheme that their development would rely upon. The council will seek to provide additional guidance to further assist applicants with water neutrality statements. **Offsetting schemes can occur in any part of the WRZ, with the exception of the Bramber/Upper Beeding area in Horsham District identified on the WRZ Map – unless the development is also proposed in that area. This is on the basis water in this part of the WRZ is usually provided by a water source other than the Pulborough abstraction site.**”⁵³*

“Alternative Water Supply

*Where an alternative water supply is to be provided, the statement will need to **demonstrate that no water is utilised from sources that supply the Sussex North WRZ.** The acceptability of alternative water supplies will be considered on a case-by-case basis.”⁵⁴*

7.30 No provisions are made for the circumstances in which the offsetting scheme is not available. That poses significant challenges, as ‘sharing it out’ does not constitute a sufficiently robust response in order to adequately respond to the mitigation required in order to be certain in demonstrating that there is no adverse effect on the integrity of the SAC.

7.31 KPC is also perplexed by the suggestion that offsetting can happen within the WRZ. That will surely exacerbate the issue? Similar issues around enforcement are raised with regard to the suggestion that an alternative water supply be used which is required to

⁵² Para 4.112

⁵³ Para 4.113

⁵⁴ See NE17, para 89

demonstrate that no water is utilised from sources that supply the Sussex North WRZ. How can that be adequately monitored? Who holds legal jurisdiction if there is a breach in another LPA area of the WRZ? If water offsetting is achieved at the outset, how will an LPA determine the offsetting is still in effect? If the ownership of the offsetting location changes, what obligations will the new owner have to maintain the offsetting? Will this be a covenant in the property title? How will this be monitored in perpetuity? In addition, in the event that the water is drawn from beyond the Sussex North WRZ, then that casts considerable doubt on the sustainability of the development, particularly where the water is drawn from much further afield. Finally, this is an untested proposal which has no roll-back position if found to be in breach of its obligations.

7.32 KPC notes the suggested content of the Water Neutrality Statement:

“Water Neutrality Statement

A water neutrality statement will be required to demonstrate how policy requirements have been met in relation to water supply, water efficient design and offsetting. The statement shall provide, as a minimum, the following:

- a) **baseline information relating to existing water use within a development site;***
- b) **full calculations relating to expected water use within a proposed development; and***
- c) **full details of how **any remaining water use will be offset.*****

7.33 This requires a full understanding of how water will be managed from consented development. There is serious doubt about whether those works will themselves need planning permission, and the extent to which that too hinders deliverability of the units proposed to be allocated. That is also a material consideration which must be taken into account.

7.34 There are considerable doubts too about how the applications for development can be managed in the manner suggested by the Local Plan.

7.35 There are a number of specific issues that need to be taken into account in planning development for the area. These should be considered and included in the overall masterplanning that will be required for the area, these include:

Phasing of development to ensure water neutrality and wastewater infrastructure improvements

The **development/s will need to be phased** in such a manner as to ensure that sufficient wastewater disposal capacity is available to accommodate the requirements resulting from development/s and to ensure that water neutrality can be achieved;” (Kirdford’s water treatment is close to capacity).

- 7.36 The Local Plan indicates that the ‘monitoring indicators’ will be the ‘daily domestic use’. Assessment of the permissions granted within the Sussex North Water Resource Zone, and the number of applications refused for failing to demonstrate water neutrality etc. This does not adequately grapple with the *intensity* of the usage, and the issue of monitoring of the developments post-consent which is the critical factor.
- 7.37 There is reference to phasing. Development can be ‘phased’ where there is a scheme that is offered in outline, and there are phases which come forward later as part of a Phasing Plan. That will not be the case with the smaller scale developments. Smaller developments will likely come forward as full applications for planning permission. In such cases, phasing cannot be managed in the same way. Furthermore, there is a broader concern too about how developments in the WRZ could be managed on a phased basis, for example, where you have multiple, but separate applications for permission. It would not be within the gift of the LPA to refuse an application on the basis that it is for example, ‘premature’ or does not fall in line with the wider phasing plan for development in WRZ.
- 7.38 In KPC’s view, this is an almost insurmountable challenge. The LPA could not stop two developments coming forward under separate applications and delaying their commencement. There are statutory time frames within which applications must be determined (and if not determined within those timeframes it is open to the applicant to appeal to the Secretary of State). Those too are subject to rules around timing of development. As mentioned, permission could not be withheld on the basis that the development should not yet come forward (particularly where it is in accordance with the development plan). Furthermore, if permission was granted, then there is a statutory time limit within which development must be commenced. It is not credible that ‘phasing development’ can be an effective way to control the extent to which development comes forward.
- 7.39 In addition, it is also likely that the works to rectify the water neutrality issue will take much longer than the extent to which development could be managed by ‘phasing’ conditions. KPC is therefore of the view that this is a completely ineffective tool for managing the way in which sites come forward.
- 7.40 Finally, it is also relevant to note that generally, the management of water resources needs to be done on a ‘catchment wide basis’. Issues have been raised in relation to the plan-making process (see Sussex North Advisory Meeting on Water Neutrality’s 6 September 2022 memorandum where the following question was posed:
- “Q2 - How can the five Local Plans, being considered at different times and by different Inspectors, be assured to be aligned and not have the Water Neutrality Strategy supporting each Plan undermined by a contrary decision by one or more of the local plans’ inspectors?”*
- 7.41 The same issue can be raised for decision-taking. The assessment of the impacts needs to happen alongside neighbouring authorities, which adds considerable complexity to the process. This again, amplifies the concern that it will be impossible to monitor for both decision-taking and enforcement across all of the affected authorities.

8. Housing

Policy H1 Meeting Housing Needs

- 8.1 KPC considers this policy to be **unsound** due to it **not being justified, positively prepared, effective or consistent with national policy**. We explain the reasons for concluding this below.
- 8.2 The supporting text⁵⁵ to Policy H1 states that the *“Preferred Approach consultation on the Local Plan was based on meeting the identified objectively assessed housing needs of the plan area of 638 dwellings per annum (dpa) plus an allowance for accommodating unmet need arising from the Chichester District part of the South Downs National Park”*. However, pointing to constraints “particularly the capacity of the A27” CDC explains that this had led to a housing requirement below the need derived from the standard method of 535 dpa in the southern plan area and a further 40 dpa in the northern plan area. However, CDC does not explain what other constraints that has led to this reduction in housing or specifically the decrease of housing in the southern plan area and the increase of housing in the North of the Plan Area.
- 8.3 What CDC does not explain is that the Proposed Submission Local Plan significantly reduced the housing planned for the East-West Corridor Sub Area by 1,339 dwellings, for the Manhood Peninsula by the decrease is 970 dwellings compared with the distribution proposed in the Preferred Approach Local Plan.
- 8.4 However, for the North of the Plan Area this trend was reversed whereby the amount of housing was increased from 489 dwellings to 679 dwellings.
- 8.5 To summarise, CDC has reversed its housing distribution from that set out in the Preferred Approach Local Plan and the Proposed Submission Reg 19 Local Plan by the following percentages for each Sub Plan Area:
- East-West Corridor: 13.3% decrease in housing
 - Manhood Peninsula: 50% decrease in housing
 - North of the Plan Area: 38% increase in housing
- 8.6 Given that the Preferred Approach Local Plan covered the period 2016 – 2035 (19 years) and the Proposed Submission is from 2021 – 2039 (18 years) this proportionate increase of annual housing in the North of the Plan Area is even more marked:
- Preferred Approach Local Plan Housing Figure for NPA: 489 dwellings / 19 years = **25 dwellings per annum (dpa)**
 - Proposed Submission Reg 19 Local Plan Housing Figure for NPA: 679 dwellings / 18 years = **38 dwellings per annum (dpa)**

⁵⁵ Local Plan para 5.1

The broad spatial distribution of this supply of housing across the different plan areas is indicated in the table below:

Sub-Area	Housing provision 2021-2039
East-West Corridor	8,717
Manhood Peninsula	963
North of Plan Area	679
Plan Area Total	10,359

Figure 8.1: Proposed Submission Local Plan Policy H1 (extract)

The broad spatial distribution of this supply of housing across the different plan areas is indicated in the table below:

Sub-Area	Housing provision 2016-2035
East-West Corridor	10,056
Manhood Peninsula	1,933
North of Plan Area	489
Plan Area Total	12,478

Figure 8.2: Preferred Approach Local Plan Policy S4 (extract)

- 8.7 CDC simply does not justify its approach to the spatial distribution of housing or why it is proposing a significant decrease of 20% in the southern area of the District that is the most sustainable in terms of population, facilities, services and sustainable transportation. Nor does CDC provide justification for an increase of 20% in housing distributed to the North of the Plan Area which is the least sustainable, lacking in services, facilities and sustainable transport.
- 8.8 The Preferred Approach Local Plan (2018), was updated following the Regulation 18 consultation, and continued to indicate that Kirdford would receive a zero allocation. However, this strategy appears to have changed following the CDC/PINS meeting in July 2021. The meeting was a progress meeting on the development of the local plan documentation, and in that meeting CDC failed to introduce the existence of ‘water neutrality’ (CDC new about Water Neutrality since Feb 2021 and had written to all northern parishes about it in April 21) . PINS were unaware of the water neutrality issue in that meeting, and the outcome of the meeting was an advice note from PINS to CDC on how CDC could meet the annual housing target. The advice letter suggested that CDC should ‘look again’ at housing in the northern area. From that moment, CDC’s public press releases and magazine articles referred to ‘leaving no stone left unturned’, and looking at the north for more allocation.
- 8.9 KPC wrote five times to PINS informing them about Natural England’s WN issue. The CDC trajectory was to look at northern allocations, because that is the advice it had received. In a call between CDC and Parish councils in early February 2023, CDC presented an overview of the Local Plan and allocations, but when mentioning the north officers commented that ‘the allocations should satisfy PINS advice’.
- 8.10 In September 2022 PINS met with all affected LPAs to discuss WN, and then a meeting with CDC specifically in October 2022 to discuss the local plan development.
- 8.11 Critically, CDC fails to explain the serious Water Neutrality issues facing the North of the Plan Area due to the groundwater abstraction from Pulborough, a primary source of water within the Sussex North Water Resource Zone (WRZ) impacting on designated wetland and riverine habitats along the Arun Valley, which is

a real constraint that CDC and the Local Plan must acknowledge in its policies. To clarify, Natural England has advised that all new developments within the WRZ must demonstrate water neutrality via a combination of water efficiency and offsetting, and that this advice is likely to stand until a strategic solution is found, which is not likely to be before 2030. As the Council's Sustainability Appraisals states:

"A joint Mitigation Strategy was agreed in December 2022 (see www.chichester.gov.uk/waterresources). However, it is important to be clear that there is more work to be done, to identify and design offsetting schemes, before the Strategy can be implemented. Planning permissions for development identified in local plans will not be able to be granted until any necessary offsetting measures have been identified and secured."

- 8.12 CDC has failed to explain this very important matter regarding Water Neutrality issues in the North and has overstated the constraints in the South by relying entirely on an argument about the A27 which it has not been clearly explained.
- 8.13 It is ironic that the A27 is claimed by CDC to be an overriding constraint to development in the South when the Local Plan's Objective 1 (Climate Change) is focused on new development being located in accessible locations, designed to reduce reliance on the private car with convenient walking and cycling routes and public transport to access local facilities and open spaces. If development were actually planned this way, then there would not be claimed constraints on the A27.

Policy H3 – Strategic Parish Housing Requirements 2021 – 2039

- 8.14 KPC considers this policy to be **unsound** due it **not being justified, positively prepared, effective or consistent with national policy**. We explain the reasons for concluding this below.
- 8.15 KPC has already provided extensive representations on the unsuitability of Kirdford to accommodate additional housing growth due to its remote location, lack of facilities and services and poor public transport. We do not repeat these points here to avoid repetition however KPC requests that KPC's points raised in relation to the Sustainability Appraisal, HRA, Spatial Strategy and Policy H1 are also attributed to Policy H3.
- 8.16 KPC has previously raised queries in its representations about what is meant by "small-scale" housing sites and whether this is a reference to the NPPF definition in relation to "Major Development". This needs to be clarified in the policy and the Plan.
- 8.17 Policy H3 states that: *"If draft neighbourhood plans making provision for at least the minimum housing numbers of the relevant area have not made demonstrable progress the council will allocate sites for development within a development plan document in order to meet the requirements of this Local Plan"*.
- 8.18 KPC would like this policy to clarify that by a *"Draft Neighbourhood Plan making provision for at least the minimum housing numbers"* that making 'provision' is not necessarily the same thing as making 'allocations'. For example, given Policy S2's presumption in favour of sustainable development within settlement boundaries and Policy H1's windfall small site allowance of 657 dwellings that some housing in neighbourhood areas can be expected to come from windfall sites.

8.19 The supporting text to Policy H3 states that:

“Some flexibility may be allowed for minor amendments to housing numbers for individual parishes subject to the detailed investigation and assessment of potential sites through neighbourhood plans and in the subsequent Site Allocation DPD. Developments of 6 or more dwellings will be counted against the parish housing requirements. Developments of less than 6 dwellings will not count against the parish housing requirements as they are already taken into consideration in an allowance made for future delivery from windfall small sites.”⁵⁶

8.20 This supporting text at Paragraph 5.10 is not reflected in Policy H2 and if CDC wishes it to be examined and part of the Policy then it should be including it in the policy wording as currently it is unclear what status this text has. KPC would like this text / policy to clarify what the process or mechanism is for *“some flexibility for minor amendments to housing numbers for individual parishes”*? Also, what is meant by ‘flexibility’ and ‘minor amendments’? Also, does this text mean to say ‘neighbourhood areas’ rather than ‘individual parishes’? These are quite an important point that needs to be fully clarified in the policy and will save considerable time in the preparation of neighbourhood plans and their subsequent examinations.

8.21 Furthermore, KPC disagrees with the supporting text in Paragraph 5.10 that proposes development of less than 6 dwellings not counting against a ‘parish housing requirement’ due to these already being taken into account as windfall allowance from small sites. Firstly the Local Plan does not define what is said to be a ‘small site’ but the HELAA defines windfalls as sites of “less than 5 dwellings”⁵⁷ therefore this is at odds with Paragraph 5.10 of the Local Plan that refers to “less than 6 dwellings”. If a neighbourhood plan were to identify a site of less than 6 dwellings or 5 dwellings (depending on which CDC document you use) then this would no longer be the NPPF definition of what constitutes a “windfall site” as the definition in the NPPF states that a windfall sites is *“not specifically identified in the development plan”*.

8.22 Therefore, once a neighbourhood plan ‘identifies’ a site, regardless then it cannot, by NPPF definition, be a windfall site. In any event, there is no justification by CDC for Paragraph 5.10 stating that ‘small sites do not count’. Clearly small sites in small settlements are likely to be far more appropriate than large sites.

8.23 The NPPF states at Paragraph 69 that small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly. It states that LPAs should identify through the development plan and brownfield registers land to accommodate at least 10% of their housing requirement on sites no larger than one hectare.

8.24 Paragraph 5.10 of the Local Plan contravenes NPPF Paragraph 70 which actually states that neighbourhood planning groups should consider opportunities for small and medium sites rather than reject them as CDC is suggesting :

“Neighbourhood planning groups should also give particular consideration to the opportunities for allocating small and medium-sized sites (of a size consistent with paragraph 69a) suitable for housing in their area.”

⁵⁶ Local Plan para 5.10

⁵⁷ HELAA 2021 para 3.4

- 8.25 KPC would like this Policy to clarify what is meant by a ‘draft neighbourhood plan’ – does this refer to a Regulation 14 neighbourhood plan?
- 8.26 Policy H3 refers to ‘demonstrable progress’ of draft neighbourhood plans – what does CDC consider ‘demonstrable progress’? Is this also a Regulation 14 neighbourhood plan? If it is then why does the policy need to use the word ‘draft’ and ‘demonstrable progress’ – it creates considerable confusion and ambiguity for the reader and decision maker.
- 8.27 Finally, the Policy states that the Council will allocate sites within a development plan document (where demonstrable progress has not been made by a neighbourhood plan) however KPC questions whether this is realistic. Given that neighbourhood plans will be progressing at various paces and timetables does this mean that CDC will prepare separate DPDs for each neighbourhood area where ‘demonstrable progress’ has not been made? Surely such an approach would be more time consuming and resource intensive than a neighbourhood plan going through the required stages. In any case, this clause of Policy H3 appears to be more of a ‘threat’ to Qualifying Bodies that CDC will take over the process if they do not move quickly enough despite CDC providing no clear guidance for the neighbourhood plan groups.

Policy H4 Affordable Housing

- 8.28 KPC considers this policy to be **unsound** due it **not being justified, positively prepared, effective or consistent with national policy**. We explain the reasons for concluding this below.
- 8.29 The supporting text to Policy H4 does not set out how CDC’s viability evidence base has (or has not) informed the Policy. This appears to be a serious omission by CDC given the fundamental role that viability evidence plays in the consideration of preparing affordable housing policy.
- 8.30 In relation to Kirdford which is located in the North of the Plan Area, the affordable housing that would be required based on Policy H4 is as follows:
- For sites of 10 dwellings or more or sites of 0.5 hectares or more: 40% on greenfield sites and 30% on previously development land.
 - For sites of 6 to 9 dwellings in areas designated as rural areas (under Section 157 of the Housing Act 1985) which includes Kirdford Parish: a financial contribution for the provision of affordable dwellings as a commuted sum. Note: this part of the Policy includes a footnote (33) in the text yet there is no footnote in the Local Plan to refer to therefore it is entirely unclear what the calculation will be for commuted sums for sites 6 to 9 dwellings in designated rural areas.
- 8.31 The Policy goes on to state that commuted sums will only be accepted in exceptional circumstances but does not exclude homes in designated rural areas from this requirement for ‘exceptional circumstances’ so it is unclear from the policy what the policy approach is in this respect.

- 8.32 KPC supports Paragraph 5.19 of the Local Plan which states the following, however KPC considers that this needs to be included in the Policy itself rather than supporting text to ensure effectiveness:

“Neighbourhood Plans can set out higher requirements for affordable housing provision (in terms of the amount of units to be delivered on sites), where local evidence of need and viability supports this.”

Policy H5 Housing Mix

- 8.33 KPC considers this policy to be **unsound** due it **not being effective**. We explain the reasons for concluding this below.
- 8.34 The Policy does not include reference to the ability of neighbourhood plans to be supported by Housing Needs Assessments to provide neighbourhood area / parish level evidence base to inform the housing mix for the neighbourhood area. KPC considers that text to this effect should be included in this Policy given that many neighbourhood plans are now supported by such evidence and use this to inform neighbourhood plan policies on Housing Mix.

Policy H7 Rural and First Homes Exceptions Sites

- 8.35 KPC considers this policy to be **unsound** due it **not being effective or justified**. We explain the reasons for concluding this below.
- 8.36 The Policy states that rural exception sites will be supported where:
- *“There is an identified local housing need which cannot be met by existing or future affordable housing provision”* **What does the policy define as local? This should be clarified in the policy.**
 - *“Proposals for rural exception are for up to 30 dwellings”* **What is CDC’s justification for 30 dwellings? It refers to “large scale development of 30 homes” in the supporting text (paragraph 5.37) but how has 30 dwellings been decided as the upper threshold? This seems like a large scheme for small settlements.**
 - *“Occupiers can demonstrate a local connection to the parish in the first instance, and the immediately surrounding parishes in the second instance”* **Whilst KPC is supportive of this requirement in principle it is unclear what CDC considers to be a ‘local connection’? It is also unclear what the Policy refers to in terms of a connection to the host parish “in the first instance” but then refers to a “second instance” where immediately surrounding parishes can then be considered. We are unclear as to how this would work in practice.**
 - *“The site is located adjacent or as close as possible to the existing settlement boundary”* **This is not effective as it is not possible to determine what is “adjacent” or “as close as possible to the settlement boundary”. This should be altered to state that it must “adjoin the settlement boundary”.**

9. Placemaking, Health and Well-being

Policy P1 Design Principles and Policy P2 Local Character and Distinctiveness

- 9.1 KPC considers this policy to be **unsound** due it **not being effective**. We explain the reasons for concluding this below.
- 9.2 Policy P1 is considered to be a ‘non-event’ of a design policy. What we mean by this is that it does not go beyond what is already provided in national policy and guidance.
- 9.3 Policy P2 addresses character and distinctiveness but again, is more about general principles rather than policies specific to Chichester District and its individual places.
- 9.4 KPC considers that together, P1 and P2 should point to the ability for communities to prepare local design codes through neighbourhood plans and which would then represent a more specific version of the design policies.
- 9.5 The Policies are currently unclear about the need for ‘major development’ to provide a detailed masterplan or design codes or development briefs. Currently the Policies focus solely on Design and Access Statement requirements. These policy hooks for specific design tools and documents are important for effectiveness and clarity for communities, developers and decision-takers about the design process that expected from CDC.

Policy P9 The Historic Environment

- 9.6 KPC considers this policy to be **unsound** due it **not being effective**. We explain the reasons for concluding this below.
- 9.7 Policy P9 states at paragraph 2 that non-designated heritage assets will be identified and conserved and enhanced in accordance with their significance and contribution to the historic environment, yet it does not state how they will be identified and what the Council’s approach will be to this.
- 9.8 KPC requests that that this Policy is modified so that it is effective and unambiguous that there are a number of processes through which non-designated heritage assets can be identified including the local plan, neighbourhood plans and conservation area appraisals and reviews. This is all set out in PPG⁵⁸ and this guidance should be followed by CDC to amend Policy P9 or create a new policy focused just on non-designated heritage assets.

“There are a number of processes through which non designated heritage assets may be identified, including the local and neighbourhood plan-making processes and conservation area appraisals and reviews. Irrespective of how they are identified, it is important that the decisions to identify them as non-designated heritage assets are based on sound evidence.

Plan-making bodies should make clear and up to date information on non-designated heritage assets accessible to the public to provide greater clarity and certainty for developers and decision-makers. This includes information on the

⁵⁸Paragraph: 040 Reference ID: 18a-040-20190723

criteria used to select non-designated heritage assets and information about the location of existing assets.

It is important that all non-designated heritage assets are clearly identified as such. In this context, it can be helpful if local planning authorities keep a local list of non-designated heritage assets, incorporating any such assets which are identified by neighbourhood planning bodies. (See the Historic England website for [advice on local lists](#)) They should also ensure that up to date information about non-designated heritage assets is included in the local historic environment record.

In some cases, local planning authorities may also identify non-designated heritage assets as part of the decision-making process on planning applications, for example, following archaeological investigations. It is helpful if plans note areas with potential for the discovery of non-designated heritage assets with archaeological interest. The historic environment record will be a useful indicator of archaeological potential in the area”.

10. Monitoring Framework

Monitoring Framework - Appendix F

- 10.1 KPC considers the Monitoring Framework to be **unsound** due to it **not being justified, or effective**. We explain the reasons for concluding this below.
- 10.2 KPC is very concerned by the Local Plan's lack of attention and detail it has given to the Monitoring Framework. The Local Plan provides no introduction to the Framework or how it intends to work with all of the authorities and organisations it identifies in the Framework which ranges from neighbouring local authorities, parish councils, developers, landowners, RSLs, Sussex Wildlife Trust, Environment Agency, Natural England, Homes and Communities Agency, Gypsy, Traveller and Travelling Showpeople's organisations, Coast to Capital LEP and Highways England to name but a few.
- 10.3 The Framework is entirely unclear which 'Target to be achieved', 'Monitoring Indicators' and 'Responsible Agency / Partner' relates to each policy.
- 10.4 There is a column called 'Delivery' and this refers to a range of things such as the Local Plan, Neighbourhood Plans, Development Management Process etc. These are policy documents and are not what one would normally expect when defining how the policies will be delivered.
- 10.5 In relation to Chapter 4 of the Local Plan (Climate Change and Natural Environment), which is clearly critical to the monitoring of Water Neutrality and the important biodiversity designations in the District, and the need to carefully monitor these presumably under a framework of a range of key stakeholders including neighbouring authorities and Natural England as a minimum.
- 10.6 In relation to the Sussex North Water Resource Zone (WRZ) it simply states as a 'target to be achieved':
- "achieve water neutrality within Sussex North Water Resource Zone"*
- 10.7 For its WRZ monitoring indicator it states:
- "Daily domestic water use; number of permissions granted within Sussex North Water Resource Zone; number of applications refused for failing to demonstrate water neutrality"*
- 10.8 These targets and indicators will not provide an accurate, on-going and up to date assessment of the total water usage in the WRZ region after development takes place compared to the water usage that in the region before the development took place. We refer to our extensive representations on the Water Neutrality Mitigation Strategy in the other sections in relation to monitoring.
- 10.9 CDC clearly is not serious about properly implementing a 'joint mitigation' strategy to ensure Water Neutrality in the WRZ. There is nothing in the Local Plan or Monitoring Framework that would suggest that this is the case.
- 10.10 The entire Monitoring Framework needs a complete rethink and redraft with a view to seriously monitoring the delivery of the Local Plan and genuinely working across administrative boundaries with neighbouring authorities and agencies.