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# Report to Chichester District Council

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Inspectors appointed by the Secretary of State

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Planning and Compulsory Purchase Act 2004 (as amended)

Section 20

# Report on the Examination of the Chichester Local Plan 2021-2039

The Plan was submitted for examination on 3 May 2024

The examination hearings were held between 1 October and 13 November 2024

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## Abbreviations used in this report

AONB Area of Outstanding Natural Beauty / National Landscape

AQMA Air Quality Management Areas

CATM Chichester Area Transport Model

DfT Department for Transport

DPD Development Plan Document

HDAs Horticultural Development Areas

HEDNA Housing and Economic Development Needs Assessment

LDS Local Development Scheme

LHN Local Housing Need

NPPF National Planning Policy Framework

OAN Objectively Assessed Need

PPG Planning Practice Guidance

PPTS Planning Policy for Traveller Sites

SAC Special Area of Conservation

SFRA Strategic Flood Risk Assessment

SPA Special Protection Area

TIMG Transport Infrastructure Management Group

ULEV Ultra Low Emissions Vehicle

WRZ Sussex North Water Resource Zone

2004 Act Planning and Compulsory Purchase Act 2004 (as amended)

2012 Regulations Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)

## Non-Technical Summary

This report concludes that the Chichester Local Plan 2021-2039 (the Plan) provides an appropriate basis for the planning of the plan area provided that a number of main modifications [MMs] are made to it. Chichester District Council has specifically requested that we recommend any MMs necessary to enable the Plan to be adopted.

Following the hearings, the Council prepared schedules of the proposed modifications and, where necessary, carried out sustainability appraisal and habitats regulations assessment of them. The MMs were subject to public consultation over a seven-week period. In some cases we have amended their detailed wording and/or added consequential modifications where necessary. We have recommended their inclusion in the Plan after considering the sustainability appraisal and habitats regulations assessment and all the representations made in response to consultation on them.

The Main Modifications can be summarised as follows:

* To ensure that the Plan would be effective in providing for a monitor and manage approach to traffic issues relating to the A27, part of the strategic road network
* To increase the housing requirement to 11,484 for the plan period so that the Plan meets objectively assessed housing need
* To provide for a stepped housing requirement, with the annual provision of housing development to increase in the latter part of the plan period once the monitor and manage arrangements are established
* To make clear how the overall housing requirement would be met by the various parts of the modular development plan in the plan area
* To increase the percentage of custom/and or self-build housing which should be provided on strategic housing sites to meet identified needs
* To amend the Horticultural Development Areas Policies to clarify the types of development which will be permitted within the designated areas
* To identify the strategic policies of the development plan consistent with national policy
* To add a new policy to the Plan for the monitoring of traffic and the proportion of petrol and hybrid vehicles and ULEVs on the A272, passing the Mens SAC to address potential in-combination effects on the SAC with development in Horsham District
* Amendments to the Council’s approach to development affecting the historic environment so that they are consistent with national policy
* To make detailed adjustments to particular site allocations; and
* A number of other modifications to ensure that the Plan is positively prepared, justified, effective and consistent with national policy

## Introduction

1. This report contains our assessment of the Chichester Local Plan 2021-2039 in terms of Section 20(5) of the Planning and Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan’s preparation has complied with the duty to co-operate. It then considers whether the Plan is compliant with the legal requirements and whether it is sound. The National Planning Policy Framework September 2023 (NPPF), in paragraph 35 makes it clear that in order to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy.
2. The starting point for the examination is the assumption that the local planning authority has submitted what it considers to be a sound plan. The Chichester Local Plan 2021-2039: Proposed Submission, submitted in May 2024 is the basis for our examination. It is the same document as was published for consultation in February 2023.

### Main Modifications

1. In accordance with section 20(7C) of the 2004 Act the Council requested that we should recommend any MMs necessary to rectify matters that make the Plan unsound and/or not legally compliant and thus incapable of being adopted. Our report explains why the recommended MMs are necessary. The MMs are referenced in bold in the report in the form **MM1, MM2** etc, and are set out in full in the Appendix.
2. Following the examination hearings, the Council prepared a schedule of proposed MMs and, where necessary, carried out sustainability appraisal and habitats regulations assessment of them. The MM schedule was subject to public consultation for seven weeks (allowing additional time due to the Bank Holidays which fell within the consultation period). We have taken account of the consultation responses in coming to our conclusions in this report and in this light we have made some amendments to the detailed wording of the MMs and added consequential modifications where these are necessary for consistency or clarity[[1]](#footnote-1). We have also made typographical corrections to several MMs. None of the amendments significantly alters the content of the modifications as published for consultation or undermine the participatory processes and sustainability appraisal/habitats regulations assessment that has been undertaken. We have highlighted these amendments in the report.

### Policies Map

1. The Council must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted development plan. When submitting a local plan for examination, the Council is required to provide a submission policies map showing the changes to the adopted policies map that would result from the proposals in the submitted local plan. In this case, the submission policies map comprises the set of plans identified as Schedule of Proposed Changes to the Policies Map as set out in SD02.
2. The policies map is not defined in statute as a development plan document and so we do not have the power to recommend MMs to it. However, a number of the published MMs to the Plan’s policies require further corresponding changes to be made to the policies map. In addition, there are some instances where the geographic illustration of policies on the submission policies map is not justified and changes to the policies map are needed to ensure that the relevant policies are effective.
3. These further changes to the policies map were published for consultation alongside the MMs (MC02 Schedule of Modifications to the Local Plan Policies Map).
4. When the Plan is adopted, in order to comply with the legislation and give effect to the Plan’s policies, the Council will need to update the adopted policies map to include all the changes proposed in the Schedule of Proposed Changes to the Policies Map and the further changes published alongside the MMs.

## Context of the Plan

1. The policies of the Plan relate to the parts of Chichester District outside of the South Downs National Park. The Plan will supersede the policies of the Chichester Local Plan 2014 – 2029. It will form part of the development plan for the area, along with the Site Allocation Development Plan Document 2014 – 2029, made Neighbourhood Plans and the adopted Waste Local Plan and Minerals Local Plan. Further development plan documents (DPD) are to be prepared which we refer to later.
2. The plan area, which is formed of two parts bisected by the National Park, includes parts of the Chichester Harbour National Landscape (AONB), Chichester and Langstone Harbours Special Protection Area (SPA) and Ramsar sites, Pagham Harbour SPA and Ramsar sites, Solent Maritime Special Area of Conservation (SAC), and Solent and Dorset Coast SPA. It also has a rich built heritage, including in Chichester the Cathedral, Bishops Palace, and Roman Walls. The A27 road, part of the strategic road network, runs through the southern part of the Plan area.

## Public Sector Equality Duty

1. We have had due regard to the aims expressed in S149(1) of the Equality Act 2010. This has included our consideration of several matters during the examination including the provision of sites for gypsies and travellers and travelling showpeople, and policies for accessible and adaptable housing.

## Assessment of duty to co-operate

1. Section 20(5)(c) of the 2004 Act requires that we consider whether the Council complied with any duty imposed on it by section 33A in respect of the Plan’s preparation.
2. The Council’s Duty to Cooperate Statement of Compliance (SD06) identifies the strategic matters as being transport, housing, meeting needs of Gypsy and Travellers and Travelling Showpeople, Infrastructure, Water Neutrality, Nutrient Neutrality, Flood Management, Natural Environment and Air Quality. None of the Duty to Cooperate Bodies has made representations to the effect that they consider that the duty has not been complied with. Outcomes of the duty to cooperate include the proposed Transport Infrastructure Management Group (TIMG) to oversee the delivery of the monitor and manage approach to A27 transport mitigation, and a water neutrality offsetting scheme.
3. We are satisfied that where necessary the Council has engaged constructively, actively and on an on-going basis in the preparation of the Plan and that the duty to co-operate has therefore been met.

## Assessment of Other Aspects of Legal Compliance

1. The Plan has been prepared in accordance with the Council’s Local Development Scheme (LDS).
2. Consultation on the Plan and the MMs was carried out in compliance with the Council’s Statement of Community Involvement.
3. The Council carried out a sustainability appraisal of the Plan, prepared a report of the findings of the appraisal, and published the report along with the Plan and other submission documents under regulation 19. The appraisal was updated to assess the MMs.
4. The Plan is the outcome of a protracted plan making process which started in 2016. During that time, the Plan has evolved into that submitted for examination, and that evolution has included the proposed plan period being altered as time has passed. Sustainability appraisal is an iterative process which has been undertaken through the plan making process with an initial report published in 2017, an interim report in 2018/19, and the sustainability appraisal report being produced in 2023. Options and reasonable alternatives were considered through the sustainability appraisal process. We are satisfied that the sustainability appraisal published at the MM stage is clear in signposting to where relevant decisions were made in the consideration of reasonable alternatives.
5. The spatial development strategy in Policy S1 of the submitted Plan, amongst other things, aims to reinforce the role of the Manhood Peninsula as a home to existing communities, tourism and agricultural enterprise, and the Plan does not allocate further land for housing development there. That said, examination document CDC15.02 indicates that the broad distribution of development in the Plan is for there to be 1,094 dwellings at the Manhood Peninsula in the plan period. CDC19, the written note on housing completions and future delivery by sub area, identifies that around 10% of future delivery of houses will be at the Manhood Peninsula. The provision of further housing at the Manhood Peninsula was considered through the sustainability appraisal process in the plan making process with reasonable alternatives considered and assessed as appropriate at different stages in plan preparation. There are clear reasons why the Council decided not to make further allocations at the Manhood Peninsula, and the sustainability appraisal is clear as to why that decision was made.
6. The Habitats Regulations Assessment January 2023 (SD04) sets out that a full assessment has been undertaken and that the Plan may have some negative impact which requires mitigation. The critical level screening threshold for ammonia would not be exceeded by the Plan and no significant effects would arise from the Plan alone. However, the development proposed in the Plan, in combination with that proposed in Horsham District, was predicted to give rise to an increase in ammonia which could affect the integrity of the Mens SAC. The Mens is an extensive area of mature beech Fagus sylvatica woodland rich in lichens, bryophytes, fungi and saproxylic invertebrates, and is one of the largest tracts of Atlantic acidophilous beech forests in the south-eastern part of the habitat’s UK range.
7. Whilst this in-combination breach of the 1% critical threshold is not expected to occur until late in the plan period, it was not addressed effectively by the submitted Plan. Whilst consideration had been given to ‘soft’ mitigation measures, including incentivising and advertising the benefits of Ultra Low Emissions Vehicles (ULEV), these would not however be sufficiently certain to be considered as being effective to prevent the Conservation Objectives of the Mens SAC being compromised.
8. Since the Plan was submitted there has been a change in circumstances in regard to the emerging Horsham Local Plan which is also subject to examination. The Inspector examining that plan has recommended it be withdrawn and a new plan is prepared. Therefore, whilst in-combination effects to the Mens SAC may occur as a result of a new Horsham Local Plan, the situation at present is unknown.
9. A new Policy is proposed (**MM14**) which sets out that the Council will undertake the monitoring of traffic and the proportion of petrol and hybrid vehicles and ULEVs on the A272 passing the Mens SAC, as part of a review of the Plan within 5 years of adoption or any earlier review. By that time, there should be greater clarity about any potential in-combination effects with development in Horsham. In the event that the monitoring identifies that the trajectory of the combined petrol and hybrid vehicle trips on the A272 passing The Mens SAC is likely to be higher than 14% of total trips by March 2039 then the following should happen. That is that any development proposals in the North of the Plan area for a net increase in housing must demonstrate they will not, from the outcome of the monitoring onwards, contribute to any cumulative increase in ammonia arising in the Mens SAC that would result in an in-combination effect above the 1% critical level threshold from the base date of 2022. The new Policy also sets out the necessary mitigation measures to avoid the threshold being exceeded.
10. The Habitats Regulations Assessment (March 2025) (MC05) has been updated to this effect and the Plan is legally compliant in this regard. Given the change in circumstance in respect of the emerging Horsham Local Plan, we have amended **MM14** so that the new policy would take effect if required, with consequential changes to the explanatory text and the Monitoring Framework (in **MM86**). Given that the change to the MM which was consulted upon is one that flows from a clear factual change in circumstances and that the new Policy as supported by Natural England through the MM consultation would still take effect if needed, we do not consider that prejudice will occur to any party. As a result of **MM14** the Plan would also be effective and consistent with national policy in respect of meeting the conservation objectives of the Mens SAC.
11. The Development Plan, taken as a whole, includes policies to address the strategic priorities for the development and use of land in the local planning authority’s area.
12. The Development Plan, taken as a whole, includes policies designed to secure that the development and use of land in the local planning authority’s area contribute to the mitigation of, and adaptation to, climate change. The policies of this Plan which contribute towards mitigation and adaptation include Policy NE1 Stand-alone Renewable Energy, Policy NE5 Biodiversity and Biodiversity Net Gain, Policy NE8 Trees, Hedgerows and Woodlands, Policy NE11 The Coast, Policy NE12 Development around the Coast, Policy NE14 Integrated Coastal Zone Management for the Manhood Peninsula, Policy NE15 Flood Risk and Water Management, Policy NE16 Water Management and Water Quality, Policy NE22 Air Quality, Policy P1 Design Principles, Policy P8 Materials and Detailing, Policy P9 The Historic Environment, Policy P10 Listed Buildings, Policy P14 Green Infrastructure, Policy T1: Transport Infrastructure, Policy T2 Transport and Development, Policy T3 Active Travel – Walking and Cycling Provision and Policy I1 Infrastructure Provision*.*
13. As required by section 245 of the Levelling-up and Regeneration Act 2023, in examining the Plan we have sought to further the purpose of conserving and enhancing the natural beauty of the Chichester Harbour Area of Outstanding Natural Beauty (AONB). In so doing, we have taken account of the Chichester Harbour Management Plan 2019-2024 (RCC08) and other relevant evidence. As a consequence, and to ensure consistency with national planning policy and relevant guidance, we recommend a number of MMs to the Plan. These are set out under the relevant main issues of this report. Whilst AONBs have been renamed as National Landscapes, in this report we refer to AONBs so as to be consistent with the appropriate legislation and National Policy. To be effective, **MM2** confirms that the Chichester Harbour AONB has been renamed as a National Landscape and explains how it is referred to in the Plan.
14. The Plan complies with all other relevant legal requirements, including in the 2004 Act (as amended) and the 2012 Regulations.

## Assessment of Soundness

### Main Issues

1. Taking account of all the representations, the written evidence and the discussions that took place at the examination hearings, we have identified 10 main issues upon which the soundness of this plan depends. This report deals with these main issues. It does not respond to every point or issue raised by representors. Nor does it refer to every policy, policy criterion or allocation in the Plan.
2. As a consequence of the various MMs recommended to the policies and explanatory text, it is necessary for a number of updates to be made to the various appendices of the Plan. These are required so that the Plan would be justified and effective and are set out in **MM85**.
3. In addition, to be effective and as a consequence of the various MMs recommended, it is necessary to update the Monitoring Framework set out in Appendix F of the submitted Plan. To enable the Monitoring Framework to be justified, text should be added to Appendix F to explain the monitoring arrangements for the policies of the Plan. These changes are set out in **MM86**.
4. The Environment Agency has recently updated its national flood risk mapping. The Council has reviewed its proposed allocations and has stated that the changes to the mapping are minor in nature other than in respect of Policy A14 Land west of Tangmere, which in that case is said to be a result of an error in the flood risk data. In any event, we are also aware that planning permission has now been granted for the development of the Tangmere site. Given this, and that the Plan is at an advanced stage in its preparation in the circumstances where the local planning authority is expected to begin work on a new plan under the revised plan-making system as soon as the relevant provisions are brought into force, we shall take no further action in respect of the updated flood mapping as it is pragmatic to get the Plan into place promptly.

### Issue 1 – Whether the strategic policies of the Plan would look ahead over a minimum of 15 years from adoption as per paragraph 22 of the NPPF?

1. The NPPF in paragraph 22 says that strategic policies should look ahead over a minimum 15 year period from adoption, to anticipate and respond to long-term requirements and opportunities, such as those arising from major improvements in infrastructure. Given that the proposed plan period is for 2021 to 2039, the Plan would not look ahead 15 years from adoption. Depending upon the date of adoption of the Plan, it would look ahead a maximum of 14 years from adoption.
2. In this case, we have had regard to a number of relevant factors. Firstly, the Secretary of State in her letter to local planning authorities (OD04) is clear in regard to plan making, that for plans currently at examination, the examination should continue, although where there is a significant gap between the plan and the new local housing need (LHN) figure (via the proposed new standard method), the Government expects local planning authorities to begin work on a new plan, under the revised plan-making system provided for under the Levelling Up and Regeneration Act 2023 (as soon as the relevant provisions are brought into force). Consequently, there is a clear expectation by the Government in this regard that a new plan for Chichester should be commenced under the revised plan-making system as soon as possible. That is in addition to the requirement for the review of local plans set out in Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012.
3. Secondly, the introduction of a monitor and manage approach to the highways issues in the area concerning the A27 requires a prompt update to transport evidence, and thirdly, the matter of the extent, if any, of unmet housing and employment land need from the South Downs National Park will become known as the National Park Authority progresses its development plan. As the figure for any unmet need is not yet known, the Plan does not make provision for any unmet needs of the National Park.
4. Consequently, we consider it acceptable for the strategic policies of the Plan not to look ahead 15 years from adoption and despite the inconsistency with the strict wording of NPPF paragraph 22, the Plan (as modified) would otherwise be sound. This will ensure that the Plan can progress to adoption and provide a significant boost to housing land supply, whilst setting out the move to the monitor and manage approach in respect of the A27 which we discuss elsewhere in this report.
5. There is no need therefore to modify the Plan to include a policy requirement that an immediate review is undertaken as that would not serve a clear purpose, nor would it avoid unnecessary duplication of policies that apply to a particular area given clear national policy expressed in the current NPPF in paragraph 236.

#### Conclusion

1. Although the strategic policies of the Plan would not look ahead over a minimum of 15 years from adoption as per paragraph 22 of the NPPF, we consider it pragmatic that an otherwise sound Plan should progress to adoption.

### Issue 2 – Is the spatial strategy positively prepared, justified, effective, and consistent with national policy?

1. Policy S1 sets the spatial development strategy for the Plan, defining the principles for the location of new development across the Plan area. Policy S2 sets out the settlement hierarchy.
2. The spatial development strategy focuses the majority of development at Chichester city and within the east-west corridor. Chichester city is defined as the sub regional centre in the settlement hierarchy in Policy S2, which is the highest tier in the settlement hierarchy. Given its shops, services, facilities, employment opportunities and public transport accessibility, it is clearly the key location in the Plan area where development should be focused to achieve sustainable development, whilst the east-west corridor provides public and private transport connectivity to the sub regional centre. The Plan allocates the bulk of the strategic development locations for housing and employment within or around Chichester city, and at the settlement hubs of Southbourne and Tangmere. As illustrated in CDC19 the proposed concentration of development in the sub regional centre and east-west corridor, reflects that of the adopted Chichester Local Plan. This is also reflective of existing development commitments.
3. The sustainability appraisal identifies that traffic on the A27 is a major issue and that the implications of this include a need to distribute housing growth across the southern plan area with a focus on minimising the need to travel and supporting modal shift away from the private car. Also, it identifies that A27 traffic issues should be avoided as far as possible, which in practice means avoiding or minimising development on the Manhood Peninsula.
4. The conclusions of the Strategic Flood Risk Assessment (SFRA) (CC06, 07 and 08) also influenced the Council in the selection of reasonable alternatives in the sustainability appraisal process, and particularly in respect of the Manhood Peninsula. Whilst the robustness of the SFRA has been challenged by a representor promoting land for development in the Manhood Peninsula, we are content that the SFRA, as part of the evidence base, is adequate for the purpose of plan making. In any event the spatial strategy and distribution of development in the Plan are the products of the consideration of a number of factors by the Council.
5. In respect of the Manhood Peninsula, Policy S1 in seeking to reinforce its role as a home to existing communities, tourism and agricultural enterprise, is sound. Whilst the Plan is not making any specific allocation of land for housing development in the Manhood Peninsula, development will nevertheless occur as the identified housing supply which is expected to come from the area is at least 1,094 dwellings excluding windfall development (CDC15.02) in the plan period.
6. Policy S1 criterion 3 sets out that in the north of the plan area the spatial development strategy is for development to support villages and rural communities, including the identification of a strategic site at Loxwood (Policy A15). Five service villages are identified in the settlement strategy in the north of the plan area in Policy S2. Policy H3 sets out non-strategic parish housing requirements, including for a number of parishes in the north of the plan area. Policy H3 is considered in Issue 5. However as submitted criterion 3 of Policy S1 which states that this should be ‘where opportunities arise’ would not be clearly written and unambiguous, so it is evident how a decision maker should react to development proposals. Those words should be deleted (**MM6**).
7. The final paragraph of Policy S1 sets out, amongst other things, that the distribution of development may need to be flexibly applied to ensure that the Council delivers its housing target, with any such changes to the distribution evidenced through the Authority Monitoring report. This, however, is not a plan led approach and this matter ought to be one which triggers the review of the Plan instead, rather than its policies being applied with ‘flexibility’. This part of the submitted Policy S1 is not clearly written and unambiguous, so it is evident how a decision maker should react to development proposals. To be effective and consistent with national policy, the final paragraph of the Policy should be deleted (**MM6**).

Policy S2 Settlement Hierarchy

1. The settlement hierarchy as defined in Policy S2 sets out four settlement categories, with the role of each settlement based on the presence of certain services and facilities. Inevitably, there is more than one way of defining a settlement hierarchy and of classifying settlements within it, and the provision of services and facilities change over time. Additionally, the exercise of professional judgement may lead to different people reaching different conclusions. We consider that the Council has used an appropriate and adequate methodology to define the settlement hierarchy and the settlements which fall within it as described in the Settlement Hierarchy Update Background Paper (BP11) and accordingly we recommend no MMs to Policy S2.
2. Map 3.1 sets out the Key Diagram. In order for the key diagram to be effective, the boundary of the Chichester Harbour AONB should be made clear and the strategic employment annotation removed from Southwest Chichester as that is not a proposal in the Plan (**MM7**).

Strategic Policies

1. To be effective and consistent with paragraph 21 of the NPPF, paragraph 1.11 of the Plan should be amended to distinguish between strategic and non-strategic policies and to confirm the role of the appendices within the Plan (**MM1**).

Vision and Strategic Objectives

1. For consistency with Policies NE16 and NE17 the Vision of the Plan should be amended to refer to water scarcity (**MM3**). **MM4** amends paragraph 2.46 to acknowledge that other constraints to those listed should be taken into account in the selective and sensitive approach to development of the coast and rural hinterland of the Manhood Peninsular. To be effective and to ensure internal consistency within the Plan as amended by way of consequential modifications, **MM5** proposes changes to a number of the objectives of the Plan (Objectives 1, 2, 4, 5, 6 and 7).

#### Conclusion

1. Subject to the recommended MMs the spatial strategy is positively prepared, justified, effective, and consistent with national policy.

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### Issue 3 – Would the Plan be effective in ensuring that any significant impacts from the development proposed on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree? And, are the individual transport policies, justified and consistent with national policy and will they be effective?

1. NPPF paragraph 31 sets out that the preparation and review of all policies should be underpinned by relevant and up-to-date evidence. This should be adequate and proportionate, focused tightly on supporting and justifying the policies concerned, and take into account relevant market signals.
2. The Procedure Guide for Local Plan Examinations is clear that evidence base documents, especially those relating to development needs and land availability, that date from two or more years before the submission date may be at risk of having been overtaken by events, particularly as they may rely on data that is even older. As a minimum, any such documents should be updated as necessary to incorporate the most recent available information. But this may not be necessary for evidence documents on topics that are less subject to change over time, such as landscape character assessments.
3. In this case the Chichester Transport Study 2024 was finalised in January 2024, and relates to the Regulation 19 version of the Plan. It is therefore a recent document which takes into account relevant national policy as set out in the NPPF and the Department for Transport (DfT) Circular 01/2022, Strategic Road Network and the Delivery of Sustainable Transport, which was issued in December 2022. And, it is an assessment of the effects of the development proposed in the Plan before us. No alternative modelling has been offered by representors and it is the most up to date available.
4. The Chichester Area Transport Model (CATM) relies on traffic analysis and outputs from a SATURN traffic model which was originally validated in 2014, and updated in 2018. It is acknowledged by the Council that the 2014 base year model utilises and is validated against traffic data and journey making patterns from that time. The Council accept that the model is now old and that travel behaviour following the COVID-19 Pandemic has changed, with more home working, but with increases in other types of journeys on the road such as home deliveries. The Council is committed to updating the model at a very early stage as part of the monitor and manage process being developed going forward, particularly to inform appropriate transport mitigation measures.
5. In an attempt to verify the model, work has been undertaken by the Council to review current traffic flows and to compare them with modelled flows and also with observed flows from the model base year to strengthen the evidence base as far as is possible at this time (TA.03.03). The transport modelling indicates that capacity issues will worsen through the plan period, taking into account existing commitments and development proposed through the Plan, albeit that the forecasts for 2031, are a good proxy for the likely conditions in 2039.
6. The baseline data for the CATM is not fully reflective of current conditions, such as travel patterns. The verification exercise however shows that the outputs of the model remain largely valid, and there is no alternative convincing evidence before us which indicates that the A27 junction capacity issues have appreciably changed for the better since 2014. Consequently, we take the pragmatic view that the transport modelling is in overall terms sufficiently adequate and proportionate to justify the strategic policy shift in the Plan to monitor and manage as set out in Policy T1. In so far as the transport modelling has influenced the proposed distribution of development in the Plan, given the known background traffic congestion conditions relating to the A27 junctions, we consider that it is adequate and proportionate for that purpose.

The A27 Chichester Bypass

1. The NPPF in paragraph 110 includes that in assessing sites that may be allocated for development in plans it should be ensured that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree. NPPF paragraph 111 sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
2. It is clear that the A27 Chichester Bypass, part of the strategic road network, is at times operating at capacity. The Council’s Transport Background Paper (BP14) describes how road congestion is a major issue affecting Chichester city and the junctions on the A27 Chichester Bypass. The evidence is that the problems are most acute during peak travel periods, with traffic transferring to the local road network giving rise to delays and road safety issues. Congestion at the A27 junctions and level crossings on the West Coastway railway line act as a barrier to movement around the city, and between the city and the Manhood Peninsula. This results in long journeys and poor journey time reliability. We note that transport movements and traffic congestion has resulted in the designation of one Air Quality Management Area at St Pancras in Chichester. We agree that congestion along the A27 Chichester Bypass is primarily a product of the conflict between strategic and local traffic, and the limited capacity of junctions, none of which are grade separated.

Capacity and congestion

1. Further development in the plan area which gives rise to additional traffic may contribute to the existing capacity issues on the A27 with knock on effects for the local road network. The Local Plan 2021-2039 Transport Assessment (Transport Assessment) (TA03.01) concludes that without mitigation the level of growth proposed in the southern area of the Plan, or at the full LHN would be severe in regard to delays and queue lengths, and with severe impacts upon road-borne public transport due to delays. It is also identified that there would be a safety issue at the Fishbourne Roundabout with traffic blocking back from Cathedral Way with housing development at a level to meet LHN in the plan period. Mitigation is clearly needed at the plan level to deal with the growth proposed in the Plan over the plan period. That said, given the age of the transport model and the assumptions upon which it is based, we consider that even by using the 2031 reference case models for 2039, it represents a worst case assessment in terms of traffic growth.
2. The Transport Assessment includes an assessment of the effects of the development proposed in the submitted Plan, (535 dwellings per annum in the southern area) with mitigation. It is clear from the outputs that the mitigation would lead to large decreases in flows on northern routes in Chichester; the traffic which was ‘rat running’ away from the A27, with an increase in flows on the A27 in the peak periods. Generally, there would be improvements in terms of junction maximum volume to capacity ratio and in terms of the duration of delays at the assessed junctions. Clearly, effects of the level of development proposed in the submitted Plan would not give rise to significant impacts on the transport network (in terms of capacity and congestion), that cannot be cost effectively mitigated to an acceptable degree. Nor would the residual cumulative impacts on the road network be severe.
3. It is important to note at this point that the submitted Plan proposes a housing requirement of around 90% of LHN, with the Council identifying a housing land supply of 94.9% of LHN for the plan period. The difference between the proposed housing requirement in the submitted Plan (10,350) and a requirement based on LHN (11,484) over the plan period is 1,134 dwellings.
4. There is no modelling in the Transport Assessment of the mitigated effects of development at the level of LHN. Whilst earlier in the plan making process different levels of development were assessed with highway mitigation, we do not have before us an assessment of the effects of development at LHN level with monitor and manage mitigation.
5. Given that there is some uncertainty about the transport modelling with it representing a worst case scenario and that the assessment with mitigation of the development proposed in the Plan, at 90% LHN and a supply of 94.9% of LHN, would generally give rise to improvements in traffic conditions across the area, and the lack of modelling of a mitigated LHN level of development with monitor and manage, it has not been demonstrated why in transport terms development at LHN would be unacceptable whilst the level of development as proposed in the Plan would be. Indeed, we do not find that housing development at a level to meet LHN would be unacceptable in transport terms.
6. Consequently, given the evidence before us, we do not agree that the effects of the development at LHN would give rise to significant impacts on the transport network (in terms of capacity and congestion), that cannot be cost effectively mitigated to an acceptable degree. Neither would the residual cumulative impacts on the road network with a level of housing development being such to meet LHN be severe.

Highway safety

1. As already noted, unmitigated development could give rise to safety issues in relation to the Fishbourne Roundabout. However, there is not the evidence before us which demonstrates that there would be any significant impacts on highway safety that cannot be cost effectively mitigated to an acceptable degree, or that the provision of housing in the plan period to meet the LHN would have an unacceptable impact on highway safety.

Policy T1 Transport Infrastructure

1. The submitted Plan recognises that the previous approach of ‘predict and provide’, which forecasts the predicted growth in traffic and provides mitigation based on forecast growth, cannot be funded by development alone and no additional funding sources have been identified. In line with DfT Circular 01/2022, a ‘monitor and manage’ approach is proposed. The monitor and manage approach considers sustainable transport, including active travel, as key elements of any potential future mitigation, alongside potential highway mitigation. Policy T1 is concerned with how this will be done. The actual schemes to be delivered on the A27 and elsewhere would be determined from updated evidence as part of the monitor and manage process. This includes the Council working with National Highways, West Sussex County Council and others, such as transport providers through the TIMG.
2. To be clearly written and unambiguous so that it is evident how a decision maker should react to development proposals, the Policy should be amended so that it is clear that the objectives of the Policy should be supported where they are relevant to a proposal, rather than by all proposals. To be consistent with national policy the objectives should reflect the need to minimise the need to travel by car. To be effective, criterion 7 should be amended so that it is focused on sustainable transport movements to increase modal choice. The Policy should also be amended to clarify that developer contributions will be sought in the south of the plan area only, so as to be justified, as development in the north plan area would not give rise to the need for A27 mitigation. The Policy should also be updated to reflect the latest Transport Study and clarify when safeguarding of transport schemes on the A27 may not be needed. These changes are necessary for effectiveness.
3. The explanatory text to Policy T1 should be updated to reflect the latest available evidence and context, including reference to DfT Circular 01/2022 and indicative costs of transport mitigation schemes. The explanatory text relating to A27 mitigation contributions is not justified and should be deleted. These various changes are necessary so that the Plan is effective and justified. All of the changes to Policy T1 and the supporting text are set out in **MM62**.

Transport mitigation contributions

1. The submitted Plan, in the explanatory text sets out the level of transport mitigation contributions to be sought from residential development. The Council sought to update this information through the course of the examination. Given the extent of work which remains to be done in developing the monitor and manage approach, including updated transport modelling, we do not find that the inclusion of mitigation contribution levels in the Plan to be justified. The explanatory text in paragraphs 8.18 and 8.19 should be amended to set out what the mitigation package will do in broad terms and to update the provision of key improvements to the A27 in terms of junction improvements and indicative costs. A new paragraph is necessary to make clear the cost of the total funding requirement for the necessary works and that DfT Circular 1/22 allows for highway capacity to be increased through sustainable mitigation measures. New paragraphs should also be added to explain the assumptions made in the Council’s viability assessment for the Plan which should be treated as an upper threshold for the Target Contribution Level for development to contribute to mitigation in the southern plan area, and in respect of the monitoring of the transport mitigation strategy. The various amendments are necessary so that the Plan is justified and would be effective and are set out in **MM63**.

Policy T2 Transport and Development

1. Policy T2 sets out the requirements for new development in terms of transport. To be effective criterion 1i should be amended so that it is clear that it is concerned specifically with delivery access, and criterion 1j amended to include for contributions being made to mitigation, rather than development providing mitigation. Criterion 1j should also be amended to delete the reference to mitigation set out in the Local Transport Plan being requirements as that document is not part of the development plan. The Policy should also be amended to make clear the requirement for travel plan coordinators and travel plans. These changes are set out in **MM64** and are necessary for effectiveness and consistency with national policy.

Policy T3 Active Travel – Walking and Cycling Provision

1. Policy T3 includes in criterion 1 safeguarding delivery of current and planned cycling and walking routes identified in documents which are not part of the development plan. The Plan should be amended so that it is clear that decision makers should instead have regard to those documents. These changes are recommended to make the plan effective (**MM65**).

#### Conclusion

1. Subject to the recommended MMs, the Plan would be effective in ensuring that any significant impacts from the development proposed on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree. Also, the individual transport policies would be justified and consistent with national policy and be effective.

### Issue 4 – Whether the adverse impacts of not providing for objectively assessed needs for housing would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole?

Policy H1 Meeting Housing Needs

1. The submission Plan sets a housing requirement of 10,350 dwellings for the period 2021-2039. This is about 90% of LHN calculated using the standard method, with the identified housing land supply being around 95% of LHN (CDC20). The Council has sought to justify its strategic housing policy not providing for objectively assessed needs for housing due to A27 capacity issues. Employment needs however would be met in full.
2. The Planning Practice Guidance (PPG) states that local housing need calculated using the standard method may be relied upon for plan making for a period of 2 years from the time that the plan is submitted to the Planning Inspectorate for examination. Whilst the housing need figure generated using the standard method may change as the inputs are variable, there has been no convincing evidence that the calculation or the base date of the Plan should change. Therefore, we make no recommendations in that regard.
3. NPPF paragraph 11 requires that objectively assessed needs should be met in full unless one of 2 criteria apply (NPPF 11 b). The relevant one here is NPPF 11 b ii, if any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. Also relevant to this are transport policies expressed in NPPF110 and 111.
4. At the hearing, we discussed the benefits of meeting objectively assessed needs for housing in full. Amongst other things these include providing for sufficient housing, provision of affordable housing for which there is clear need, the fact that there is a high affordability ratio and widespread unmet housing need in the sub region, economic and social benefits, contributing to A27 mitigation, and transitioning to more sustainable transport modes. Together these benefits are significant.
5. The difference between meeting LHN in full and the Council’s proposed housing requirement is not great, and given the overall housing land supply identified for the plan period, there is no reason to conclude that the overall level of housing provision in the plan period would ultimately be below the LHN figure in any event by 2039.
6. The Council considers that 535 dwellings per annum could be accommodated in the southern part of the plan area, with appropriate mitigation, without any significant impacts on the operation of the A27. We concur with the Council that the transport modelling indicates that congestion of A27 junctions and the wider local road network worsens with higher levels of development.
7. However, as discussed in Issue 3, there is not the clear evidence before us that any significant impacts from the development, at development levels up to LHN, on the transport network (in terms of capacity and congestion), or on highway safety, cannot be cost effectively mitigated to an acceptable degree, nor are we convinced that such a level of development would give rise to unacceptable impacts on highway safety, or that the residual cumulative impacts on the road network would be severe.
8. Consequently, we do not find that there would be adverse transport impacts arising from meeting objectively assessed needs which would significantly and demonstrably outweigh the benefits of meeting housing needs in full. Or put another way, the evidence before us does not persuade us that a housing requirement of 90%, and supply of 95% of LHN is justified, whilst those at 100% should not be. Therefore, we do not accept that the application of NPPF11bii justifies a housing requirement below LHN.
9. In terms of whether a requirement over and above LHN would be acceptable, the Chichester Transport Study (TA04.01 and TA04.02) refers to an assessment of 700 dwellings per annum. It is concluded that “generally the proposed strategic road network mitigation identified for the Core Scenario, can accommodate in the most part, additional increase in development to 700dpa”. However, with higher levels of growth, traffic becomes increasingly unable to use the A27, due to congestion, with traffic being diverted onto the local road network. There is not the evidence that such effects on the local road network will be acceptable, and so there is not the evidence to demonstrate that a specific level of housing development above LHN would also be acceptable in transport terms.
10. The housing requirement for the period 2021/22 – 2038/39 should be at least 11,484 dwellings to ensure LHN would be met in full (**MM31**).

Annualised housing requirement

1. The Plan would give rise to a significant change in the level of the housing requirement from previous local plan policies which set a requirement of approximately 435 homes per year. The net completions of dwellings in the plan period to April 2024 is 2,326. Due to relatively high levels of housing delivery in the plan period to date, which has been well above LHN, the current supply of deliverable housing sites in the plan area has been somewhat depleted. We have no clear reason to doubt that the Council has a deliverable housing land supply for the five years starting in April 2025 of around 2,381 dwellings, with around 634 completions anticipated in the year 2024/25.
2. The housing trajectory as set out in the Plan indicates that the level of housing completions would increase appreciably in the middle of the plan period, but would be lower in the next few years, until the allocated sites and larger committed sites come forward. The five-year housing land supply inevitably is dependant to no small degree on existing commitments, and there is relatively little that can be done through this plan to boost housing land supply of developable sites significantly in the immediate term such as through further allocations, especially without substantial delay to its adoption, by which time the housing land supply situation may have worsened. There is also the need for the monitor and manage approach to be put into place in the next few years. Therefore, in recognition of this, a stepped housing requirement is justified in this case.
3. The housing requirement for the years 2021/22 to 2029/30 should therefore be 575 dwellings per annum. This figure is derived from the net completions to date, and net completions likely to arise from the identified five-year housing land supply. That would ensure that there would be a marginal five-year supply of housing on adoption of the Plan, including a 5% buffer, taking into account completions above the annual housing requirement in the plan period to date, spread over the 5 year supply period. For the years 2030/31 to 2038/39 the annual requirement should be 701 dwellings per annum to reflect the higher level of completions anticipated in the latter part of the plan period in the housing trajectory. Policy H1 Meeting Housing Needs and the explanatory text should be amended accordingly (**MM31**). The adoption of the Plan on this basis will significantly boost the supply of homes compared to the adopted Local Plan, consistent with NPPF 60.
4. The Plan is but one part of the development plan which provides for the supply of housing in the plan area. So, it does not make provision for housing to meet the entire housing requirement. Other development plan documents include the adopted Chichester Site Allocation DPD 2014 – 2029 and Neighbourhood Plans. In addition, provision of housing will be made through the emerging Southbourne Allocation DPD, and a new site allocation DPD. The Council’s LDS confirms that the Local Plan Site Allocation DPD will allocate land for any residual development needs identified in the Local Plan 2021 - 2039 but not allocated within the Plan. Together these should ensure that the dwelling requirement would be met in the plan period. Given the modular nature of the development plan as a whole, the Council’s intention to prepare a site allocations DPD, and commitment to prepare a plan in the new system, it is not necessary for us to seek further allocations through the Plan.
5. However, to be effective, paragraph 5.3 should be amended to clarify liaison with neighbouring authorities under the duty to cooperate. Paragraph 5.5 should be altered to make it clear that further housing sites may be brought forward through a Site Allocation DPD /or review of the Plan to ensure a continuous supply of housing over the plan period, and as to how the number of completions in the plan period since the base date of the Plan will be dealt with in calculating the five year housing land supply. These are dealt with in **MM31**.
6. Paragraph 5.2 of the submitted Plan refers to 535 dwellings per annum applying in the southern plan area, and 40 dwellings per annum applying in the northern plan area. These figures are not justified, and given they are not included in Policy H1 the Plan would not be effective. The reference to those figures should be deleted (**MM31**).
7. In terms of housing supply and to be effective, **MM31** will insert a new table into the Plan which clarifies the sources of housing land supply, from the Southbourne Allocation DPD, Neighbourhood Plans or a Site Allocation DPD as appropriate.
8. As a consequence of the recommended housing requirement set out in **MM31** and updated housing supply data, for the Plan to be justified and effective the Housing Trajectory set out in Appendix E should be updated as a consequence of the MMs (**MM85**).

#### Conclusion

1. The adverse impacts of not providing for objectively assessed needs for housing would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. The housing requirement should be amended so that it is based on LHN, with a stepped requirement given the housing land supply and future delivery of housing as set out in the updated housing trajectory. Subject to MMs, the Plan would be sound in this regard.

### Issue 5 – Are the housing policies justified and consistent with national policy and will they be effective?

#### Policy H2 Strategic Locations/Allocations 2021-2039

1. Policy H2 identifies the strategic locations in the plan area for housing development and the numbers of dwellings to be provided at each. The selection of the strategic locations and allocations has been undertaken using an appropriate methodology with the resulting proposals consistent with the spatial strategy and the settlement hierarchy as set out in Policies S1 and S2.
2. To ensure that Policy H2 and the accompanying text is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals, a new paragraph should be inserted into the explanatory text setting out that the dwelling numbers for each strategic location/allocation are given as gross numbers, and details of any extant permissions are set out in the supporting text of relevant policies in Chapter 10, including any implications these have for dwelling numbers (**MM32**). The Policy would then be justified and effective.
3. Policy H2 sets out what would happen if demonstrable progress has not been made in the provision of housing at sites which it is intended would be allocated through Neighbourhood Plans. This wording however would not ensure that the sites would be developable in the plan period. **MM32** clarifies the circumstances where the Council would progress the allocation of the sites through the Site Allocation Development Plan Document or Local Plan Review should the sites not progress in Neighbourhood Plans. This change would ensure that Policy H2 is sound in this respect.

#### Policy H3 Non-Strategic Housing requirements 2021-2039

1. Policy H3 sets out the scale of non-strategic housing requirements for a number of parishes. As with Policy H2, Policy H3 does not take account of existing commitments, and the Policy and accompanying text should be amended accordingly (**MM33**) so as to be effective. In addition to be effective, paragraph 5.8 should be amended so that it is clear that there is scope for some flexibility to neighbourhood housing numbers where evidenced through a neighbourhood plan (**MM33**).
2. We find the individual non-strategic parish housing requirements to be consistent with the spatial strategy. Having regard to the Sustainability Appraisal (SD03.01) and the Housing Distribution Background Paper (BP05), the level of housing development identified for each parish is justified. We also find that Policy H3 is consistent with national policy for promoting sustainable development in rural areas as set out in NPPF79. We reach this view also having regard to the amount of development which has occurred in the identified parishes in recent years. To reflect the PPG, paragraph 5.10 should be amended so that developments of 5 or more houses will be counted against the parish housing requirements rather than 6 as set out in the submitted Plan (**MM33**).
3. The submitted Policy includes a number of parishes with a housing requirement of 0 houses. This does not serve a clear purpose and would not be effective and those parish ‘requirements’ should be deleted. Policy H3 should also be amended to be clear about the circumstances where the Council would progress the allocation of the sites through the Site Allocation DPD or Local Plan Review should the non-strategic requirements not be provided for in Neighbourhood Plans. These changes are set out in **MM33**.

Longer term growth requirements

1. To be effective, paragraphs 5.12 and 5.13 should be amended to reflect the need for there to be a new plan prepared under the revised plan-making system provided for under the Levelling Up and Regeneration Act 2023 and to clarify the position in regard to the West Sussex and Greater Brighton Strategic Planning Board Local Strategic Statement 3 for the longer-term period 2030-2050 (**MM34**).

Policy H4 Affordable Housing

1. Policy H4 is concerned with the provision of affordable housing. Having regard to the evidence before us, including that on viability, we find the percentages and thresholds for the provision of affordable housing to be justified. Having regard to the viability evidence and the Council’s specific note on this matter (CDC36) it is not justified to reduce affordable housing requirements for older persons accommodation. To make Policy H4 effective however, it should be amended so that it is clear that ‘equivalent’ financial contributions will be sought in rural areas, or where the affordable housing calculation results in fractions of homes (criteria 2 and 3) (**MM35**).

Policy H6 Custom/and or Self Build Housing

1. Policy H6 of the submitted Plan sets out that 2% of market units provided on strategic scale housing sites should be custom / self build. Site specific policies for site allocations address the provision of custom / self build units on a site-specific basis.
2. The Council has provided further evidence of need in the form of a Custom and Self Build Note (H13) and the written note on self and custom build windfall (CDC35). It is clear that whilst windfall provision is going some way to meet need for custom and self-build housing, there would be a significant shortfall in provision, and the range of plots coming forward is limited in scope. The 2% requirement as submitted is unlikely to provide the required plots and therefore should be increased to 5% (as per CDC35), with the proviso that plots would be subject to extensive marketing and would revert to market housing plots if not sold within 12 months of being marketed. This would mean that should there not be demand at a particular site, development of other market housing would not be prevented. The Policy should also be amended to deal with any sites which are strategic in scale but not allocated in the Plan so as to be effective. To be effective Policy H6 should define what is meant by a serviced plot and in this regard the text of footnote 47 should be inserted into Policy H6. These changes are set out in **MM36**.

Policy H7 Rural and First Homes Exception Sites

1. Policy H7 is concerned with rural and First Homes exception sites. Criterion 1 states that proposals will be supported where there is an identified local housing need which cannot be met by existing or future permitted affordable housing provision. The requirement to take into account future provision would not be effective and should be deleted. Policy H7 seeks to set a limit of 30 dwellings for rural exception sites, with the explanatory text amended accordingly. That has not been justified and should be deleted. In addition, the local connection requirements in criterion 4 to firstly the parish and then immediately surrounding parishes, is not justified and should be deleted.
2. To be effective Policy H7 should also be amended so that the First Home requirements are separate from rural exception sites as it is a specific kind of discounted market sale housing, falling into the wider definition of affordable housing. The Policy should be amended so that the locational requirements for First Homes are clear. The reference to a Planning and Affordable Housing SPD should be deleted as it is incorrect.
3. The various changes to Policy H7 and the explanatory text are set out in **MM37**.

Policy H8 Specialist Housing

1. For effectiveness and to ensure that criterion 1 of Policy H8 is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals, it should be amended to clarify that need should be set out in the most up to date Housing and Economic Development Needs Assessment (HEDNA) or a parish housing need study. The Policy title should also be amended to Specialist Housing for effectiveness and the explanatory text should be amended to clarify that Extra Care Housing is supported for all ages. These changes are set out in **MM38**.

Policy H10 Accessible and Adaptable Homes

1. To be effective Policy H10 criterion a should be amended to state the requirement for 5% of affordable housing must meet wheelchair accessibility standards M4(3)((2)(b)) applies where the council will have nomination rights, as this is the circumstance in which it may be sought (**MM39**).

#### Conclusion

1. Subject to the recommended MMs, the housing policies would be justified and consistent with national policy and effective.

### Issue 6 – Is the Plan positively prepared and would it be effective in addressing the likely accommodation needs of Gypsies, Travellers and Travelling Showpeople?

1. The NPPF in paragraph 62 sets out that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including for, amongst others, travellers). The Planning Policy for Traveller Sites (PPTS) sets out how housing needs for travellers should be assessed. Whilst the PPTS was updated in December 2024, paragraph 30 of that document establishes that the implementation policies set out in the NPPF will apply also to plan-making and decision-taking for traveller sites. Consequently, given the transitional arrangements for plan making in the current NPPF, the relevant version of the PPTS applies, which is that published in December 2023.
2. The PPTS 2023 amended the definition of travellers. The Council reviewed its assessment of accommodation needs for travellers in light of PPTS 2023 and found that there were some small changes in respect of the need for additional pitches in the plan period between the different categories, with the overall need unchanged. Consequently, the level of the need for additional pitches as set out in the submitted Plan is not justified, nor consistent with national policy. **MM40** corrects this by updating numbers of additional pitches required in the plan period as set out in Table 5.1 and Policy H11, and updating the reference to the relevant PPTS. Given the updates to the PPTS, **MM87** updates the definition of Gypsies and Travellers set out in Appendix J: Glossary so as to be effective.
3. From the latest evidence before us (CDC32), planning permission has been granted for 57 pitches in the plan period to date, whilst it has been identified that there are 7 vacant pitches which could be brought back into use. Further supply would be provided by the intensification of sites, and from strategic allocations. This however in itself is insufficient to meet the identified need in the first 5 years of the plan period after adoption, and need for the plan period overall.
4. Nevertheless, it is clear the relatively high levels of windfall pitch provision consented between 2012-2013 and 2023-2024 which average 9 pitches per annum, has made a significant contribution to meeting needs. CDC32 identifies that current planning applications and appeals propose an additional 33 pitches, and although the outcomes of these cases are not known, it does indicate continued interest in the provision of sites in this way. In light of this, we are satisfied that there is compelling evidence for windfall continuing to provide a reliable source of supply of pitches to take into account in the supply. Even if the future windfall supply is somewhat less than that which has occurred in the past, it is not unreasonable to conclude that windfall provision should continue, for the remainder of the plan period, considered against Policy H13 which is supportive of such development. Overall, we are satisfied that the Council’s approach is sufficient to ensure that the identified need is likely to be met.
5. In terms of the provision of plots for Travelling Showpeople, we are satisfied that the Council has done all it can to provide a 5 year supply after adoption of the Plan, but this has not been possible. However, sufficient provision is made across the plan period to meet the identified need, through the allocation of land for the provision of plots, approvals in the plan period to date (see CDC32), and with contribution from windfall development.
6. As submitted Policy H11 would not be effective in securing mitigation in regard to the effects of development on SPAs in terms of recreational disturbance. And, the requirements for compliance with site design policy should apply to both sites for Gypsy, Traveller and Travelling Showpeople. Policy H11 should therefore be amended so that it would be effective in securing mitigation in regard to the effects of development on SPAs, and it should be clarified that the requirement for provision for Gypsies and Travellers on non-allocated sites relates only to the southern plan area given that is where need arises. Additionally, to be effective, the explanatory text should be clear as to the master planning and design expectations for the provision of pitches on strategic allocations. Policy H11 as submitted refers to where there is a shortfall in provision, sites will be allocated in a Site Allocation DPD. Given that the Plan should meet need (along with the Southbourne Allocation DPD), and that a new local plan has to be prepared under the revised plan-making system in any event, the reference to the Site Allocation DPD is not justified and should be deleted. These changes are set out in **MM40**.

Policy H12 Intensification Sites

1. Policy H12 identifies existing sites where additional pitches or plots could be brought forward through intensification of use. Two of the identified intensification sites, The Stables at Bracklesham Lane and Five Paddocks Farm, Bracklesham are sites which lie in areas at risk of future tidal flooding (in some 75 years or so in the future). In order for the Policy to be effective it should be amended so that the pitches would be permitted on a temporary basis, or subject to a personal permission (**MM41**). To be effective, the Policy should also be amended so it is clear that the number of additional pitches specified is based on the Council’s Pitch Deliverability Capacity Assessment of December 2022 (HO4) (**MM41**).

Policy H13 Accommodation for Gypsies, Travellers and Travelling Showpeople

1. Policy H13 sets out development management criteria for the consideration of proposals for Gypsy, Traveller and Travelling Showpeople sites. To be effective, the text in footnote 43 which sets out that sites covered by Policy H12 are not required to comply with the requirements of the Policy, should be included in Policy H13 so that it would be clearly written and unambiguous, so it is evident how a decision maker should react to development proposals (**MM42**).

Policy H14 Gypsy and Traveller and Travelling Showpeople Site Design policy

1. Policy H14 includes a requirement (in criterion a) that drainage requirements should be compliant with a number of documents which are not part of the development plan. To ensure that the Policy is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals, the requirement should be deleted from the Policy, but reference made to the documents in the explanatory text. Also to be effective, additional explanatory text should be inserted in the Plan to explain the requirements for plots for Travelling Showpeople, particularly in terms of the size of site appropriate to meet needs, such as for the storage of fairground equipment (**MM43**).

#### Conclusion

1. With the recommended MMs, the Plan would be positively prepared and effective in addressing the likely accommodation needs of Gypsies, Travellers and Travelling Showpeople.

**Issue 7 – Is the strategy and provision for employment development effective and justified, and are the individual employment and economy policies justified and consistent with national policy and will they be effective?**

#### Policy E1 Meeting Employment Land Needs

1. Policy E1 sets out the employment floorspace requirement for the plan period. These are derived from the HEDNA (HO6). Whilst the HEDNA which dates from 2022 was prepared in the immediate aftermath of the Covid pandemic, we do not consider that the proposed floorspace requirement of 108,000 to 115,000 m2 has been derived from an unduly pessimistic approach as has been claimed. Particularly given that a flexible margin has been added to the requirement of around 2 years of gross completions. Furthermore, there is no alternative employment land floorspace forecast to lead us to a different conclusion and as stated before, in any event, the Council is expected to begin work on a new plan, under the revised plan-making system as soon as the relevant provisions are brought into force.
2. Whilst the Plan does not make specific provision for logistics development, it’s focus is upon uses within use classes B2, B8 and E(g) which includes storage and distribution uses. There is no clear forecast of the need for land for logistics use before us to demonstrate that the Council’s evidence is not adequate and proportionate. We consider that the overall employment floorspace requirement is sound.
3. Taking into account employment floorspace completions in the plan period to date, permitted schemes and the proposed allocations, the employment floorspace requirement is likely to be met. Since the Plan was submitted, employment land supply monitoring has been updated and **MM56** is recommended to update the supply figures set out in Policy E1 and the explanatory text. To be effective, employment need and supply should be set out separately.
4. The Policy title however should be amended to meeting employment needs given it is concerned with floorspace. The reference to Chidham and Hambrook in paragraph 7.8 is incorrect and should be deleted, and the paragraph should be altered to be consistent with Policy A8 in respect of the provision of flexible employment/leisure space. These changes are required for effectiveness and are also set out in **MM56**.

#### Policy E2 Employment Development

1. Policy E2 is concerned with employment development at existing and new employment sites. To be effective Policy E2 should be amended so that the requirements in respect of justifying alternative non-employment uses on employment land are clear. For effectiveness criterion 5 should be amended so that it is clear that it applies to office development only. These changes are dealt with in **MM57**.

Policy E3 Addressing Horticultural Needs

1. There is a significant horticultural industry in the plan area which has been supported through the designation of 4 Horticultural Development Areas (HDAs) in the current development plan. The HEDNA states that about 67ha of land is necessary to meet future horticultural needs in the HDAs over the plan period, with an additional 137ha of land forecast to be required outside of HDAs to meet future needs.
2. The Plan proposes a 30ha extension to the Runcton HDA as the remaining undeveloped land in that HDA consists of isolated pockets of land, unlikely to be suitable to accommodate future large scale horticultural activity. The extension of the Runcton HDA is justified in principle. The proposed extension as illustrated on the submission Policies Map overlaps with the strategic wildlife corridor (Policy NE4), and development within it could lead to its severance. To be justified and to be effective, the Runcton HDA extension should be amended so as to avoid such severance to the strategic wildlife corridor, to 21ha with the Policies Map amended accordingly by the Council on the adoption of the Plan. The amendments are set out in **MM58**. Future proposals on land adjacent to the HDA will be assessed against Policy E4.
3. Policy E3 sets out that the land identified within HDAs, and identified as being needed outside HDAs, is to meet predicted horticultural and ancillary development needs. Whilst the submitted Plan describes what is meant by ‘ancillary’ that is a narrow description and to be effective in meeting the needs of the horticultural industry, references to ‘ancillary’ should be replaced by ‘functionally linked’ in Policies E3 and E4. The explanatory text should also be amended to provide a clear description of what constitutes functionally linked development. Functionally linked development is likely to include, amongst other things, storage and distribution facilities, food processing and packaging, research and development and the production of renewable energy/provision of energy hubs. These changes to Policies E3 and E4 and the explanatory text are set out in **MM58** and **MM59**.

Policy E4 Horticultural Development

1. In addition to the amendments in respect of functionally linked development, Policy E4 would not be effective in managing effects of development on the character and appearance of the area and criterion 5 should be amended accordingly, including reference to landscape and the setting of the South Downs National Park. Criterion 9 should be amended so that it is clear that proposals should enhance and protect Strategic Wildlife Corridors consistent with national policy. The explanatory text should also be amended to clarify the requirements for horticultural development proposals outside of HDAs in terms of justification. These changes are set out in **MM59**. To be effective paragraph 7.30 should be amended to recognise that smaller scale horticultural development will continue to be focused within the existing HDAs at Sidlesham and Almodington (**MM59**).

Policy E8 Built Tourist and Leisure Development

1. In order to be consistent with national policy for the natural environment, Policy E8 should be amended so that it applies to internationally designated areas. To be effective, and for Policy E8 to be clearly written and unambiguous, so it is evident how a decision maker should react to development proposals, the Policy should be amended so that it is clear about the marketing requirements to support proposals. These changes are set out in **MM60.**

Policy E9 Caravan and Camping Sites

1. To be consistent with national policy for the natural and historic environments, Policy E9 should be amended with the insertion of a new criterion to the effect that proposals for caravan and camping sites should be located so as not to compromise designated areas of the natural environment, landscape and historic environment. Criterion 8 should be amended for effectiveness to clarify that flood risk considerations on the period of occupancy for caravan sites is not just limited to areas at risk of flood defined by the Environment Agency. For Policy E9 to be clearly written and unambiguous, so it is evident how a decision maker should react to development proposals, the Policy should be amended so that it is clear about the marketing requirements to support proposals. These changes are set out in **MM61**.

#### Conclusion

1. Subject to the recommended MMs, the strategy and provision for employment development would be effective and justified, and the individual employment and economy policies would be clear, justified and consistent with national policy and effective.

### Issue 8 – Are the proposed strategic and area based policies justified, effective and consistent with national policy?

Policy A2 Chichester City – Strategic housing location

1. The Plan, in Policy H2, identifies Chichester as a strategic location where sites to accommodate land for 270 dwellings will be allocated by the Chichester Neighbourhood Plan. As the Neighbourhood Plan is not being progressed, **MM67** amends the Policy to the effect that the land will be brought forward in the Site Allocation DPD.
2. Policy A2 should also be amended so that it is clear that the 270 dwelling figure is approximate so as to allow some flexibility. The master planning requirements should also be clarified such that a master plan would be sought if larger sites are allocated, and that specialist housing should be provided in accordance with local need. The Policy should also be amended to set out the green infrastructure requirements and provisions in respect of mineral safeguarding consistent with the West Sussex Joint Minerals Local Plan. These changes are necessary for effectiveness and are also set out in **MM67**.

Policy A3 Southern Gateway Development Principles

1. The Southern Gateway area is a broad area on the southern side of Chichester identified for regeneration. It includes land in a variety of uses including the bus station and bus depot, car parking, former playing fields and a Royal Mail Delivery Office. Policy A3 sets development principles for the area, with Policies A4 and A5 setting out policy for specific parts of the regeneration area. In order to be justified, the explanatory text should explain that the relocation of the bus depot will be required along with the bus station, with new bus stops being provided as part of a transport hub approach in the Southern Gateway, and the Policy wording amended to development being designed to encourage and facilitate increased use of active travel and public transport to, from and through the city centre. The Policy should also be amended to set out the green infrastructure requirements and to set out provisions in respect of mineral safeguarding consistent with the West Sussex Joint Minerals Local Plan. These changes are necessary for effectiveness and are also set out in **MM68**.

Policy A4 Southern Gateway – Bus Station, Bus Depot and Basin Road Car Park

1. Policy A4 is concerned with the redevelopment of the bus station, bus depot and public car park with a residential led scheme. To be effective, the number of dwellings proposed should be expressed as approximate, and the requirement to accord with the National Design Guide and any design code or guidance for the site deleted as those are not part of the development plan. Criterion 9 should be amended to use the correct terminology in respect of wastewater disposal, and the Policy should set out provisions in respect of mineral safeguarding consistent with the West Sussex Joint Minerals Local Plan. These amendments are recommended for effectiveness (**MM69**).

Policy A5 Southern Gateway – Police Field, Kingsham Road

1. Policy A5 is concerned with the redevelopment of the Police Field for 70 dwellings. To be effective, the number of dwellings proposed should be expressed as approximate and a master planning requirement set out. The requirement to accord with the National Design Guide and any design code or guidance for the site should be deleted as those are not part of the development plan. Criterion 13 should be amended to use the correct terminology in respect of wastewater disposal, and the Policy should set out provisions in respect of mineral safeguarding consistent with the West Sussex Joint Minerals Local Plan. These amendments are recommended for effectiveness (**MM70**).

Policy A6 Land West of Chichester

1. Policy A6 allocates land for a sustainable urban extension to the west of Chichester including 1,600 dwellings and 6 hectares of employment land, a neighbourhood centre and open and green space. Whilst the site is under construction and has planning permission, the Policy is justified on the basis that it sets development management criteria for any future planning applications should circumstances change.
2. The Policy should be amended to clarify that the employment land provision includes Class E(g) iii and we have made a minor change to the MM to correct punctuation. The education provision requirement should be clarified to include SEND and nursery provision. To mitigate potential impacts of recreational disturbance on the Chichester Harbour SAC/SPA/Ramsar the Policy should be amended to include the provision of on-site Suitable Alternative Greenspace land. To minimise effects on watercourse habitats, the Policy should be amended to ensure that new culverts are kept to an absolute minimum necessary, and the requirements for wastewater disposal should be clarified. The recommended amendments are necessary for effectiveness and are set out in **MM71**.

Policy A7 Land at Shopwhyke (Oving Parish)

1. Policy A7 allocates land for a mixed use development at Shopwyke, including 585 dwellings and 5 hectares of employment land, a neighbourhood centre and open and green space. Whilst the site has planning permission and is under construction, the Policy is justified on the basis that it sets development management criteria for any future planning applications should circumstances change. To be effective, the Policy should be amended to acknowledge the safeguarded waste infrastructure and the relevant provisions of the Waste Local Plan (**MM72**).

Policy A8 Land East of Chichester

1. Policy A8 seeks to allocate approximately 39 hectares of land east of Chichester for 680 dwellings, specialist accommodation, a neighbourhood centre, on-site public open space, a one form (expandable to two form entry) primary school, and nine gypsy and traveller pitches. To be justified the explanatory text in paragraph 10.35 should be amended to clarify the land requirement for a two-form entry primary school to allow expansion of the school in due course. Policy A8 should be amended to set out that the site is for approximately 680 dwellings to allow some flexibility and to include 34 serviced plots for self-build/custom housing as that is justified by the need for such provision in the plan area (See also Policy H6 and **MM36**).
2. The allocation is adjacent to a strategic wildlife corridor and whilst criteria 6 and 8 of the Policy seek to address harm to the strategic wildlife corridor and protected SAC designated species, criterion 6 should be amended to ensure that an appropriate buffer is provided to the strategic wildlife corridor. We are otherwise satisfied that the Policy would be adequate to protect and enhance biodiversity as required in national policy. The Policy should also be amended to ensure that green infrastructure linkages are provided to Oving and improved sustainable transport linkages to Westhampnet, Tangmere and Oving. The recommended amendments are necessary for effectiveness and are set out in **MM73.**

Policy A9 Land at Westhampnett/North East Chichester

1. The proposed allocation is a site which has planning permission and is largely built out or under construction. No MMs are recommended.

Policy A10 Land at Maudlin Farm

1. It is proposed that land is allocated at Maudlin Farm for 265 dwellings, specialist accommodation, on-site public open space and 3 gypsy and traveller pitches. Policy A10 should be amended to set out that the site is for approximately 265 dwellings to allow some flexibility and to include 13 serviced plots for self-build/custom housing as that is justified by the need for such provision in the plan area.
2. The Policy requires that development should accord with the National Design Guide and any design code or guidance adopted or approved which is relevant to the site. However, as such documents are not part of the development plan for the area this requirement is not justified and should be deleted. Instead, the Policy should require the site to be master planned. To be consistent with national policy for the historic environment criterion 7 should be amended to require that development preserves the significance of heritage assets, having due regard to their settings. To be effective the Policy should set out provisions in respect of mineral safeguarding consistent with the West Sussex Joint Minerals Local Plan, and include a policy criterion to ensure that sufficient wastewater disposal capacity is available to accommodate the requirements of the development. These amendments are set out in **MM74.**

Policy A11 Highgrove Farm, Bosham

1. Policy A11 allocates land for a residential led development at Bosham including 245 dwellings, specialist accommodation for older people, a community building, public open space and 3 Gypsy and traveller pitches. Whilst the site has planning permission Policy A11 is justified on the basis that it sets development management criteria for any future planning applications should circumstances change.
2. To be effective, paragraphs 10.43 and 10.44 should be amended to reflect the current planning status of the site. Policy A11 should be amended to set out that the site is for approximately 245 dwellings to allow some flexibility and to include 12 serviced plots for self-build/custom housing as that is justified by the need for such provision in the plan area. The Policy requires that development should accord with the National Design Guide and any design code or guidance adopted or approved which is relevant to the site. However, such documents are not part of the development plan for the area, and this is not justified and should be deleted. To be effective, the Policy should be amended to include hard and soft landscaping provision to the west of the site too. The recommended amendments are set out in **MM75**.

Policy A12 Chidham and Hambrook

1. Policy H2 of the submitted Plan identifies Chidham and Hambrook as a strategic location where the neighbourhood plan is expected to make provision for approximately 300 dwellings. This however would be met from commitments which have arisen in the plan period to date. Policy A12 and the explanatory text should be amended to confirm this for effectiveness, and to state that if any extant permission falls away, land should be allocated in the Neighbourhood Plan to ensure that 300 dwellings would be provided in the plan period.
2. Policy A12 should also be amended to clarify the circumstances where masterplans would be required for effectiveness, and to clarify the requirement for local evidence of need in regard to specialist housing. The Policy requires that development should accord with the National Design Guide and any design code or guidance adopted or approved which is relevant to the site. However, as such documents are not part of the development plan for the area this is not justified and should be deleted.
3. Criterion 5 is concerned with the development being well integrated into its landscape surroundings which to be effective, should be amended to include key views to the Chichester Harbour AONB and the South Downs National Park. To be consistent with national policy, criterion 6 should be amended to state that any adverse effects on the Chichester Harbour SAC/SPA/Ramsar should be avoided and if necessary mitigated. To be effective the Policy should set out provisions in respect of mineral safeguarding consistent with the West Sussex Joint Minerals Local Plan. The recommended amendments are set out in **MM76**.

Policy A13 Southbourne Broad Location for Development

1. The submitted Plan in Policy A13 (and included in Policy H2) sets out that provision will be made for a mixed-use development within the broad location for development at Southbourne to provide 1,050 dwellings, local employment opportunities and supporting community uses, either through a future Site Allocation Development Plan Document or revised Southbourne Local Plan. The Council has commenced work on the DPD which will bring the site forward rather than the Neighbourhood Plan. Consequently, Policy A13 should be amended accordingly for effectiveness.
2. Due to new housing commitments which have arisen at Southbourne in the plan period to date, Policy A13 and the explanatory text in paragraph 10.56 should be amended to clarify that land should be allocated for approximately 800 dwellings (net amount remaining to be provided) through the DPD, along with setting out the broad land use requirements. To be effective the Policy and explanatory text should set out provisions in respect of mineral and waste safeguarding consistent with the West Sussex Joint Minerals Local Plan and the West Sussex Waste Local Plan.
3. There was some discussion at the hearing regarding the relationship of the proposed development and the existing settlement, particularly in terms of severance due to the need to cross the existing railway line. The Policy should be amended so that development within the broad location addresses this issue to ensure that the proposed development would be properly integrated with the existing settlement. This change is necessary for effectiveness. Amendments are also necessary for effectiveness to achieve biodiversity net gain and high levels of habitat connectivity, whilst criterion 10 should be amended to state that any adverse effects on the Chichester Harbour SAC/SPA/Ramsar should be avoided and if necessary mitigated. To be consistent with national policy for the historic environment, criterion 14 should be amended to require that development preserves the significance of heritage assets, having due regard to their settings. The various amendments are set out in **MM77**. Whilst we are satisfied that the allocation in principle is consistent with national planning policy for transport, the detailed issues of cross boundary traffic to and from Hampshire can be dealt with through the preparation of the DPD.

Policy A14 Land West of Tangmere

1. Approximately 73 hectares of land west of Tangmere is proposed to be allocated for residential development of 1,300 dwellings, community facilities and open space. The site has an endorsed masterplan for 1,300 homes and outline planning permission. To be effective, Policy A14 should be amended to include the expanding and enhancing of the existing local centre as a site-specific requirement. To be effective, Map 10.8 should be amended to reflect the site boundary changes in the outline planning permission and Compulsory Purchase Order. The amendments are set out in **MM78**.

Policy A15 Loxwood

1. Policy A15 sets out that land should be allocated for development in the revised Loxwood Neighbourhood Plan for a minimum of 220 dwellings and supporting infrastructure and facilities. To be effective Policy A15 and the explanatory text should be amended to set out that the number of dwellings to be allocated should exclude extant permissions for five dwellings or more in the parish since 1 April 2021. To be effective the Policy and explanatory text should set out provisions in respect of mineral safeguarding consistent with the West Sussex Joint Minerals Local Plan and the explanatory text amended to include that development should not increase flood risk elsewhere.
2. The Policy should also be amended for effectiveness to clarify the circumstances where masterplans would be required and to clarify the requirement for local evidence of need in regard to specialist housing. The Policy requires that development should accord with the National Design Guide and any design code or guidance adopted or approved which is relevant to the site. However, such documents are not part of the development plan for the area and such a requirement is not justified and should be deleted. The amendments are set out in **MM79.**

Policy A16 Goodwood Motor Circuit and Airfield

1. Policy A16 sets out criteria for the development of outdoor sport, recreation and leisure activities in connection with or ancillary to existing uses at Goodwood Motor Circuit and Airfield. To be effective, the explanatory text in paragraph 10.71 should be amended to provide an up-to-date picture of the economic value of Goodwood to the economy. Paragraph 10.72 should be amended to reflect the permissions and other arrangements which shape the existing operations at Goodwood, and in respect of the operation of the airfield for effectiveness.
2. Policy A16 should be amended to include connected or ancillary business uses amongst those which would be permitted in the area and for changes to existing permissions and agreements to allow some flexibility for effectiveness. The Policy should also be amended so that it would be effective in safeguarding the character of the site and its environs, and to avoid harm to protected species and existing important habitats within and in the vicinity of the site and in regard to biodiversity net gain and habitat connectivity. The final sentence of the Policy should be deleted as it is concerned with development in the vicinity of Goodwood which is subject to Policy A17. The recommended amendments are set out in **MM80**.

Policy A17 Development within the vicinity of Goodwood Motor Circuit and Airfield

1. Policy A17 sets a general presumption against development proposal for noise sensitive development within 400m of Goodwood Motor Circuit and Airfield other than in specified circumstances, and applies the agent of change principle as per NPPF paragraph 187.
2. Whilst there was some discussion as to whether the evidence, including the MAS (December 2018) Goodwood Noise Study justified the approach set out in the Policy, particularly in the context of a site north of Madgewick Lane which was allowed on appeal, we find the evidence before us is relevant and sufficiently up-to-date and that it is adequate and proportionate for plan making as per NPPF 31. At the hearing we heard about the measures put into place by the Council and the site operators that manage noise emissions at the site within the approved levels.
3. Policy A17 should be amended to make clear that exceptions to the general presumption set out in the Policy will only be permitted where the noise impact assessment clearly and demonstrably shows that the Policy criteria would be met. The explanatory text should also be amended to include reference to noise sensitive development, to cross reference Policy A16 and to confirm that the 400m should not be interpreted as a distinct policy boundary. Criterion 3 and the explanatory text should be amended to include that unreasonable restrictions are not placed upon the operation of the Goodwood Circuit and Airfield. A new criterion should be added regarding protected species and habitats, biodiversity net gain and habitat connectivity. The amendments are necessary for effectiveness and are set out in **MM81**.

Policy A18 Thorney Island

1. Policy A18 is concerned with new development and changes of use at the military base and airfield at Thorney Island. To make the Policy effective, it and the explanatory text should be amended to take account of the existing habitat creation scheme through the managed realignment of part of the coast at the site. The Chichester Harbour Management Plan and the Joint Chichester Harbour SPD are not part of the development plan, so the Policy should be amended so that development proposal has regard to them, so as to make the Policy clearly written and unambiguous, so it is evident how a decision maker should react to development proposals. The recommended changes are set out in **MM82**.

Policy A20 Land South of Bognor Road

1. A 19.5ha site is allocated for employment use by Policy A20. **MM83** is recommended for effectiveness and amends the Policy and explanatory text to set out provisions in respect of waste infrastructure safeguarding consistent with the West Sussex Joint Minerals Local Plan. The consultation version of **MM83** included an erroneous reference to minerals infrastructure at the site which we have deleted, and no prejudice would result from this factual change. We have also amended **MM83** to retain criterion 12 of the submitted Policy which is concerned with Minerals Safeguarding so that the Policy is consistent with other allocations in the Plan which relate to land in Minerals Safeguarding Areas. Given that the Minerals Safeguarding Areas are defined in the West Sussex Joint Minerals Local Plan no prejudice would result from this change.
2. **MM83** also clarifies that the requirement for 5 travelling showpeople plots should be provided if there is still the need at the time the planning application is determined, and that plots should be provided with adequate ancillary storage requirements, as the identified requirement for 1ha of land is not justified. And, for effectiveness Policy A20 should also be amended to clarify the requirements for pedestrian, cycle and bus connections for the site and that provision should be made for sustainable transport options.

Policy A21 Land East of Rolls-Royce

1. Policy A21 safeguards approximately 10ha of employment land for Rolls-Royce related employment development adjacent to the existing Rolls-Royce Motor Cars manufacturing plant at Westhampnett. To be effective, paragraphs 10.89 and 10.90 should be updated to reflect the current economic and employment position at the Rolls-Royce site. For effectiveness and clarity paragraph 10.95 should be amended in respect of the footpath which crosses the allocation site. Additional criteria should be added for effectiveness to Policy A20 concerning car parking management in respect of shift changeovers and to set out provisions in respect of mineral safeguarding consistent with the West Sussex Joint Minerals Local Plan. These changes are set out in **MM84**.

#### Conclusion

1. Subject to the proposed MMs, the proposed strategic and area based policies would be justified, effective and consistent with national policy.

### Issue 9 – Are the climate change and natural environment policies justified and consistent with national policy and will they be effective?

#### Policy NE1 Stand-alone Renewable Energy

1. The Plan recognises that the NPPF expects plans to take a proactive approach to increasing energy efficiency and the development of renewable energy sources. Policy NE1 is not a strategic policy, however it identifies the process for dealing with stand-alone renewable energy proposals and permitting stand-alone renewable energy schemes. This is encouraged where such proposals can demonstrate that they would have no significant impact upon a number of factors set out in the Policy. Whilst it has been put to us that the Policy should go further, and include specific references to low carbon and heat, such references are not explicitly necessary for soundness, and other legislative requirements would be taken into account by decision makers.
2. To be effective and consistent with national policy, Policy NE1 and the explanatory text should be altered to specifically address effects upon the South Downs National Park and the Chichester Harbour AONB, including clarifying the requirements for landscape assessment. The Policy should also be altered to include biodiversity net gain requirements. Policy NE1 includes wording that the social and economic benefits of the development proposal would be taken into account, particularly the degree of community participation in ownership of a scheme, as well as the potential benefits of the proposed development to host communities generally. This however should be deleted as it is not consistent with national policy and would not be effective. To be effective, the explanatory text should be altered to make clear that renewable energy schemes are supported provided any significant adverse effects can be appropriately mitigated, and to reference the Council’s Climate Emergency Detailed Action Plan. These changes are set out in **MM8**.

#### Policy NE2 Natural Landscape

1. Chichester district includes part of the South Downs National Park, which has its own local plan and is not within the plan area, and the Chichester Harbour AONB. Policy NE2 is concerned with protecting, conserving and enhancing the natural landscape.
2. Policy NE2 should be amended to specifically refer to the setting of the South Downs National Park in criterion 5 so as to be effective and consistent with national policy. The requirement that development must comply with the Chichester Harbour AONB Management Plan should be amended so that development has regard to the Chichester Harbour AONB Management Plan, as that document is not part of the development plan for the area.
3. Policy NE2 fails to properly address the provision of large scale proposals and the requirements for Landscape and Visual Impact Assessments and should be amended so that the Policy is clear in these regards and effective. The submitted Policy includes a requirement for schemes which would affect a national landscape to accord with a number of other policies of the Plan, and includes a footnote regarding the PPG. This unnecessarily duplicates other policies that apply to the area, is inconsistent with national policy, and should be deleted. The various changes to Policy NE2 are set out in **MM9** and we are content that they do notundermine the duty to further the purpose of conserving and enhancing the natural beauty of the protected landscapes.

Policy NE3 Landscape Gaps between Settlements

1. Policy NE3 is concerned with preventing the coalescence of settlements to maintain their individual identities. This is particularly relevant where existing settlements are located near to each other, as is the case along the A259 towards the west of Chichester. It is therefore important to ensure that settlements do not gradually merge into one another. Protection should be provided for the sense of place of an individual settlement, and the character of the landscape beyond it. This is supported through the evidence, including a public desire for landscape gaps to be identified and protected. We consider this objective to be generally consistent with the NPPF, particularly in respect of its protection of the natural environment and place making.
2. The Plan does not itself identify the precise boundaries for landscape gaps between settlements. It is anticipated that this would be achieved through either a future Site Allocation DPD or through neighbourhood plans. Much of the plan area falls within neighbourhood plan designated areas, and it would be appropriate for parishes to define their own landscape gaps based on their own landscape-based evidence. The NPPF encourages the formation and application of neighbourhood plans and we consider such an approach would be consistent with national policy. In areas where Parish Councils fail to move forward with neighbourhood plans the Council could identify landscape gaps through a Site Allocation DPD, subject to further detailed landscape assessment work. A number of the provisions of the Plan have a modular approach in respect of the application of different parts of the development plan, and therefore we consider the approach of Policy NE3 would be justified. We are satisfied that the evidence base provides a clear justification for the establishment of Landscape Gaps defined through the Site Allocation DPD or neighbourhood plans.
3. Policy NE3 would not be effective, and should be amended to clarify that landscape character should be taken into account in preventing coalescence, and the Policy wording clarified so that it relates to landscape gaps consistently, and not ‘gaps’. These changes are set out in **MM10**.

Policy NE4 Strategic Wildlife Corridors

1. NPPF 179 includes that plans should identify, map and safeguard ecological networks, including wildlife corridors. Policy NE4 is concerned with securing and protecting wildlife corridors, and is justified by habitats surveys, data collection and evidence gathering, as explained in the Strategic Wildlife Corridors Background Paper (BP13).
2. There was some discussion at the hearing about the interaction of Policy NE4 and neighbourhood plan policies concerning green infrastructure networks which include wildlife corridors, and differences between the respective boundaries defined. Whilst this is a matter for the consideration of future decision makers, the Plan should be amended to make clear that Policy NE4 as a strategic policy will take precedence, though local wildlife corridors can be identified in neighbourhood plans where justified.
3. Policy NE4 seeks to prevent adverse effects on strategic wildlife corridors which is consistent with NPPF179. Any development proposal potentially affecting a strategic wildlife corridor would be considered against Policy NE4 and other relevant development plan policies, including Policy NE5 which sets out detailed development management criteria for development affecting locally designated sites, including avoidance, mitigation, and Policies NE6 and NE7 which are concerned with habitats sites.
4. Policy NE4 includes that proposals for new development (with the exception of householder applications) within or in close proximity to wildlife corridors should take opportunities available in order to extend and enhance those corridors. Whilst we consider this to be an appropriate aim, a MM to paragraph 4.18 makes clear that the boundaries of the Strategic Wildlife Corridors are identified on the Policies Map and will only be amended through a review of the Local Plan (**MM11**).
5. To be effective, the explanatory text should clarify that the boundaries of the strategic wildlife corridors would only be amended through a local plan review and that given the differing habitats across the corridors, development proposals would be assessed on a case-by-case basis. The Plan should also refer to the Sussex Bat Special Area of Conservation Planning and Landscape Scale Enhancement Protocol (2018) given the significance of bats in the designation of the corridors.
6. Policy NE4 includes a sequential test to be applied to proposals for development within strategic wildlife corridors. Such a test is not justified and is not consistent with national policy and should be deleted. The Policy should also be amended so that it is clear that development proposals will only be permitted where they can demonstrate they would not lead to an adverse effect upon the ecological value, function, integrity and connectivity of the strategic wildlife corridors, and protect and enhance its features and habitats. The various changes to Policy NE4 are set out in **MM11**.

Policy NE5 Biodiversity and Biodiversity Net Gain

1. Policy NE5 seeks to conserve, protect, enhance, and restore biodiversity, detailing the general approach to assessing the environmental implications of development. The plan area comprises a number of international, national and locally designated sites, along with priority habitats and wildlife corridors. To be effective the footnote to Policy NE5 concerning the baseline for the biodiversity net gain calculation should be moved to the explanatory text, and paragraph 4.24 amended to delete the reference to the Nature Conservation Strategy which was included in error.
2. To be effective criterion E of Policy NE5 should be amended to refer to protected and priority habitats and species. The Policy should also make clear that regard should be had to Local Nature Recovery Strategies to inform opportunities for nature recovery. The Policy should also be amended to make clear that the requirements of the Policy do not apply to exempt development proposals, that the Policy applies to the plan area, not Chichester district (which includes part of the South Downs National Park) and to clarify where off-site provision may be appropriate, long term management and maintenance provision, and that losses to designated sites are not calculated within net gain metrics. To be consistent with the NPPF, the Policy should be amended to refer to ancient or veteran trees. The amendments to Policy NE5 are set out in **MM12**.

Policy NE6 Chichester’s Internationally and European Designated Habitats

1. Policy NE6 is concerned with designated habitats. To be effective the Policy should be amended to refer to European sites, protected habitat sites and Ramsar sites, with the full site names given for clarity. Paragraph 4.28 of the Plan should be amended to refer to the issue of the loss of intertidal habitat due to inappropriate coastal management. Paragraph 4.31 should be amended to clarify that the Sussex North Water Resource Zone is partly served by supplies from groundwater abstraction at Pulborough. The Policy should also be amended by the addition of a criterion addressing coastal squeeze affecting the Chichester and Langstone Harbours SPA and Ramsar, the Solent Maritime SAC and Pagham Harbour SPA and Ramsar. For effectiveness, the footnote concerning buffers included in the submission Policy should be inserted into the Policy. These changes are set out in **MM13**.

Policy NE7 Development and Disturbance of birds in Chichester and Langstone Harbours, Pagham Harbour, Solent and Dorset Coast Special Protection Areas and Medmerry Compensatory Habitat

1. All net increases in residential development, either alone or in combination with other developments, within a 5.6km zone of influence are likely to have a significant effect on the Chichester and Langstone Harbours SPA by means of recreational disturbance affecting bird species. Policy NE7 identifies that, if the impact of development is likely to adversely affect the integrity of an SAC or SPA, and this cannot be avoided or mitigated, then permission for development is likely to be refused. The Policy sets out how proposals for development should be assessed, and the process for determining whether or not appropriate avoidance/mitigation measures can be secured to determine that the proposal would not have an adverse effect on the integrity of one or more of the identified SPAs.
2. For effectiveness, paragraph 4.39 should be amended so that it is clear that the requirements of Policy NE7 apply to all development which could potentially affect SPAs and to correct the text to refer to designated bird species. Policy NE7 should be amended to make clear that it applies to all net increases residential development, either alone or in combination, and is concerned with significant effects arising from recreational disturbance, and in respect of functionally linked habitats. These amendments are necessary for effectiveness and consistency with national policy and are set out in **MM15**.

Policy NE8 Trees, Hedgerows and Woodlands

1. Policy NE8 sets development management criteria for where development proposals may affect trees, hedgerows and woodlands. To be consistent with national policy as set out in the NPPF, the Policy should be amended to refer to ancient or veteran trees. To be effective the Policy should also be amended to be clear about the circumstances where the minimum 15 metre buffer zone should be exceeded, and that there may be circumstances where street tree planting may not be appropriate or required, and to specify that cultivars and near native species are also appropriate to help provide long-term resilience to pests, diseases and climate change. These changes are set out in **MM16**.

Policy NE9 Canals

1. Paragraph 4.47 should be amended for effectiveness to delete the erroneous text referring to the requirement for appropriate assessment (**MM17**).

Policy NE10 Development in the Countryside

1. Policy NE10 is concerned with development in the countryside, that is to say outside settlement boundaries. To be effective, Policy NE10 should be amended so that it includes biodiversity and avoiding any adverse impact on Nature Recovery Networks within the key features and qualities of the countryside and to clarify that sustainability of a site should be enhanced or improved by improving or creating any opportunities to access the site by sustainable modes. Paragraph 4.51 should be amended to correctly refer to the special qualities of Chichester Harbour and the character of Pagham Harbour in order to be effective. The recommended changes are set out in **MM18**.

Policy NE11 The Coast

1. Policy NE11 is concerned with the protection and enhancement of coastal areas. The explanatory text should be amended to explain the effects of coastal squeeze, to correct references to designations, and explain the status of Shoreline Management Plans. Policy NE11 should be amended to clarify that the undeveloped areas of low-lying land around Chichester Harbour are prioritised for coastal habitat restoration, to make reference to the Environmental Improvement Plan 2023 and the Compensation and Restoration Programme. Reference should also be made to the opportunities for coastal/wetland habitat protection when considering development proposals. These changes are necessary for effectiveness and are set out in **MM19**.

Policy NE12 Development around the Coast

1. Policy NE12 is concerned with development on the coast. A number of changes are recommended to the explanatory text to clarify the requirement for the provision of an access strip for emergency works. The predicted rate of erosion around Pagham and Chichester Harbours has been removed and reference to National Coastal Erosion Risk Mapping added for effectiveness. The text should also be amended to refer to the National Coastal Risk Management work of the Environment Agency regarding setting back development from the coastline to allow for coastal change. Policy NE12 should be amended to include the issue of coastal squeeze, to delete the specific reference to development providing recreational opportunities, so that the Policy instead relates to development generally, and to ensure that small scale loss of intertidal habitat is compensated. The Policy should also be amended so as to include criteria about adaptation to climate change, and coastal processes. The requirements for the 25 metre setback for development around Chichester and Pagham Harbours should also be clarified in the Policy. The proposed changes are necessary for compliance with national policy and for effectiveness and are set out in **MM20**.

Policy NE13 Chichester Harbour Area of Outstanding Natural Beauty

1. Chichester Harbour AONB is a unique landscape of sheltered open water areas with contrasting narrow channels, mudflat and saltmarsh. Policy NE13 identifies the instances in which planning permission will be granted for development within the AONB or it’s setting. The Policy makes reference to the special qualities of the AONB as defined in the Chichester Harbour AONB Management Plan, which is not part of the development plan. **MM21** is therefore necessary to delete this reference to achieve clarity and to make the Policy effective.

Policy NE14 Integrated Coastal Zone Management for the Manhood Peninsula

1. The Manhood Peninsula covers the southernmost part of the plan area and it has a distinctive character. The Plan sets out that the Manhood Peninsula is facing a specific set of challenges, including areas at risk from coastal erosion and flooding; environmental designations; poor road accessibility; a lack of employment opportunities; an older population and high number of second homes. It also sets out that there is a need to adapt to potential impacts of climate change. In order to maintain a level of growth whilst responding to these issues the Council confirms that it will take a coordinated approach referred to in the Policy as Integrated Coastal Zone Management, and prepare additional plans and strategies to plan for the Manhood Peninsula.
2. The explanatory text to Policy NE14 should be amended to clarify that environmental designations cover Langstone Harbour too, and to set out related strategies and guidance relating to the area, which is to be relocated from the Policy text as its inclusion in the Policy is not justified. The Policy should also be amended to include the potential to contribute to any nature recovery networks for effectiveness. These changes are set out in **MM22**. We have corrected MM22 by deleting text in criterion 2 which was not included in the submission Plan.

Policy NE15 Flood Risk and Water Management

1. Policy NE15 sets out that flood and erosion risk will be taken into account at all stages of the planning process to avoid inappropriate development in areas at current or future risk of flooding. The Policy should be amended to clarify that the 8m set back from water courses, reflective of the requirements for environmental permitting, includes ones that are culverted, that new site drainage systems are designed to cope with residual flood risks. In addition, it should clarify that there should be no increase in run off rates, rather than volume, and that finished floor levels should be a minimum of 300mm above either the average ground level of the site, the adjacent road level to the building or the predicted significant fluvial/tidal flood level (Fluvial 1 in 100 year / Tidal 1 in 200 year plus latest climate change allowances) for the lifetime of the development. The Policy should also be amended to set out how compensatory flood storage should be provided. These changes are necessary for effectiveness and are set out in **MM23**.

Policy NE16 Water Management and Water Quality

1. The areas supplied by Portsmouth Water and Southern Water, which in this case applies to most of the plan area, are identified by the Environment Agency as areas at serious water stress. As a result, the submitted Policy applies the optional target of 110 litres per person per day set out in the Building Regulations and we consider that this is justified. Policy NE16 also requires development to demonstrate that sufficient water supplies can be provided, and is not detrimental to existing abstractions, river flows, water quality, fisheries, amenity or nature conservation.
2. To be effective, paragraphs 4.103 and 4.107 should be amended to provide the up-to-date position in regard to Southern Water’s Drainage and Wastewater Management Plan, and that the position statement in regard to the Thornham Waste Water Treatment Catchment is relevant to determining applications in the catchment. Policy NE16 should be amended to confirm how development should be connected to the public foul sewer, with alternatives only considered if it is demonstrated that such a connection is not possible, and a number of corrections are necessary to Policy wording to apply the correct terminology. We have amended the wording of the MM so that it refers to the Sussex North Water Resource Zone rather than Southern Water’s Supply Zone North which is incorrect and to confirm that it is foul water which is to be discharged to the public foul sewer. These are minor changes which should not give rise to prejudice to any interested party. Additionally, the specific policy wording in respect of the Apuldram Waste Water Treatment Works should be amended to require a drainage impact assessment, and that relating to the Thornham Wastewater Treatment works deleted. These changes are necessary for effectiveness and are set out in **MM24**.

Policy NE17 Water Neutrality

1. Part of the plan area lies within the Sussex North Water Resource Zone (WRZ), and it is necessary that the Plan and planning permissions would not have an adverse effect on conservation sites identified in Policy NE6 as the Arun Valley Sites (SPAs, SAC and Ramsar). The Council has worked with various bodies to produce a water neutrality strategy (see PS/CC20a) to support the delivery of development in this area which takes the approach that development must be water neutral. Due to the pressure on the water resources, it has been necessary for other councils to consider a similar approach, including Crawley Borough Council. Whilst this matter may be resolved through Southern Water’s, Water Resource Management Plan, the Policy is necessary until such times as the matter is resolved.
2. All development within the WRZ would be expected to demonstrate water neutrality. The Water Neutrality Strategy identifies that efficient design alone would not be sufficient to achieve water neutrality. Accordingly, the plan identifies a variety of methods, from design through to the use of an offsetting scheme, or provision of private supplies. We are satisfied that these standards have been properly tested by the Council in preparation of the Plan, and in conjunction with Natural England, Southern Water, and the Environment Agency. Whilst steps are being taken to ensure that longer term water resource management planning is taking place, the measures set out in Policy NE17 are necessary to facilitate housing growth in this particular part of the plan area in the short term.
3. As such, we are satisfied that Policy NE17 is necessary. However, a number of amendments are required to make the Policy effective to clarify the requirements for the provision of Water Neutrality Statements, offsetting and provision in the event that the need to demonstrate water neutrality is no longer required. The amendments are set out in **MM25**.

Policy NE19 Nutrient Neutrality

1. Policy NE19 is concerned with the issue of nutrient neutrality. To be effective paragraph 4.121 should be amended to cross reference Policy NE16 which deals with other forms of development which may affect water quality, and this paragraph and the Policy wording amended to reference Natural England’s Framework Approach for Responding to Wetland Mitigation Proposals. These changes are set out in **MM26**.

Policy NE20 Pollution

1. Policy NE20 is concerned with pollution and development and as drafted refers to additional guidance and standards, which results in the Policy being ambiguous and unclear and ineffective. Also, the Policy should require that during construction activities, pollution prevention measures should be taken. **MM27** is necessary for effectiveness and to be consistent with national policy as set out in the NPPF.

Policy NE21 Lighting

1. Policy NE21 as drafted refers to additional guidance and standards, which results in the Policy being ambiguous and unclear and not effective. **MM28** is therefore necessary to remove these references.

Policy NE22 Air Quality

1. Policy NE22 as drafted includes that the Council will consider development proposals against the requirements and standards contained in legislation and current local and national guidance. Consequently, the submitted Policy is ambiguous and unclear and therefore would be ineffective. The reference should be deleted. In regard to Air Quality Management Areas (AQMA), the Policy should be amended to include instances where development has potential to give rise to the need for a AQMA or poor air quality so as to be effective. Criterion 1 should be amended to refer to access to public routes consequential to the MMs to the transport policies regarding the monitor and manage approach to be effective. The recommended changes are set out in **MM29**.

Policy NE23 Noise

1. To be effective Policy NE23 should be amended to be clear that where noise sensitive development is proposed, a high-quality living environment is provided with acceptable levels of amenity for future occupiers by seeking to avoid noise that gives rise to significant adverse impacts on health and quality of life. In addition, for effectiveness, leisure uses should be included in the list in paragraph 4.134 of development types which should be accompanied by a noise assessment. These changes are set out in **MM30**. A minor correction is made to MM30 as the word ‘to’ in the first sentence of criterion 1 was highlighted in the MM in error.

**Conclusion**

1. For the reasons given, and subject to the MMs set out above, the climate change and natural environment policies would be justified and consistent with national policy and would be effective.

### Issue 10 – Are the place-making, health and well-being and infrastructure policies, justified and consistent with national policy and will they be effective?

Policy P1 Design Principles

1. Policy P1 is relatively wide in its scope, making provision for achieving well-designed development, in alignment with the National Design Guide. However, as drafted the Policy is ambiguous in respect of the additional design measures, and the requirement for all development proposals to be supported by a Sustainability Statement is not justified. Accordingly, **MM44** includes the necessary changes for effectiveness and consistency with the NPPF.

Policy P5 Spaces and Landscaping

1. Policy P5 sets out the approach to be taken when delivering development that includes open space and landscaping. However, **MM45** is necessary to address ambiguity in the Policy wording. **MM45** clarifies paragraphs 6.20 and 6.23 to identify approaches to open spaces and landscaping, and climate change mitigations. Criterion 2, 8, 9 and 10 of the Policy should be amended to provide certainty, and criteria 7 should be deleted. Subject to **MM45** the Policy would be effective and consistent with national policy.

Policy P6 Amenity

1. Policy P6 proposes that the nationally described space standards should be met as a minimum in housing development (subject to defined exceptions). The PPG sets out that where a need for internal space standards is identified, local planning authorities should provide justification for requiring internal space policies. Local planning authorities should take account of the need, viability and timing of the policy requirement.
2. The setting out of prescribed space standards is justified by the submitted evidence set out in the Council’s Residential Spaces Standards Evidence Study (PH04.01 and PH04.02). This provides evidence that the majority of dwellings recently permitted in the Plan area do not meet the NDSS as a minimum, suggesting insufficient internal space is provided to ensure an appropriate standard of amenity for prospective residents. The evidence study as well as the Local Plan Viability Assessment Stages 1 and 2 (IN03.01 and IN02.02) consider the viability implications of proposed NDSS compliance, with the latter concluding that the requirement would not create a significant, clear negative viability impact. The Policy should be amended to remove the text relating to internal storage being included in the overall minimum gross internal areas and concerning garages, balconies etc, not contributing to minimum space standards for effectiveness and consistency with national policy.
3. The Policy as drafted sets out a minimum separation distance of 21 metres between facing principal windows of habitable residential rooms and windows of other uses that could result in significant overlooking. We are not satisfied that this requirement is justified on the basis of the evidence put forward. Accordingly, **MM46** amends the Policy to confirm that a suitable distance should be provided, which would be assessed on a case by case basis.

Policies P9-P13 The Historic Environment

1. Policies P9 to P13 are concerned with the various types of heritage assets. However, there are a significant number of wide-ranging effectiveness issues, including inconsistencies between each policy, and with national policy for the historic environment as set out in the NPPF.
2. In addition to the general issues with the approach, Policy P9 is not effective as it is not consistent with legislation or the NPPF in respect of the requirements for the historic environment. Policy P10 deals specifically with proposals affecting listed buildings, as drafted it would be inconsistent with national policy and not be reflective of legislation in respect of the support for works to listed buildings, and would therefore fail to provide a clear framework for future decision makers. Policy P11 addresses conservation areas, however the wording of the Policy is inconsistent with the NPPF in respect of what is required for considering development within a conservation area. Policy P12 in its approach to non-designated heritage assets is not consistent with national policy or the test as set out in the NPPF. Policy P13 as drafted is ambiguous and fails to identify the correct test for development, thereby rendering it inconsistent with national policy.
3. **MM47, MM48, MM49, MM50** and **MM51** make the necessary changes to the policies to ensure that they are effective and consistent with national policy.

Policy P14 Green Infrastructure

1. Policy P14 sets out the Council’s approach to providing green infrastructure. However as drafted it is inconsistent with national policy in respect of the omission of reference to blue infrastructure, Local Nature Recovery Strategies, active travel and public rights of way. **MM52** would insert references as required so that it would be consistent with national policy and for effectiveness would clarify the circumstances in which proposals for development which would otherwise harm existing green infrastructure would be granted.

Policy P15 Open Space, Sport and Recreation

1. Policy P15 sets out the Council’s approach to enhancing well-being and promoting healthy lifestyles through the protection, enhancement and provision of open space, sport and recreation facilities. Due to the age of the evidence base originally used (2018), the Council commissioned an update to the evidence to support Policy P15, which included an Open Space Study Update (May 2024, PH02.01.01 – PH02.01.03), a Review of the Chichester Playing Pitch Strategy (February 2024, PH02.03) with updated Action Plans (February 2024, PH02.04) and an Indoor and Built Sport and Leisure Facilities Needs Assessment (April 2024, PH02.07).
2. The Open Space Study Update is based on up-to-date evidence of open space provision and supply, updated accessibility analysis, updated consideration of future open space requirements and provided updated open space quantity standards. The Built Sport and Recreation Facilities quantity and access standards are based on the recommendations from the Indoor and Built Sport and Leisure Facilities Needs Assessment (April 2024, PH02.07).
3. We are satisfied that the updated evidence base provides justification for the level of facilities being sought through Policy P15. **MM53** is necessary to provide certainty to the explanatory text to the Policy, and to amend the requirements set out in Tables 6.1 – 6.4 to reflect the updated evidence and to make the Policy effective.

Policy P16 Health and Wellbeing

1. We recognise that the Council is seeking that development contributes towards strong, vibrant and healthy communities. As drafted Policy P16 is not consistent with national policy, including references to strategies that are not part of the development plan, and going beyond the scope of the Policy including duplication of legislative requirements. Accordingly, **MM54** is necessary, by deleting criteria 1 and 4 of the policy, and amending criterion 6 to create a new paragraph, the Policy would become effective and consistent with national policy.

Policy P17 New and Existing Local and Community Facilities including Local Shops

1. Policy P17 sets out a criteria based approach to new and additional community facilities, and also for development resulting in the loss or adverse impact on facilities. However, as drafted the Policy is ambiguous and it is not evident how a decision maker should react, particularly in relation to duplication between criteria a and c. **MM55** would amend criterion a and c, and delete criterion d, thereby making the Policy effective.

Policy I1 Infrastructure Provision

1. Policy I1 informs the approach to the coordination of infrastructure provision. We are satisfied that the Policy is consistent with NPPF paragraph 56 and Regulation 122(2) of the Community Infrastructure Levy Regulations. However, **MM66** is necessary to ensure that the Policy takes account of the impacts of climate change and reflects the responsibility of statutory providers in respect of ongoing maintenance. Policy I1 should also be amended to recognise that gigabit capable broadband infrastructure may not be locally available. Subject to the MM the Policy would be effective and sound.

#### Conclusion

1. For the reasons given, and subject to the MMs set out above, the place-making, health and well-being and infrastructure policies would be justified and consistent with national policy and would be effective.

## Overall Conclusion and Recommendation

1. The Plan has a number of deficiencies in respect of soundness for the reasons set out above, which mean that we recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explained in the main issues set out above.
2. The Council has requested that we recommend MMs to make the Plan sound and/or legally compliant and capable of adoption. We conclude that the duty to cooperate has been met and that with the recommended main modifications set out in the Appendix the Chichester Local Plan 2021-2039 satisfies the requirements referred to in Section 20(5)(a) of the 2004 Act and is sound.

J Ayres, P Lewis,

Inspectors

This report is accompanied by an Appendix containing the Main Modifications.

1. MM14, MM22, MM24, MM30, MM71, MM83 and MM86. [↑](#footnote-ref-1)