

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

**Via email only**

11 July 2024

Dear Sir / Madam

**Re: A27 Chichester Bypass Mitigation Supplementary Planning Document  
Consultation – July 2024**

This representation provides a response to the A27 Chichester Bypass Mitigation Supplementary Planning Document (SPD) Consultation on behalf of our client Barratt David Wilson (BDW). The representation is a general submission and is not site specific, although it is relevant to all sites promoted by BDW in the District.

This representation provides a written response in relation to the proposal to introduce a new charging schedule in respect of contributions towards improvements to the A27. The proposed charging schedule sits outside of the Council's adopted CIL charging schedule and seeks to replace an existing adopted infrastructure SPD.

This consultation document follows a previous consultation in October 2023 for a similar draft document, albeit the overall figures have been updated. The previous SPD was being introduced ahead of the Local Plan Review with its intention to come forward ahead of the Local Plan Review, but then become the SPD in relation to that Local Plan, which clearly is the incorrect approach, when taking account of relevant legislation and Planning Practice Guidance (PPG).

Whilst the draft Plan has been submitted for Examination and Inspectors have been appointed, no response has been provided by the Inspector, beyond procedural matters, on the key matters and issues for the Examination. Also, there is no timescales set out for Examination at the time of writing.

The current proposed SPD is now framed as an interim document. As we set out in our representations submitted in October 2023, we remain of the view that the approach to the SPD would not accord with the legislative framework. The proposed SPD seeks to collect financial contributions for growth anticipated in an emerging (and unadopted) Local Plan. The Local Plan Review document does not propose to meet the full housing needs of the district, this is subject to many unresolved objections and is yet to be tested through Examination.

In terms of the Council's approach to introduce an SPD to secure contributions, this is directly contrary to the below PPG which states:

*Policies for planning obligations should be set out in plans and examined in public. Policy requirements should be clear so that they can be accurately accounted for in the price paid for land.*

*Such policies should be informed by evidence of infrastructure and affordable housing need, and a proportionate assessment of viability. This evidence of need can be standardised or formulaic (for example regional cost multipliers for providing school places. See the guidance from the Department for Education on 'Securing developer contributions for education'. However, plan makers should consider how needs and viability may differ between site typologies and may choose to set different policy requirements for different sites or types of development in their plans.*

***It is not appropriate for plan-makers to set out new formulaic approaches to planning obligations in supplementary planning documents or supporting evidence base documents, as these would not be subject to examination. Whilst standardised or formulaic evidence may have informed the identification of needs and costs and the setting of plan policies, the decision maker must still ensure that***

***each planning obligation sought meets the statutory tests set out in regulation 122. This means that if a formulaic approach to developer contributions is adopted, the levy can be used to address the cumulative impact of infrastructure in an area, while planning obligations will be appropriate for funding a project that is directly related to that specific development. (my emphasis)***

*Planning obligations assist in mitigating the impact of development which benefits local communities and supports the provision of local infrastructure. Local communities should be involved in the setting of policies for contributions expected from development.*

*See related guidance: Viability and Plan-making*

*Paragraph: 004 Reference ID: 23b-004-20190901*

*Revision date: 01 09 2019*

The Council seeks to introduce much increased contributions, outside of any formal Examination process. As a result, no parties have the ability to test the proposed SPD, which has a significant financial burden upon developments. The SPD seeks contributions from all new dwellings, rather than for 50 homes or more in the current SPD. £8,000 is highlighted as a target figure, although specific viability evidence is not provided alongside the draft SPD.

The Council rely on the viability evidence prepared for the Local Plan Review, with their stage 2 assessment (January 2023) having only tested a figure of £8,000. As noted above, this is a minimum figure, with a maximum figure per dwelling being £12,160. It should also be noted that the smallest scheme the viability work considers is 6 units, therefore, there is no consideration of how this SPD will affect small scale schemes of 1-5 homes.

Additionally, the viability testing gives no consideration to alternate housing falling within a C3 use class, such as Sheltered Housing. Payments for this type of housing was excluded from the previous SPD as the traffic impact from such housing is very

different from that of general C3 housing. No consideration has been given to such housing, which is a further a shortcoming of the draft document.

Specific viability testing is required to assess the impact of this SPD. This should include testing of a mix of scenarios, including smaller sites (sub 6 dwellings) and include an assessment of different areas and types of sites in this area, given the significant variation in contributions sought in the schedule.

There is clearly a long way to go before the Draft Local Plan housing number are fixed and therefore introducing an SPD at this stage, which relies on compressed housing figures is inappropriate, is not appropriate. Mitigation may also need to be reconsidered, based on a different housing quantum.

The introduction of this untested (viability) SPD, which is clearly contrary to the legislative framework and planning practice guidance relevant, should not be progressed at this time. The appropriate strategic highway mitigation should form part of the Council's future CIL charging schedule, which must follow the Local Plan process and be subject to appropriate Examination.

We appreciate the nature of the comments, but our client would like to work with the Council on these matters going forward as part of the Local Plan review.

Your faithfully

*Peter Cleveland*

**Peter Cleveland**  
**Head of Planning**  
**Henry Adams LLP**