

Planning Policy
Chichester District Council
1 East Pallant
Chichester
PO19 1TY

07 May 2025

Dear Sir / Madam,

**CHICHESTER DISTRICT LOCAL PLAN 2021 – 2039
MAIN MODIFICATIONS CONSULTATION
RESPONSE ON BEHALF OF GLEESON LAND**

Introduction

On behalf of Gleeson Land, please see below representations made in response to the Council's proposed Main Modifications to the Chichester District Local Plan. This response follows our submission made previously at Regulation 18 and 19 stage, in response to the Inspectors' MIQs and participation at Hearing sessions.

MM6 – Spatial Strategy

Policy S1 identifies the 'broad approach' to how development will be dispersed across the Plan area. This policy sets the framework for this Plan, and likely consideration for how residual supply is to be addressed through subsequent Plan-making exercises (i.e. DPD). This includes identifying the "larger and more sustainable settlements in the policy table".

As detailed in our Matter 3 Hearing Statement we consider the approach to the spatial distribution of development is unjustified, specifically the lack of identification of Fishbourne as a more sustainable settlement in Policy S1. Appendix II of the Sustainability Appraisal Report Addendum highlights the rationale for this:

there was a need to consider the level of development which could be accommodated within the parish in light of the proposal for a SWC to the east of Fishbourne. Site availability was also a key consideration in this parish, with the available land now markedly reduced.

Further:

The housing number for Fishbourne Parish (previously an SSL as per PA Policy AL9) has also been significantly reduced to a non-strategic parish housing figure as identified in Policy H3. This is largely due to the location of the strategic wildlife corridors now proposed within the Local Plan, combined with a key, relatively large, site no longer being available

The approach to how Fishbourne is recognised in the Plan, as well as the growth attributed to it, has been led by the identification of the Strategic Wildlife Corridor, rather than any consideration of its status as one of the most sustainable settlements (on its own and in proximity to Chichester).

Through the Examination process it has become clear the Strategic Wildlife Corridor itself is not a constraint to development. This is reflected in proposed MM11 (below), as well as the comments of Mr Whitty during the sessions that development could come forward within the Corridors subject to wider considerations of the policy and Plan.

This is a fundamental change from the unjustified protection given to the Strategic Wildlife Corridors through Plan preparation and site selection.

In light of this, a further modification should be included to add Fishbourne to the list of “larger and more sustainable settlements” in Policy S1 such that it is not overlooked through subsequent plan-making exercises.

MM11 – Strategic Wildlife Corridors

As set out in our Regulation 19 consultation response and response to Matter 5, Policy NE4 as previously drafted was not consistent with national policy and would not lead to an effective strategy for meeting growth needs. We proposed suggested modifications to the policy and are therefore, broadly, supportive of the changes to it proposed through MM11.

This includes the addition of a new paragraph after 4.18 which confirms “an assessment of the impact of development will be undertaken on a case-by-case basis”. This is in line with the confirmation from the Council at the Matter 5 Hearing Session that development is not precluded from the Strategic Wildlife Corridors subject to meeting the requirements of Policy NE4.

However, even with the proposed modifications we still consider Policy NE4 is not consistent with national policy. Para 186 of the NPPF2023 makes clear that harm to biodiversity resulting from development needs to be avoided, mitigated or compensated for where there is “significant harm”. This is not reflected in Policy NE4 which instead requires development to avoid “an adverse effect”.

Policy NE4 should be updated to be consistent with national policy, as set out below (blue added / red removed):

“Development proposals within, or in close proximity to, strategic wildlife corridors, as shown on the Policies Map, will only be permitted where they can demonstrate they would not lead to ~~an~~ a significant adverse impact upon the ecological value, function, integrity and connectivity of the strategic wildlife corridors, and protects and enhances its features and habitats.

All proposals for new development (with the exception of householder applications) within or in close proximity to wildlife corridors should take opportunities available in order to extent and enhance those corridors.”

MM31 – Meeting Housing Needs – Housing Requirement

The Plan, as drafted, was proposed on the basis of a suppressed housing requirement due to the conclusions of the transport evidence base. We have been consistent throughout our previous representations this approach is not justified and the housing requirement should be set at a level at least that of minimum housing needs.

In accordance with the Inspectors' post-hearing letter dated 15 January 2025, the suppressed housing requirement is now proposed to be removed, such that the Plan will address 95% of housing needs across the Plan period.

However, this approach is still lacking justification based on an up-to-date evidence base which includes consideration for whether the Plan could meet minimum housing needs plus unmet needs from the wider-region (which is significant and growing).

The Sustainability Appraisal Addendum (March 2025, SAA) confirms the previous (unsound) approach to the housing figure was "primarily on the basis of an understanding of: A) A27 capacity / potential for mitigation (including potential junction upgrades) in the southern plan area; and B) limited capacity for growth in the northern plan area (which is distinctly rural)" (para 3.3.1). It however goes on to state that the Inspectors' letter is "clear that transport constraints do exist and serve as a clear reason for not setting the housing requirement at a figure above LHN" (para 3.3.2).

This is not the case. Conversely, the Inspectors' letter at para 28 confirms there is no clear evidence that there would be significant impacts on the local highway network which cannot be mitigated to an acceptable degree. Whilst the Inspectors do note, also at para 28, "there is not the evidence to demonstrate that a specific level of housing development above LHN would also be acceptable in transport terms", this highlights a lack of evidence / testing as part of an up-to-date evidence base which considers the above housing needs scenario.

It is notable National Highways in its Matter 4A statement confirmed that a higher growth scenario (700dpa) had been tested as part of the previous Transport Study (2023) which confirmed that "generally the proposed SRN mitigation identified for the Core Scenario, can accommodate in the most part". Further, subject to the Monitor and Manage process, the higher growth figure of 700dpa would "not be a concern to National Highways".

Throughout the Plan preparation the justification for not testing a higher housing figure has primarily been based on an unsound position highways constraints cannot be overcome. The evidence base does not support this position, and a higher growth figure should be tested to ensure a positively prepared and justified housing requirement is progressed, which is consistent with national policy.

A greater quantum of development would have clear benefits in respect of housing and affordable housing delivery (including addressing unmet needs of the region) and have the beneficial effect of enabling transport mitigation costs to be spread across a greater number of dwellings, enhancing viability and enabling the delivery of other infrastructure required to support the growth strategy.

MM31 – Meeting Housing Needs – Residual Supply Requirement

Notwithstanding our comments on the housing figure, we consider the proposed stepped trajectory is a justified approach which reflects a step-change is needed in housing delivery across the Plan period to achieve the challenge of meeting housing needs.

Nevertheless, Planning Practice Guidance is clear that “stepped requirements will need to ensure that planned housing requirements are met fully within the plan period¹”. As it stands, this is not achieved by the Plan alone, there remains a significant residual requirement (circa. 600 dwellings) beyond identified sites, broad locations, neighbourhood plan requirements and windfall allowance.

There appears to be no recognition of this residual requirement or how it will be addressed through the current Plan or subsequent plan-making exercises. This should be explicitly referenced as part of Policy H1, making it clear this is in addition to the sources of supply identified as part of this Plan.

Further, this should be clear the identification of sites to address this residual requirement (whether through a future DPD or review of the Local Plan) may necessitate additional strategic locations and/or non-strategic requirements beyond that currently identified, without this there is a risk suitable sites in sustainable locations are excluded on the basis this Plan only identifies a limited or no capacity for growth in that location. This may not be the case once up-to-date highways work is complete, constraints and opportunities are reconsidered, and new sites come forward.

In the absence of clarity around how the residual requirement will be addressed during the course of the Plan period, we consider the approach to meeting housing needs in Policy H1 is not positively prepared, justified, effective or consistent with national policy.

MM85 - Appendix E – Housing Supply / Trajectory

As set out at para 72 of the NPPF2023, there is a need to identify specific, deliverable sites for a period of 5-years post adoption of the Plan. Appendix E indicates the Plan achieves this with an anticipated 5.15-year supply on adoption (2025/26 monitoring year). Despite the Inspectors’ conclusions the suppressed housing figure was not sound, this is still achieved through a combination of the stepped trajectory, reducing the requirement from that of local housing needs the first 5-years, and net completions above the requirement in the period 2021/22 – 2024/25 (estimated 660 dwellings) being applied across the next 5-years only.

¹ Housing Supply and Delivery chapter, Paragraph: 012 Reference ID: 68-021-20190722

Nevertheless, this still results in an extremely marginal +93 dwellings above the 5-year requirement. This position is anticipated to weaken in 2026/27 with a buffer of only +41 dwellings.

There are sites which are unlikely to meet the definition of deliverable if tested through a Section 78 appeal i.e. those without detailed consent, those only subject to allocations and no applications. The Plan therefore is at risk of being considered out of date immediately on adoption.

This should be remedied by attempts to further significantly boost housing supply now, rather than later in the Plan, either through further suitable and deliverable housing sites being identified and / or the inclusion of a positively worded windfall policy which supports development adjoining sustainable settlements where it meets the expectations of other policies of the Plan (in the same vein as the Interim Position Statement for Housing which the Council have previously consulted on and currently apply).

Other Comments – Strategic Flood Risk Assessment

On 25 March 2025 the Environment Agency published new NaFRA ‘flood zone’ data which updated food risk information from rivers, the sea and from surface water. This included projections on the impacts of climate change on flood risk, based on UK climate projects (UKCP18).

This updated modelling work has resulted in some wide-ranging changes across the south coast, relating to an increased likelihood of flooding from rivers and sea. The outcomes of this are different from those presented by the Strategic Flood Risk Assessment which underpins the Plan.

There should be a consistent approach between the flood data relied on by the Council and that of the Environment Agency, to ensure there are not constraints to achieving development on existing commitments or proposed allocations. As it stands, there is no clarity on this including whether sites which are relied upon and previously ‘suitable’ are no longer.

A review of the Strategic Flood Risk Assessment should be completed in the context of the new NaFRA ‘flood zone’ data to ensure the Plan can be consistent with national policy and effective.

Conclusion

For the reasons as set out above, we consider the proposed Main Modifications would not resolve the deficiencies of the Plan such that it could be considered positively prepared, justified, effective or consistent with national policy. Nevertheless, we identify how this could be remedied through further modifications such that the Plan can be found “sound”.

Yours faithfully

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Planning Director

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