



WYG Ref: HP19007
10th July 2020

Planning Policy,
Chichester District Council,
Sent Electronically only to
planningpolicy@chichester.gov.uk

Dear Sir/Madam,

RE: Response to Consultation July 2020 – Chichester District Council Draft Interim Policy Statement for Housing Development

On behalf of our clients, Miller Homes and Linden Homes (now part of the Vistry Group), I write in response to the Council's current consultation on the Chichester District Council Draft Interim Policy Statement for Housing Development (hereafter referred to as 'IPS'). My clients have a continued interest in the land known as West of Chichester (the site) which is currently allocated through the adopted Chichester Local Plan (Policy 15) for 1,600 new homes and associated community, green and highways infrastructure.

The site was granted outline permission in April 2018 and now benefits from a series of subsequent Reserved Matters approvals for the main green infrastructure and spine road on site and the first circa 480 homes. Reserved Matters applications continue to be progressed for the remaining elements of the 'phase 1' site. Commencement of the onsite infrastructure started at the beginning of this year and is due to re-start imminently following a pause due to Covid-19. Miller Homes and Linden Homes also remain committed to bringing forward the second phase of the site and hope to begin public consultation on the important southern access later this year if current circumstances related to Covid-19 allow an inclusive and effective public consultation event to take place.

The site is the largest current Strategic Allocation in the adopted Local Plan and hence delivers a large part of the District's housing requirement and 5-year supply. It is critical therefore that the site is able to deliver new homes in a timely fashion if the forecast delivery rates for the site are to be met. As the Local Planning Authority, CDC have an important role to play in this regard through their planning policy and consenting functions. Miller Homes and Linden Homes therefore welcome the commitment within the IPS to "*Prioritising progress on delivery of known sites, including West of Chichester... [and] Inviting developers to intensify and speed up development, on sites already underway*" (Paragraph 2.4). My clients look forward to working creatively and proactively with the Council to achieve these aims to



boost the speed with which homes on site can be delivered and also exploring ways in which development on site can be intensified.

With this in mind, Criterion 4 of the IPS, which encourages planned higher densities, is also supported. The site is planned as a highly sustainable community, which will include a new school, community centre, retail, sports facilities and green infrastructure. The majority of the infrastructure will also come forward in the first, current, phase of the site. We have previously set out, in our Regulation 18 representation on the draft Chichester District Council Local Plan Review to 2035 how densities on the site could potentially be sustainably increased. Our Regulation 18 consultation response is attached for convenience and remains of relevance. Therefore, in the examples of sustainable locations given, reference to existing allocated Strategic Development Land should also be explicitly added, which would help reinforce the Council's commitment to assisting developers intensify development on sites underway. For example, as set out in our Regulation 18 consultation response to the Local Plan Review, we believe it is likely there will be a reduced demand for employment space that will allow for more dwellings on the site. We also believe there are opportunities for increasing densities on the second part of the site in recognition of the site's high sustainability. We look forward to working with the Council to find ways for this existing allocation to deliver higher densities on what will be a highly sustainable site.

However, Miller Homes and Linden Homes have concerns regarding a number of the other proposed 'criterion' by which proposals for development will be assessed against. Most concerning is criterion 8 (Sustainability Measures). The inclusion of this criterion, in effect, attempts to bring forward proposed policies of the Local Plan Review as its requirements are not directly comparable to existing policies within the adopted local plan. Elements of Criterion 8 do draw on adopted Policy 40. However, criterion 8 goes significantly further, requiring specific Dwelling Emission Rates to be met (bullet 2), mandating a specific level of renewables to be provided (bullet 3) and requiring implementation of electric vehicle charging infrastructure (bullet 4), all to be supported by a Sustainability Statement. The soundness and effectiveness of these requirements, and criterion 8 as a whole, has not been robustly examined as part of a local plan examination.

It is appreciated that parts of criterion 8 are included in the 'preferred approach (reg 18)' version of the plan (draft policy DM16), however, there remain a significant number of unresolved objections to the draft policy and the plan remains some way from adoption, meaning policy DM16 of the draft plan cannot be given any weight (Para. 48, NPPF 2019). The inclusion of such 'guidance' within the IPS therefore unacceptably pre-empts the examination of the Local Plan Review, and in any case, is not the appropriate or correct vehicle for bringing forward such a shift in the assessment of planning applications. This is supported by case law which has determined that development management



policies, which are intended to guide the determination of applications for planning permission, should be contained within a Local Plan as defined by the Town and Country Planning Regulations (2012).¹

Whilst supporting the aspirations of emerging policy DM16, we have previously raised our concerns regarding the wording of the draft policy as part of our consultation on the Regulation 18 version of the Local Plan Review. The intention of the IPS is to help guide the location of development and provide a level of certainty for developers at a time when CDC are unable to demonstrate a 5-year supply of housing. The inclusion of additional untested standards risks having the opposite affect by adding unnecessary uncertainty and delay for developers, undermining the very purpose of the IPS to help facilitate the swift delivery of housing. Miller Homes and Linden Homes support sustainable design and construction and strive to minimise the environmental impact of development during construction and post occupancy and hence commend the aspirations of the emerging policy DM16. However, given the above, Criterion 8 of the IPS is not supported and should be deleted.

Finally, it would provide added certainty if the IPS clarifies how the various criteria of the IPS will be applied, if at all, to existing allocations in the plan. A number of criteria included in the IPS essentially replicate existing polices in the adopted plan and do not directly relate to housing, for example Criterion 10 relating to transport and Criterion 11 relating to flooding. The adopted Local Plan should remain the starting point for assessment of such matters on allocated sites until such time as the Local Plan Review is adopted.

Overall, we are supportive of the intentions of the IPS and particularly welcome the commitment made by the Council to prioritising and intensifying delivery on existing allocations including West of Chichester. We look forward to further discussion with CDC about how this can be achieved in practice. Finally, should you require any further clarification on any of the matters raised in this response please contact either myself or my colleague, Dr Chris Lyons, on 023 8202 2800 or by email at nick.billington@wyg.com or chris.lyons@wyg.com.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'N. Billington'.

Nick Billington MRTPI
Associate Planner
WYG

CC.
Linden Homes and Miller Homes
Enc.

Regulation 18 Consultation Response to the CDC LPR to 2035

¹ William Davis Ltd, Bloor Homes Ltd, Jelson Homes Ltd, Davidson Homes Ltd & Barwood Homes Ltd and Charnwood Borough Council [2017] EWHC 3006 (Admin).