

8 July 2024

Email

Planning Policy
Chichester District Council
East Pallant House
Chichester
West Sussex
PO19 1TY

Dear Sir/Madam

A27 CHICHESTER BYPASS MITIGATION SUPPLEMENTARY PLANNING DOCUMENT (SPD)

We write in response to the above consultation on behalf of our client, Wates Developments, who have a range of land interests in the District. Wates have been engaged throughout the process of the SPD including the submission of representations to the previous round of consultation in November 2023.

As is made clear in the introduction to the consultation document, the SPD is seen as a temporary measure until the adoption of the Local Plan Review. The draft SPD is therefore prepared in the context of policies 4 (Housing Provision), 8 (Transport and Accessibility) and Policy 9 (Development Infrastructure Provision) of the adopted Chichester Local Plan: Key Policies 2014-2029 (2015).

The Local Plan Review was submitted for independent examination on 3rd May 2024, with the Inspectors appointed later that month. Given the sensitivities around the General Election, whilst an initial letter was issued by the Inspectors on 12 June 2024, this was focused on factual and procedural points. At the current time therefore, no indication has been provided of the Inspectors' matters, issues and questions or the timing of the Examination hearings. It is however noted that the Council's latest Local Development Scheme (approved 19 March 2024) anticipates the hearings being held over Summer/Autumn 2024 with adoption in Spring 2025. Based on these timings, and assuming the SPD is adopted in the Summer, the SPD is likely to be in place for an approximately 9-12 month period, although clearly if the Examination is protracted this could be extended. The draft SPD advises that the Council anticipate the number of dwellings affected by the SPD in this interim period would be in the region of 250.

As per our previous submissions (enclosed) we remain concerned that the proposed approach the Council are seeking to pursue through the SPD does not accord with the legislative framework as detailed within the 2004 Planning and Compulsory Purchase Act (as amended). Concern is raised that the SPD seeks to collect financial contributions for growth anticipated in an emerging (and unadopted) Local Plan. It is noted that the Local Plan Review does not propose to fully meet the housing needs of the District and this has yet to be tested through Examination. Should it be found through this process that a greater quantum of growth can be accommodate, this

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could bring down the costs on a 'per dwelling' basis. Such matters can only be appropriately tested through the Examination process and as such it is not considered the SPD is an appropriate mechanism to seek to introduce this tariff.

Notwithstanding the above, if the Council continue to pursue the SPD, it is important that the SPD is produced in accordance with national guidance and does not hinder the delivery of sites relied upon in the Council's submitted Local Plan. As set out in Planning Practice Guidance, SPDs '*should not add unnecessarily to the financial burdens on development.*' Clearly should the adoption of the Local Plan Review be delayed for any reason (such as an extended Examination Period or changes in national policy) the SPD could remain in place for a longer period than currently envisaged. In such a circumstance it would not be unexpected for a greater quantum of development to come forward than the 250 homes, including allocations proposed through the Local Plan Review as well as larger windfall sites to ensure the Council are able to maintain a five-year housing land supply.

The draft SPD would seek financial contributions from all new dwellings (rather than developments of over 50 homes as per the current situation) in wards south of the National Park. £8,000 per dwelling is proposed to be used as a 'Target Contribution Level' against which other factors, such as the location of development and the size of the dwelling will be applied. Applying these, the maximum contribution which would be sought for a single dwelling would therefore be £12,160. Notably the size of dwelling is stated to be tied to the increased number of vehicles associated with larger dwellings. We note that the SPD has sought to address the previous comments from Wates regarding the correlation of bedroom spaces to the costs proposed to better reflect the proportional increase in vehicle ownership which can be expected. The mix and quantum of homes to be delivered through the Local Plan review remains to be examined and found sound, as such the expected level of overall contributions secured is subject to change.

Notwithstanding our comments above in respect of the principle of the SPD, we now turn to more detailed considerations. At this stage no specific viability evidence has been prepared in respect of this interim SPD and instead the Council seek to rely on the viability evidence prepared for the Local Plan Review. These viability assessments have been prepared using the adopted charging rates (as indexed for 2023) within their assumptions. The Stage 2 Viability Assessment (January 2023) appears to have only tested on the basis of a flat rate of £8,000 per dwelling rather than the more nuanced approach actually proposed through the SPD. The smallest scheme that has been assessed is for 6 dwellings.

Specific viability testing should be undertaken to assess the approach proposed through the draft SPD. This should include testing of smaller schemes (including below 6 dwellings). During this interim phase it is likely to be smaller windfall schemes which will come forwards and be subject to the SPD, ahead of the adoption of the Local Plan Review, and these should be appropriately assessed. The assessment should however also consider larger schemes in case the adoption of the Local Plan Review is delayed and some of these sites are to be brought forwards under this interim SPD ahead of the Local Plan Review adoption.

In light of the above we consider that the Council should reconsider the preparation of the SPD and instead focus its efforts and resources on the forthcoming Local Plan Examination to seek to ensure the Plan is adopted in a timely manner as the appropriate mechanism to consider mitigation measures for the A27. This will allow such a strategic matter to be addressed more comprehensively through the Local Plan process including a review of CIL and the IDP that sits alongside the Local Plan Review, and robustly tested through the Examination process.

We trust that the above information is of assistance in your preparation of the SPD. We look forward to continuing to work with the Council through the preparation of the SPD (if pursued) and Local Plan.

Yours faithfully



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Associate Director

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