The Planning Inspectorate

Report to Chichester District Council

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an Inspector 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

Site Allocation: Proposed Submission Development Plan Document 2014-2029

The Plan was submitted for examination on 31 March 2017

The examination hearings were held on 12-14 and 20-21 September 2017

File Ref: PINS/L3815/429/8

Abbreviations used in this report

AA	Appropriate Assessment
AONB	Area of Outstanding Natural Beauty
DCLG	Department for Communities and Local Government
DtC	Duty to Co-operate
HRA	Habitats Regulations Assessment
LDS	Local Development Scheme
SA Plan	Site Allocation Plan
Local Plan	Chichester's Local Plan: Key Policies 2014-2029
MM	Main Modification
The Framework	National Planning Policy Framework
OAN	Objectively assessed need
PPG	Planning Practice Guidance
SA	Sustainability Appraisal
SAC	Special Area of Conservation
SCI	Statement of Community Involvement
SPA	Special Protection Area

Non-Technical Summary

This report concludes that Chichester District Council's Site Allocation Development Plan Document 2014-2029 (the SA Plan) provides an appropriate basis for the planning of the District, provided that a number of main modifications (MMs) are made to it. Chichester District Council has specifically requested me to recommend any MMs necessary to enable the SA Plan to be adopted.

All the MMs were proposed by the Council, and were subject to public consultation over a six-week period. In some cases I have amended their detailed wording and/or added consequential modifications where necessary. I have recommended their inclusion in the SA Plan after considering all the representations made in response to consultation on them.

The MMs can be summarised as follows:

- A number of MMs of a factual nature relating to emerging neighbourhood plans;
- MMs to clarify the way in which the housing and employment provision in the SA Plan meet Chichester's Local Plan: Key Policies 2014-2029 (Local Plan) requirement;
- MMs to delete and justify deletion of a proposed housing allocation (Policy LY1);
- MMs to clarify the approach to the provision of employment allocations and justify the approach to B1(a) employment provision;
- MMs to link policies to the policies map;
- MM to clarify the contribution of student housing to the Chichester city housing total;
- MM to ensure an effective monitoring regime;
- A variety of others to ensure the SA Plan's policies are justified and effective.

Introduction

1. This report contains my assessment of the Chichester District Council Site Allocation: Proposed Submission Development Plan Document 2014-2019 (the SA Plan) in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the SA Plan's preparation has complied with the duty to co-operate. It then considers whether the SA Plan is sound and whether it is compliant with the legal requirements. The National Planning Policy Framework 2012 (the Framework) (paragraph 182) makes it clear that in order to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy. The revised National Planning Policy Framework was published in July 2018. It includes a transitional arrangement in paragraph 214 whereby, for the purpose of examining this SA Plan, the policies in the 2012 Framework will apply. Unless stated otherwise, references in this report are to the 2012 Framework.

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 SA Plan submitted in March 2017 is the basis for my examination. It is the same document as was published for consultation in December 2017.

Main Modifications (MMs)

3. In accordance with section 20(7C) of the 2004 Act, the Council requested that I should recommend any MMs to rectify any matters if I were to find the SA Plan unsound and thus incapable of being adopted. My report explains why the recommended MMs are necessary. The MMs are referenced in bold in the report in the form **MM1, MM2, MM3** etc, and are set out in full in the Appendix.

4. The MMs all relate to matters that were discussed at the examination hearings. The Council has provided the detailed wording of the proposed MMs and carried out Sustainability Appraisal (SA) and Habitats Regulations Assessment (HRA) of them. The MM schedule was also subject to public consultation for six weeks. I have taken account of all consultation responses in coming to my conclusions in this report.

5. After the close of that consultation, in light of the People Over Wind judgment[1] a revised HRA (August 2018) was undertaken and consulted upon. That Assessment, along with Natural England's support for its approach and conclusions, have been taken into account in my report.

6. I have made some amendments to the detailed wording of the MMs and added consequential modifications where these are necessary for consistency or clarity. None of the amendments significantly alters the content of the modifications as published for consultation or undermines the participatory processes and SA or HRA that have been undertaken. Where necessary I have highlighted these amendments in the report.

[1] People Over Wind, Peter Sweetman v Coillte Teoranta

Policies Map

7. 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 maps 1-16 within the SA Plan.

8. The policies map is not defined in statute as a development plan document and so I do not have the power to recommend MMs to it. However, a number of the published MMs to the SA Plan's policies require further corresponding changes to be made to the policies map. **MM8, MM9, MM15, MM16, MM17, MM18, MM19, MM20, MM21, MM22, MM23, MM24, MM26, MM27, MM28, MM30** address this matter.

9. When the SA Plan is adopted, in order to comply with the legislation and give effect to its policies, the Council will need to update the adopted policies map to include all the changes proposed in the SA Plan.

Background

Scope of the SA Plan and relationship with the adopted Local Plan

10. Chichester's Local Plan was adopted in July 2015. That document establishes the broad scale and distribution of development within the Local Plan area, which covers the parts of Chichester District outside the South Downs National Park. It sets out the main role and function of different areas through the settlement hierarchy. The role of the SA Plan, as set out in the Local Development Scheme 2017-2020 (LDS), is to identify non-strategic sites for housing and employment, review relevant parish settlement boundaries and allocate identified local centres, in conformity with the Local Plan.

11. A number of those who made representations on the published SA Plan argued that the Council should have re-assessed the approach to the scale and location of development set out in the Local Plan, particularly in respect of overall housing provision, given that the housing target in the Local Plan does not meet Objectively Assessed Need (OAN). Further it was argued that some of the constraints to meeting the District's OAN have now significantly lessened. This includes factors such as Wastewater Treatment Works upgrades and planned improvements to the A27.

12. The LDS sets out the scope of the SA Plan and its relationship with the Local Plan. It is clear from the LDS and the SA Plan itself, that it is not intended to supersede any of the policies in the Local Plan. The SA Plan is required to be consistent with the adopted Local Plan under the terms of Reg 8(4) of the Town and Country Planning (Local Planning) (England) Regulations 2012.

13. It may be that overall development requirements in the Local Plan area, particularly for housing, need to be re-assessed, in light of progress, in particular, with the highway and infrastructure constraints identified in the Local Plan. To this end, I note that the Local Plan is subject to an early review (within five years) and that a review is currently underway.

14. However, it is not the role of the SA Plan, which is clearly intended to implement and be consistent with the adopted Local Plan, to revisit the overall approach to development needs and the strategy to deliver them. Likewise, the fact that the OAN is not being met at present is not a reason to conclude that the SA Plan is not sound or legally compliant. The key tests in respect of the scale of development proposed are whether the SA Plan is consistent with the Local Plan and whether it would realistically deliver the scale and distribution of development envisaged. I deal with these issues in more detail below.

Assessment of Duty to Co-operate

15. Section 20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on it by section 33A in respect of the SA Plan's preparation.

16. The SA Plan is a subordinate plan to the Local Plan. The Local Plan sets out the housing numbers and the amount of employment land required to be delivered over the Local Plan period. As set out in Document SD04, which is the Council's Duty to Co-operate Statement, the SA Plan gives rise to limited strategic and cross-boundary implications. Having regard to Document SD04, and to the representations made in relation to the SA Plan, overall I am satisfied that where necessary the Council has engaged constructively, actively and on an on-going basis in the preparation of the SA Plan and that the duty to co-operate has therefore been met.

Assessment of Soundness

Main Issues

17. Taking account of all the representations, the written evidence and the discussions that took place at the examination hearings, I have identified eight main issues upon which the soundness of the SA Plan depends. Under these headings my report deals with the main matters of soundness in relation to those issues. It does not respond to every point raised by representors. Thus, while the SA Plan includes many policies, I shall only address those which give rise to soundness issues in my report. Those policies or aspects of policies which are not referenced below are therefore sound as submitted.

Issue 1: Whether the SA Plan is consistent with the Local Plan strategy and whether it has been positively prepared, is justified, effective and consistent with national policy in relation to the scale and distribution of development proposed and the approach to site allocations

18. The Local Plan seeks to focus development mainly in the East-West corridor of the District, between Southbourne and Tangmere, especially around Chichester city itself. More limited development is proposed for the Manhood Peninsula and north of the District. The location of planned development generally reflects the size and character of different settlements, reflecting the settlement hierarchy set out in Local Plan Policy 2. That forms the basis for the distribution of growth outlined in the above Local Plan strategy.

19. In terms of housing, the Local Plan aims to provide for an average of 435 additional dwellings per year between 2012 and 2029 (7,388 over the plan

period). The East-West corridor is expected to accommodate approximately 83%, and is the main focus for new housing development in the District, in line with the Local Plan spatial strategy (Local Plan Policy 4).

20. I deal specifically with the issue of housing land supply and delivery in more detail under Issues 2 and 3 below. Most of the Local Plan's housing requirement will be provided for through strategic allocations within the Local Plan, in four Strategic Development Locations and the Settlement Hubs. The parishes are required to contribute 860 homes (Local Plan Table 7.1). The role of the SA Plan, in this context, is to allocate housing land in parishes that have not allocated housing through a Neighbourhood Plan or had development of six or more dwellings granted planning permission, which meets the indicative numbers set out in Local Plan Policy 5. Taking account of other potential sources of housing land, including existing commitments, the SA Plan proposes sufficient housing site allocations to meet the overall requirement set out in the Local Plan. Again, taking account of other sources of supply, the planned distribution of housing across the District is also consistent with that envisaged in the Local Plan.

21. The Local Plan seeks to focus new employment development in and around Chichester city. It provides for around 25 hectares (has) of employment land suitable for B1-B8 uses, mainly through strategic allocations West of Chichester and Tangmere (Local Plan Policies 3 and 11). Taking into account existing undeveloped allocations identified in the earlier Chichester District Local Plan 1999, together with the strategic employment land allocations in the Local Plan, the outstanding balance is 9.2 has. Of this around 5 has should be B1a office space. Taking into account Local Plan strategic allocations, sites with outstanding planning permission and allocations in the previous Local Plan, the overall amount of employment land planned, including B1a office provision and its focus within or close to Chichester city, ensures that the overall provision is consistent with the Local Plan.

22. In terms of the location of site allocations, the overall approach taken in the SA Plan is consistent with the Local Plan. The allocated housing sites are concentrated in the parishes to meet the specific needs of local communities, in accordance with Local Plan Policy 5 and the employment land would be close to or within Chichester city. This reflects the strategy of growth in the east-west corridor and generally meets the outstanding requirement.

23. Evaluation of the site allocations has been carried out through the SA [SA01-SA05] at each stage of the production of the SA Plan. That evaluated environmental and infrastructure constraints of proposed allocations, along with the consideration of alternatives. A number of objectors queried the methodology adopted in the sustainability appraisal. The methodology included professional planning judgement in evaluating each site against defined criteria, taking account of the views of local people. Generally, I find that it has been positively prepared, justified, effective and consistent with national policy. I note that the sustainability appraisal methodology is the same as that which underpinned the Local Plan. It has therefore been through the rigors of that examination, which adds weight to my conclusions, in this regard. **MM7** is necessary to ensure that the site specific development criteria relate to each site allocation and the policies are therefore effective.

24. Local Plan paragraph 16.19 sets out a requirement to identify a local centre at the Settlement Hubs of East Wittering and Selsey. Selsey has allocated its local centre through its Neighbourhood Plan, now at an advanced stage of preparation. This is confirmed in **MM2,** which is necessary to ensure that the SA Plan is effective in delivering what the Local Plan requires. The SA Plan defines a local centre at East Wittering. Generally, it defines a compact centre encompassing the majority of commercial buildings and local services, following property boundaries and defined physical barriers. It would result in some opportunity for limited development well related to the scale of East Wittering. I therefore consider it would provide an appropriate basis for the application of Local Plan Settlement Hub and Village Centre retail policies (Local Plan Policy 29).

25. The approach to the review of settlement boundaries is set out in Local Plan Policy 2. The general approach in the SA Plan is limited to parishes where a proposed allocation sits adjacent to the settlement boundary or development adjacent to a settlement boundary has recently taken place. **MM1** is necessary to clarify the exclusion of parishes that have undertaken a Neighbourhood Plan that allocates housing sites. This will ensure that the SA Plan is effective in terms of delivering what the Local Plan requires. Settlement boundaries are reviewed in accordance with a clear, consistently applied and easily understood set of criteria and in response to changes in administrative areas. Whilst the Ifold settlement boundary has not been reviewed to include the proposed allocation, I am satisfied that this is a consequence of the application of the review criteria. Generally, the approach taken is consistent with the Local Plan.

26. The SA Plan is therefore consistent with the Local Plan in terms of the approach to the scale and distribution of development and the allocation of sites. Within this context it has been positively prepared and it is justified, effective and consistent with national policy, subject to the main modifications that I have described above.

Issue 2: Whether the approach towards the supply and delivery of housing land is justified, effective and consistent with national policy

27. The Local Plan seeks to deliver 7,388 additional homes within the Local Plan period. The Council confirmed that net housing completions between 2012-2016 totalled 1,367 dwellings. Overall provision therefore needs to be made for 6,021 additional dwellings for the remaining years of the Local Plan period.

28. Local Plan Policy 5 sets out an indicative requirement for 860 homes within the parishes to be delivered on small scale housing sites between 2012 and 2029 to help deliver the above housing requirement and address the specific needs of local communities. It indicates that suitable sites will be identified in Neighbourhood Plans or through the SA Plan. In accordance with this, the SA Plan does not identify sites for parishes with housing sites identified in a made Neighbourhood Plan. For the remaining parishes (less than 10), sites with planning permission granted since the beginning of the Local Plan period for 6 or more dwellings have been deducted from the relevant indicative parish number. The SA Plan seeks to deliver the remainder in each parish. Taking account of existing commitments, it seeks to deliver roughly 266 additional dwellings between 2012 and 2029. This is clarified and factually updated in

MM3 and MM4. These MMs are necessary to ensure that the SA Plan is effective in delivering the housing required.

29. Overall, the Council considers that its current projected housing supply is in the order of 6,924 new dwellings. That, in addition to the 1,367 net dwellings already built over the period 2012-2016 would give a healthy oversupply within the Local Plan period when measured against the Local Plan requirement. The total supply would be in the region of 8,290.

30. In terms of the requirement for the Council to maintain a five year supply of deliverable housing sites, it accepts that completions in the first three years of the Local Plan period from 2012 fell below the requirement of approximately 435 net dwellings per year. Although the period 2015-2016 met the net requirement, the Council also accepts that in terms of a five year supply of deliverable sites, it is appropriate to apply an additional buffer of 20% therefore. The Council also considers that the shortfall in delivery against the Local Plan annual housing requirement since 2012 (some 373 dwellings) should be addressed. In line with the National Planning Practice Guidance (PPG), the undersupply since 2012 should be dealt with in the first five years. On this basis and taking completions during 2016-2017 into account, the net five year requirement, as of September 2017, equates to 3,053 dwellings. That relates to an annual requirement of 611 net dwellings per year. The Council considers that as of September 2017, the supply of deliverable sites would provide for approximately 3,085 dwellings i.e. just in excess of the five year requirement. On the basis of my conclusions in relation to the specific site allocations considered in Issue 3, the SA Plan would contribute at least 114 to those numbers, making a small, but significant contribution. This contribution would be in accordance with the Local Plan's limited expectations of the SA Plan's contribution to its five year housing land supply.

31. The SA Plan allocations are a small proportion of the overall housing supply over the Local Plan period; being less than 4% of the total. Further, many of the proposed housing allocations within the SA Plan have already gained planning permission. The element of the overall housing supply that currently depends for delivery on the SA Plan is in the order of 67 dwellings, which is a very small proportion of the total identified housing supply for the Local Plan period (roughly 1%). However, the SA Plan allocations will provide for housing to meet parish needs and further assist the overall housing supply in the short term and the Council's five year housing land supply. As the Local Plan requirement would be exceeded, a five year supply maintained, the parishes would deliver above the indicative figure set out in Local Plan Policy 4 Table 7.1 (over 1000 dwellings compared with the requirement for 860) and the Council has not included a figure for housing released through development of student accommodation in its calculations, together with other sources of identified supply, the SA Plan would provide sufficient flexibility in the housing supply.

32. My deliberations under Issue 3 conclude that apart from the site proposed in Lynchmere, I have found no compelling evidence that any of the other proposed site allocations in the SA Plan do not have a reasonable prospect of being available and viably developed during the Local Plan period. The Council only includes sites in made or emerging Neighbourhood Plans at an advanced stage of preparation in its calculation of the remaining parish requirement,

such as the Westbourne Neighbourhood Plan, which is going through examination. This significantly reduces uncertainty in its delivery. **MM3** is necessary to clarify the position regarding emerging Neighbourhood Plans, in order to make the SA Plan effective in delivering the indicative parish numbers. The proposed housing site allocations have been identified within the policy framework provided by the Local Plan, relating to the parishes that have not allocated housing through a Neighbourhood Plan or have planning permissions for developments of 6 or more dwellings to meet their indicative requirement. Within this context there is a reasonable degree of variety in terms of the size, character and location of sites.

33. Taking all of these factors into account and the lower requirement for certainty in terms of specific sites later in the plan period (see Paragraph 47 of the Framework), I consider that the total potential supply of housing sites in the SA Plan will be sufficient to meet the residual requirement for the rest of the Local Plan period and will provide some flexibility should sites not come forward as envisaged. In this regard it would meet the objective set out in Paragraph 47 of the Framework, to boost significantly the supply of housing.

34. I conclude therefore that the approach towards the supply and delivery of housing land is justified, effective and consistent with national policy.

Issue 3: Whether the proposed housing site allocations are justified, effective and consistent with national policy

35. The SA Plan proposes a number of sites for housing, in the parishes of the District to meet the outstanding housing requirement set out in the Local Plan. Local Plan Policy 5 sets out that small scale housing sites will be identified, through the SA Plan or Neighbourhood Plans to address the specific needs of local communities and sets out indicative numbers for each. As noted above, I consider that the overall approach to the identification of sites is consistent with the Local Plan strategy and apart from the case of Lynchmere, there is a reasonable prospect of them being available and viably developed during the Local Plan period.

36. Within the context of the Local Plan, the Council has sought to balance the needs of local communities for a range and choice of housing sites to meet identified requirements with other important considerations such as the character and appearance of the area, including the historic and natural environment, highway safety, the living conditions of local residents and other considerations such as flooding risk and sewerage capacity. On the basis of my conclusions on each proposed allocation below, I consider that the Council has achieved the correct balance.

37. A number of the proposed sites are subject to planning permission for housing and in some cases currently under construction. In many cases, detailed proposals will need to address particular issues relating to the site in question such as the living conditions of local residents, access and parking and the character and appearance of the area. However, there is no reason to suggest that suitable solutions cannot be found in principle through design and layout and the usual development management process.

38. I set out my findings in relation to the key issues raised in relation to each allocation below.

Policy BO1 Land at Highgrove Farm, Bosham

39. This is a green field site, situated outside the AONB, adjacent to the Broadbridge settlement boundary, which together with Bosham forms a Service Village. It is well screened from Highgrove Farm and residential development close by and the scale of development proposed would enable its development in principle, taking account of the need for screening, landscaping and green space. Whilst there are constraints to development of this site, in particular, in relation to its effect on the South Downs National Park and the Chichester Harbour AONB, **MM8** would ensure appropriate design and layout to avoid any adverse impact and ensure adequate sewerage infrastructure. This MM is necessary to ensure that the policy wording gives a clear indication of how a decision maker should react to a development proposal, as set out in paragraph 154 of the Framework, and therefore ensure that the policy would be effective. I have amended the wording of this MM, in accordance with Natural England's comments on the revised HRA (August 2018), to take account of any adverse effect on roosting or feeding habitat for wintering wader or brent goose associated with the Chichester and Langstone Harbours Special Protection Area (SPA). With active developer interest and ongoing negotiation regarding its development, no obstacle to its development is before me.

40. A number of representors, including Bosham Parish Council, suggested that the parish indicative number should be provided on a number of smaller sites, rather than one site. In this context other sites in the locality were put forward as being preferable. However, I find the proposed allocation positively prepared, justified, effective and consistent with national policy. I have no reason to refer to the Council to consider alternatives therefore.

Policy BX1 Land West of the Street, Boxgrove

41. This is a green field site adjacent to the Boxgrove settlement boundary. It has outline planning permission for 22 dwellings. Site specific criteria would ensure that it would blend into the character and appearance of the locality and maintain highway safety. **MM9** would ensure that the locality's archaeology and the impact on waste and minerals are considered as part of any detailed development proposal. This MM is necessary to ensure that the policy wording is effective. With active developer interest, outline planning permission and ongoing negotiation regarding its development, it would be deliverable and would contribute to the Council's five year house land supply.

Policy CC1-CC4 Chichester City

Tesco Filling Station, Fishbourne Road,

42. This is a vacant brownfield site within the settlement boundary, currently with full planning permission for student accommodation and currently under construction. **MM15** is necessary to clarify site specific criteria to ensure that development respects the character and appearance of the locality, and the presence of minerals. This MM is necessary to ensure that the policy wording would be effective.

43. **MM10 and MM11** would remove the contribution of this student accommodation towards meeting the overall Local Plan housing requirement.

This is because the Council does not at present have the necessary evidence of the housing released through such development to justify its inclusion. However, together, the release of housing and provision of student accommodation would contribute in some way towards housing provision in the District and provide some flexibility should other sites not come forward. This MM is necessary to ensure that the SA Plan is effective in delivering the outstanding housing requirement for the parishes.

Bartholomews, Bognor Road, The Hornet and Shopwyke Strategic Development Location, Oving

44. All these sites have planning permission and the latter two are currently under construction. **MM16, MM17 and MM18** clarify the detailed wording of site specific criteria to ensure development contributes to the character and appearance of the locality, provides sewerage connections and considers the presence of minerals. These MMs are necessary to ensure that the policy wording would be effective. The former two are deliverable within the five year period and would contribute towards the Council's five year housing land supply; the latter is part of a larger development and although it has planning permission its delivery has been phased outside the five year period.

Policy HN1 South of Reedbridge Farm, Hunston

45. The land is a green field site adjoining the built up area of Hunston. Detailed matters relating to access, green space and landscaping could be adequately dealt with through the development management process. **MM24** ensures this is the case and is necessary to ensure that the policy would be effective.

Policy LY1 Land to the rear of Sturt Avenue, Lynchmere

46. This site includes a heavily wooded area at the rear of Sturt Avenue. Following its proposed allocation, the Council now raises concerns regarding its deliverability, such that it considers that its proposed allocation should be removed. Its concerns include access, which would be likely to include the replacement of a bridge over the River Wey, owned by Thames Water, potential effect on the operation of Thames Water substation close by and uncertainty regarding both ground water and fluvial flooding. I share those concerns as together those matters raise considerable uncertainty regarding the delivery of this site. In light of this, I consider that its allocation cannot be justified and **MM5** and **MM25** remove the proposed allocation. These MMs are necessary to ensure that the approach to housing taken in the SA Plan is positively prepared, justified and effective.

47. No other site is proposed in Lynchmere parish. However, Local Plan Policy 5, sets indicative numbers for the parishes, and Local Plan paragraph 7.28 indicates that some flexibility will be allowed for minor amendments to the housing numbers for individual parishes, subject to detailed investigation and assessment of potential sites. In addition, through the allocations in the SA Plan, those in Neighbourhood Plans and planning permissions for 6 or more dwellings, the total number of dwellings required on parish sites will be exceeded within the Plan period. Overall therefore, in these circumstances, providing no allocation in Lynchmere would still be in general conformity with the Local Plan.

Policy PL1 Land north of Little Springfield Farm, Ifold

48. This is a green field site that adjoins the Ifold settlement boundary. Its development would meet the indicative parish number for Plaistow and Ifold parish, as set out in Local Plan Policy 5. There is no reason to suggest that detailed issues relating to access, scale, layout and screening could not be addressed through a planning application. Further, although sewerage connection would be required, I find no substantive evidence to indicate an obstacle to its development. Subject to **MM28**, which sets out site specific development criteria, development would be deliverable. I have amended the wording of **MM28**, in accordance with Natural England's comments on the revised HRA (August 2018) to ensure any impact on foraging and commuting bat species associated with the Ebernoe Common and The Mens Special Area of Conservation (SAC) is taken into account. This MM is necessary to ensure that the policy is effective.

49. Some representors considered this not to be the most appropriate site, particularly in light of a recent planning appeal decision at Springfield Farm, Plaistow Rd, Ifold (APP/L3815/W/15/3129444), and raised concerns including the effect on the character and appearance of the locality, access, and the need for future occupiers to travel to access facilities and services. Sites closer to facilities and services in Plaistow were promoted along with a brownfield site at Springfield Farm, Ifold. The evaluation process, through the sustainability appraisal has been appropriately carried out [SA01-04]. I note the emerging Plaistow and Ifold Neighbourhood Plan, which identifies alternative sites. However, at the time of my examination hearings, that was not at an advanced stage of preparation.

West Wittering

50. The Local Plan indicative number has already been delivered in West Wittering. However **MM29** is required to clarify the situation with the emerging Neighbourhood Plan, at the time of this Examination. This is necessary to ensure that the SA Plan is effective in meeting the Local Plan requirements.

Issue 4: Whether the employment and mixed use site allocations are justified, effective and consistent with national policy

51. Whilst I consider that the overall approach to employment allocations is appropriate and consistent with the Local Plan, I do have some concerns. There is a strong reliance for the Local Plan office requirement to be met through sites that would be identified in the emerging Chichester Vision and Southern Gateway Masterplan. Those documents are not adopted, would not form part of the development plan and would not include allocations. This would introduce a significant element of uncertainty.

52. **MM6, MM19 and MM20** are necessary to address this matter and together, would ensure clarity with regard to the way that the office requirement is calculated and its provision, such that overall it would be consistent with the Local Plan. These are necessary to ensure that the SA Plan is effective in meeting the Local Plan requirements. Whilst the office provision land requirements would be less than 5 has, I am satisfied that they would deliver the appropriate floor space requirements, based on the average plot ratio of recent city office development. The Council explained that the Local Plan

employment requirements were based on an assessment of floor space requirements. When converted to land requirements, the assumption was made that development would be in the form of business park settings. It therefore assumed an average plot ratio of 30% for B1a office use. However, the proposed office space allocations are within Chichester city and likely to be provided in a more traditional office building setting, in which average plot ratios would be much higher. Further, the requirement in the Local Plan is for around 5 has of office space, indicating an element of flexibility.

53. Moreover, the emerging Chichester Vision and Southern Gateway Masterplan, which include the regeneration of the Canal Basin area of the Chichester city, identify further sites that could potentially deliver mixed use development including offices. This, together with the policy support for small scale employment development or live/work units, including extensions to existing sites in rural areas (in Local Plan Policy 3) would be likely to make up any shortfall and provide some flexibility in the event that the proposed allocated office sites do not come forward.

54. Clarity is required with regard to the amount of industrial/warehousing provision and office provision. **MM12, MM13 and MM14** would break this down and clarify the overall total provision, which would provide the necessary clarity. This would ensure that the SA Plan is effective in meeting the Local Plan requirements.

Policy CC6 High School, Kingsham Road

55. This is a brownfield site, last used for educational purposes within the Chichester settlement boundary. In public and supportive ownership and with confirmation that it is surplus to requirements for educational purposes, no barrier to deliverability is before me. Subject to site specific development criteria to ensure, amongst other things, high quality design, stipulation as to the office requirement and removal of reference to the need for confirmation that it is surplus to educational purposes, I find no obstacle to its delivery. **MM19** sets out these necessary amendments, which are necessary to ensure that the policy is effective.

Policy CC7 Plot 12 Terminus Road (Chichester Enterprise Hub)

56. This is a brownfield site within the Chichester settlement boundary. It has active developer interest and planning permission for an enterprise hub, which is under construction. Subject to site specific development criteria to ensure, amongst other things, high quality design, stipulation as to the office requirement and to consider the presence of minerals and any contamination, I find no obstacle to its delivery. **MM20** sets out these necessary amendments, which are necessary to ensure that the policy is effective.

Policy CC8 Fuel Depot, Bognor Road (adjacent to Springfield Park, Oving)

57. This is a brownfield site, last used as an MOD fuel depot, near to Chichester city and close to the A27 strategic road network. It has active developer interest and planning permission for the capacity identified. Subject to site specific development criteria, to consider the presence of minerals and any contamination, I find no obstacle to its delivery. **MM21** sets out these necessary amendments to ensure this, which is necessary to ensure that the

policy is effective.

Policy CC9 Springfield Park (adjacent to Fuel Depot), Oving

58. Situated next to the above site allocation, this site has active developer interest. A recent planning application establishes its development capacity. That application was refused on the basis of a lack of robust transport evidence, ecology and a minerals resource assessment; none of which the Council confirm would prevent the principle of development. However, those matters would need to be controlled through site specific development criteria. **MM22** addresses the need for site specific development criteria to include consideration for the presence of minerals and the impact of sterilisation. This is necessary to ensure that the policy is effective.

59. I conclude that subject to the main modifications referred to above the employment site allocations are justified, effective and consistent with national policy.

Issue 5: Whether additional site allocations are required to make the SA Plan sound

60. A number of representations were made in respect of the need for additional allocations, particularly with regard to housing. The argument is made that generally it fails to provide the necessary flexibility and fails to boost significantly the supply of housing, in accordance with paragraph 47 of the Framework. However, the SA Plan makes sufficient provision for housing consistent with the Local Plan and therefore additional site allocations are not required to make it sound. Likewise, the SA Plan makes sufficient provision for employment land, taking account of potential additional office development opportunities within Chichester city, identified through the Chichester Vision and Southern Gateway Masterplan and the policy support for small scale employment development where commercial demand exists. Therefore, there is no need to identify additional employment sites in order to ensure the SA Plan is sound.

Issue 6: Whether the Allocations Plan would be able to be monitored effectively

61. The SA Plan does not include any details of the way in which its policies would be monitored. In this respect the SA Plan is ineffective. This concern would be addressed by the additional appendix set out in **MM31**, which is necessary to ensure that the SA plan is effective. As the SA Plan is intended to implement the Local Plan, the monitoring of the implementation and delivery of its policies will relate back to the objectives and policies of the Local Plan. The Authority Monitoring Report will allow for an integrated approach. The Council anticipate adapting and extending monitoring processes and the Authority Monitoring Report following the adoption of the SA Plan. This will include monitoring progress on the delivery of SA Plan site allocations. In this regard, the SA Plan would be effective.

Public Sector Equality Duty

62. In reaching the conclusions above, I have had due regard to the Public Sector Equalities Duty contained in the Equalities Act 2010, in particular the principles set out in section 149.

Assessment of Legal Compliance

63. My examination of the compliance of the SA Plan with the legal requirements is summarised below. Overall, I conclude that the SA Plan meets them all.

64. The SA Plan has been prepared in accordance with the Council's Local Development Scheme.

65. Consultation on the SA Plan and the MMs was carried out in compliance with the Council's Statement of Community Involvement.

66. Sustainability Appraisal has been carried out and is adequate.

67. The HRA, dated October 2016 and updated August 2018, following the People Over Wind judgment[2] takes the correct issues through to Appropriate Assessment (AA). It sets out that a full assessment has been undertaken and that the SA Plan may have some negative impact which requires mitigation. That mitigation is secured through policies of the Local Plan and through the SA Plan.

68. The SA Plan includes policies designed to ensure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change.

69. The SA Plan complies with national policy except where indicated and MMs are recommended. Further, the SA Plan complies with all relevant legal requirements, including in the 2004 Act (as amended) and the 2012 Regulations.

[2] People Over Wind, Peter Sweetman v Coillte Teoranta

Overall Conclusion and Recommendation

70. The SA Plan has a number of deficiencies in respect of soundness and legal compliance for the reasons set out above, which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explored in the main issues set out above.

71. The Council has requested that I recommend MMs to ensure that the SA Plan is sound and capable of adoption. I conclude that with the recommended main modifications set out in the Appendix to this report, the SA Plan satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the Framework.

R Barrett

Inspector

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