



# Representations to Consultation on Main Modifications Schedule

Chichester Local Plan 2021 – 2039 Examination

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## 1.0 INTRODUCTION

- 1.1 These representations is submitted on behalf of Obsidian Strategic Asset Management Limited ('Obsidian'), DC Heaver and Eurequity Ltd in respect of the Chichester Local Plan 2021 – 2039 Main Modifications Schedule ('the Main Modifications') published by Chichester District Council ('CDC') in April 2025.
- 1.2 Obsidian, acting on behalf of the landowners DC Heaver and Eurequity Limited, has been promoting part of draft site allocation A8 since 2018. An outline planning application for residential-led development at the eastern part of the allocation was submitted on 22 October 2024 and is currently under consideration by CDC (ref. 24/02401/OUTEIA). The description of development is:  
  
*"Outline application with all matters reserved (except for access) for the construction of up to 370 no. dwellings, specialist accommodation for older persons, plots for self/custom build, neighbourhood centre including community uses, employment, retail and primary school (including early years and special educational needs and disability facilities), open space and green infrastructure provision, play areas and associated landscaping, internal roads, parking, footpaths, cycleways, drainage, utilities and other infrastructure and new access arrangements."*
- 1.3 The application is expected to be considered by CDC's Planning Committee in Q3 2025.
- 1.4 These representations are made in specific regard to the Main Modifications made to draft Policy A8 and draft Policy NE4, given the impact of the proposed Strategic Wildlife Corridor ('SWC') on the application site.
- 1.5 Obsidian has previously made representations to the Regulation 19 consultation in March 2023 and submitted Hearing Statements to the Local Plan Examination in September 2024.

## 2.0 BOUNDARIES OF THE PROPOSED STRATEGIC WILDLIFE CORRIDOR

### Main Modifications Proposed

- 2.1 The following Main Modification (MM11) has been proposed to draft Policy NE4:

*"Development **proposals** will only be permitted where **they can demonstrate they** ~~it~~ would not lead to an adverse effect upon the ecological value, function, integrity and connectivity of the strategic wildlife corridors, **and protect and enhances its features and habitats**.*

~~Development proposals within strategic wildlife corridors will only be granted where it can be demonstrated that:~~

- ~~1. There are no sequentially preferable sites available outside the wildlife corridor; and~~
- ~~2. The development will not have an adverse impact on the integrity and function of the wildlife corridor and protects and enhances its features and habitats.~~

~~Development proposals outside, but in close proximity to the strategic wildlife corridor will be acceptable where it can be demonstrated that:~~

- ~~a) The development will not have an adverse impact on the integrity and function of the wildlife corridor; and~~
- ~~b) The proposal will not undermine the connectivity and ecological value of the corridor.~~

*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 extend and enhance those corridors."*

- 2.2 The following Main Modification (MM73) has been proposed to draft Policy A8:

*"6. Provide for appropriate hard and soft landscaping, including street trees, **an appropriate substantial and effective** buffer with significant planting to the strategic wildlife corridor on the eastern boundary of the site, and protect existing landscape features which are worthy of retention, in order to ensure the development is well integrated with its surroundings and successfully mitigates the impacts on the wider landscape character. The buffer to the corridor should ensure darkness and minimise disturbance in the wildlife corridor and ensure habitats and microclimates of the corridor continue to support a wide range of species and maintain connectivity;"*

### Response

- 2.3 The proposed SWC adjoining allocation A8 to the east has heavily influenced the development of the application proposals. The proposed layout respects the SWC and is the result of robust

technical assessments and careful masterplanning, as well as a series of pre-application meetings held with CDC.

- 2.4 Draft Policy NE4 currently resists development that might have an *“adverse effect upon the ecological value, function, integrity and connectivity of the strategic wildlife corridors.”* This approach is not aligned with NPPF paragraph 186 which sets the threshold for refusal of planning permission at “significant harm”:

*“186. When determining planning applications, local planning authorities should apply the following principles:*

*a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;”*

- 2.5 We suggest that the level of protection that is required by Policy NE4 should be consistent with the NPPF.

- 2.6 As outlined in the September 2024 representation, the Main Modification to point 6 of draft Policy A8 is supported by Obsidian given it adequately protects the integrity of the proposed SWC (where it abuts the A8 site) through the provision of planting and by removing subjectivity around the meaning of ‘substantial’.

- 2.7 However, despite being delineating on the Policies Map, the boundaries of the proposed SWC remain ambiguous – a concern raised in the Inspectors’ post-hearings advice letter (January 2025). This is due to conflict with the final paragraph of draft Policy NE4, which remains unchanged by the Main Modifications, and states:

*“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 extend and enhance those corridors.”*

- 2.8 The policy requirement to take opportunities to extend the SWC is problematic as it conflicts with the proposed modification at paragraph 4.18 which states, *“The boundaries of the Strategic Wildlife Corridors are identified on the Policies Map and will only be amended through a review of the Local Plan.”* It also undermines the boundary shown on the Policies Map: if there is a need to extend the SWC, but it is not clear by how much, then the boundary on the Policies Map is effectively not the boundary if NE4 is to be complied with. It therefore remains unclear where the actual boundary should be.

2.9 As explained in Obsidian's March 2023 and September 2024 representations, this creates further problems:

- It introduces uncertainty in that any developer of site A8 will be unsure how much development can be delivered, as the developable area will diminish as the SWC expands. NPPF paragraph 16 requires local plan policies to be "*clearly written and unambiguous.*" The current wording of NE4 fails this test.
- There would potentially be a conflict with Policy A8, which requires delivery of 680 homes together with significant social infrastructure, including a school. As the required extent of the SWC is uncertain, it is equally uncertain that all of Policy A8's requirements could be delivered, thus undermining the intention of the allocation.

2.10 NPPF paragraph 36 defines 'justified' as "*an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence.*" It cannot be an appropriate strategy to introduce uncertainty over the deliverability of a key strategic housing site, or the infrastructure items required by the site allocation policy, particularly when the reasonable alternative is simply to remove the ambiguity.

2.11 The remedy to these concerns is the same as put forward in Obsidian's March 2023 and September 2024 representations:

- Replace "*an adverse effect*" with "*significant harm*" in the first paragraph of draft Policy NE4; and
- remove the final paragraph of draft Policy NE4.

### 3.0 LINKAGES TO OVING

#### Main Modifications Proposed

- 3.1 The following Main Modifications (MM73) have been proposed to draft Policy A8:

*“7. Ensure that green infrastructure provision is well related to the overall layout and character of the development and how it relates to its surroundings. This will include creating linkages throughout the site to the wider countryside, Tangmere, Oving and development at Shopwyke Lakes;*

*12. Provide for improved sustainable travel modes and new improved cycle and pedestrian routes, including linkages with Chichester, Westhampnett, Tangmere and Oving;”*

#### Response

- 3.2 The inclusion of a new cycle and pedestrian route from the A8 allocation to Oving has been subject to much discussion with CDC and Oving Parish Council.
- 3.3 The Applicant’s position throughout the development of the site has been that they would be willing to provide a linkage to Oving if possible. This was demonstrated through the inclusion of such a link in early iterations of the proposals.
- 3.4 However, the link would need to pass through the proposed SWC, which has been strongly promoted by CDC’s ecologists and Oving Parish Council itself. The inclusion of a link would require direct development within the SWC, as well as lighting if it is to be safe, and could therefore disrupt the wildlife the SWC seeks to protect. Consequently, this would almost certainly be resisted by CDC and be in direct contradiction with Policy NE4.
- 3.5 Furthermore, Drayton Lane (which the link would need to connect to) does not benefit from existing footpaths. Therefore, any pedestrian link would terminate where it joined the road and mean that continuing on foot would be hazardous, especially given it is a 40-mph highway.
- 3.6 Instead of a link through the SWC, the Drayton Water proposal includes enhancement of pedestrian and cycle links along Shopwhyke Road. These connect to similar shared footways and cycleways within the development itself. All will be built to LTN 1/20 standards and will connect with the existing local cycle network.
- 3.7 Consequently, to avoid conflict with Policy NE4 and safety concerns, the inclusion of Oving as a location for a linkage with the A8 site should be removed.