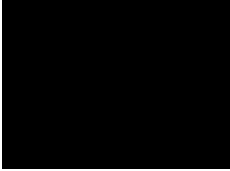


Donna-Maria Thomas



Dear Sir/Madam,

I am emailing as a member of the public who has been invited to make comments on the proposed new Chichester District Council Local Plan.

Firstly, I have been invited to comment on whether the plan is legally compliant. With this in mind, I would question whether it is. I am aware that there is legislation which is designed to protect Chichester Harbour, namely, I believe, the Chichester Harbour Conservancy Act 1971. This legislation gives the Harbour Conservancy a duty to conserve, maintain and improve the harbour. In the proposed local plan it states:

*“4.120. In February 2018 the Chichester Harbour designated Site of Special Scientific Interest (SSSI) was downgraded from ‘Unfavourable – recovering’ to ‘Unfavourable – no change’. Further assessment during 2019/20 found that more than 3000ha of the intertidal parts of Chichester Harbour were now ‘Unfavourable – declining’. A specific policy is therefore required to address this issue. Nitrates finding their way into the Harbour (from a variety of sources) cause algal growth which is harmful to wildlife. Although the proportion of total nitrogen originating from new development is very small, it is important that this source is addressed whilst other measures, such as catchment management, are undertaken to reduce other inputs and recover wildlife.”*

Concerning nitrate mitigation, I note that the South Downs National Park Authority (SDNPA) are not able to guarantee any further land to offset nitrates and this will impact the number of houses which can be built in the area. The SDNPA has made this clear in the letter they have submitted in consultation regarding Policy A11 (attached). There are, I believe, several proposed sites in the local plan which will need to be able to show they have nutrient neutrality and at present, they cannot do this. With this in mind, I suggest that it would be wrong to propose the site referred to in Policy A11 and any other sites where this matter applies.

In addition to the issue of nitrates, there is also the issue of water pollution which is blighting the harbour. Building over 10,000 new houses in the district is going to exacerbate both nitrate and wastewater pollution. A study by Chichester Clean Harbours Partnership (attached) shows that at five sites which were tested within Chichester Harbour, all failed tests for E.coli and Feral Streptococci levels which suggests water quality in the harbour is being impacted by the constant outflows of sewage which are happening across the thirteen outlets which Southern Water control and discharge directly into the harbour. Last year’s data shows that Southern Water spent over 19% of the year releasing untreated sewage into the Chichester Harbour waters. This is evidence that Southern Water is either unable or unwilling to cope with treating the wastewater generated by the housing in the district so to propose 10,000 further houses with no guaranteed upgrades to the wastewater treatment seems ludicrous and a dereliction of the statutory legislation designed to protect the harbour.

For these reasons I would question whether the plan can be judged as legally compliant.

The second area I have been invited to consider is whether the proposed plan is 'sound'. To this, I would suggest that there are so many contradictions between what the plan proposes and what is found in the National Planning Policy Framework (NPPF), other consultation documentation and the plan itself that I believe the plan cannot be found to be sound. As an example two examples referred to above:

To allow building to go ahead on land without being able to guarantee nitrate offset brings the plan into conflict with itself (Policies NE12, NE13, NE19)

To allow building to go ahead which is guaranteed to increase sewage outflow into the harbour brings the plan into conflict with itself (Policies NE12, NE13, NE16, NE17)

The focus of most of the plan seems to be on providing housing. However, the NPPF makes it clear that house building needs to be sustainable and include infrastructure in order to meet the economic objective and that there is an environmental objective to be considered both of which I do not believe this plan is meeting.

The proposed local plan does not include any guaranteed upgrades to the strategic road network but does refer to the fact that the congestion on the roads is a major concern for the residents of the Chichester District. (Proposed Local Plan Point 8.3) I am aware that the strategic road network is an issue outside of the Council's control but again, to propose adding 10,000 plus housing to the area when they are aware of the serious congestion problem seems nonsensical, especially now in the light of the government removing mandatory house building targets.

The main issue the Chichester District seems to have is that within the boundary, there is a large percentage of land which is protected from development as SDNP and AONB land. What this plan seems to be doing is trying to cram 90% of the original government-proposed allocation of housing into 23% of the land in the district. It stands to reason that this will have a detrimental impact on the road network. In addition, Chichester District Council are aware that the major junctions on the A27 have been operating at capacity since the last local plan was written and in their transport assessment published in January 2023, they have made reference to the major junctions now all operating well over capacity (CDC Local Plan Transport Assessment 2039 Point 11.2.1) and have made reference to the fact that there has been no mitigation which was proposed in the previous local plan to most of the junctions (CDC Local Plan Transport Assessment 2039 Point 1.3.2). Therefore building more housing without guaranteed upgrades to the road network would seem both unfair to the residents and businesses who are already suffering the daily challenge of congestion and unethical in the light of the plan which contains several policies referring to minimising the climate crisis, reducing pollution and only allowing development which does not exacerbate congestion and road use. Once again this brings the plan into conflict with itself because the additional congestion is going to impact both pollution in general and air pollution specifically (Policies NE20, NE22)

The NPPF suggests that there is a presumption in favour of sustainable development but I would argue that trying to fit too many houses into a small, already over-congested area, is not sustainable and does nothing to enhance the lives of people who already live in the area. Of the three objectives in the NPPF (economic, social and environmental) this plan only seems to address the social objective of providing more housing. It does not address the economic objective because of the strain building 10,000 further houses will create on already weak infrastructure.

More importantly, it does nothing to address the environmental objective because it will increase pollution and exacerbate problems with the sewage network and the road network which already exist.

In conclusion, with reference to whether the plan is sound, I do not believe it can be judged as sound because, aside from contradicting itself and not fulfilling the objectives outlined in the NPPF as I have highlighted above, the plan is not taking into account local people's wishes. There have been several action groups set up and demonstrations against further building in the area on the large-scale proposed here. Neighbourhood Plans have been completely disregarded and people in the area have genuine concerns about the impact of pollution on the harbour, the relentless building with no additional infrastructure and the detrimental impact of building on farmland and the implications for biodiversity and agricultural security as well as coalescence of our villages and strain on already overburdened resources such as doctors, schools and village shops.

I can speak concerning Policy A11 because this directly affects where I live but I will also try to highlight below other policies where I know the proposed sites conflict with what is in the neighbourhood plan and conflict with statements in the local plan.

Our neighbourhood plan has been ignored and the site proposed was the site deemed least suitable for development and conflicts with the statements in the local plan in the following ways:

- 1) The site is greenfield land and there is brownfield land available capable of being used for smaller-scale development (Burns Shipyard). This would appear to be the case with most of the proposed sites being greenfield land. (Policies A6, A10, A11, A12 A13 and A14). The NPPF states that where possible preference should be given to using brownfield land for development before allowing development on Greenfield or agricultural land.
- 2) The site is wholly outside of the Bosham settlement boundary which in the plan would define this as the countryside. The local plan states in Chapter 3, that development in the countryside should be 'restricted' to what is essential and meets the proposed needs as defined by policy NE10. The site chosen does not meet the criteria set in policy NE10 and proposing the site, therefore, puts it into contradiction with the plan.
- 3) The site proposed for Policy A11 is grade 1 and 2 productive agricultural land. The local plan states that it will seek to protect the best and most versatile agricultural land from large-scale, inappropriate or unsustainable non-agricultural development proposals that are not in accordance with the Development Plan. (Local Plan Point 4.8) However for the sites A1, A12 and A14 this does not seem to be the case. In the case of some of the land proposed from Policy A14, I believe the land has been compulsorily purchased from farmers. A large majority of the land proposed for development in the local plan is viable and productive agricultural land.
- 4) The site's overflow wastewater discharges from the Bosham outlet into the Bosham channel. This outlet has been the most compromised in 2022 and has discharged for the largest amount of hours out of all 13 outlets that discharge into Chichester Harbour.
- 5) The site proposed for Policy A11 has no proposed primary school provision. The local village school is at capacity and is unable to be expanded on its current site because there is no land

available. Instead, the children from this proposed development will be expected to go to school outside of the village and this will inevitably lead to more cars on the roads as the proposed schools with places are not accessible by public transport or within walking/cycling distance. Again, this is a theme common to Policy A12.

- 6) The site proposed in Policy A11 suggests that the land is likely to suffer from groundwater and surface runoff flooding. The likelihood of flooding is greatest along the western boundary of the site which abuts the existing development of Broad Road. Broad Road already suffers periods of flooding. The NPPF says that new development should not increase the likelihood of flooding at existing developments.
- 7) The vehicle access to the A259 is via one vehicle access point only, which is likely to exacerbate air pollution at peak times with cars idling to access the A259.
- 8) The proposed additions to the village will be a fourth community hall, which there is no desire or need for and no end-user has been identified to maintain, allotments which were specifically proposed at the initial consultation and rejected as the least popular choice of an additional community facility and a mini football pitch which has been hastily added and squeezed onto the site of inadequate size and with inadequate parking provision to make it a usable asset.

For all of these reasons, I believe that the proposed local plan cannot be judged to be sound. There were several hundred objections to Policy A11 and I believe there would be true for most of the sites proposed. Our local neighbourhood plans have not been taken into account when producing this plan and this is against what is stated in the NPPF which suggests that Neighbourhood Plans give communities the power to develop a shared vision for their area. (NPPF Point 29)

The last area I have been invited to consider is if the proposed local plan meets the duty to co-operate. In this respect, I feel that the duty to co-operate seems to have been viewed as more a 'duty to consult' Whilst there has arguably been consultation between appropriate bodies and other local authorities, I do not believe the plan reflects the advice that has been given. Again, coming back to Policy A11 as an example the SDNPA, Chichester Harbour Conservancy, Southern Water and National Highways have all raised reservations about the proposed scale of development and the impact it will have on the Bosham area and local infrastructure. However, the reservations have not been heeded and the proposed development is still much the same as it was at the outset. Again, local plans have been ignored and local voices have not been heard. Whilst I am aware that the duty to co-operate is not a duty to agree, if every aspect of a consultation is ignored, I would argue this can hardly equate to co-operation.

In conclusion, I understand the importance of having a local plan and I understand the constraints that Chichester District Council is under due to the available land infrastructure constraints it faces which are largely outside of its control. However, because of the above, and that they have now been given the freedom to deviate from mandatory government house building targets, I would ask you to pay scrutiny to the number of houses in the proposed plan and recommend to Chichester District Council that they need to go back and rewrite the plan to reduce house building to a sustainable level of 23.5% of the government proposed allocation to reflect the percentage of land which is available in the district for development. I also recommend that there be a moratorium on further development in the district until the issues of water pollution by nitrates

and sewage can be addressed and until there are the mitigation measures proposed in the transport assessment to allow for further house building.

Thank you for taking the time to read my letter.

Yours faithfully,

Donna Thomas