

# Examination Statement

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**Examination of the Chichester Local Plan 2021-2039:  
Response to the Schedule of Matters, Issues and Questions**

**Matter 5: Other Policies**

**Prepared on behalf of Northgate Properties Ltd**

# 1. Introduction

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- 1.1. This Examination Statement has been prepared on behalf of Northgate Properties ('Northgate').
- 1.2. Prior to the submission of the emerging Chichester Local Plan 2021 - 2039 (eCLP) for Examination, Northgate participated in the formal consultation of the CLP during the Regulation 19 consultation held in February 2023 through representations submitted by Smith Simmonds and Partners. The representations made at Regulation 19 stage should be read in conjunction with this Hearing Statement.

## 2. Response to MIQs - Matter 2: Other policies

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**Issue: Are the individual policies clear, justified and consistent with national policy and will they be effective?**

### Policy NE4: Strategic Wildlife Corridors

**Question 117: Is the extent of protection proposed to be afforded to Strategic Wildlife Corridors consistent with national policy as set out in the NPPF?**

- 2.1. As set out in the Regulation 19 Representations, the Council's background papers supporting the policy are outdated and it is not clear if the ecological interest has changed, or if the details provided within the evidence base reports can continue to inform and support the location and extent of the defined wildlife corridor to which policy NE4 relates.
- 2.2. This is particularly relevant as ecological assessments required as part of the planning application process have an expiry period. If the Council were to apply to this its own evidence base, it would be necessary for the surveys and background papers supporting the policy to also be updated.
- 2.3. With specific regards to the NPPF (2023), paragraph 185 states that to protect and enhance biodiversity and geodiversity, plans should (at part a and excluding footnote references):  
  
*"Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation..."*
- 2.4. It is acknowledged that the inclusion of draft policy NE4 which seeks to protect strategic wildlife corridors would align with the intentions of the NPPF, as would the identification of wildlife corridors. However this must be based on up to date and proportionate evidence which is considered to fall short in this instance.
- 2.5. Furthermore, the extent of the protection proposed to be afforded to the corridors is considered to potentially exceed the requirements of the NPPF. The current draft policy – excluding MMs – would seek to prevent any development that could have an impact and this goes beyond the requirements of the NPPF, particularly when having regard to paragraph 186 which does allow development to take place in instances where significant harm to biodiversity may result, providing it is adequately mitigated, or as a latest resort, compensated for. The wording of the policy (excluding proposed MMs) does not reflect this.

**Question 118: Is the proposed sequential test consistent with national policy and is it justified?**

- 2.6. The wording of policy NE4 (excluding MMs) and inclusion of a sequential test is confused. The first aspect of the policy is specific, stating that development would only be permitted if it were to have no impacts. However the sequential test aspect of the policy also introduces a potential situation where a development will have an impact on, and is within a wildlife corridor, and that would be permitted if there are no other suitable sites. If the overall aim of the policy is to protect the wildlife corridors, the policy wording should be clarified to the extent that the overall aim is carried through. Currently, the policy wording conflicts with its aims.
- 2.7. To a great extent the purposes of the Strategic Wildlife Corridors overlap with national requirements for achieving 10% Biodiversity Net Gain (BNG) through development. The process of calculating BNG has regard to wider connectivity and existing ecological value, meaning that areas of higher value (such as the proposed SWCs) are already the subject both of higher protection from development, and greater incentives to deliver improvement.
- 2.8. Therefore, rather than creating a new sequential process and separate policy tests for development close to / within SWCs, we would suggest framing the policy in a more open-ended and positive way, emphasising that the SWCs are locations where there is a particular aspiration to deliver enhancement.

**Question 119: What is meant by 'in close proximity' and in this regard would the Policy be effective?**

- 2.9. The inclusion of this sentence within the policy is ambiguous and provides no certainty for applicants or landowners. It would enable the policy to be applied at the council's discretion unless there is a specified area to which it relates. This should be removed.

**Question 120: Are the boundaries of the proposed Strategic Wildlife Corridors justified?**

- 2.10. It is not clear that they are. The boundaries are drawn in some detail, but we are not aware of any programme of assessment/survey of the SWCs to define the edges, nor any direct engagement with landowners / tenants/ occupiers on the potential implications of the policy. To the extent there has been survey work to underpin SWC policy, studies appear to have been fairly general, exploring the general characteristics of an area and potential sensitivities, rather than defining boundaries per se.
- 2.11. Given these weaknesses in the policy, rather than attempting to define specific boundaries, we suggest the SWC policy could be more flexible, identifying boundaries at a more illustrative level or through written description. For instance - describing certain streams, copses or other features considered to be of higher importance, and/or describing the general corridor between certain locations. It could then be a function of the planning application process itself to assess ecological value and impacts on SWCs, in conjunction with BNG calculations.
- 2.12. As a more technical point, we note that the SWCs appear to have been drawn in Microsoft Word using simplistic line tools, as opposed to a properly measured GIS system which might relate to field boundaries, ownership, etc. This again is an area of concern for accuracy.

**Question 121: Are the suggested MMs necessary for soundness?**

- 2.13. The proposed MMs to policy NE4 provide a degree of clarification in respect of the intention of the policy. However, the underlying issue remains regarding the evidence base that supports the policy and its datedness and imprecision.