



Sussex
Wildlife Trust

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By email only

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Chichester Local Plan Review 2035 - preferred approach consultation December 2018

The Sussex Wildlife Trust (SWT) recognises the importance of a plan led system as opposed to a developer led process and supports Chichester District Council's (CDC) desire to produce a cohesive Local Plan. Therefore we hope that our comments are used constructively to make certain that this preferred approach properly plans for the natural capital needed within the District and ensures that any development is truly sustainable.

Where we are proposing a change to policy or the supporting text, recommended additions are highlighted in **bold** and deletions are ~~struck through~~.

SWT responded to the Issues and Options consultation in June 2017. Section 1.38 of the Preferred Approach Plan (PAP) states that '*responses from the consultation were used to inform draft strategic policies and land allocations in the [plan]*', however SWT cannot find information/analysis of how specific comments were taken forward or disregarded. Therefore, whilst we acknowledge that this Regulation 18 consultation is now in the context of the revised 2018 National Planning Policy Framework (NPPF), CDC may find that SWT reiterate points made in our previous representation when we are unclear why our comments have not been taken forward.

Before we proceed to the detailed comments about the PAP we would like to remark on its layout and presentation. We suggest that there is scope for the plan to transition between sections more clearly. This would be especially beneficial for people accessing the PAP who may not be familiar with the way the plan is laid out. At the moment the PAP is broken in to Part One and Part Two as explained in sections 1.9-1.14. We support this approach, but suggest that within these parts there could be great scope to ensure there are clear distinctions as the reader moves from spatial strategy to strategic polices to strategic allocations etc. currently this transition is not particularly obvious.

PART ONE

Section 2.24 of the PAP references Sites of Nature Conservation Importance, we recommend that this is update to reflect that sites are now referred to as Local Wildlife Sites (LWS). This is a national move to ensure that all locally designated sites are consistently referenced, especially within the planning system.

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The PAP outlines in section 2.29 the challenges and opportunities facing the plan area. SWT recommends that the penultimate bullet point is revised both to include geodiversity and locally designated sites. Paragraphs 171 and 174 of the NPPF are clear that locally designated sites must be safeguarded in plans in order to protect and enhance biodiversity. The bullet point should be amended as follows:

- *Protect and enhance the area's biodiversity, **geodiversity** and habitats, including designated areas of international, ~~and~~-national **and local** importance;*

SPATIAL VISION & STRATEGIC OBJECTIVES

The final sentence of section 3.1 states:

'It is the intention of the Council to enable the delivery of infrastructure, jobs, accessible local services and housing for future generations while supporting the historic and natural environment.'

The Sussex Wildlife Trust is concerned that this statement does not show a strong enough commitment to the natural environment as required by the revised NPPF, which is much more progressive in its approach. The term supporting should be strengthened to reflect the need to protect, conserve and enhance the natural environment and therefore we propose the following amendment to this sentence:

*'It is the ~~intention~~ **commitment** of the Council to enable the delivery of infrastructure, jobs, accessible local services and housing for future generations while ~~supporting~~ **protecting, conserving and enhancing** the historic and natural environment.'*

Section 3.2 includes the vision and we are pleased to see biodiversity and the wider natural environment recognised within this. As stated in our response to the Issues and Options consultation (Aug 2017) we feel this vision offers CDC a clear opportunity to demonstrate a commitment to delivering net gains to the Natural Capital of the District. We also recommend that the vision recognises the need for climate change resilience as we move into the future as required by NPPF paragraphs 8c, 20 and Section 14. Therefore we propose the following amendments:

*Live in a district which safeguards its natural assets, **adding to natural capital by creating net gains to biodiversity, enabling climate change resilience** for the benefit of people and wildlife.*

In the SWT response to the Issues and Options paper (Aug 2017) we proposed that bullet point 8 of the vision demonstrate a precise commitment to all types of infrastructure, we reiterate this and propose the following amendments:

*'Live in sustainable neighbourhoods supported by necessary **grey, green and blue** infrastructure and facilities'.*

The East-West Corridor

Section 3.3 of the PAP refers to good access to a range of employment opportunities and affordable housing, we seek clarity on what good access means? Does this vision reflect the requirement for development to be sustainable and in particular planning which limits the need to travel and offers a genuine choice of transport modes (NPPF paragraph 103)?

A large amount of development is focused on the East-West corridor. However there is no acknowledgement of the need for protection and the likely need for growth of the area's natural capital in order to deliver the ecosystem services required to support this level of development. The vision should be amended to acknowledge the role the environment will have to play to ensure that development in this area is truly sustainable (NPPF paragraph 171).

Manhood Peninsula

SWT welcomes the amendments that have been made to this section of the plan following our 2017 comments. As a result the 'rural hinterland' is now included alongside the coast and surrounding countryside for protection.

We still suggest that there is an opportunity to reflect the area's value in terms of ecosystem services delivery, in particular in relation to flood resilience.

Strategic Objectives

SWT supports the spirit of the objectives and are pleased to see a group of 'environmental objectives'. However we would like to see a stronger commitment to net gains to biodiversity and acknowledgement of the need for a growth in the natural capital of the district in order to support development, in line with paragraphs 171 and 174 of the NPPF. We recommend the inclusion of this additional bullet point:

- ***Add to the Natural Capital of Chichester District by delivering measurable net gains to biodiversity***

SPATIAL STRATEGY

Section 4.4 of the PAP explains how the strategy has been shaped, with the 5th bullet point referring to 'environmental constraints'. Whilst this does reference protecting environmental designations, we would have expected to see a reference to ecological networks and green infrastructure influencing decisions, as per paragraph 174 of the NPPF. It is disappointing to see that there appears to be little evidence relating to the need to 'identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks'. We would expect CDC to incorporate a more thorough evidence base.

In particular, SWT is concerned that the level and location of development proposed within the PAP is not consistent with the growth in natural capital required to ensure development is sustainable. Referring to the Authority's current Monitoring Report 2016-2017¹ there is very little information available on the state of the District's environment. The monitoring indicators are not sufficient to assess if new developments are achieving net gains to biodiversity or whether the District's natural capital is being eroded. However, the State of Nature Report² demonstrates that generally biodiversity is declining in the UK and nothing in the monitoring report or the evidence base for this PAP indicates that this is not likely to also be the case in Chichester District. Given this, we urge CDC to consider if the District can absorb this level of development in a truly sustainable way.

Section 4.30-4.33 discusses longer term growth with the potential for a new settlement, which although not needed to deliver this plan, may come forward at the next review.

¹ <http://www.chichester.gov.uk/CHttpHandler.ashx?id=29731&p=0>

² <https://www.rspb.org.uk/our-work/stateofnature2016/>

SWT is concerned about the potential location of a new settlement of up to 3,000 dwellings as no information is provided to demonstrate that this is a feasible option. We urge CDC to ensure that any progression of this discussion is underpinned by a sound up to date evidence base that takes account of the natural capital needed to ensure development is sustainable. No evidence is presented to suggest that CDC have considered natural capital requirements when allocating land for development in the PAP. Therefore we do not have confidence that the necessary evidence base will be used to inform potential locations for a new settlement. CDC must address this as a matter of urgency.

Section 4.33 of the PAP looks at potential considerations that are set out to guide potential discussion. SWT is concerned that these considerations do not appear include natural capital impacts and investment. We acknowledge that it covers '*inclusion of on-site measures to avoid and mitigate any significant adverse impacts on nearby protected habitats*' but this fails to consider wider environmental issues that will be fundamental to the sustainability of any new settlement. Therefore as a minimum we recommend the following amendments to section 4.33:

'However, in order to progress the longer-term identification of a possible site for a new settlement, the following considerations are set out to guide potential discussions leading up to the preparation of a future review of this Plan:

- *sufficient scale to support potential long term development needs arising and support the provision of key **green, blue and grey** infrastructure and community facilities;*
- *comprehensively planned in consultation with existing communities and key stakeholders;*
- *a sustainable, inclusive and cohesive community promoting self-sufficiency and with high levels of sustainable transport connectivity;*
- *inclusion of on **and off**-site measures to avoid and mitigate any significant adverse impacts on nearby protected habitats, **delivers a measurable net gain to biodiversity and a growth in natural capital;***
- *provision of a mix of uses to meet longer term development needs and contribute towards its distinctive identity; and*
- *A layout and form of development that avoids coalescence with existing settlements and does not undermine their separate identity; respects the landscape character and conserves and where possible enhances the character, significance and setting of heritage assets*

STRATEGIC POLICIES

Policy S11: Addressing Horticultural Needs

The PAP commits to delivering significant growth of the horticultural industry within this policy. In addition to this we highlight that CDC have made commitments to water savings in Policy S31. We seek clarity on how this significant growth by the horticultural industry will support commitments to water efficiency in an already water stressed area? We recommend that this issue is addressed in future versions of the plan.

Policy S12: Infrastructure Provision

We support this policy recognising green infrastructure within its provision in line with paragraph 171 of the NPPF. However, we do note inconsistencies within the PAP and seek clarity on whether the term 'green infrastructure' in this policy also captures blue assets. For example, the glossary for the PAP does not refer

to blue assets within the definition of Green Infrastructure. Yet the supporting text (5.61) for Policy S29: Green infrastructure does recognise the blue aspect of green infrastructure.

For clarity, we recommend the inclusion of the term blue alongside green infrastructure in this policy as follows:

*'The Council will work with neighbouring councils, infrastructure providers and stakeholders to ensure that new physical, economic, social, environmental and green/**blue** infrastructure is provided to support the development provided for in this Plan'*

Policy S13: Chichester City Development

We acknowledge the positive steps this policy is taking to ensure provision of an enhanced network of green infrastructure and access to natural green spaces. We feel that this bullet point is vital if the CDC is to uphold up its environmental objectives against the backdrop of significant development in and around Chichester City.

At the end of the policy CDC acknowledges the possibility of a Supplementary Planning Document (SPD), to set out a coordinate planning framework to benefit among other things environmental improvements. We support an approach that will ensure opportunities to deliver natural capital and measureable net gains in biodiversity are planned for at an early stage. This will embed the requirements as a realistic and expected part of sustainable development in the area.

Policy S14: Chichester City Transport Strategy

SWT is very supportive of any initiative to deliver an integrated transport strategy for Chichester City which conforms to the Government's transport hierarchy that sets the clear priorities of:

- Reducing the need to travel
- Switching to sustainable modes
- Managing existing networks more effectively
- Creating extra (car-related) capacity only when alternative methods have been fully explored

CDC must invest in innovative and modern strategies that focus on local journeys, air pollution and the production of sustainable transport options.

Policy S20: Design

We are supportive of the 5th bullet point within this policy which highlights the importance of Green Infrastructure and landscape to enhance biodiversity and meet recreational needs, including public rights of way. This is in line with paragraph 20d and 91c of the NPPF.

Policy S23: Transport and Accessibility

SWT is supportive of CDC's commitment to an improved integrated transport network which we hope will conform to the Government's transport hierarchy that sets the clear priorities of:

- Reducing the need to travel
- Switching to sustainable modes
- Managing existing networks more effectively
- Creating extra (car-related) capacity only when alternative methods have been fully explored

Although this policy highlights the importance of sustainable travel routes, the 4th bullet point refers to a new road connecting Birdham Road to A27 Fishbourne Roundabout. We raise deep concerns about this proposal as we are aware of the priority habitats of chalk stream and coastal grazing marsh being present within the proposed development area, along with the close proximity to Lavant Marsh LWS and Chichester Harbour SPA/SAC/SSSI and Ramsar. We remind CDC that the NPPF 2018 states in section 174b:

'To protect and enhance biodiversity and geodiversity, plans should:...

b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.'

We also remind CDC that this area is within the Site of Special Scientific Interest Impact Risk Zone, which affects the SAC, SPA and Ramsar designations.

It is not clear to SWT whether adequate survey data has been produced to both assess the impact of this proposal on biodiversity and demonstrate that measurable net gains to biodiversity are achievable. It is not acceptable for the provision of this crucial environmental information to be left until a planning application is submitted.

Policy 24: Countryside

The Sussex Wildlife Trust supports the statement in section 5.37 that *'The plan area's countryside is an important and diminishing resource'*. However, the policy wording fails to specifically reference the natural environment or biodiversity despite it being recognised in the support text and an intrinsic component. We suggest the following amendments to make the policy clearer and more robust:

'Outside settlement boundaries as defined on the policies map, development will be permitted in the countryside provided that:

- 1. It conserves and, where possible, enhances the key features and qualities of the rural and landscape character of the countryside setting, **including its biodiversity value;***
- 2. It is of an appropriate scale, siting and design that is unlikely to cause unacceptable harm to the appearance of the countryside; and*
- 3. It requires a countryside location or meets an essential local need, as provided for in Policies DM21 and DM22.*

*Defined settlement boundaries may be altered by a development plan document and/or a neighbourhood plan **if supported by evidence to demonstrate that this is acceptable.***

Policy S26: Natural Environment

SWT is supportive of the inclusion in the PAP of a strategic policy for the Natural Environment. However we object to the weak policy commitment in section 5.51 to *'not cause significant harm'* to the natural environment, and that *'landscape and biodiversity is not unduly compromised'*. The wording is not nearly strong enough and does not reflect the aims of Defra's 25 Year Plan for the Natural Environment. CDC have responsibilities both under the NPPF to deliver net gains in biodiversity and under section 40 of the Natural Environment and Rural Communities Act 2006 to have regard for biodiversity. This must be reflected within the wording and policies of the PAP. We recommend that section 5.51 is amended as follows:

*'In seeking to reconcile these demands on the natural environment, the Council will only support proposals **where there is an environmental net gain** that do not cause significant harm to the function of the natural*

environment. This includes ~~ensuring~~ **safeguarding** the richness of the landscape and biodiversity, with opportunities taken to **conserve, manage and** enhance their value where ~~appropriate~~ **necessary.**'

Having looked at the wording of Policy S26 we seek clarity on the 3rd bullet point. It currently says:

'Protecting the biodiversity value of the site and its environment in accordance with Policy DM29; and'

When the bullet point refers to *'the site and its environment'* does that specifically mean other land that it might be functionally linked with? If so, we suggest that the word of the policy should be amended to make this clearer, in addition to a commitment to enhancing biodiversity in line with the NPPF:

Protecting and enhancing the biodiversity value of the site and its environment to which it maybe functionally linked in accordance with Policy DM29; and

The monitoring framework for the Chichester Local Plan – Key policies is extremely limited in its ability to assess the success of the environmental policies, and in particular Policy 49 – Biodiversity, due to the fact that only the condition of SSSI appear to be considered. This is not robust given that there are many external influences, outside of CDC's control, as to why a particular SSSI may or may not be in good condition. Indeed the Authority's current Monitoring Report 2016-2017 contains very little information available on the state of the District's environment or how this has been impacted by Local Plan.

As such, we are not confident that the effectiveness of the current Local Plan policies have been evaluated in order to inform the PAP. We encourage CDC to invest in robust monitoring indicators which will actually allow them to measure the success of policy S26 in protecting and enhancing the natural environment of the plan area. We recommend that the following commitment is added to the policy:

'Chichester District Council will undertake a biodiversity audit to demonstrate improvements brought about by the Local Plan as continued monitoring demonstrate measurable net gains'

Policy S29: Green Infrastructure

SWT supports the statement made in section 5.61 which recognises the blue aspects of green infrastructure, however we feel that this is inconsistently represented throughout the rest of the PAP. As a result we suggest that CDC ensure the definition of Green Infrastructure (GI) within the glossary recognises the inclusion of the blue aspects of GI.

The NPPF is clear about the need for Local Plans to take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure (paragraph 171). Therefore we are concerned that section 5.62 highlights that:

New green infrastructure is to be provided as part of the development at selected Strategic Development Locations....

We question why CDC have proposed only selected strategic development sites when there is a clear need to enhance the District's GI network.

In the Chichester Local Plan – Key policies there was commitment to delivering a Green Infrastructure SPD which was not delivered as promised. Given that a large part of Chichester District sits within the South Downs National Park, which will be governed by a Landscape-led Local Plan (which takes account of

Ecosystem Services), and that the current planning framework encourages the enhancement of Natural Capital at a landscape scale across local authority boundaries, we encourage the CDC to be progressive with their commitment to GI. As a result, although we support a strategic policy focused on GI, we are concerned that as proposed by CDC it is unambitious in its approach. We therefore recommend the following amendments:

*'The Council will ~~seek to~~ ensure development ~~should~~ reinforces, ~~and~~ enhances **and embeds the role delivery** of green infrastructure. In accordance with Policy DM32 the Council will ~~seek to~~ secure the long term sustainable growth of the plan area and beyond through partnership working.'*

Policy S30: Strategic Wildlife Corridors

We support CDC in its progressive move to include a strategic wildlife corridor policy within its strategic policies. As outlined in the background paper for this policy, the NPPF (paragraph 174a) makes it clear the responsibilities of Local Authorities to map and safeguard components of ecological networks.

With regards to the policy word we seek clarity on what bullet point one means when it refers to '*sequentially preferable site*'. We assume it means that for development proposed to take place within the corridors it will be necessary to demonstrate that no land outside the corridor is available for development and the development will not have an adverse impact on the integrity of the corridor. We see that the Glossary for the plan does include a definition for sequential test but not sequentially preferable site.

We encourage CDC to make a commitment within the Local Plan to keeping the evidence base that informs the location of strategic wildlife corridors up to date. We make this suggestion as it maybe that further strategic corridors are identified and boosted by the commitments the council has to deliver net gains to biodiversity and robust green infrastructure network. However, it is important that CDC take on board that simply precluding development from Strategic Wildlife Corridors will not automatically make them successful. Continued investment in the management of those habitats needs careful and continued commitment.

Policy S31: Wastewater Management and Water Quality

Having viewed this policy we note that it captures standards for water consumption in new development. This seems to be focused on households and suggests *standard of a maximum of 110 litres per person per day*. Whilst we support this requirement, given the plan's commitment to delivering significant growth in the horticultural sector, we ask how water consumptions standards in this policy would apply to these developments, as we do not feel it is clear from the policy or supporting text.

PART ONE – STRATEGIC ALLOCATIONS

General Comments

As stated previously in our response, we do not think that the evidence base for the PAP is sufficient in terms of assessing the ability of the District's natural capital to absorb the level and location of development proposed. In particular it is not clear how potential impacts on natural capital assets has informed the site allocation process or whether there was any assessment of the success of the policies and allocations in the Chichester Local Plan - Key policies in conserving and enhancing the natural environment.

Allocation of strategic development should be informed by data relating to the functioning of ecological networks at a landscape scale and site specific data. In many cases, it is not possible to assess the suitability of the proposed allocations because the baseline data has not been provided or assessed. That said, in general, the level of greenfield development proposed is concerning. Particularly given that there seems to be little consideration of brownfield alternatives contrary to paragraph 117 of the NPPF.

Additionally, there is little explanation of how the housing numbers were divided up between settlements of the same type (as listed in policy S2). For example Chidham and Hambrook parish is expected to plan for 500 dwellings whilst Hunston Parish, which is also a 'service village' is only expected to plan for 200. It is not clear in the HEDNA or the PAP what has informed this distribution of development, although it appears from the HELAA that the decisions were purely based on the availability of sites within each Parish rather than an assessment of the most sustainable locations for development. This concerns SWT.

Due to the density of proposed development in close proximity to the internationally designated sites of Chichester and Pagham Harbours, many of the strategic allocation policies contain requirements relating to avoidance of adverse impacts, in particular recreation disturbance and loss of functionally linked habitat. As mentioned in our comments on the Habitats Regulation Assessment (HRA), SWT are concerned that there seems to have been no consideration of whether the mitigation needed to avoid impacts and ensure favourable conservation status is possible. It is especially concerning the CDC seem to have little understanding of the pattern of use of greenfield in the district by Dark-bellied Brent Geese. The NPPF is clear that local plans need to be deliverable. We ask CDC what evidence they have that this is the case in terms of the strategic allocations which have the potential to have an adverse effect on the designated sites.

We believe CDC need to reassess the impacts of the level of development proposed in the PAP. However, in the event that strategic allocation policies are taken forward, we have suggested amendments to make them more robust. This should not be taken as support of the allocation.

We recognise that many of the strategic allocation policies state a 'minimum of' for housing numbers and employment spaces, in line with the NPPF. However we note that the policy requirements for natural resources/green infrastructure etc, are not afforded the same potential. The NPPF is clear that there is a requirement for the planning system to deliver green infrastructure and net gains to biodiversity. We therefore, request that CDC ensure that the requirements that relate to the natural environment within the allocation policies are robust and capable of delivering in the case of a significant uplift in housing numbers or employment space at the time of application.

Finally, the PAP aims to achieve more active and healthy lifestyles for the District's residents, along with better availability and use of sustainable transport. For this to happen, sustainable options such as using nearby facilities and active travel must be available before any dwellings are occupied. Otherwise unsustainable behaviours and in particular poor travel choices will be ingrained in the new residents. In order to achieve this, there should be a requirement for the green infrastructure requirements to be delivered before any new dwellings are occupied within a site.

Policy S32: Design Strategies for Strategic and Major Development Sites

SWT supports the inclusion of this policy, particularly given the large number of dwellings planned within strategic allocations. However, whilst it includes a requirement for proposals to consider green infrastructure, there is a lack of detail regarding biodiversity. In particular, we think section 1d currently confounds several planning issues, which means neither are given appropriate weight in the policy. As

stated previously, CDC need to be more proactive and ambitious when it comes to delivering green infrastructure enhancements for the District. We therefore recommend the following amendments:

'Proposals for housing allocations and major development sites must be accompanied by a site-wide design strategy that includes the following:

1. A Masterplan which should:

*a. identify the vision for the development, setting out a clear description of the type of place that ~~could~~**should** be created whilst building on the overall aims for the plan area*

b. demonstrate a coherent and robust framework for development that clearly sets out: land uses proposed including amount, scale and density, movement and access arrangements and Green Infrastructure provision

c. show how the design requirements of the scheme work within the vision and demonstrate how the vision will be achieved

*d. integrate with the surrounding built, historic and natural environments, in particular **ensuring a measurable net gain to biodiversity is achieved** ~~maximising existing and potential movement connections and accessibility to encourage walking, cycling and use of public transport~~*

e. maximise existing and potential movement connections and accessibility to encourage walking, cycling and use of public transport

e-f. provide community facilities and other amenities to meet the needs of all the community, including access to education and training facilities, health care, community leisure and recreation facilities as appropriate

f-g. define a hierarchy of routes and the integration of suitable infrastructure, including, for example, SuDS within the public realm

*~~g-h.~~ contain a Green Infrastructure framework to ensure that public and private open space standards are met, relate well to each other and to existing areas and that the new spaces are safe, convenient, accessible and **multi-functional**, and*

~~h-i.~~ contain an indicative layout which illustrates a legible urban structure based on strategic urban design principles and identifies key elements of townscape such as main frontages, edges, landmark buildings and key building groups and character areas.

2. An accompanying Design and Access Statement, which should explain:

a. the steps taken to appraise the context of the proposed development, and how the design of the development takes that context into account to create or reinforce local distinctiveness to achieve a positive sense of place and identity

b. the design principles and concepts that have been applied to the proposed development and how these principles will be used to inform subsequent phases or development parcels and the mechanism for delivering the Vision at more detailed stages, for example through design coding

*c. how sustainability and environmental matters will be addressed **through positive design** including the efficient use of resources both during construction and when the development is complete...'*

West of Chichester

The NPPF is clear in paragraphs 170 and 174 that plans and policies should provide net gains to biodiversity and promote the conservation, restoration and enhancement of priority habitats. SWT is concerned that there is no recognition of this within the policy and in particular the presence of a chalk stream, which is a priority habitat, within the allocation site and parkland priority habitat adjacent to the site. This should be noted in section 6.14 along with Brandy Hole Copse LNR and ancient woodland.

We are also concerned that the term 'mitigation' is used in relation to protecting the nearby SPA from adverse impacts. The Habitat Regulations are clear that adverse impacts must be avoided. This is the

purpose of the strategic mitigation strategy. If this strategy is not resulting in avoidance of impacts then it is not effective and is not legally compliant. This needs to be amended as follows:

'Policy AL1: Land West of Chichester

Land at West of Chichester, as defined on the policies map, is allocated for mixed use development, comprising:

1. *1,600 dwellings;*
2. *6 hectares of employment land (suitable for B1 Business uses);*
3. *A neighbourhood centre / community hub, incorporating local shops, a community centre, small offices and a primary school; and*
4. *Open space and green infrastructure, including a Country Park Taking into account the site-specific requirements, development should:*
5. *Be planned as a sustainable urban extension of Chichester City, that is well integrated with neighbouring areas of the city, and provides good **sustainable** access to the city centre and key facilities in the city;*
6. *Landscaped to protect priority views of Chichester Cathedral spire;*
7. *Keep land north of the B2178 in open use, free from built development, to protect the natural history interest of both Brandy Hole Copse, and the setting of the Chichester Entrenchments Scheduled Monument;*
8. *Conserve, enhance and better reveal the significance of the Chichester Entrenchments Scheduled Monument and other non-designated heritage assets and their settings and to record and advance understanding of the significance of any heritage assets to be harmed or lost;*
9. *~~Promote increased~~**Deliver a measurable net gain to biodiversity**, and protect and enhance the setting of Brand Hole Copse Local Nature Reserve and areas of Ancient Woodland **and other priority habitat, including chalk streams;***
10. *Provide an appropriate landscaping buffer on the western boundary of the site, which could form a continuation of the existing planting already present, **having regard to the adjacent priority habitat.** Appropriate provision should also be made for key landscaping of Centurion Way, where necessary to contribute to green infrastructure;*
11. *Subject to detailed transport assessment, provide road access to the north from Old Broyle Road and to the south from Westgate;*
12. *Provide or fund mitigation for potential off-site traffic impacts through a package of measures in conformity with the Chichester City Transport Strategy (see Policy S14), including improved access to the A27 and road improvements to the St Paul's Road / Sherborne Road junction;*
13. *Make provision for regular bus services linking the site with Chichester City centre, and new and improved cycle and pedestrian routes linking the site with the city, Fishbourne and the South Downs National Park;*
14. *Be planned with special regard to the need to ~~mitigate~~**avoid** potential impacts of recreational disturbance on the Chichester Harbour SAC/SPA/Ramsar including contributing to any strategic access management issues;*
15. *Protect and enhance the existing biodiversity and important ecological corridor linking Chichester Harbour and the South Downs National Park. Any development will need to:*
 - a. *Provide multi-functional green infrastructure both across the site and linking development to the surrounding countryside and Chichester City;*
 - b. *Provide buffer zones to sensitive habitats such as ancient woodland.*

Development is dependent on the provision of infrastructure for adequate wastewater conveyance and treatment to meet strict environmental standards.

*Development of the site should be phased so that the neighbourhood centre / community hub and Country Park **and linking green infrastructure** are delivered at an early stage of development, **before any dwellings are occupied.***

Proposals for the development should have regard to the West Sussex County Council Minerals Safeguarding Area and associated guidance.'

Land at Shopwyke (Oving Parish)

SWT does not believe this policy is ambitious enough in terms of the enhancements to biodiversity and green infrastructure that need to be delivered in order to ensure that the development is truly sustainable. All the other requirements in the policy, for example in relation to views and road access are written as 'absolute musts' whereas criteria for green infrastructure reads as a much softer 'nice to have'. This is not acceptable in terms of the NPPF, in particular the requirement to safeguard components of ecological networks (174) and conserve and enhance the natural environment, including green infrastructure (20).

SWT is also concerned that the term 'mitigation' is used in relation to protecting the nearby SPA from adverse impacts. The Habitat Regulations are clear that adverse impacts must be avoided. This is the purpose of the strategic mitigation strategy. If this strategy is not resulting in avoidance of impacts then it is not effective and is not legally compliant. This needs to be amended as follows:

'Policy AL2: Land at Shopwyke (Oving Parish)

Land at Shopwyke, as defined on the policies map, is allocated for mixed use development, comprising:

- 1. Approximately 585 dwellings;*
- 2. At least 4 hectares of employment land (suitable for B1 and/or B2 Business uses);*
- 3. A neighbourhood centre / community hub, incorporating local shops to provide for small scale retail uses to meet primarily day to day convenience retail needs and a community centre; and*
- 4. Open space and green infrastructure, with the enhancement of the existing lakes ~~for~~ **to deliver biodiversity net gains improvements** and safer access.*

Taking into account the site-specific requirements, proposals for the site should:

- 5. Be planned as a sustainable urban extension of Chichester City, that is well integrated with neighbourhoods on the east side of the city, providing good **sustainable** access to the city centre and key facilities;*
- 6. ~~Explore opportunities for provision of~~ **Provide** integrated green infrastructure in conjunction with the other strategic sites to the north east of the city and Tangmere;*
- 7. Protect existing views of Chichester Cathedral spire and conserve and enhance the historic significance of the listed barn at Greenway Farm and the cluster of buildings associated with the grade II* listed Shopwhyke Hall, which should be analysed at an early stage of the masterplan;*
- 8. Provide new and improved road access to the site from the A27. Development will be required to provide or fund mitigation for potential off-site traffic impacts through a package of measures in conformity with the Chichester City Transport Strategy (Policy 13), including improved access to the A27 and changes to the A27 Oving Road and Portfield junctions;*
- 9. Make provision for foot/cycle bridge across the A27 south of Portfield Roundabout, and foot/cycle bridge across A27 to Coach Road.*
- 10. Make provision for regular bus services linking the site with Chichester City centre, and new and improved cycle and pedestrian routes linking the site with the city, Westhampnett, Oving, Tangmere, and the South Downs National Park;*
- 11. Be planned to integrate with other proposed development within the site; and*
- 12. Be planned with special regard to the need to ~~mitigate~~ **avoid** potential impacts of recreational disturbance on the Chichester Harbour SAC/SPA/Ramsar including contributing to any strategic access management issues.*

*Development of the site should be phased so that bridges providing access out of the site, the neighbourhood centre / community hub, open space and green infrastructure are delivered at an early stage of development, **before any dwellings are occupied.***

Development will be dependent on the provision of infrastructure for adequate wastewater conveyance and treatment to meet strict environmental standards.'

East of Chichester (Oving Parish)

SWT is concerned about the very broad housing number associated with this allocation. Although the policy states a minimum of 600 dwellings, the supporting text refers to the possibility of 1000. It is not clear to SWT how such a difference can be planned for in terms of impacts on the natural environment and whether it is possible to deliver 1000 dwellings and deliver the required green infrastructure and natural environment enhancements that are required to make this development sustainable. There must be a robust assessment of the true capacity of this allocation taking into consideration impacts on natural capital assets. In particular, we highlight that the gravel pits to the south of the allocation have high biodiversity value in terms of breeding birds. We recommend that further advice is sought from the Sussex Ornithological Society on this issue.

It is not clear whether the 6th bullet point in section 6.28 relates to Chichester Harbour in general or specifically the designations, in particular the SPA. If this is the case then the bullet point should be amended to '*avoiding*' rather than '*reducing and mitigating potential impacts of recreational disturbance*'. As mentioned previously, it is not acceptable to reduce and mitigate adverse impacts on European designated sites, they must be avoided. If this is not possible then there must be reasons of overriding public interest and a compensation scheme in place.

As with policy AL2, the requirement for green infrastructure is unambitious and does not align with the requirements of paragraphs 20 and 174 of the NPPF. We therefore recommend the following amendments:

'Policy AL3: Land East of Chichester

Approximately 35 hectares of land at East of Chichester is allocated for a phased residential led development of a minimum of 600 dwellings, a neighbourhood centre / community hub (incorporating early years, primary school, local shops, a community centre and flexible space for employment/small-scale leisure use) along with open space and green infrastructure.

Development in this location will be expected to address the following site-specific requirements:

- 1. Provision of a high quality form of development to be masterplanned as a sustainable urban extension of Chichester City, that is well integrated with neighbouring areas on the east side of the city and to the north of the site, providing good **sustainable** access to the city centre and key facilities and to sustainable forms of transport;*
- 2. A range of types, sizes and tenures of residential accommodation to include specific provision to meet specialised housing needs including accommodation for older people;*
- 3. Existing ground conditions on the southern part of the site should be investigated;*
- 4. Provision of suitable access points from Shopwhyke Road and contributions to off-site highway improvements, which will include promoting sustainable transport options;*
- 5. Provision of on-site public open space and play areas in accordance with Policy DM34;*
- 6. Provision of appropriate landscaping and screening to minimise the impact of development **and achieve measurable net gains to biodiversity;***
- 7. ~~Opportunities for the p~~Provision of integrated green infrastructure with the other strategic sites to the north east of the city, Tangmere and the wider countryside ~~are explored;~~*
- 8. Existing views of Chichester Cathedral spire are to be protected;*
- 9. Provision of infrastructure and community facilities in accordance with the most up to date Infrastructure Delivery Plan;*

10. Be planned with special regard to the need to ~~mitigate~~**avoid** potential impacts on the Chichester Harbour SAC/SPA/Ramsar including contributing to any strategic access management issues, and potential for loss of functionally linked supporting habitat
Proposals will need to demonstrate that sufficient capacity will be available within the sewer network, including waste water treatment works, to accommodate the proposed development in accordance with Policy S31.
Development proposals should address the provisions of the West Sussex Minerals Plan, and associated guidance, in relation to the site being within a defined Minerals Safeguarding Area'

Westhampnett/North East Chichester

SWT are concerned about the suggestion of a 'new linear greenspace with public access' along the River Lavant floodplain. Any progression of this would need to consider the potential impacts of recreational disturbance on riverine habitats. We also recommend that there is assessment of the potential for any greenspace to contribute to natural flood management of the river.

As stated for the previous allocations, SWT recommend that the policy is amended in terms of its ambitions for green infrastructure provision and biodiversity net gains:

'Policy AL4: Land at Westhampnett/North East Chichester

Land to the west of Westhampnett and north-east of Chichester city is allocated for mixed development, comprising:

1. 500 homes;
2. Community facilities;
3. Open space and green infrastructure, including a **sensitively planned** linear greenspace with public access along the Lavant Valley.

Taking into account the site-specific requirements, proposals for the site should:

4. Development will be directed towards the settlement of Westhampnett, to the south of Madgwick Lane, and to the eastern edge of Chichester, but away from the floodplain of the River Lavant;
5. Development should be well integrated with the village of Westhampnett and neighbouring residential areas in Chichester City and should be planned to provide good **sustainable** access to existing facilities;
6. Development should provide or contribute to improved local community facilities;
7. Provision should be made for green links to the South Downs National Park and Chichester City **and measurable net gains to biodiversity**. ~~Opportunities should be explored for p~~Provision of integrated green infrastructure in conjunction with the other strategic sites to the east of the city, including Tangmere;
8. Development should be designed with special regard to the landscape sensitivity of the site (especially to views towards and from within the South Downs National Park), and to reduce the impact of noise associated with the Goodwood Motor Circuit/Aerodrome. Major new structural planting will be required to soften the impact of development on views from the north and around the Motor Circuit;
9. Development should be designed with special regard to the Graylingwell Hospital Conservation Area, the buildings of the former 'pauper lunatic asylum' and the Grade II registered park and garden in which they sit, and to other listed buildings in the vicinity of the site and their settings. Important views of Chichester Cathedral spire from the area should be protected;
10. Adoption of a comprehensive approach to flood risk management on the site, including consideration of surface water drainage **and natural flood management** as part of the masterplanning process...'

Southern Gateway

As the only brownfield site allocated as a strategic allocation, we feel CDC should be aiming to be more progressive in realising the opportunities this site could deliver in terms of green infrastructure and biodiversity net gains. Paragraph 150 of the NPPF states that green infrastructure should be used in new development to avoid increased vulnerability to the range of impacts arising from climate change. The Southern Gateway is a fantastic opportunity for CDC to incorporate innovative design and particularly increased green infrastructure such as green walls.

As mentioned previously, SWT objects to the term 'mitigation' is used in relation to protecting the nearby SPA from adverse impacts. The Habitat Regulations are clear that adverse impacts must be avoided. This is the purpose of the strategic mitigation strategy. If this strategy is not resulting in avoidance of impacts then it is not effective and is not legally compliant. This needs to be amended as follows:

'Policy AL5: Southern Gateway

Approximately 12 hectares of land in the area known as Southern Gateway, as shown on the policies map, is allocated for a comprehensive mixed-use development of a minimum of 350 dwellings, approximately 21,600 sq.m of mixed commercial space (including 9,300 sq.m of employment floorspace in Use Class B1(a and b)) as well as retail and leisure uses. Development proposals will need to demonstrate a comprehensive and co-ordinated approach to the regeneration of this area, addressing the following site-specific requirements:

- 1. Provision of an appropriate mix of uses that reinforce and complement this edge of city centre location, including a significant proportion of retail, residential, employment, community/civic uses, and other main town centre uses;*
- 2. Proposals should include a high quality distinctive design response appropriate to this gateway location which establishes a clear hierarchy of streets and spaces, active frontages of buildings which front streets and spaces with clearly defined building lines **and innovative use of green infrastructure enhancements**;*
- 3. Respect for the historic context and make a positive contribution towards protecting and enhancing the local character and special heritage of the area and important historic views, especially those from the Canal Basin towards Chichester Cathedral;*
- 4. Enhance the public realm, particularly connectivity to the railway station, Canal Basin and city centre via South Street, Market Avenue and Chichester Gate for pedestrians, cyclists and public transport users;*
- 5. Provision of open space in accordance with Policy DM34, including retention of the existing playing pitch unless suitable re-provision is provided;*
- 6. Improve pedestrian and cycle access;*
- 7. Include proposals which accommodate buses and coaches, restrict vehicular traffic using the Stockbridge Road level crossing. Appropriate car parking should be provided and proposals should include any on or off-site mitigation measures identified through the Transport Assessment;*
- 8. Provision of a waste water management plan which demonstrates no net increase in flow to Apuldram Waste Water Treatment Works would result from this development, unless suitable alternative provision is agreed;*
- 9. Include an archaeological assessment to define the extent and significance of any archaeological remains and reflect these in the proposals, as appropriate;*
- 10. Include a Flood Risk Assessment to demonstrate how the development responds to the flood risk on the site; suitable mitigation measures identified and committed to;*
- 11. Be planned with special regard to the need to ~~mitigate~~ **avoid** potential impacts of recreational disturbance on the Chichester Harbour SAC/SPA/Ramsar including contributing to any strategic access management issues;*

Proposals for the development should have regard to the West Sussex Minerals Plan, and associated guidance, in relation to the site being within a defined Minerals Safeguarding Area.'

Apuldram and Donnington Parishes

SWT objects to this strategic allocation as there is no evidence provided to demonstrate that the development, and in particular the new road, can be achieved without significant harm to the environment. In particular, Lavant Marsh LWS and the chalk stream that runs through the site. This site additionally falls within the Impact Risk Zone for the Chichester Harbour SSSI. We remind CDC that the NPPF requires plans to promote the conservation, restoration and enhancement of priority habitats and provide net gains to biodiversity (paragraphs 170 and 174).

In the absence of adequate survey data to both assess the impact of this proposal on biodiversity and demonstrate that measurable net gains to biodiversity are achievable the site should not be allocated. It is not acceptable for the provision of this crucial environmental information to be left until a planning application is submitted.

Whilst maintaining our objection. If the allocation were to go further, we recommend the following amendments as a minimum:

'Policy AL6: Land South-West of Chichester (Apuldram and Donnington Parishes)

Approximately 85 hectares of land is allocated at land south-west of Chichester, as defined on the policies map, for an employment-led development to include approximately 33 hectares of employment land (suitable for B1b/B1c/B2 and B8 uses) and a minimum of 100 dwellings along with a new link road connecting the A27/A259 Fishbourne roundabout and A286 Birdham Road.

*Provision will also be made for sustainable transport facilities (if required) and a neighbourhood centre / community hub (incorporating local shops and flexible space for employment/small-scale leisure use). Publicly accessible local and strategic open space and green infrastructure, to include a managed country park **and measurable net gains to biodiversity**, will also be provided. Development proposals will need to address the following site-specific requirements:*

- 1. Be provided as a high quality form of development planned as a sustainable urban extension of Chichester City, that is well integrated with neighbourhoods on the southern side of the city, providing good access to the city centre and key facilities;*
- 2. Development of the site should be phased so that the **green infrastructure**, link road and a significant element of the employment provision are delivered at an early stage of development;*
- 3. Protect existing views of Chichester Cathedral spire and the setting of the Chichester Harbour Area of Outstanding Natural Beauty which should be analysed at an early stage of the masterplan;*
- 4. Necessary highway improvements to adequately mitigate the likely impacts on the highway network;*
- 5. Make provision for regular bus services linking the site with Chichester City centre, and new and improved cycle and pedestrian routes linking the site with the city, Stockbridge, Fishbourne and settlements to the south;*
- 6. Provide mitigation to ensure the protection of the adjacent SPA, SAC, SSSI and Ramsar at Chichester Harbour, **the River Lavant Marsh LWS and on-site priority habitats by avoiding recreational disturbance and other adverse effects**; and*
- 7. Provision of on-site public open space and play areas;*

Proposals will need to demonstrate that sufficient capacity will be available within the sewer network, including waste water treatment works, to accommodate the proposed development.

Development proposals should address the provisions of the West Sussex Minerals Plan, and associated guidance, in relation to the site being within a defined Minerals Safeguarding Area.'

Bosham

As in previous comments, the requirement for green infrastructure in policy AL7 is unambitious and does not align with the requirements of paragraphs 20 and 174 of the NPPF. Additionally there needs to be some recognition of the presence of a chalk stream which is a priority habitat. We therefore recommend the following amendments:

'Policy AL7: Highgrove Farm, Bosham

6. *Provision of buffer landscaping to the north, south and east of the new development;*
7. *Retention, ~~and~~ protection **and enhancement** of existing **priority habitat chalk stream** ~~watercourse~~ on the site, which should be incorporated into a landscape management plan for the site;*
8. ~~Opportunities are taken for the e~~*Expansion and provision of green infrastructure into the wider countryside including between settlements and facilities;*
9. *Demonstration that development would not have an adverse impact on the Chichester Harbour SAC/SPA/Ramsar site by reason of recreational disturbance **and that measurable net gains to biodiversity can be achieved;...***

East Wittering

SWT is concerned that the impacts on Pagham Harbour SPA and in particular the importance of functionally linked supporting habitat for Dark-bellied Brent Geese, have not been sufficiently considered by CDC. As mentioned previously we do not think it is sufficient to simply use policy wording to require mitigation. For the allocation to be deliverable there must be sufficient confidence that avoidance of adverse impacts can be achieved. In the case of policy AL8, there needs to be recognition that both recreational disturbance and the loss of functionally linked supporting habitat needs to be avoided. We therefore recommend the following amendments:

'Policy AL8: East Wittering Parish

Land will be allocated for development in the East Wittering Neighbourhood Plan for a minimum 350 dwellings including any amendments to the settlement boundary. Development will be expected to address the following requirements:

1. *Provision of a high quality form of development to be masterplanned as a sustainable extension(s) of East Wittering and be well integrated with the existing settlement providing good **sustainable** access to facilities and sustainable forms of transport;*
2. *A range of types, sizes and tenures of residential accommodation to include specific provision to meet specialised housing needs including accommodation for older people;*
3. *Provision of suitable means of access to the site(s) and securing necessary off-site improvements (including highways) to promote sustainable transport options;*
4. *Provision of on-site public open space and play areas;*
5. *Detailed consideration of the impact of development on the surrounding landscape and the setting of the settlements of East Wittering and Bracklesham along with a detailed landscape management plan **and delivery of measurable net gains to biodiversity;***
6. ~~Opportunities are taken for the e~~*Expansion and provision of green infrastructure into the wider countryside including between settlements and facilities;*
7. *Demonstration that development would not, with mitigation if required, have an adverse impact on the Pagham Harbour SPA/Ramsar and the Medmerry realignment **through avoidance of both** ~~by reason of recreational disturbance~~ **and/or** loss of functionally linked supporting habitat;*
8. *Provision of infrastructure and community facilities in accordance with the most up to date Infrastructure Delivery Plan.*

Demonstration that sufficient capacity will be available within the sewer network, including waste water treatment works, to accommodate the proposed development.'

Fishbourne

SWT notes that policy AL9 includes a specific requirement for development to demonstrate that it would not have an adverse impact on the nature conservation interests of identified sites and habitats. We support the inclusion of this requirement, although as per the revised NPPF, it should also require net gains to biodiversity. However we question why this requirement is not included in any of the previous site allocations when they clearly will also impact on 'nature conservation interests'. Despite this requirement, the policy still needs to be strengthened as follows:

'Policy AL9: Fishbourne Parish

6. ~~...Opportunities for the e~~*Expansion and provision of green infrastructure into the wider countryside including between settlements and facilities;*
7. *Demonstration that development would not have an adverse impact on the nature conservation interest of identified sites and habitats **and that measurable net gains to biodiversity will be delivered;***
8. *Provide mitigation to ensure the protection of the SPA, SAC and Ramsar site at Chichester Harbour as a result of water quality issues relating to runoff into a designated site, and **avoiding** loss of functionally linked supporting habitat...'*

Chidham and Hambrook

SWT is concerned about the number of dwelling allocated for this parish, given its current size and proximity to designated sites. We note that unlike for many other strategic allocation policies, there is no recognition in the supporting text of the presence of a Local Wildlife Site within the parish, this should be amended. We also question why recreation disturbance is not noted as an adverse impact on the nearby SPA to be avoided. An allocation of this size will likely result in an increase in visitors to the Harbour. We therefore recommend the following amendments:

'Policy AL10: Chidham and Hambrook Parish

6. ~~...Opportunities for the e~~*Expansion and provision of green infrastructure into the wider countryside including between settlements and facilities;*
7. *Provision of a site for local convenience shopping with opportunities explored to provide flexible space for employment/small-scale leisure use;*
8. *Demonstration that development would not have an adverse impact on the nature conservation interest of identified sites and habitats **and will deliver measurable net gains to biodiversity;***
9. *Provide mitigation to ensure the protection of the SPA, SAC and Ramsar site at Chichester Harbour as a result of water quality issues relating to runoff into a designated site, and **avoidance of** loss of functionally linked supporting habitat...'*

Hunston

Whilst SWT supports the recognition of Hunston Copse LWS in section 6.72, it is not clear why Chichester Canal LWS which also passes through the Parish is not also mentioned. Similarly there is a particular requirement in section 6.77 for development to protect and enhance non-designated sites and their setting. This is very welcome, but we question why it is not included in the supporting text of other allocations which may impact on LWS or in the policy wording for AL11. We ask CDC to be more consistent in their recognition of LWS as per paragraph 174 of the NPPF and recommend the following amendments in this case:

'Policy AL11: Hunston Parish

6. ~~...Opportunities for the e~~*Expansion and provision of green infrastructure into the wider countryside including between settlements and facilities;*

7. *Demonstration that development would not have an adverse impact on the nature conservation interest of identified sites and habitat **and that measurable net gains to biodiversity will be delivered;***
8. *Be planned with special regard to the need to ~~mitigate~~**avoid** potential impacts of recreational disturbance on the Chichester Harbour SAC/SPA/Ramsar and Pagham Harbour SPA and Ramsar site and the Medmerry realignment including contributing to any strategic access management issues, loss of functionally linked supporting habitat, and water quality issues relating to runoff from a designated site...'*

Selsey

SWT objects to this allocation as we have no confidence that the value of this site as functional linked supporting habitat has been sufficiently assessed. As stated in our comments in relation to the HRA the lack of robust evidence in terms of the usage to farmland in Chichester District by Dark-bellied Brent Geese is concerning. It is irresponsible of CDC to allocate a site for development without sufficient knowledge of whether it is deliverable in terms of the requirements of the Habitat Regulations.

Whilst we maintain our objection, if CDC choose to progress the allocation then we request the following amendments:

'Policy AL12: Land North of Park Farm, Selsey

7. *...~~Opportunities for the e~~Expansion and provision of green infrastructure into the wider countryside including between settlements and facilities;*
8. *Demonstration that development would not have an adverse impact on the nature conservation interest of adjoining areas **and would deliver measurable net gains to biodiversity;***
9. *Provide mitigation to ensure the ~~protection of~~**avoidance of adverse effects on** the SPA, SAC and Ramsar site at Pagham Harbour and the Medmerry realignment as a result of loss of supporting habitat...'*

Southbourne

As stated for previous allocations and in our general comments, SWT is unclear why concerned as to whether the level of development proposed in AL13 can be absorbed within this parish. We also note, that again both the GI and biodiversity requirements of the plan are unambitious and should be amended:

'Policy AL13: Southbourne Parish

10. *...~~Opportunities for the e~~Expansion and provision of green infrastructure into the wider countryside including between settlements and facilities;*
11. *Demonstration that development would not have an adverse impact on the nature conservation interest of identified sites and habitats **and that measurable net gains to biodiversity will be delivered;***
12. *Provide mitigation to ensure the ~~protection of~~**avoidance of adverse effects on** the SPA, SAC and Ramsar site at Chichester Harbour including contributing to any strategic access management issues, loss of functionally linked supporting habitat and water quality issues relating to runoff into a European designated site....'*

Tangmere

Similarly to allocation AL13, we question the size of the allocation for Tangmere. In addition to our standard concerns over the GI and biodiversity requirements (see amendments below), we also note that

there is no reference made in the supporting text to the chalk stream priority habitat within the site. This should be rectified.

'Policy AL14: Land West of Tangmere

4. *...Make provision for green links to the National Park and Chichester City. ~~Opportunities should be explored for p~~Provision of integrated green infrastructure in conjunction with the other strategic sites to the east of the city;*
5. *Protect existing views of Chichester Cathedral spire and reduce any impact on views from within the National Park;*
6. *Subject to detailed transport assessment, provide primary road access to the site from the slip-road roundabout at the A27/A285 junction to the west of Tangmere providing a link with Tangmere Road. Development will be required to provide or fund mitigation for potential off-site traffic impacts through a package of measures in conformity with the Chichester City Transport Strategy (see Policy S14);*
7. *Make provision for improved more direct and frequent bus services between Tangmere and Chichester City, and improved and additional cycle routes linking Tangmere with Chichester City, Shopwhyke and Westhampnett. Opportunities should also be explored for improving transport links with the 'Five Villages' area and Barnham rail station in Arun District; and*
8. *Conserve and enhance the heritage and potential archaeological interest of the village, surrounding areas and World War II airfield, including the expansion or relocation of the Tangmere Military Aviation Museum.*
9. ***Demonstration that development would not have an adverse impact on the nature conservation interest of identified sites and habitats and that measurable net gains to biodiversity will be delivered;***

Development will be dependent on the provision of infrastructure for adequate wastewater conveyance and treatment to meet strict environmental standards...'

PART TWO – DEVELOPMENT MANAGMENT

Policy DM7: Local and Community Facilities

SWT is slightly concerned about this policy as the support text highlights some of the potential facilities in 7.44 but acknowledges that list is not exhaustive. As we progress to the policy wording, the first sentence references *land currently or last used for community facilities, public services, leisure and cultural uses*. As there is potential uncertainty as to what is covered as 'a facility', we recommend that the policy includes wording which acknowledges the site/land may form part of the Green Infrastructure Network and therefore the integrity of the network should be considered. This would be consistent with the approach in DM34: Open space, sport and recreation including indoor sports facilities and playing pitches.

Policy DM16: Sustainable Design and Construction

We are pleased to see this policy acknowledge biodiversity and encourage CDC to ensure the wording reflects the ethos of measurable net gains to biodiversity in paragraph 174b of the NPPF. SWT therefore make the suggested amendments to bullet point 9:

*9. The natural environment and biodiversity will be protected and/or where appropriate provision will be made for improvements to **deliver measureable net gains to biodiversity areas and green infrastructure;***

Policy DM20: Development around the Coast

Whilst SWT strongly supports the inclusion of this policy, we are concerned that the reference to protecting biodiversity is only in relation to the designated sites. The coast may include areas of biodiversity value, such as priority and irreplaceable habitats (for example vegetated shingle and saltmarsh), which sit outside the designated sites. We therefore recommend the following amendment to bullet point 1:

'Planning permission will be granted for development in the coastal area, outside of Settlement Boundaries, where it can be demonstrated that all the following criteria have been addressed:

- 1. There are no harmful effects on or net loss of nature conservation or areas of geological importance, **in particular** within the Chichester and Pagham Harbours and Medmerry Realignment (including no adverse effects on the associated European designated sites);'*

Policy DM21: Alterations, change of use and/or re-use of existing buildings in the countryside

The supporting text to this policy does not highlight that buildings in the countryside may be valuable for biodiversity. SWT feel that this should not be overlooked as changes to use or reuse may impact that biodiversity. This matter is also not addressed in the policy wording, therefore we propose the following wording in the form of an additional bullet point:

- 6. The biodiversity value of the site has been assessed and measures have been taken to ensure it is conserved and measurable net gains delivered.***

Policy DM22: Development in the Countryside

The supporting text to this policy does not acknowledge biodiversity value of the wider countryside. SWT feel that this should not be overlooked as building in the countryside outside the settlement boundaries may significantly impact biodiversity. This matter is also not addressed in the policy wording and suggest the following wording in the form of an additional bullet point:

- 4. The biodiversity value of the site has been assessed and measures have been taken to ensure it is conserved and measurable net gains delivered.***

Policy DM23: Lighting

We support the inclusion of a lighting policy and welcome the acknowledgement in section 7.142 that wildlife can be impacted by lighting schemes. However we do not feel that this is clearly translated into policy and as a result it may not be effective. The NPPF clearly states in paragraph 180c planning policies and decisions should *'limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation'*. Therefore we propose the following amendments to policy DM23 bullet point 3:

- 3. 'There is no significant adverse impact on neighbouring development, ~~or~~ the wider landscape **or nature conservation**; and'*

Policy DM28: Natural Environment

SWT notes that in section 7.169 of the supporting text the mitigation hierarchy is mentioned, although not explicitly referenced. Our concern is that although the text mentions mitigation and compensation, the need to first avoid impacts through location and/or design of development is not clearly set out. We

remind CDC that the first step in the mitigation hierarchy is to avoid. We therefore proposed that this is made clear in the supporting text through the following amendments to section 7.169:

*'7.169 Development proposals must take account of international, national and local designations as part of their application. **The mitigation hierarchy sets out that if significant harm to biodiversity resulting from development cannot be avoided through locating to an alternative site with less harmful impacts or by well thought out design, then mitigation should be delivered or as a last resort compensation, otherwise planning permission should be refused.** Exceptions will only be made where no reasonable alternatives are available and the benefits of development clearly outweigh the negative impacts. Where a development proposal would result in any significant harm that cannot be ~~prevented~~ **avoided** or mitigated, appropriate compensation will be sought.*

Policy DM29: Biodiversity

The Sussex Wildlife Trust is supportive of Local Plans having policies in place to protect, conserve and enhance and deliver net gains to biodiversity. Therefore we welcome CDC continued commitment to biodiversity through the inclusion of this policy.

The supporting text of this policy (7.171) set out the steps CDC are taking to map the biodiversity and natural assets within the district. We would be keen for this text to explain how CDC have used this information to inform the allocation process for development.

We support CDC's statement in section (7.172) which recognises that conserving biodiversity must not be limited to protected/designated sites. We are proposing that the term *prevent* in this section is changed to avoid in order to align better with the mitigation hierarchy as per the NPPF. Please see amendment below:

*'172 All new developments are encouraged to take account of and incorporate biodiversity into their features at the design stage, including integral bat and bird boxes and hedgehog accessible fencing and gravel boards. The Policy below protects sites of biodiversity importance, which contain wildlife or geological features that are of special interest. Exceptions will only be made where no reasonable alternatives are available and the benefits of development clearly outweigh the negative impacts. Where a development proposal would result in any significant harm to biodiversity and geological interests that cannot be **avoided** ~~prevented~~ or mitigated, appropriate compensation will be sought. Conserving biodiversity is not just about protecting rare species and designated nature conservation sites. It also encompasses the more common and widespread species and habitats, all of which make an important contribution to quality of life. The Council will seek to preserve and enhance the biodiversity and geological diversity of the plan area by working with partners to implement the aims and proposals of the Chichester Local Biodiversity Action Plan and the Nature Conservation Strategy.'*

Having reviewed the wording of policy DM29, SWT wish to suggest a few amendments in order to better reflect CDC's requirement to ensure net gains. We encourage CDC to replicate the South Downs National Park Authority's commitment to biodiversity and ensure the policies in the PAP and SDNP Local Plan align through requiring planning proposals to be supported by up to date biodiversity information. This is a modification that was recently accepted at the Examination of the South Downs National Park Local Plan.

Further to this, SWT believes that the policy would benefit from explicitly referencing irreplaceable and priority habitats. We make this suggestion as the District is home to some wonderful examples of priority habitat, such as traditional orchards, chalk streams and coastal grazing marsh.

We acknowledge that the PAP now includes a policy to protect woodland, hedgerows and trees. This policy also covers the irreplaceable habitat of Ancient Woodland. However we are concerned that irreplaceable habitats cover more than just ancient woodland and therefore policy DM29 needs to reflect the need to protect and enhance irreplaceable habitats and priority habitats and species more clearly.

We make the following proposed changes to the wording of the biodiversity policy.

'Planning permission will be granted for development where it can be demonstrated that all the following criteria have been addressed:

- 1. Planning applications should be supported by relevant environmental information, which is informed by appropriate up-to-date ecological information, prior to determination**
- ~~1- 2. The biodiversity value of the site is safeguarded;~~ **All development should ensure the conservation and enhancement of biodiversity, including:**
 - **International, National and Locally designated sites**
 - **Marine habitats and other Biodiversity Action Plan (BAP) priority habitats**
 - **Irreplaceable Habitats**
 - **Protected and priority species**
 - **Biodiversity Opportunity Areas (BOAs)**
 - **Wildlife corridors and stepping stones**
- ~~2.3. Demonstrable harm to habitats or species which are protected or which are of importance to biodiversity is avoided or mitigated;~~ **If significant harm to biodiversity cannot be avoided (by locating development on an alternative site with less harmful impacts or through design), then such harm should be adequately mitigated. Where it cannot be adequately mitigated then such harm must be compensated for. Where it cannot be compensated for, then planning permission should be refused.**
- ~~3-~~ **4. The proposal has incorporated features that enhance biodiversity as part of good design and sustainable development, and identifies and pursues opportunities for achieving a measurable net gain in biodiversity;...** [the rest continues as written in the PAP]

Policy DM30: Developments and Disturbance of the Birds in Chichester Langston and Pagham Harbours Special Protection Area.

We would like to highlight a matter relating to the text within the policy. The text refers to bullet points a and b however the bullet points are numbered not letter and therefore this needs amending, this error occurs twice in the policy.

Policy DM31: Trees, Hedgerows and Woodlands

SWT is pleased to see that our comments from August 2017 (Issues and Options consultation) regarding the inclusion of a Trees, Hedgerows and Woodlands policy have been translated into the Local Plan. We are supportive of the policy and welcome the wording in bullet point 4, which highlights the need for a buffer in relation to ancient woodland and ancient/veteran trees. However, we feel that this bullet point would benefit from stating the need to also avoid impacts on Ancient Woodland and Ancient/veteran trees as per paragraph 175 of the NPPF and Natural England's ancient woodland standing advice.

SWT recommends the following amendments:

'4. Development resulting in the loss or deterioration of Ancient woodland and ancient or veteran trees should be refused. Where development proposals have the potential to impact these habitats/features, a

minimum buffer of 15 metres will be required between the development and ancient woodland or veteran trees; and'

Policy DM32: Green Infrastructure

SWT supports the inclusion of a policy to enshrine the importance of green infrastructure in the CDC Local Plan. Having looked at the supporting text we note that reference is made to the GI checklist from the Delivering Green Infrastructure Local Plan Area document (2016). Although this document was a step down from the promised SPD, we hope that the document has offered valuable guidance to developers. We recommend to CDC that reference to the Checklist is made within the policy, so that developers are clearly aware of it and the benefits of using it.

We also recommend that the policy wording is made more ambitious as follows to ensure that CDC are able to deliver the requirements of the NPPF to 'plan for green infrastructure':

'All development will be expected to contribute towards the provision of additional green Infrastructure, and the protection and enhancement of existing green infrastructure.

The existing green infrastructure network must be considered at an early stage of the design process for all major development proposals. Masterplans should illustrate how the development incorporates the existing green infrastructure network, and any new green infrastructure.

Planning permission will be granted where it can be demonstrated that all the following criteria have been addressed:

- 1. The proposals maintain and, ~~where appropriate~~, incorporate improvements to the existing network of green infrastructure, or the restoration, enhancement or creation of additional provision areas;*
- 2. ~~Where appropriate, t~~The proposals will create new green infrastructure which is integrated into the development design and meets the needs of the communities within and beyond the site boundaries;*
- 3. The proposals contribute to improving the health and well-being of the local and wider community;*
- 4. The proposals do not lead to the dissection of the linear network of cycle ways, public rights of way, bridleways and ecological corridors; and*
- 5. Where appropriate, the Council will seek to secure via planning obligation provision for the future management and/or maintenance of green infrastructure.*

*Development that will harm the green infrastructure network will only be granted if it can incorporate measures that avoid the harm arising **or where this is demonstrated as not possible** ~~or~~ sufficiently mitigate its effects. **It is recommended that applicants refer to the GI Developer Checklist within the Chichester District Council document – Delivering Green Infrastructure in the Local Plan Area (2016).***

The Council will expect that a legal agreement is entered into where it is necessary to secure green infrastructure provision, or to ensure the long term sustainable management of green infrastructure. Unless stated elsewhere the Council will normally not be responsible for the long term maintenance and management of green infrastructure.'

Policy DM34: Open space, sport and recreation including indoor sports facilities and playing pitches

We welcome bullet point three within this policy, which recognises the importance the afore mentioned assets may provide for biodiversity and within the green infrastructure network.

DM35: Equestrian Development.

Due to the often rural nature of Equestrian Development, we propose the following amendment to bullet point 4 of the policy to ensure potential impacts to biodiversity are captured:

*'The proposal, either on its own or cumulatively, with other horse related uses in the area, is compatible with its surroundings, and adequately protects water courses, groundwater, **biodiversity** and the safety of all road users;'*

GLOSSARY

SWT recommends the following inclusions/amendments to the glossary

- Inclusion of the definition of Ancient or veteran tree
- Inclusion of the definition of Brownfield Site Green infrastructure definition to included blue assets
- Inclusion of term Protected Species
- Rename the term Sites of Nature Conservation importance as Local Wildlife Site
- Inclusion of the definition for Sequential Preferable Site

HABITAT REGULATIONS ASSESSMENT (HRA)

Whilst SWT agrees with the HRA as stated in the Executive Summary, that 'in general the Chichester Local Plan review contains a protective policy framework'. We are not confident that the plan is deliverable as there seems to be no assessment of whether it is actually possible to avoid all significant adverse effects given the amount of development proposed in such close proximity to internationally designated sites.

We understand that the site allocation policies require no adverse impact, but it is not clear how this would be achieved, particularly given the lack of data on the distribution of functionally linked supporting habitat for Dark-bellied Brent Goose. We understand that the Sussex Ornithological Society are undertaking a project to map the foraging fields used by this species in winter, but it will be some years before there is a proper understanding of their usage.

The Habitat Regulations are clear that the precautionary principle should be applied when it comes to likely significant effects. Additionally, the lack of consideration of this issue may impact on the deliverability of the plan and therefore the achievement of a 5 year housing supply. This concerns SWT as it will bring about scope for further uncontrolled and unplanned development. We ask CDC to take heed of the experience of Arun District Council, in particular in relation to planning application P/140/16/OUT, and be certain that the sites they are allocating do not contain functionally linked supporting habitat.

We hope that CDC find the Sussex Wildlife Trust's comments constructive as the draft plan moves forward. If you wish to discuss any of our comments further please do get in contact.

Yours sincerely,

Laura Brook
Conservation Officer