



# Defence Infrastructure Organisation

Ref.JJB/A27

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Chichester District Council  
East Pallant House  
Chichester  
PO19 1TY

11/07/2024

Dear Sir/Madam,

## **A27 Chichester Bypass Mitigation SPD Version 2 Draft May 2024 – Consultation**

We thank the Council for the opportunity to comment on the above Consultation. Please find set out below specific representations submitted on behalf of the Secretary of State for Defence on the above SPD. Please note that these comments should be read in addition to any provided by colleagues in respect of other MOD interests and by the MOD's Agents for the Planning Application 23/02785/FULEIA. The comments set out below relate to wider MOD estate related interests.

We would be grateful if you could acknowledge their receipt, by return.

If you have any questions arising, please contact me on 0300 1510344 in the first instance.

Yours faithfully,

[REDACTED]  
Joanne Billingham (Mrs)

Senior Town Planner

DIO SEE-EPS Plan6

## 1. Background

1.1 The Defence Infrastructure Organisation (DIO), on behalf of the Ministry of Defence (MOD) welcomes the opportunity to comment on the A27 Chichester Bypass Mitigation SPD Version 2 Draft May 2024 (Draft A27 SPD). The DIO manages the Defence Estate on behalf of the MOD.

The MOD operational establishment of Baker Barracks, Thorney Island is situated within Southbourne Ward, one of the 14 wards affected by this SPD. The MOD has a long and proud history within the District and indeed the contribution to the economy made by the ongoing military presence is recognised in the emerging Chichester District Local Plan.

1.2 The MOD welcomes the opportunity to work closely with Planning Authorities in the development of policies and strategies within the Development Plan. As recognised in the National Planning Policy Framework, it is important that Planning Authorities consult with the MOD during the preparation of their plans and take into account the need to safeguard operational sites. I would like to draw your attention to paragraph 101 of the National Planning Policy Framework (December 2023), which states:

*“Planning policies and decisions should promote public safety and take into account wider security and defence requirements by: b) recognising and supporting development required for operational defence and security purposes, and ensuring that operational sites are not affected adversely by the impact of other development proposed in the area.”*

## 2. Representations

2.1 The MOD is supportive in principle of the preparation of the A27 Chichester Bypass Mitigation Supplementary Planning Document Version 2 Draft May 2024. However, as the Draft A27 SPD has been interpreted by the Chichester District Council Development Management Team as being applicable to Military Single Living Accommodation (MOD SLA), the MOD has the following comments, corrections and concerns regarding sections of the SPD that would affect the operational abilities of the core MOD site of Baker Barracks, Thorney Island.

2.2 The MOD is concerned that the specific and unique needs of the MOD have not been taken into consideration, nor does it believe that the three tests for planning obligations have been met within the SPD as it relates to the MOD ie that they are

- necessary to make the development acceptable in planning terms
- directly related to the development and
- fairly and reasonably related in scale and kind to the development.

2.3 MOD development has not previously fallen within any charges made by either the 2016 Planning Obligations and Affordable Housing SPD or in the Chichester District CIL Charging Schedule 2016, which is based on the viability and other supporting evidence studies.

2.4 The Draft A27 SPD is silent on MOD SLA development. Furthermore, MOD SLA development does not fall within the scope of the proposed charge as it applies to ‘any net increase in new dwellings coming forward in the area to the south of the National Park (see Appendix 1). The contribution will be sought from all new dwellings, including from affordable homes, retirement homes, (such as sheltered housing) and from self or custom build homes’ (Draft A27 SPD para 4.14 residential development).

2.5 The Draft SPD page 14, paras 4.16 to 4.19 lists development to which the contributions are unlikely to apply, specifically mentioned are Care Homes/Extra Care Facilities Use Class C2, Purpose Built Student Accommodation and Holiday Lets, although para 4.16 states that the ‘list below is not exhaustive’. Again, the Draft A27 SPD is silent on MOD SLA development.

2.6 However, the Draft A27 SPD has been interpreted by the Chichester District Council Development Management Team as applicable to MOD SLA as they determine the current planning application 23/02785/FULEIA which includes the provision of SLA for 140 bed spaces. (NB the MOD's Agent is currently in separate discussions with the Chichester District Council Case Officer regarding this issue).

This is of concern and incorrect for the following reasons:

2.6.1 In Use Class terms (the Town and Country Planning (Use Classes) Order 1987 as amended) Military operational sites are Sui Generis and all uses within that are not separate planning units, they are subsidiary to the main use. Therefore, SLA, within a military site, is not a residential use, not Use Class C, nor can it be considered as constituting 'dwellings'.

2.6.2 MOD SLA development is not typical of the usual traffic and commuting flows associated with residential development and would not have the associated impact on the highway network. The provision of SLA on site allows military personnel to live and work in the same location, whilst aiding operational effectiveness, this also aids sustainable travel to the site by reducing the need to commute to the workplace. Traffic flow on the highway network is minimised and avoids peak times, with most personnel only leaving the base at weekends. The LPA's junction modelling for the A27 Bypass Mitigation works demonstrates that it is peak times where the junctions are overloaded and require mitigation.

2.6.3 Viability testing. The primary purpose of the MOD is the defence of the nation. There is no financial gain from its operations and the MOD is wholly funded by the UK Government and UK Taxpayer.

The A27 Draft SPD is based upon the evidence within the LPA's own viability testing for the emerging local plan (Chichester District Council Local Plan 2021-2039 Viability Assessment - Stage 2 Appendix II – Stage 2 full residential typologies review results tables January 2023 DSP21755 ). However, this viability testing has not included MOD SLA as a residential typology. If it had, it would have demonstrated that there is no financial gain made by the MOD in the provision of SLA, therefore no residual land value and no contribution that can be made that would be viable. Indeed the MOD would submit that the LPA itself does not consider SLA as a residential typology or residential use, nor that it should contribute towards s106 contributions to the A27.

### 3. Conclusion

3.1 The DIO on behalf of the MOD respectfully:

1. submits the representations in section 2 above, specifically that the A27 Draft SPD does not apply to the provision of MOD SLA on the grounds that:
  - MOD SLA is not a residential use in planning terms,
  - traffic generated by MOD SLA is not typical of the usual traffic and commuting flows, and indeed avoids the peak time congestion that are the subject of the A27 mitigation works; and
  - the LPA has not provided any viability evidence for MOD SLA to pay s106 contributions towards the A27 Mitigation works
2. Would welcome the opportunity to discuss the representations with Chichester District Council to provide any clarification; and
3. Seeks assurance that the Charges set out within the Draft A27 SPD are not applicable to MOD SLA.