Chichester Local Plan 2021 - 2039

Statement of Common Ground between

Chichester District Council and

West Sussex County Council

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May 2024

Version

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| Version | Date | Changes |
| Version 0.1 | 16/02/2023 | First draft (CDC) |
| Version 0.2 | 15/04/2024 | Second draft to reflect WSCC Regulation 19 representations and proposed changes (CDC) |
| Version 0.3 | 16/05/2024 | Updated (CDC) |
| Version 0.4 |  | Version for signing |

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1. **Introduction**
   1. This Statement of Common Ground (the Statement) has been prepared by Chichester District Council (CDC) and West Sussex County Council (WSCC) (the parties) to support the Chichester Local Plan 2021 – 2039. The key focus of the Statement is the points made by WSCC in their representations to the Chichester Local Plan 2021 – 2039 Regulation 19 consultation and CDC’s response. It clarifies where issues have been resolved and where they remain unresolved.
   2. This Statement ensures the requirements set out in the National Planning Policy Framework (NPPF) have been met. The NPPF states: ‘*Local planning authorities are under a duty to cooperate with each other, and with other prescribed bodies, on strategic matters that cross administrative boundaries.’*[[1]](#footnote-1) The purpose of the Statement is to document the strategic matters being considered and the progress made in cooperating to address them at this stage of the plan making process. It focusses on areas where there is agreement, and if appropriate those matters where work is ongoing to resolve differences. The Statement is intended to be ‘live’, updated as circumstances change, and agreement occurs on any outstanding issues. The Statement also forms part of the evidence to demonstrate compliance with the Duty to Cooperate during the preparation of the Chichester Local Plan 2021 - 2039.
2. **List of parties involved**
   1. This Statement has been prepared between CDC and WSCC.
3. **Relationship with other documents**
   1. This Statement should be read alongside the separate Statement CDC is seeking to agree with WSCC on transport matters. All Statements will be published on the CDC website.
   2. Unless otherwise stated, all evidence documents referred to in this Statement will be published on the CDC website.
4. **Strategic geography**
   1. The plan area is identified in Appendix 1.
   2. CDC and WSCC (in its minerals and waste planning role) are the plan making authorities for the area covered by the Chichester Local Plan 2021 – 2039. WSCC is the upper tier authority and CDC is a lower tier authority within WSCC’s area; Chichester District lies in the south west part of the county.
   3. As minerals and waste planning authority, WSCC is responsible for preparing local plans for minerals and waste and for determining planning applications for such matters. As Waste Disposal Authority (WDA) for West Sussex, WSCC has the statutory duty to manage the treatment of waste in an economic, efficient and environmentally sensitive way which means they are responsible for arranging for the disposal of household waste collected across the County.
   4. As the Local Education Authority (LEA), WSCC has a statutory responsibility to provide education for all children of school age (four to 16 and up to 25 for those with special educational needs and/or disabilities as outlined in the Special Needs and Disabilities SEND code of practice), and to ensure sufficient nursery education for three and four year olds. Further information is contained in [Planning for School Places 2024](https://www.westsussex.gov.uk/about-the-council/policies-and-reports/school-policy-and-reports/planning-school-places/), which is updated annually.
   5. As the Local Transport Authority (LTA) for West Sussex, WSCC is responsible for providing advice on areas such as road safety, accessibility, highway capacity, freight, public transport and opportunities to improve access for pedestrians and cyclists and identify where improvements to the Public Rights of Way network could take place. This is in order to deliver the objectives of the Local Transport Plan of: promoting economic growth, tackling climate change, promoting access to services, employment and housing and improving safety, security and health. Infrastructure requirements will be based on the County Council’s aims, objectives and strategic priorities for transport set out in the West Sussex Transport Plan 2022 – 2036.
   6. As the Lead Local Flood Authority (LLFA) for West Sussex, WSCC is the risk management authority responsible for local flood risk, which is defined as flooding from surface water, groundwater and ordinary water courses.
   7. In April 2013, WSCC was given responsibility for promoting and protecting the public’s health. This was part of the overall NS reform programme and WSCC works with partners to address all aspects of the health and wellbeing of the local population. The Care Act 2014 places a duty on WSCC to ensure there is diversity and quality in the market of care providers, so that there are enough high-quality services for people to choose from. The challenge for social care commissioners and housing authorities lies in shaping the provision of housing support and care for older people, in a way that offers choice and ensures the aspirations and needs of an ageing population can be met.
   8. The County Council’s Fire and Rescue Service is required to identify risks in the communities of West Sussex, and match resources to those risks.
5. **Respective planning documents – current status**
   1. CDC’s current adopted Local Plan comprises the adopted Local Plan: Key Policies 2014-2029 (July 2015) and adopted Site Allocation Development Plan Document (DPD) (January 2019). CDC is at an advanced stage of preparing a new Local Plan (Chichester Local Plan 2021 - 2039) which will replace the Key Policies 2014-2029 and cover the period to 2039. A revised Site Allocation DPD is to be produced following adoption of the new Local Plan.
   2. Information on the stages that have taken place and the expected timetable for adoption of the new Chichester Local Plan is set out in Table 1 below.

**Table 1: Preparation of Chichester Local Plan Review**

|  |  |  |  |
| --- | --- | --- | --- |
| **Regulation 18 consultation** | **Regulation 19 consultation** | **Submission** | **Adoption date** |
| Issues and Options (June – August 2017)  Preferred Approach (December 2018 – February 2019) | Publication February/March 2023 | 3 May 2024 | Spring 2025 |

* 1. The West Sussex Joint Minerals Local Plan[[2]](#footnote-2) was adopted in 2018 and covers the period to 2033. It was revised in 2021 following a partial review (Soft Sand review). A 5-year review assessment was undertaken in 2023 to determine whether a formal review of the plan was required. This concluded that the plan remained relevant and effective and a formal review was not required.
  2. The West Sussex Waste Local Plan was adopted in 2014 and was subject to a 5-year review assessment in 2019, which concluded the plan remained relevant and effective and that no update was required. The Waste Local Plan is currently subject to a further 5-year review assessment, as required in 2024.
  3. In developing the Chichester Local Plan 2021 – 2039 WSCC have been engaged on an ongoing basis. The Regulation 18 and 19 stages were subject to public consultation and comments were received from WSCC as a statutory consultee. WSCC have also been informally consulted on revised distributions of development and amended site allocations providing service level comments that have informed policy development and the preparation of the Infrastructure Delivery Plan (IDP), which supports the Local Plan. WSCC have also commented on evidence base studies during their preparation as a technical consultee.

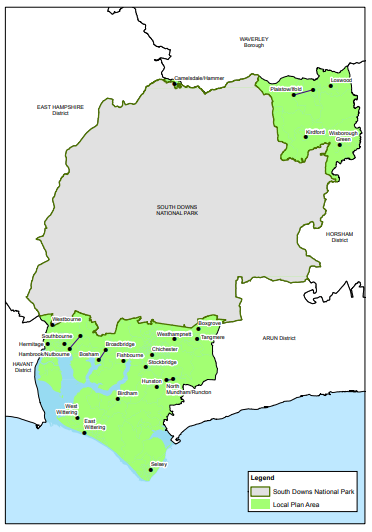
1. **West Sussex County Council’s Regulation 19 representation**
   1. WSCC’s representation to the Regulation 19 Chichester Local Plan is, except for those related to Policy T1 and the transport evidence, covered by this Statement[[3]](#footnote-3). In making their representation, WSCC also made a number of comments, which did not affect the soundness of the Local Plan but did suggest a number of amendments or additions to the Plan policies and supporting text or evidence base in order to make the Local Plan stronger and more coherent. CDC have sought to discuss and agree wording where modifications to the Plan are proposed to address the issues raised by WSCC’s representation.
   2. Appendix 2 sets out a summary of WSCC’s representations, CDC’s response and whether a modification to the Chichester Local Plan is proposed.
   3. As set out in Appendix 2 there are no outstanding issues.
2. **Governance arrangements**
   1. In terms of governance arrangements, the two parties agree to:

* Keep a dialogue open on matters arising which are likely to have significant impacts and implications for the delivery of local plan policies
* To work together to achieve identified outcomes in relation to strategic matters
* To review and update this Statement in light of any material change in circumstance and
* To maintain positive principles of cooperation

1. **Timetable for agreement, review and updating**
   1. This statement has been informed by ongoing engagement between the two parties and the parties will continue to work together to address identified strategic matters. This Statement is intended to be a living document that can be reviewed and updated, informed by continued communication between the parties through meetings, statutory consultation at key plan making stages and electronic communication.
2. **Signatories**
   1. We confirm that the information in this Statement reflects the joint working to address identified strategic matters that has been undertaken between Chichester District Council and WSCC. The parties will continue to work together to address any outstanding issues.

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| Signed: | Signed: |
|  | A close-up of a signature  Description automatically generated |
| Name: Cllr Bill Brisbane | Name: Michael Elkington |
|  |  |
| Position: Cabinet Member for Planning | Position: Head of Planning Services |
|  |  |
| Chichester District Council | West Sussex County Council |
|  |  |
| Date: | Date: 22/05/24 |

**Appendix 1 – Chichester Local Plan area**

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**Appendix 2 – Summary of WSCC’s representations and CDC response**

| **Local Plan Policy or paragraph** | **Objection or**  **Support** | **Legally compliant** | **Sound** | **Compliant with duty to cooperate** | **Summary of main issues raised by representation and changes sought** | **CDC proposed response/action** | **WSCC response** |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Policy H8 | Object (5094) | Not stated (NS) | NS | NS | Should consider provision of extra care housing so not limited to certain age group | It is agreed to make a change to paragraph 5.43 to reflect that extra care provision is not only limited to older age groups.  Before paragraph 5.43 add new sub-heading ‘Extra Care Housing’.  Amend first sentence of paragraph 5.43 to read:  ‘**To help provide accommodation for those of different ages and with different support needs,** West Sussex County Council supports the provision of extra-care housing rather than traditional care homes.’ | This action is supported. |
| Policy P14 | Object (5096) | NS | NS | NS | Policy should take a more proactive positive approach that seeks enhancements to the network as mitigation | Objection and proposed change noted. Agree to minor modifications to the policy to emphasise that proposals for new development will be expected to provide integrated and enhanced active travel including PROW.  Amend Policy Criteria 4 to read: “The proposals maximise opportunities to **enhance and** link to **active travel** ~~cycling and walking~~ routes, including **existing public rights of way as well as** multi-user routes.” | This action is supported. |
| Policy T3 | Object (5098) | NS | NS | NS | Object: no mention of PRoW network which provides extensive walking and cycling opportunities and important links between places and non-PRoW routes. | Reference to PRoW will be incorporated into paragraph 8.24.  Add to end of Paragraph 8.24: “**The Public Rights of Way (PRoW) network provides extensive walking and cycling opportunities and important links between places in the local plan area**.” | This action is supported. |
| Policy A2 | Object (5090) | NS | NS | NS | Should refer to safeguarding of minerals and waste infrastructure | Agree to add references in each of the policies and/or supporting text.  In Policy A2 replace criterion 12 with:  ‘**If a site is within the Minerals Safeguarding Area consider the implication of development on safeguarded minerals in line with the West Sussex Joint Minerals Local Plan (Policy M9) and the Minerals and Waste Safeguarding Guidance, to assess whether the land contains economically viable minerals that would require extraction prior to development to avoid permanent sterilisation.’**  In Policy A2 add new criterion to read:  ‘**Consider the implication of development on safeguarded minerals and waste infrastructure in the vicinity to ensure development does not prevent or prejudice any waste management uses, as required by Policies W2 and W10 of the West Sussex Waste Local Plan or the operation of minerals infrastructure as required by Policy M10 of the West Sussex Joint Minerals Local Plan and the Minerals and Waste Safeguarding Guidance.’** | This action is supported. |
| Policy A6 | Object (5088) | NS | NS | NS | Should also refer to nursery and SEND provision | Agree to add references.  In paragraphs 10.19 and 10.20 after the words ‘teaching accommodation’ add: ‘**with nursery and SEND provision’**  In the third bullet point of Policy A6 after ‘primary school’ add: ‘**to include nursery and SEND provision’** | This action is supported. |
| Policy A7 | Object (5091) | NS | NS | NS | Should refer to safeguarding of minerals and waste infrastructure | Agree to amend references in the policy and supporting text.  In paragraph 10.26 amend last bullet point to read:  ‘Taking account of the West Sussex **Joint** Minerals **Local** Plan, **Waste Local Plan,** and associated guidance, in relation to the site being within a defined Minerals Safeguarding Area **and in close proximity to safeguarded waste infrastructure**.  In Policy A7 amend criterion 12 to read:  ‘Proposals for the development should have regard to the West Sussex County Council Minerals Safeguarding Area, **safeguarded waste infrastructure** and associated guidance.’ | This action is supported. |
| Policy A8 | Object (5089) | NS | NS | NS | Should refer to provision of two form entry primary school | It is proposed to amend paragraph 10.35 to clarify requirements.  Amend second bullet point in paragraph 10.35 to read: ‘Making provision for a primary school, neighbourhood centre and other economic and social infrastructure. **Land for the primary school must meet the minimum recommended education space requirements for a two-form entry primary school;’** | This action is supported. |
| Policy A15 | Object (5092) | NS | NS | NS | Should refer to safeguarding of minerals and waste infrastructure | Agree to add references in the policy and supporting text.  In paragraph 10.70 add new bullet point to read:  ‘**Account taken of the West Sussex Joint Minerals Local Plan, and associated Minerals and Waste Safeguarding Guidance, in relation to the sites within the parish being within a defined Minerals Safeguarding Area for clay.’**  In Policy A15 add additional criterion to read:  **‘If a site is within the Minerals Safeguarding Area consider the implication of development on safeguarded minerals in line with the West Sussex Joint Minerals Local Plan (Policy M9) and the Minerals and Waste Safeguarding Guidance, to assess whether the land contains economically viable minerals that would require extraction prior to development to avoid permanent sterilisation.’** | This action is supported. |
| Policy A21 | Object (5093) |  |  |  | Should refer to safeguarding of minerals and waste infrastructure. | Agree to add reference in the supporting text.  After paragraph 10.94 add new paragraph to read:  **‘The site lies within a Minerals Safeguarding Area, as defined by the West Sussex Joint Minerals Local Plan.’** | This action is supported. |

1. Paragraph 24, NPPF (2023) [↑](#footnote-ref-1)
2. Both the Minerals and Waste Local Plans were prepared jointly with the South Downs National Park Authority [↑](#footnote-ref-2)
3. This Statement also excludes representations submitted on behalf of WSCC as a landowner (ref: 5630 (Policy E3), 5640 and 6193 (Policy A20)) [↑](#footnote-ref-3)