

A27 Chichester Bypass Mitigation Supplementary Planning Document Consultation

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SECTION 1 Introduction and Overview

1.1 Introduction

1.1.1 This note provides a transport response to the Chichester District Council (CDC) Planning Obligations and Affordable Housing (July 2016) Supplementary Planning Document (SPD) and associated A27 Chichester Bypass Mitigation (August 2023).

1.1.2 It has been prepared on behalf of Gleeson in respect to the promotion of their land interests in the Chichester District, and focusses on whether the proposed approach to contributions, and the methodology used to calculate its value, is appropriate.

1.2 Overview

1.2.1 The principle of development funding mitigation required to accommodate planned growth is accepted, and the development of an SPD providing a clear means to calculate site specific contributions is welcomed. However, there are some significant concerns with the approach taken within the SPD to calculate the contributions, namely:

- The modelling evidence base upon which the infrastructure is based does not make appropriate allowance for changes in travel behaviour nor seeks to mitigate impacts through sustainable travel initiatives.
- A 535 dwelling per annum (dpa) 'cap' artificially inflates the contribution per dwelling – the proposed infrastructure is capable of accommodating a greater quantum of development.
- The SPD penalises development coming forward towards the end of the plan period.

- The relationship between number of bedrooms and trip generation is not linear.
- The approach does not accord with CIL Reg 122 tests used to govern financial contributions – the contributions sought would not be *'directly related to development'* nor *'fairly and reasonably related in scale'*.

SECTION 2 Transport Evidence Base

2.1 Overview

2.1.1 Gleeson submitted representation to the Reg 19 consultation on the 2021 – 2039 Proposed Submission version of the Chichester Local Plan. Through this, comment was made on the approach to mitigating the impacts of planned development identified within the accompanying transport evidence base.

2.1.2 Of particular note was the approach taken to identifying the impacts of development and, in turn, how these impacts would be mitigated. It was identified that:

- A blanket 'predict and provide' approach was taken to trip derivation, with trip generation forecasts significantly greater than that used in other authorities across the West Sussex area, including the neighbouring Arun District. This significantly overestimated the likely traffic impact of planned development, by potentially as much as traffic equivalent to that of an additional 1,900 dwellings.
- The transport strategy placed little emphasis on the role that sustainable travel has to play in mitigating the traffic impacts of development. This includes the impact of behavioural change arising post-pandemic; the delivery of large strategic sites with the ability to accommodate trips within the development site through the provision of internal services and facilities; and the potential for strategic scale sustainable travel improvements being delivered alongside planned development.
- Modelling scenarios tested whether the proposed package of local plan mitigation could cater for a greater quantum of development, with the outputs indicating that a 700dpa strategy could be accommodated. Potentially, an even greater quantum of development beyond 700 dpa could also be accommodated but this remains untested.
- The proposed mitigation strategy goes beyond mitigating the impacts of development and provided capacity in excess of that required to accommodate development.

2.2 Consequences

2.2.1 The result of this is two-fold:

- A greater emphasis on mitigating the impacts of development using means of encouraging sustainable travel may result in a more cost-effective approach to managing the impacts of development. This would enable greater investment in other infrastructure (both transport and non-transport) improvements.

- An unnecessarily large burden is being placed upon planned development – the proposed mitigation can accommodate a much greater rate of growth. An increase in the level of planned development would enable the cost per dwelling to be reduced accordingly, and the direct mitigation of development impacts only, as opposed to the provision of additional capacity beyond that required, would reduce the infrastructure costs placed upon planned development.

2.2.2 On the basis of the findings within the transport evidence base, it is apparent that the contributions identified in the SPD would not satisfy the following CIL Reg 122 tests:

- Not directly related to the development – the SPD requires funding of mitigation that goes above and beyond direct mitigation of the traffic impacts of planned development.
- Fairly and reasonably related in scale and kind to the development – the scale of the contribution far exceeds what is necessary of the planned development – it could be reduced by a more cost-effective approach to the mitigation of development impact, or by spreading the cost of the improvements across a greater quantum of development.

SECTION 3 SPD Methodology

3.1 Application

- 3.1.1 The emerging CDC Local Plan (2021 – 2039) has placed a development cap on providing a total of 9,630 homes (of which approximately 6,000 are committed and either have extant planning permission or a 'resolution to grant') across an 18-year period, equating to 535 homes per year. There are now only 3,551 homes left before the development cap is reached.
- 3.1.2 The remaining unfunded £27m for the two proposed junction improvement schemes has been divided by the remaining number of homes (3,551) to calculate a per-dwelling contribution level that would secure the necessary funding, equating to a value of c. £7,600 per dwelling.
- 3.1.3 The result of this is that there will be a disproportionate impact on development at the 'tail end' of the plan period, which is required to make up a significant proportion of the cost of the infrastructure required to mitigate the entirety of the planned growth, of which some two thirds is already permitted.
- 3.1.4 Therefore, it is not in keeping with the 'fairly and reasonable related in scale and kind', as required by CIL Reg 122, as the remaining development is expected to mitigate the impact of development that has already obtained consent. Similarly, it also fails to adhere to the 'necessary to make the development acceptable in planning terms' – the level of the contribution is actually necessary to make already permitted development acceptable in planning terms, not the development to which it will be applied.

3.2 Approach

- 3.2.1 CDC acknowledges the outcomes of the viability testing and recognises that dwellings do not all have the same impact on the A27. Paragraph 4.19 of the A27 Chichester Bypass Mitigation (August 2023) SPD states:
- 'Smaller dwellings generally have fewer occupants who drive and own a car and therefore have a generally smaller impact than is the case with larger dwellings where the larger number of occupants would, on average, own and drive more cars.'*
- 3.2.2 Using guidance on the future mix of dwellings within the district contained within the latest Housing and Economic Development Needs Assessment (HEDNA), CDC has employed a scaled approach when considering the range of dwelling sizes that may come forward. This equates to a contribution rate of £3,049.16 per bedroom (£7,623 / 2.5) which would provide the following contribution scale:

- 1 bedroom - £3,049
- 2 bedroom - £6,098
- 3 bedroom - £9,147
- 4+ bedroom - £12,197

3.2.3 The number of trips generated by a dwelling is not proportional to the number of bedrooms it comprises (i.e. a four bedroom dwelling will not result in double the number of trips compared to a two-bedroom dwelling). However, CDC have based the level of A27 mitigation contributions on this principle.

3.2.4 The TRICS database has been filtered to calculate a generic trip rate based upon surveys comprising of just two-bedroom dwellings and filtered again for just four-bedroom dwelling surveys, shown in **Table 4.1**.

Table 4.1. TRICS – two-bedroom and four-bedroom dwelling trip rates.

	Morning Peak Hour			Evening Peak Hour			Daily (07:00 – 19:00)		
	In	Out	Two-way	In	Out	Two-way	In	Out	Two-way
Two-Bedroom	0.054	0.108	0.162	0.108	0.108	0.216	1.701	1.701	3.402
Four-Bedroom	0.148	0.241	0.389	0.204	0.074	0.278	1.779	1.797	3.576

Source: TRICS / Consultant Calculations

3.2.5 The TRICS assessment identifies that a 4-bedroom dwelling will generate an additional daily vehicle trip rate of 0.174 per dwelling compared to a two-bedroom dwelling. This represents an increase of just 5%, and not double as outlined by CDC, demonstrating that factoring the level of A27 contributions on a per bedroom basis does not result in a contribution that would be *'directly related to the development'* nor *'fairly and reasonably related in scale and kind'*.

3.3 Alternative Funding Mechanisms

3.3.1 The SPD makes no indication that alternative means of funding the improvements will be sought and introduces no mechanism to reduce the level of contribution sought from development should further fundings awards be made, which is particularly surprising given the improvements go beyond mitigation of development impacts.

- 3.3.2 National Highways has included the A27 Chichester By-pass in their current RIS 3 funding review. It is acknowledged that there is no certainty at this time for inclusion of any scheme within the RIS3. However, funding was previously identified (c. £100m) towards improvement of the Chichester By-pass, which was subsequently lost as consensus could not be reached between the local authorities as to the preferred approach. Having previously been recognised as a location where intervention is necessary, it is not unreasonable to assume that a funding award will be made.
- 3.3.3 Similarly, the SPD focusses solely on residential development, and it is unclear as to whether similar contributions will be sought from other use classes which have the potential to increase usage of the A27. Clarity should be provided in respect to the level of contribution that may be sought from other floor space, to ensure fair and equitable mitigation of impacts consistent with the requires of CIL Reg 122.

SECTION 4 Conclusion

4.1 The principle of development funding mitigation required to accommodate planned growth is accepted, and the development of an SPD providing a clear means to calculate site specific contributions is welcomed. However, the SPD fails to provide an appropriate mechanism for contributions to be secured in accordance with the CIL Reg 122 requirements, particularly those of 'relatedness' and 'proportionality'.

4.2 To ensure that this can be achieved, the following recommendations are made:

- 1 The artificial 535 dpa cap should be lifted and a greater quantum of development, of at least 700 dpa, be permitted.
- 2 Further modelling of traffic impacts should be undertaken through the Transport Study, allowing for 'Decide and Provide' principles to trip forecasting, a greater emphasis on sustainable travel and for changes in travel behaviour following the pandemic.
- 3 Reconsider the mitigation strategy, to allow for infrastructure only that is necessary to mitigate the impacts of development, in line with the requirements of CIL Reg 122 and paragraph 57 of the National Planning Policy Framework.
- 4 Consider alternative means of deriving a financial contribution that reflect the impact of development, and does not utilise an arbitrary determiner, such as number of bedrooms, that fails to reflect the traffic characteristics of a development.
- 5 Encourage, and make allowance for, the award of further funding streams to assist with delivery of the project. Provide clarity as to the level of contribution that may be sought from use classes other than residential.