



Representation Form

A27 Chichester Bypass Mitigation Supplementary Planning Document Consultation

Ref:

**(For official
use only)**

The consultation on the draft Supplementary Planning Document (SPD) will run from 22 September 2023 to 3 November 2023. The document and more information on the consultation can be viewed on our website at www.chichester.gov.uk/currentplanningpolicyconsultations

All comments must be received by 5pm on Friday 3 November 2023.

There are a number of ways to submit your comments:

- Online via our consultation portal accessed via our website www.chichester.gov.uk/currentplanningpolicyconsultations **(Recommended)**
- By emailing an electronic version of this form to planningpolicy@chichester.gov.uk
- By posting a copy of this form to us at: Planning Policy Team, Chichester District Council, East Pallant House, 1 East Pallant, Chichester, West Sussex, PO19 1TY

How to use this form

Please complete Part A in full. Please note anonymous comments cannot be accepted, a full address including postcode must be provided.

Please complete Part B overleaf, using a new form for each separate SPD section that you wish to comment on. Please identify which paragraph your comment relates to by completing the appropriate box.

For more information, or if you need assistance completing this form, please contact the Planning Policy Team by email at planningpolicy@chichester.gov.uk or telephone 01243 785166.

Part A

1. Personal Details*

**If an agent is appointed, please complete only the Title, Name and Organisation (if applicable) boxes below but complete the full contact details of the agent in 2.*

Title

First Name

Last Name

Job Title

(where relevant)

2. Agent's Details (if applicable)

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Part B

Please use a new form for each representation that you wish to make. Please note anonymous comments cannot be accepted. Any personal information provided will be processed by Chichester District Council in line with the General Data Protection Regulations 2018. More information is available at: <http://www.chichester.gov.uk/dataprotectionandfreedomofinformation>.

3. To which part of the SPD does this representation relate?

Section
Title

The document as a whole – all sections

4. Please indicate if you wish to:

(a) Support

(b) Object

(c) Comment

Please tick as appropriate

5. Please use this box to provide a short explanation for your response

Introduction

We can agree with the general aim of undertaking improvements to the A27, given the existing poor condition of the road, which could become worse over time with future growth and development. The principle of new development making proportionate contributions to these improvements is also agreed. However, we are concerned that the Bypass Mitigation SPD is based on numerous assumptions:

- that the projects set out in the document are appropriate and desirable;
- that it is appropriate to fund the projects largely from residential development;
- that charges against homes are calculated from growth levels in a *draft* Local Plan;
- that an SPD is an appropriate means for collecting those contributions;
- that the proposed charging approach will be effective in delivering the road projects.

Having considered the above we believe the Bypass Mitigation SPD is wholly inappropriate and should not be continued with. Fundamentally this is for two reasons:

- (1) it proposes inappropriate projects, inconsistent with sustainable development, which fail to take a sufficiently strategic approach;
- (2) it employs an inappropriate source and inappropriate process to secure the funding;

Individually either of the above issues are serious and indicate the need for major review. In combination, they suggest the need to pause the process and to integrate it into the Local Plan process itself.

Issue 1: Appropriateness of the projects

We have instructed specialised highway consultants to thoroughly review the Bypass Mitigation SPD proposals against local and national policy in terms of sustainable transport infrastructure. Having undertaken this review, we consider it is fundamentally at odds with the thrust of sustainable transport policy promoted by National Highways, WSCC Highways, and Chichester District Council and is therefore unacceptable, and should not be pursued.

Consideration against existing Chichester Local Plan

Section 3.0 of the Bypass Mitigation SPD sets out National and Local Policy and Guidance. Paragraphs 3.5-3.7 include information relating to Policy 8 and Policy 9 of the Chichester Local Plan: Key Policies 2014-2029. The Bypass Mitigation SPD refers to the below part of Policy 8 (Transport and Accessibility):

“integrated transport measures will be developed to mitigate the impact of planned development. This will include a coordinated package of improvements to junctions on the A27 Chichester Bypass, that will increase road capacity, reduce traffic congestion, improve safety, and improve access to Chichester city from surrounding areas.”

However, the Bypass Mitigation SPD does not refer to the further wording of Policy 8 that as well as mitigate the impact of development on the highways network, integrated transport measures will:

- i. Promote more sustainable travel patterns*
- ii. Encourage increased use of sustainable modes of travel, such as public transport, cycling and walking*

The SPD also does not refer to the wording of Policy 8 which sets out that the transport measures will target investment to improve local transport infrastructure, focusing on delivery of improved and better integrated bus and train services, and improved pedestrian and cycling networks. Hence the SPD does not duly consider policies relating to provision of sustainable travel.

From plans publicly available, it also appears that the existing pedestrian and cycle overbridge infrastructure may be removed, worsening the availability of infrastructure for walking and cycling, which is unacceptable.

The Bypass Mitigation SPD refers as below to Policy 9 (Development and Infrastructure Provision)

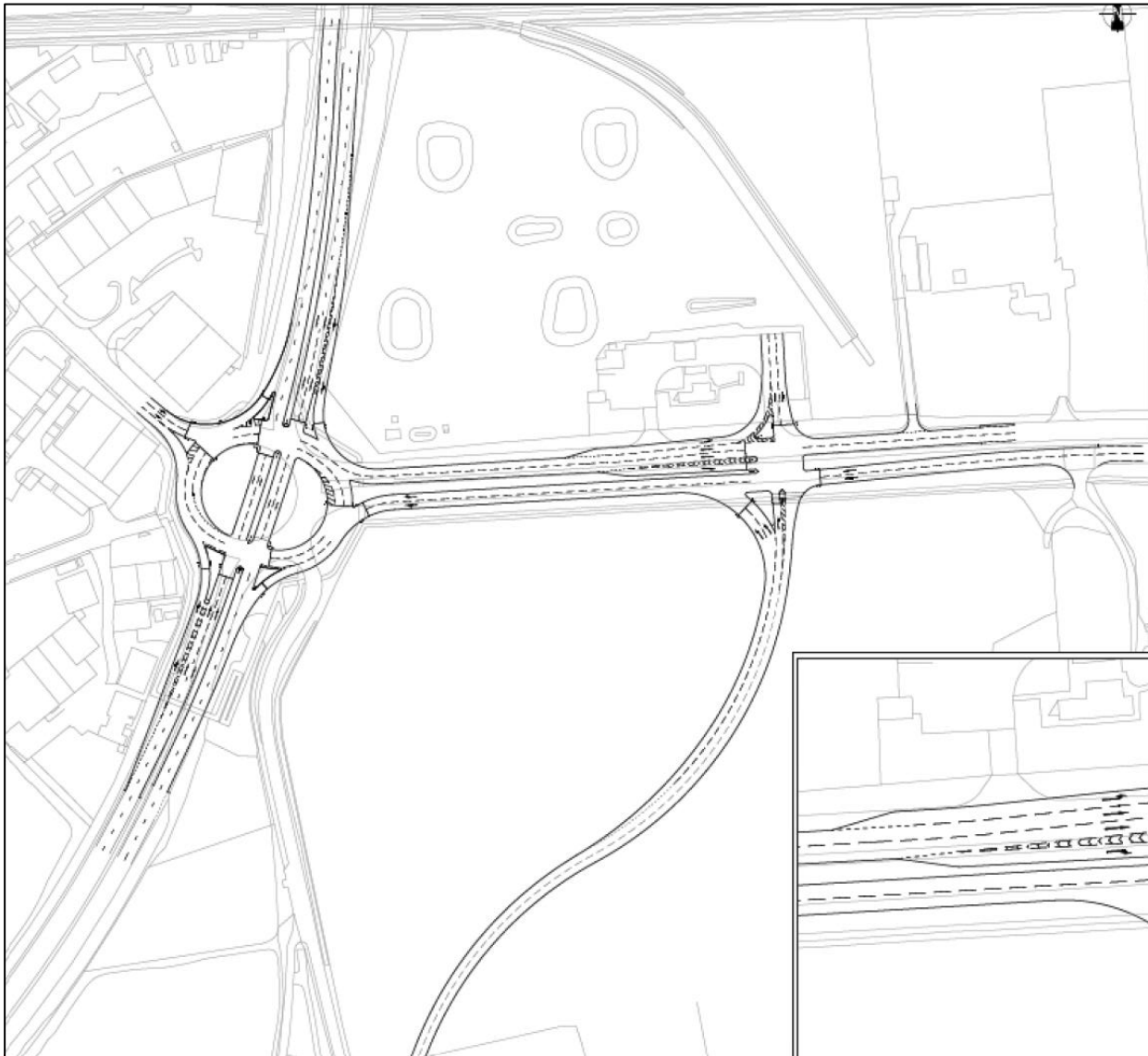
“development and infrastructure provision will be coordinated to ensure that growth is supported by the timely provision of adequate infrastructure, facilities and services. The Infrastructure Delivery Plan will be used to identify the timing, type and number of infrastructure requirements to support the objectives and policies of the Plan as well as the main funding mechanisms and lead agencies responsible for their delivery”

However, the Bypass Mitigation SPD overlooks additional wording of Policy 9 that all development will be required to meet further criteria relating to the accessibility of facilities and services by a range of transport modes. Again, this is unacceptable.

Planning Contributions

Section 4 of the Bypass Mitigation SPD refers to the Local Plan Transport Assessment (Stantec, January 2023) which includes the mitigation proposals at the A259/A27 roundabout, with an extract shown at Figure 1 below. We would note that this plan is from 2018.

Figure 1
Proposed Mitigation at A259 Bognor Road/A27 Roundabout and Vinnetrow Road Link



Paragraph 7.2.4 of the Chichester Transport Study confirms that the modifications to the A259/A27 roundabout include providing a 4-arm “hamburger” signalised junction, with the removal of the Vinnetrow Road link and a replacement link onto the A259 Bognor Road at a new signalised junction.

There is **no mention of any sustainable infrastructure, such as footways or cycleways** to be included in the proposals.

Chapter 6 of the Chichester Transport Study refers to consideration of sustainable mitigation measures which includes reference to walking and cycling, and public transport. However, the proposed mitigation at the A259 Bognor Road/A27 junction and Vinnetrow Road does **not** include any sustainable transport infrastructure, and although all works at the A259/A27 roundabout are within the public highway, it appears that there is insufficient space within the public highway to provide any form of standard footways and/or cycleways and it appears that the existing pedestrian and cycle overbridge may be removed.

Paragraph 11.2.2 of the Chichester Transport Study sets out that:

“It is generally now considered that potential sustainable mitigation measures should have priority over highway capacity mitigation and hence a need to shift away from a ‘Predict and Provide’ approach towards a ‘Monitor and Manage’ approach”.

In addition, paragraphs 4.8 to 4.12 of the CDC SPD sets out that the ‘infrastructure constrained approach’ is based on a Local Plan which is **not yet adopted**, with paragraph 4.9 of the SPD setting out that as the new Local Plan has **not yet been subject to Examination**, it is not possible to confirm how much residential development will be acceptable to 2039 on the basis of the reduced level of mitigation proposed.

Given this, the **SPD cannot be relied on to confirm** whether the mitigation at the A27/A259 roundabout is appropriate. We offer further commentary on this matter under Issue (2) below.

Chichester Local Plan 2021-2039: Proposed Submission Document (‘Draft Local Plan’)

Chapter 8 (Transport and Accessibility) of the Draft Local Plan states transport is a key issue for the area. Paragraph 8.8 sets out that increasing the capacity of the road network is key to supporting growth, but it also sets out the CDC’s Climate Emergency Action Plan, in which CDC target a 10% reduction in greenhouse gas (GHG) emissions year-on-year from 2019-2025 and support the Government’s aims of road transport achieving net zero GHG by 2050.

The Draft Local Plan expects developments to achieve the following key aims:

- i. Avoiding or reducing the need to travel by car
- ii. Enabling access to sustainable travel, including public transport, walking and cycling
- iii. Managing travel demand
- iv. Mitigating the impacts of travel by car

It also requires development to create an integrated transport network which will alleviate pressure on the road network, improve highway safety, encourage sustainable travel behaviours and help reduce transport related impact on air quality.

It is noted that the proposed works at the A259/A27 roundabout are primarily designed to improve capacity on the A27, and give priority to vehicular movement on the A27. Paragraph 8.11 of the Draft Local Plan sets out that the A27 junction improvements at the A259/A27 roundabout are recommended to be provided within the Local Plan period, via developer contributions arising from housing growth, subject to the ongoing monitor and manage process and funding.

Paragraph 8.12 details the ‘monitor and manage’ approach; based on identifying a package of potential highway improvements (inc. enhanced walking, cycling and public transport) which alongside schemes identified through the development management process, may be implemented following a process which will monitor the actual demand on the network and the requirement for the scheme.

The draft Bypass Mitigation SPD does **not** adequately identify potential highway improvements such as enhancing the walking, cycling and public transport provision at the A27/A259 roundabout, and is **not** focussed on sustainable travel, and is therefore unacceptable. CDC’s priority be to maximise the potential for sustainable travel, therefore reducing traffic demand in the first place, particularly for shorter local journeys.

West Sussex Transport Plan (‘WSTP’), adopted April 2022

This sets out how WSCC intends to address key challenges by improving, maintaining and managing the transport network in the period up to 2036. It states the transport strategy for the Chichester area includes:

- i. upgrade the A259 between Chichester and Bognor Regis including infrastructure for active travel and shared transport modes.*
- ii. improve active travel facilities within existing communities and between towns such as Chichester, Selsey, Bognor Regis and the Bourne area, particularly on priority routes and corridors where strategic development is planned*

No specific detailed schemes are provided within the WSTP, but the intention is to dedicate space for shared transport priority on the A259. It states infrastructure will support new frequent shared transport services, such as fixed bus routes or potentially a Digital Demand Responsive Transport (DDRT) service connecting Littlehampton and Bognor Regis with Chichester. The A259 Chichester-Bognor Regis corridor is included in the following priorities for WSCC:

- i. Short term (2022-2027) active travel priority, i.e. improving and developing a coherent network of active travel facilities that connects places of importance, such as transport hubs, shops, schools and community facilities.*
- ii. Short term (2022-2027) shared transport priority i.e. focusing on improving the bus network.*
- iii. Short term (2022-2027) road priorities, specifically a A259 Chichester to Bognor Regis corridor enhancement package, although no further detail of what is included in the corridor enhancement package is provided.*
- iv. Medium term (2027-2032) priorities for the Arun area relating to the enhancement of the corridor, including shared transport and active travel.*
- v. Short term (2022-2027) priorities for the Chichester area, relating to the enhancement of the corridor, including shared transport and active travel.*

In relation to the above, WSCC are particularly likely to prioritise proposals entailing improvements to the A259 that focus on sustainable transport, including bus travel. The Bypass Mitigation SPD proposals do not include infrastructure for sustainable transport, **i.e. no footways or cycleways, or bus lanes**, and hence they fundamentally **conflict with WSCC's priorities**.

From the figure above, beyond the failure to provide improvements for pedestrians, cycles or buses, no land within the public highway has been safeguarded for such measures. In this respect, the Bypass Mitigation SPD not only fails to deliver sustainable transport, but could actively work against future achievement of these goals, by occupying land that could be used in that more positive way.

Therefore, the Bypass Mitigation SPD contradicts WSCC's priorities and is unacceptable.

Draft West Sussex Active Travel Strategy 2023-2036 (currently under consultation)

This Active Travel Strategy sets out a vision and goals for active travel in West Sussex for the next decade and beyond. The vision of the strategy is that the transport network will be:

“characterised by high-quality active travel infrastructure, focused on connecting people with places and activities via safe, direct, attractive, and coherent routes. People across the county will be informed and aware of their options for walking

and cycling locally. Active travel will be increasingly commonplace for everyday journeys, delivering greater economic prosperity, improved quality of life for all those who live and work within the county, and supporting our pathway to net zero carbon”

Section 7 of the report provides the Strategy Delivery, with paragraph 7.2.2 setting out that:

“For active travel there is a clear commitment that all our major road schemes will include facilities for cycling”.

Given that the Bypass Mitigation SPD and the proposed major road scheme does not include facilities for cycling and is not characterised by high-quality active travel infrastructure, **it is contrary to the principles of sustainable development** and therefore unacceptable.

Draft West Sussex LCWIP

Section 9 of the draft West Sussex LCWIP includes information on the A259 between Chichester and Bognor Regis, identified as Corridor 4. The Proposed Improvements Plan includes:

- i. A259 Drayton Lane roundabout to A27 Chichester bypass:
 - a. Construct wider cycle infrastructure between Drayton Lane and Green Lane with improved surface quality
 - b. Redesign vehicle accesses, including with raised tables and priority given to people cycling where feasible
 - c. Cut back vegetation and/or consider realignment path to provide greater separation from the encroaching hedge

The mitigation works proposed in this Bypass Mitigation SPD as shown above **do not safeguard land to provide cycle infrastructure** as set out in the draft West Sussex LCWIP. Hence the proposed Bypass Mitigation SPD is contradictory and unacceptable.

Consideration against Department for Transport (DfT) Circular 01/2022

This Circular sets out how National Highways engage in plan-making and decision-taking to support sustainable development. Paragraph 13 sets out that the following documents set out that walking, wheeling, cycling and public transport must be the natural first choice for all who can take it:

- i. Transport Decarbonisation Plan,
- ii. Gear Change,
- iii. Bus Back Better
- iv. the second Cycling and Walking Investment Strategy

Paragraph 17 sets out that National Highways will support local authorities who ensure priority is given to pedestrian and cycle movements.

Paragraph 23 sets out that Capacity enhancements such as modifications to existing junctions or road widening to facilitate development should be determined on a case-by-case basis. However, proposals should include measures to improve community connectivity and public transport accessibility, and this will be weighed against any negative safety, traffic flow, environmental and deliverability considerations, impacts on the permeability and attractiveness of local walking, wheeling and cycling routes, and alternative options to manage down the traffic impact of planned development or improve the local road network as a first preference.

Given that the proposed mitigation at the A259/A27 junction does *not* include measures to improve community connectivity, as the proposals give priority to vehicles on the A27, and not those who use the strategic route between Chichester and Bognor Regis, the proposed SPD is unacceptable.

Furthermore, as the proposed mitigation at the A259/A27 junction also does not include measures to improve public transport accessibility, with no mitigation included to provide bus priority measures, again counter to the draft Bypass Mitigation SPD.

It is considered that to provide a junction which aligns with the local and national policy in terms of sustainable transport infrastructure, the A259/A27 junction should include a package of multi-modal highway improvements, including pedestrian, cycle and public transport infrastructure. This would promote more sustainable travel patterns and encourage increased use of sustainable modes of travel.

Issue 2: Appropriateness of funding source and mechanism

'In principle' appropriateness of SPD approach

As set out in Section 1 of the draft SPD document, the purpose of the new process is to replace the existing Planning Obligations & Affordable Housing SPD (2016), which is deemed no longer sufficient to address the impact on the A27 of new development coming forward. Whilst that may be the case, it does not follow that the solution is to continue with an SPD-type approach. As the Council itself concedes in paragraph 3.3 of the SPD document,

"It is acknowledged that the PPG also advises that 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."

Hence CDC accepts their approach runs **counter to national planning guidance**. The SPD document further continues by stating the following (emphasis added):

*The Council has considered this guidance carefully and is in the process of preparing a new Local Plan which **will set out a clear policy basis** for seeking A27 mitigation contributions.*

As the above quotation makes clear, whilst the intentions of the SPD are fairly clear, they do not amount to an effective policy basis for the contributions.

Specific problems with SPD approach

The proposed SPD takes a highly formulaic approach, which fixes numerous reference points. As outlined below, each one of these is challengeable:

- i. The **total cost** of the A27 works. These figures are liable to change, particularly as the individual project designs are at such an early stage. As set out above, the projects as conceived currently are not appropriate in terms of design/sustainability policy, and therefore require review. This may entail increased costs.
- ii. The amount of contributions **already collected**. This can be expected to increase as further schemes come through the application process.
- iii. The **total amount of funding still needed**. Due to uncertainty on (i) and (ii) above, this residual amount of funding is an even more uncertain quantity.

- iv. That the upgrades should be funded **solely based on Chichester development**. Traffic arising from Local Plan sites will comprise only one fraction of the total on the A27, which is part of the UK's Strategic Road Network and is the responsibility of National Highways. As such, rather than imposing costs solely on development in a part of Chichester District, it would be preferable to take a more strategic approach, including central government funding, and recognising the wider role of the A27 across Sussex and beyond. Central government funding was previously envisaged, and developments elsewhere have already contributed in part towards A27 upgrades.
- v. That **only housing development should contribute**. The draft SPD pre-supposes that only residential development should contribute to the A27. However, this overlooks the potential impact of other types of development or activity that can be expected to have an impact, including industrial, commercial, retail, tourist and other types of development that will further evolve over the plan period.

This runs directly counter to CIL Regulation 122 (b) “directly related to the development”, because it incorrectly assumes that no other types of development are directly related.

- vi. The **total number of homes**. Even if it were justified to levy A27 charges solely on residential development, the proposed number of homes in the Local Plan is not fixed as it has not been subject to Examination. Potentially this number could go up or down dramatically, which again fundamentally affects how much each individual home is charged.
- vii. The **bedroom-type approach**. The consultation pre-supposes a ratio of homes to bedrooms, which again determines the chargeable costs. CDC points to 2.5 homes as an average in previous years, but there is little information available to examine this baseline figure. In paragraph 4.26 of the draft SPD, the Council itself identifies that this process is unclear, stating the following (emphasis added):

Due to the uncertainty on the precise housing mix that will come forward, the Council will monitor the level of funding being secured and if, due to the actual mix coming forward, the funding falls below the required target, this could trigger a review of this SPD.”

Points (i)-(vii) above run directly counter to CIL Regulation 122 , (c) “fairly and reasonably related in scale and kind to the development”, because it creates a situation where the amount paid by individual development will be liable to arbitrary fluctuation, due to external factors rather than what is fair and reasonable to the individual development.

- viii. **Uncertainty on delivery and timing**. As set out in paragraph 5.12 of the draft SPD, development will not be able to commence until “*a sufficient quantum of funding has been collected for any given project*”. This, it is acknowledged, could take “multiple years”, with a long-stop date given of 20 years for repayment of S106 contributions. This is a wholly unsatisfactory approach, because it suggest the money paid by individual developments might not be used for A27 improvements until (potentially) decades after homes are occupied, if ever.

This runs counter to CIL Regulation 122 (a) “*necessary to make the development acceptable in planning terms*”, because it sets up a scenario where the Obligation claimed to be necessary for the development to be acceptable, is indefinitely delayed.

- ix. Finally, the consultation SPD effectively imposes a ‘cap’ on future housing development in the south of the district, in a way that does not take account of the varying levels of traffic generation that can come from a development, influenced e.g. by the site’s location and potential for sustainable travel. No such housing cap should be put in place and, instead, planning applications for developments should continue to be determined based on residual traffic impact and proposed mitigation.

Alternatives to SPD approach

Despite accepting that the SPD approach directly contradicts national guidance, the Council offers very little rationale beyond the urgency of improving the A27. Brief consideration is given in Paragraph 3.4 to the possibility of using CIL, but this is discounted very straightforwardly, as follows (emphasis added):

*3.4 The Council has also considered the guidance within the PPG stating 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. The Chichester Community Infrastructure Levy (CIL) has been in place since 2016. However, the funding raised through CIL **is not sufficient** to fund the required A27 mitigations works and, in any case, this funding is required for **other essential infrastructure and facilities** that are needed to mitigate the impact of development, as set out within the Council’s Infrastructure Delivery Plan.*

In effect, the reason CDC gives not to use CIL, is that this does not produce enough money. However, this is a good reason to avoid using CIL: rather it suggests the need to review CIL and ensure that it is effective in delivering infrastructure to match planned growth.

Whilst a review of CIL would be a more complex process than introducing a SPD, this is precisely the point: a CIL charging schedule would be thoroughly examined to ensure that it produces a sound and viable approach.

Paragraphs 2.10 and 4.8 of CDC’s document set out that following Local Plan viability testing, and the absence of any alternative sources of funding, the full package of A27 improvements is undeliverable, and an ‘infrastructure constrained approach’ towards the delivery of the new Local Plan would be used going forward. The basis of this approach has been to investigate what level of development could be brought forward with the maximum level of junction mitigation that would be affordable through developer contributions alone. However, again this suggests the need for comprehensive review of the whole issue via the formal Examination of the Local Plan in tandem with a CIL review.

6. Please provide details of any modification(s) you would like the Council to consider. Please be as precise as possible.

Pause this SPD process, and undertake the following:

1. Fully review and redesign the proposed A27 works to ensure a sustainable multi-modal approach in line with policies at national, county and local level.
2. Establish a clearer policy footing for the projects under the draft Local Plan (Policy T1)
3. Fully review the mechanism for delivering the projects in line with the Local Plan, and would be subject to due Examination. This review should consider the option of employing CIL towards road improvements, as alluded to in policy T1 of the draft Local Plan.

Continue on a separate sheet /expand box if necessary