

By Email

Our ref: Chichester LP2021-2037/Main
Modification

Your ref:

Date: 29 May 2025

Dear Sir/Madam,

Re: Chichester Local Plan 2021-2039 – Main Modifications Consultation

Thank you for consulting Horsham District Council on the Chichester Main Modifications Consultation to the CDC Local Plan 2021-2039. We are grateful for the opportunity to be able to comment on your schedule of main modification consultation following the examination of the Chichester Local Plan. Overall, we consider the plan will positively contribute to achieving sustainable development. We have comments on the proposed Main Modifications which we have set out below:

MM14 – New Policy NEXX: The Mens SAC and Air Quality

HDC notes the inclusion of a new policy, and supporting text, relating to mitigating atmospheric ammonia levels at The Mens Special Area of Conservation (SAC) as identified in respective HRAs. As set out in the Statement of Common Ground (document SC07), the two authorities agreed to work collaboratively with relevant stakeholders (namely Natural England) to fully consider and resolve the outstanding matters regarding 'in combination' impact of ammonia levels on the Mens SAC. The outcome of this collaboration was for Horsham and Chichester Councils respectively to agree with Natural England that a jointly prepared new policy be included in both the emerging Horsham and emerging Chichester local plans committing to joint monitoring of vehicle types using the A272 at The Mens. The policy also included levers to curtail through mitigation any development-derived contribution to atmospheric ammonia should monitoring suggest a likely breach of the critical level. HDC confirms that MM14 is the policy that was agreed.

An important principle underlying this work was that the potential exceedance of the atmospheric ammonia critical level would only arise as a result of the combined impact of both the Chichester and Horsham local plan site allocations, combined also with other sources of atmospheric ammonia such as agriculture. As such, Natural England has consistently advised that the potential 'significant effect' on The Mens arises only from plan-led strategic development, as provided for across all local plan allocations for strategic development, and will not arise from any one development site individually. Furthermore, advice from Natural England, reflected in evidence set out in the Habitat Regulations Assessment: Pre-Submission Modifications (document SD11), is that the impacts arising from only the Chichester Local Plan are not likely to result in significant impacts on The Mens SAC.

Since this work took place, on 22 April 2025 HDC published its Local Plan Inspector's Interim Findings Letter¹. This recommended that the Horsham District Local Plan 2023-40 be withdrawn, due to his view that the Council has failed to satisfactorily comply with the Duty to Co-operate when preparing the Local Plan. Whilst no decision has yet been taken on whether to withdraw Horsham's Local Plan, given other concerns raised by the HDC Inspector on the level of housing contained in the plan, it is doubtful that the Horsham Plan as currently drafted would be adopted in its current form.

In any scenario, there is likely to be a considerable period before any strategic scale allocations are set out in an adopted plan over and above the sites allocated in the adopted Horsham District Planning Framework 2015. Whilst applications for further strategic development are anticipated, and notwithstanding the need for the merits of these applications to be considered on a case by case basis, in the event that these obtain planning permission they will not now be plan-led developments.

A further consideration is whether there is realistic prospect that ANPR monitoring of motorised vehicles using the A272 will now take place. At the current time, the clear time delays involved in plan making limit the requirement for HDC to undertake monitoring, given this would only have been necessary to support the allocations made in the emerging Local Plan.

¹ https://www.horsham.gov.uk/data/assets/pdf_file/0009/146565/ID08-Inspectors-Interim-Findings-Letter-040425.pdf

Given these circumstantial changes, the Chichester Local Plan Inspectors will need to consider whether the policy and supporting text set out in MM14 is still required, given HDC's understanding that in-combination impacts on The Mens arising from Chichester's site allocations will, according to the evidence, no longer be significant.

However, should the Inspectors be minded to retain MM14 in their final schedule of recommended modifications, HDC requests that amendments are made to the supporting text for the new 'Policy NEXX – The Mens and Air Quality'. The change would apply to the second new paragraph listed under MM14, as shown below (additional text underlined, deleted text crossed through):

"The Horsham and Chichester Local Plans Outline Air Quality Strategy (AECOM - September 2024) includes a number of specific measures to mitigate combined impacts arising from strategic local plan allocations in both districts, and sets out how they could be delivered to ensure that there would be no adverse effect on the integrity of The Mens SAC in relation to atmospheric pollution specifically the levels of ammonia. However, the Inspector Examining the Horsham Local Plan has recommended the plan be withdrawn and a new plan commence preparation. If deemed necessary, Chichester District Council and Horsham District Council will undertake Automatic Number Plate Recognition (ANPR) monitoring on the A272 to determine the uptake of ultra-low emission vehicles (ULEVs) over time. In the event that Horsham District Council produces a Development Plan Document which allocates strategic development sites, and subject to evidence supporting this, such monitoring will be undertaken jointly. The outcome of this monitoring (if required) will determine whether and when Policy NEXX is engaged. The councils will also continue to work with Natural England and other stakeholders to explore additional options for mitigation."

Policy NE16 Water Management and Water Quality

Horsham District Council notes and supports MM24 which is clear in its encouragement of efficient use of water as part of good management framework across the district across Sussex Water Resource Zone North of which Horsham District belongs.

Policy NE17 Water Neutrality

Water neutrality is a significant issue affecting both our districts. Horsham District Council supports Policy NE17 which is derived from the joint water neutrality work undertaken by Chichester District Council, Horsham District Council and Crawley Borough Council. Horsham District Council welcomes the proposed amendment put forward by MM25 to Policy NE17 and supporting text. This will ensure all new development is in conformity with the Habitat Regulations and can demonstrate water neutrality across the entirety of the Sussex Water Resource Zone North.

I do hope these comments are helpful. Should you require any further detail or information in regard to this response please don't hesitate to contact a member of the Strategic Planning team.

Yours sincerely,



Catherine Howe
Strategic Planning Head of Service