

Chichester District Council

STATEMENT OF CONSULTATION

**The Town and Country Planning (Local Planning) (England) Regulations 2012
Regulation 12**

**Formal amendment to
Planning Obligations & Affordable Housing
Supplementary Planning Document**



1. Introduction

- 1.1 This document sets out how Chichester District Council involved the public when bringing forward an amendment to the Planning Obligations & Affordable Housing Supplementary Planning Document (SPD) in accordance with Regulation 12 of the Town and Country Planning (Local Planning) (England) Regulations 2012 and Chichester's Statement of Community Involvement.
- 1.2 The regulations require that a SPD is accompanied by a consultation statement setting out the following:
- Who was consulted regarding the SPD
 - Summary of the main issues raised; and
 - How the issues have been addressed in the SPD.

2. Purpose of amendment to SPD

- 2.1 The Planning Obligations & Affordable Housing SPD was adopted by the Council on 26 January 2016, and took effect from 1 February 2016. It sets out Chichester District Council's proposed policy for securing developer contributions from new developments within the Local Plan area that require planning permission, and will be an important material consideration in determining planning applications.
- 2.2 The proposed amendment adds wording to the SPD that will enable financial contributions to be secured from major housing developments proposed in the Local Plan to mitigate the additional traffic impact on the A27 Chichester Bypass. The additional wording has been included at Paragraphs 4.46 – 4.54 of the SPD and sets out the intended process for securing contributions and the methodology that will be used to calculate the level of payments sought.

3. Consultation process – who was consulted regarding the amendment to SPD

- 3.1 The purpose of the consultation was to seek comments from stakeholders and members of the public on the proposed amendment to the SPD. All statutory consultees were notified (City/Town/Parish Councils including those which adjoin the District in neighbouring local authority areas, relevant county authorities, adjoining local authorities, specific consultation bodies) as well as registered individuals and organisations on the Local Plan database, local agents, Elected members and

various District Council and West Sussex County Council staff. The consultation was advertised on the Council's website and the local press giving all those not on the Council's database an opportunity to take part in the consultation.

3.2 The consultation ran for a period of six weeks from 29 January 2016 until 11 March 2016. The draft wording proposed to be added to the Planning Obligations and Affordable Housing SPD was published for comment, along with the technical transport study¹ that underpins the methodology used to calculate the contribution to be sought each of the relevant housing sites.

3.3 Representations were received from a total of 13 separate organisations and individuals. Full details of these representations can be viewed through the Council's Consultation Portal at: <http://chichester-consult.limehouse.co.uk/portal/>

4. How the issues raised by respondents have been addressed in the SPD.

4.1 Table 1 below summarises the main issues raised in the representations received, and sets out the Council's responses to the comments submitted.

¹ A27 Chichester Bypass - Developers Contribution Analysis for Strategic Development Options and Sustainable Transport Measures (report by Jacobs, October 2015)

Table 1
Proposed amendment to Planning Obligations and Affordable Housing SPD
Public consultation on A27 contributions (January - March 2016)
Summary of representations received and Council responses

| <i>Name/Organisation</i> | <i>Main issues raised</i> | <i>Proposed response to comments</i> |
|--------------------------|---|---|
| Mr David Akerman | <p>Proposals no longer relevant due to forthcoming Highways England scheme.</p> <p>If an offline route is preferred, no changes may be needed to some/all of existing junctions.</p> <p>Calculation methodology should take account of all development over a longer period (say 25 years). Current calculations should be withdrawn until HE scheme finalised.</p> | <p>The proposed developer contributions are directly related to the projected cost of improvements required to mitigate the traffic impacts of new housing proposed in the Local Plan on the A27 Bypass, and have been calculated independently of any HE scheme to deal with existing traffic congestion. The Council is already considering planning applications for sites allocated in the Plan and needs to establish the methodology for obtaining developer contributions at this stage - irrespective of whether the HE scheme goes ahead or the timetable for the HE improvements.</p> <p>HE is now no longer considering offline options for improvements to the A27 at Chichester.</p> <p>The proposed contributions relate to mitigation required to address the traffic impacts of Local Plan development over the period to 2029. The modelling work undertaken has not assessed the potential impact of additional development beyond or outside the Local Plan. Therefore the current proposed methodology cannot be used to assess what further mitigation may be required or the level of contributions from additional developments. Future development and its impact will be considered as part of the Local Plan review.</p> <p>No change to SPD required.</p> |

| Name/Organisation | Main issues raised | Proposed response to comments |
|--------------------------|---|---|
| Mr Philip Linsell | <p>A27 funding should be provided by central Government, not the responsibility of CDC. If northern A27 route preferred, contributions would be redundant.</p> <p>Developer contributions should be provided for local transport improvements rather than trunk road.</p> | <p>The proposed developer contributions are directly related to the projected cost of improvements required to mitigate the traffic impacts of new housing proposed in the Local Plan on the A27 Bypass, and have been calculated independently of any HE scheme to deal with existing traffic congestion.</p> <p>HE is now no longer considering offline options for improvements to the A27 at Chichester.</p> <p>Development contributions are being sought for local transport improvements as well as for the A27 - full details are set out in the Infrastructure Delivery Plan and Infrastructure Business Plan.</p> <p>No change to SPD required.</p> |
| Mrs A Griffiths | <p>Contributions should be required for every new home, not just schemes of 50+.</p> | <p>Planning applications for schemes of <50 dwellings fall below the threshold where the County Highways Authority would normally require a detailed transport assessment, and individually are unlikely to have a significant traffic impact on the A27. It would therefore be difficult to demonstrate that a development contribution is necessary to make the development acceptable in planning terms, which is one of the tests to justify seeking planning obligations. However, smaller residential developments will be liable for CIL which will be used to help fund local highway and transport improvements that will coordinate with improvements to the A27 junctions.</p> <p>No change to SPD required.</p> |
| CCAAC | <p>Developer contributions should also apply to schemes of <50 dwellings.</p> | <p>Planning applications for schemes of <50 dwellings fall below the threshold where the County Highways Authority would normally require a detailed transport assessment,</p> |

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|--------------------------------------|--|---|
| | | <p>and individually are unlikely to have a significant traffic impact on the A27. It would therefore be difficult to demonstrate that a development contribution is necessary to make the development acceptable in planning terms, which is one of the tests to justify seeking planning obligations. However, smaller residential developments will be liable for CIL which will be used to help fund local highway and transport improvements that will coordinate with improvements to the A27 junctions.</p> <p>No change to SPD required.</p> |
| Natural England | No comments | Noted. |
| Historic England | No comments | Noted. |
| Terence O'Rourke for Goodwood Estate | <p>Support general principle of developer contributions. Improvements to A27 junctions need to be aligned with measures to alleviate congestion on local road network which should also form part of the overall package.</p> <p>Proposals do not take account of HE proposals and will have to be revisited when HE scheme is agreed.</p> | <p>Noted.</p> <p>Agree. The A27 improvements will form part of a wider package of local transport improvements for the Chichester city area. The Council is continuing to work closely with HE and WSCC to ensure a coordinated approach.</p> <p>The proposed methodology for calculating contributions is based on the traffic impact from each development on the A27 Bypass junctions in cumulative terms (rather than assessing each junction separately). HE is no longer considering offline options for improvements to the A27 at Chichester and it is considered unlikely to be necessary to revisit the contributions methodology when the preferred Government scheme is announced.</p> <p>No change to SPD required.</p> |
| Lavant Parish Council | Funding proposals & methodology premature ahead | The Council is already considering planning applications |

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|---|---|---|
| | <p>of knowing HE preferred scheme.</p> <p>Not clear how developer contributions would be used if an offline/northern route is preferred.</p> <p>A27 upgrade likely to be completed before developer funding has been collected.</p> | <p>for sites allocated in the Plan and therefore needs to establish the process and methodology for obtaining developer contributions through planning obligations at this stage - irrespective of whether the HE scheme goes ahead or the timetable for the HE improvements.</p> <p>HE is now no longer considering offline options for improvements to the A27 at Chichester.</p> <p>The proposed methodology for calculating contributions is based on the traffic impact from each development on the A27 Bypass junctions in cumulative terms (rather than assessing each junction separately). HE is no longer considering offline options for improvements to the A27 at Chichester and it is considered unlikely to be necessary to revisit the contributions methodology when the preferred Government scheme is announced.</p> <p>No change to SPD required.</p> |
| WYG for Linden Homes & Miller Strategic | <p>Support principle of contributions & consider contribution per trip is reasonable.</p> <p>SPD should be flexible to allow for reduced contributions or repayment of contributions if other funding sources become available.</p> | <p>Support noted.</p> <p>The proposed contributions are directly related to the projected cost of improvements required to mitigate the traffic impacts of new housing proposed in the Local Plan on the A27 Bypass, and have been calculated independently of any HE scheme to deal with existing traffic congestion. Should sufficient funding become available and committed from other sources, the SPD may need to be reviewed.</p> <p>No change to SPD required.</p> |
| West Sussex County Council | <p>Suggest SPD should set out approach for seeking contributions for non-residential sites - based on same principles as for residential.</p> | <p>The Local Plan does not allocate non-residential sites except for B1-B8 uses, where development contributions are likely to be severely restricted by viability</p> |

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| | | <p>considerations (B1-B8 development is zero-rated for CIL for viability reasons). In practice, much of the employment provision in the Local Plan already has planning permission or forms part of a strategic residential allocation (as at the West of Chichester SDL).</p> <p>No change to SPD required.</p> |
| <p>Nexus for CEG and DC Heaver & Eurequity</p> | <p>Support general principle of developer contributions.</p> <p>Seek further clarification on calculations, including:</p> <ul style="list-style-type: none"> - why sites of <50 dwellings & non-residential development not included - why model only looks at AM peak (not also PM peak) - further details of select link analysis - why model does not take into account improvements to Westhampnett Rd double mini roundabout. <p>SPD should provide appropriate approach for phasing of contributions and priority list for delivery of A27 mitigation schemes.</p> | <p>Support noted.</p> <p>Planning applications for schemes of <50 dwellings fall below the threshold where the County Highways Authority would normally require a detailed transport assessment, and individually are unlikely to have a significant traffic impact on the A27. It would therefore be difficult to demonstrate that a development contribution is necessary to make the development acceptable in planning terms, which is one of the tests to justify seeking planning obligations. However, smaller residential developments will be liable for CIL which will be used to help fund local highway and transport improvements that will coordinate with improvements to the A27 junctions.</p> <p>The greatest pressure on the network is generally experienced during the AM peak which is the reason this was used in the traffic modelling. Including PM flows in the modelling would make the calculation of contributions over-complicated. The Council disagrees with the assertion that the methodology could unfairly penalise sites</p> <p>Details of the select link analysis have been provided to the consultee.</p> <p>The proposed improvements to the Westhampnett Road roundabouts have not yet been finalised. Since they are not yet a firm commitment, it is not appropriate to include</p> |

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| | | <p>them when modelling the 2031 'baseline' scenario. They form part of the wider package of Local Plan transport mitigation measures identified in the Infrastructure Delivery Plan (along with the A27 junction improvements). Transport Assessments should take account of more recently planned improvements as they come forward.</p> <p>It is not proposed that the phasing of contributions or priorities for delivery of the A27 improvements will be specified in the proposed S106 agreements between the Council and developers. The S106 agreement will identify the amount of the developer contribution towards the A27 and require that the developer enters into a S278 agreement directly with the HE. Details relating to the phasing of payments etc, will need to be agreed between the developer and HE and specified within the subsequent S278 agreement.</p> <p>No change to SPD required.</p> |
| Highways England | Generally support proposed approach & methodology. Council will need to ensure that flexibility to recalculate contributions if dwellings numbers differ at planning applications does not lead to overall funding shortfall. | <p>Support noted.</p> <p>Developer contributions sought through planning obligations are subject to tests that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind. To comply with these tests, the scale of contributions sought must be proportionate to the level of traffic impact generated by the relevant development. Therefore, it is necessary to allow flexibility to adjust contributions to reflect the number of dwellings proposed when planning applications come forward.</p> <p>No change to SPD required.</p> |

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|--|---|---|
| <p>Savills for Bloor Homes & Seawards Properties</p> | <p>Don't object to general principle of developer contributions to A27.</p> <p>Consider that A27 contributions should be clearly 'ring fenced' - question if using developer contributions for wider strategic road network complies with CIL regulations.</p> <p>Consider it premature to determine level of contributions until HE proposals for A27 have been fully consulted on.</p> <p>Consider that contributions should be determined on case by case basis at planning application stage. Raise concerns about impact on overall viability at Tangmere, since SPD contributions are much higher than those previously assumed at CIL examination.</p> | <p>The proposed contributions are directly related to the projected cost of improvements required to mitigate the traffic impacts of new housing proposed in the Local Plan on the A27 Bypass, and have been calculated independent of any HE scheme to deal with existing traffic congestion. This approach is considered to meet the planning tests required for planning obligations.</p> <p>The Council's methodology for calculating contributions is based on the amount of traffic from each development likely to use the A27 Bypass (rather than assessing traffic impacts for each junction individually). HE is no longer considering offline options for improvements to the A27 at Chichester and it is considered unlikely to be necessary to revisit the contributions methodology when the preferred Government scheme is announced.</p> <p>The proposed methodology for calculating contributions is based on the traffic impact from each development on the A27 Bypass junctions in cumulative terms (rather than assessing each junction separately). HE is no longer considering offline options for improvements to the A27 at Chichester and it is considered unlikely to be necessary to revisit the contributions methodology when the preferred Government scheme is announced.</p> <p>The Council will consider any viability issues at the planning application stage, but does not consider that the scale of contribution proposed will make development at the Tangmere SDL unviable.</p> <p>No change to SPD required.</p> |