

# Representations to the Chichester District Council Draft Interim Policy Statement for Housing Development

July 2020

## 1.0 Introduction

- 1.1 These representations are made on behalf of our client, CEG, in response to the Council's consultation on a 'Draft Interim Policy Statement for Housing Development' ("the IPSHD"), published in June 2020.
- 1.2 We welcome the Council's acceptance that it will, from July 2020, have a significant housing land supply shortfall, and its recognition that the delays to the Chichester Local Plan Review are such that the land supply can only be enhanced through planning applications on currently unidentified sites. We also welcome the Council's commitment to working pro-actively with applicants, and the intent behind the IPSHD in terms of providing clarity as to how the principles of sustainable development, as set out in the NPPF, will be interpreted at a local level. However, we raise the following objections / comments, starting with more general points before moving to more specific comments / objections to specific paragraphs and criteria.

## 2.0 General Issues

### [Weight to the IPSHD](#)

- 2.1 As the Council will be aware, whilst the IPSHD is being consulted upon currently it is not, and will not, be part of the development plan for Chichester District. As such, irrespective of the intentions behind the production of this document, having regard to Section 38(6) of the

Planning and Compulsory Purchase Act 2004, the weight that can be attached to the IPSHD will always be limited.

#### Necessity for the IPSHD

- 2.2 As referenced previously, whilst we support the Council's recognition of a material land supply shortfall in the district, and its objective to proactively seek to rectify this, we question the merits (as opposed to the intent) of the IPSHD in these circumstances.
- 2.3 Whilst out of date in terms of its provisions for housing, the adopted Local Plan includes other policies that can help to guide development moving forward. In addition, the NPPF of course provides up to date national policy.
- 2.4 Together, these existing document provide a national and local policy basis for the consideration of planning applications. Given that the IPSHD can only carry limited weight (as accepted by the Council), and cannot create wholly new policy, we question the merits of the document as a matter of principle.

#### References to Emerging Policies in the Chichester Local Plan Review

- 2.5 Throughout Section 6 of the IPSHD the Council makes reference, under each of the identified twelve criteria, to relevant local policies and in so doing, makes reference both to policies in the adopted Local Plan and to policies in the emerging Local Plan Review.
- 2.6 We consider that all references to the emerging Local Plan Review should be deleted.
- 2.7 As the Council is aware, the Local Plan Review is only at Regulation 18 stage and, by definition, in its infancy. The Council itself acknowledges (paragraph 3.5) that these emerging policies can carry no more than very limited weight. On that basis it is unsound and inappropriate in our view to test planning applications against policies in the emerging Local Plan Review. Indeed, the presentation of policies in Section 6 of the IPSHD gives the impression, presumably unconsciously, that adopted and emerging policies are of equal relevance / weight - something that is clearly not correct.

### 3.0 Introductory Text

#### Paragraph 1.3

- 3.1 The Council states that its local housing requirement (from July 2020) will be 628 dwellings per annum (dpa) rather than the 435 dpa in the adopted Local Plan. However, no explanation is given as to how this number has been arrived at. This is surprising given that the housing requirement identified by the Council is materially lower than the figure of 753 dpa that is produced when applying the government's standard method – which the Council accepts is the appropriate methodology.
- 3.2 The Council must therefore explain how it has arrived at this 628 dpa figure. Given the current lack of clarity on this key issue, we reserve the right to comment further once the Council has provided such clarification.

#### Paragraphs 2.1 & 2.3

- 3.3 As referenced previously, and consistent with the NPPF, we support the Council's objective to proactively boost its housing land supply to achieve, as a minimum, a 5-year housing land supply. It must of course be remembered, and we consider that the IPSHD should specifically recognise, that the NPPF is clear (paragraph 60) that the standard method in any event establishes only a minimum housing requirement.

#### Paragraphs 4.3 & 4.7

- 3.4 We acknowledge the Council's aspiration, having regard to the identified land supply shortfall, for sites to deliver housing at the earliest opportunity. We also understand the intention in seeking to apply conditions requiring the commencement of development within 2 years, noting that the PPG supports, in principle, consideration of such an approach (ID21a-027).
- 3.5 However, whilst we recognise and support the intent, as currently expressed we consider that the Council's suggestion is too crude and should be amended. Outline planning applications are, for some sites / developments, wholly appropriate. By definition, outline applications / permissions subsequently require the working up and approval of reserved matters (and the

discharging of some conditions) before a start on site can be made. In many cases, two years from the date of an outline planning permission may simply not be long enough, from a practical perspective, for development to be implemented.

3.6 Importantly, however, that is not to say that such outline applications will not generate meaningful levels of housing delivery in the 5-year period, which is the key consideration. Indeed, as outline applications are often most appropriate for larger developments, these schemes will often deliver the greatest number of new homes.

3.7 Accordingly, whilst we support the Council's intent in this regard, we consider that a blanket application of an assumed 2-year commencement requirement is too crude. Instead, we consider that the Council should identify in the IPSHD that housing delivery is key given the land supply shortfall and that consideration will be given to granting permissions with shorter commencement timescales. However, the IPSHD should clarify that ultimately matters will be considered flexibly, on a case by case basis, having regard to the ability to deliver meaningful levels of housing within 5 years.

#### Paragraph 4.6

3.8 We support the identification of Chichester as a larger settlement with a range of facilities (and clearly the most sustainable settlement in the district) that is capable of / appropriate to accommodate larger scale developments.

3.9 We agree also that the density of development may be higher in the most sustainable locations. However, the Council is right to apply this with appropriate flexibility having regard to issues of character and appearance (see our response to Criterion 4 later in this response).

## **4.0 Section 6 – Interim Housing Policy Statement**

4.1 Section 6 of the IPSHD identifies the proposed 'Interim Housing Policy Statement' itself and, specifically, the twelve criteria that the Council proposes to apply in considering planning applications. We address some of these in turn below.

#### Criterion 1

- 4.2 We understand the logic in considering whether a proposed development site is, in whole or in part, located adjacent to an existing settlement. However, this criterion should additionally acknowledge that the Council has already, in the adopted Local Plan, identified a number of Strategic Development Locations (“SDLs”) as sustainable locations for development, and that proposals that would make better use of land within an existing SDL will also be considered to meet this criterion (such development may also of course be situated adjacent to an existing settlement).

#### Criterion 4

- 4.3 We acknowledge the fact that the NPPF requires that development proposals make the best and most efficient use of land. However, the NPPF is clear (paragraph 122) that what constitutes efficient use of land must also have regard to a series of additional factors, including the desirability of maintaining an area’s prevailing character and setting.
- 4.4 The Council is right to reflect this qualification in Criterion 4.

#### Criterion 5

- 4.5 We are unclear as to what exactly the Council intends with Criterion 5 but at face value it seems to create new policy outside the development plan process. Protecting the inter-visibility between the South Downs National Park and the Chichester Harbour AONB is not a policy requirement in the adopted Local Plan.
- 4.6 Policies 47 and 48 of the adopted Local Plan do identify requirements to protect views of the Chichester Harbour AONB and the South Downs National Park separately. We also note that some of the policies for specific SDL’s in the adopted Local Plan include specific policy requirements that refer to these views. However, the inter-visibility between the two designations is not an adopted policy requirement.
- 4.7 The Council cannot introduce new planning policy outside the development plan process. If it wishes to introduce new policy requirements such as this then it should do so through the Local Plan Review, supported by appropriate evidence, where it can then be appropriately considered and tested.
- 4.8 This criterion should accordingly be amended / deleted.

#### Criterion 6

- 4.9 The Strategic Wildlife Corridors referenced in this criterion are not identified in the adopted Local Plan and are instead considerations introduced in the emerging Local Plan Review. This is acknowledged by the Council, as the only policy / evidence referenced in this regard is to an emerging Local Plan Review policy and an associated Background Paper. The Local Plan Review is, as the Council accepts, at a very early stage and can only be given very limited weight.
- 4.10 For the reasons set out elsewhere, this criterion should be deleted.

#### Criterion 8

- 4.12 Whilst the principles of sustainable design and construction are already included in the adopted Local Plan, this criterion seeks to introduce additional environmental standards with reference to emerging and as yet untested Local Plan policies.
- 4.12 Whilst we support the delivery of high quality development, new local level design and construction standards must come forward as part of the development plan process i.e. through the Local Plan Review, where they can be evidenced, and examined, appropriately. As such, this criterion should be amended suitably to amplify only adopted Local Plan policies, or deleted.

#### Criterion 9

- 4.13 We support the objective of this Criterion 9 i.e. to ensure that developments respect the setting of heritage assets. This is of course an objective set out clearly in the NPPF and the adopted Local Plan.
- 4.14 However, the criterion as drafted is too blunt and, as a consequence, does not accord with the NPPF. For example, the NPPF (paragraphs 194 and 195) specifically allows for developments to be approved where there is harm to heritage assets, provided that an applicant can demonstrate that this harm is outweighed by the public benefits of the proposals.
- 4.15 Criterion 9 should be amended to accord with national planning policy requirements.