

Chichester Local Plan 2021 - 2039

The Goodwood Estates Company Ltd

Matter 5

Other Policies

The Goodwood Estate Limited – Respondent 7922

HMPC Ltd- Agent 112

Inspectors' Questions

Issue	Are policies clear, justified and consistent with national policy and will they be effective?	Question 107
Policy NE3	Landscape Gaps between settlements	Questions 115-116
Policy NE4	Strategic Wildlife Corridors	Questions 117-121
Policy NE8	Trees, hedgerows and woodlands	Questions 127-128
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Policy NE23	Noise	Question 153
Policies P1 and P2	Placemaking, Health and Wellbeing	Question 154
Policy P9	Historic Environment	Questions 160-161

1. Introduction

- 1.1 The Estate has provided a concise and comprehensive response to the Council's proposed modifications.
- 1.2 The Goodwood Estates Ltd has agreed a Statement of Common Ground (SoCG) with Chichester District Council and this has been presented to the Examination.
- 1.3 This statement provides responses to the specific questions of the Inspectors, in respect of matters raised through our representations to the Local Plan, and in our responses to the Council's proposed modifications.

2. Question Responses

Issue Are policies clear.....

Q.107 The Estate's previous comments on Chapter 1 of the local plan, repeated across allocations, sites and policies throughout the document, encouraging an over-arching, more "joined-up approach" to policies and proposals., remains applicable This view is brought together under Q.107.

Our concern is that as originally drafted many policies and supporting text can be easily misinterpreted, purposefully or through mis-understanding. This makes it difficult for the decision maker to have a clarity and consistency within decision making, and for applicants to have clarity in direction.

We have indicated through our representations where we believe such ambiguity exists and have suggested ways in which this can be removed.

We are pleased the Council has taken on board many of our suggestions (in principle if not precise wording) and we indicate through our further submissions to Inspectors' questions, that we support those modifications.

Where the Council has not responded to our suggestions we ask the Inspectors to consider the modifications we request.

One significant concern of the Estate is that when development proposals are brought forward, applicants frequently limit consideration to the site only, examining issues within site boundaries. Frequently where development adjoins Estate land, we must remind the decision maker of the impacts of such development on Estate activities. The applicant, often without evidence, dismisses any impact or states that it is of no consequence. It is only through representation can the Estate can such matters be measured and the application amended, mitigation proposed, or the proposal rejected.

The NPPF is clear (paragraph 3) that its provisions must be applied as a whole. Developers cannot 'pick and mix' according to their preference. This principle must be restated through the Local Plan and policies should ensure that any development proposal when brought forward, is required to look beyond its boundaries and the immediate objectives of the promoter. The impact of the proposal on

neighbouring uses (through the Agent of Change principle) and community infrastructure and services, must be a pre-requisite.

With a requirement to approve development proposals that accord with an up to date development plan (paragraph 11c), we ask that the plan and its policies are much more demanding of development to appropriately address all material considerations applicable to a site and to apply NPPF provisions as a whole, rather than selectively.

Too many important aspects of developments, primarily those which make them acceptable, are frequently left to a later stage (through conditions) and then forgotten or claimed as unviable. Consequently, important infrastructure, or matters such as landscape (which often allows new development to be assimilated) are not delivered and the community left to deal with the consequences. The Council must be more rigorous in its treatment of development proposals and should ensure the local plan is sufficiently robust to allow this to be carried through.

Our representations to Chapter One of the local plan are not satisfied by the Council's proposed modifications CN003 – CM008, and we ask the Inspectors to please consider whether they agree the Plan should be more specific with regard the expectations placed upon developers, particularly those proposing development of a speculative nature. Without our suggested amendments the plan will not provide the clarity required by decision maker or certainty for the applicant and community. There will be too much ambiguity and a lack of flexibility, but opportunities to be exploited at the expense of the community.

The proposed modifications (CM009-CM035) do not respond positively to our important comments on this Chapter. We raise comment about the Chapter's provisions, because they underpin the importance and well-being of the District and compliance should be demonstrated in all development decisions. It is important therefore that these requirements are set out clearly in the Local Plan as prerequisites for each and every development proposal; applying the NPPF as a whole, not piecemeal according to individual preference.

We are unaware of any significant planning reason why our beneficial comments cannot be accommodated. It might be interpreted by some that the points we raise are implied by Plan Policy and the practice of decision making, but repeatedly it is the case that if not spelt out specifically as a pre-requisite, applicants will ignore implied provisions that do not suit them, and frequently it is difficult for the authority to later recover its control.

The minor change to Objective 4 is welcomed. However, we request the Inspectors consider in detail the matters we raise and recommend the authority revises its Vision and Objectives to be more requirement specific.

Policy NE3

Landscape Gaps

Q.115-116

The modifications do not respond to our request that land removed from a former allocation (Policy A9) should be given a specific landscape designation to assist in the prevention of further inappropriate development proposals. In the absence of any other policy seeking to keep land open, we raise the matter here and cross-reference with Matter 6 and Policy A9.

Land covered by Policy A9 is not specifically a landscape gap when considered against the purposes of such designation in the plan. It is not a policy which seeks to halt the merging of two built up areas or to keep open land for visual, environmental or social reasons.

However, it is a policy affecting an area of land to which there are very real constraints including the benefits of keeping much of the land open and free of development due to it being 'sandwiched' between the river (and its floodplain) and the motor circuit and aerodrome.

Policy A9 should provide clarity on forms of development which might be appropriate for some locations within its defined area, and those which should be kept free of any development. We suggest that the latter could be designated as landscape gaps and should be identified in a site- specific SPD, following detailed assessment.

Policy NE4 Strategic Wildlife Corridors

Q.117-121 We support Council Modifications CM064-CM067, but recommend the plan indicates the extent of wildlife corridors shown are indicative only, and that precise boundaries will be defined 'on the ground' as a result of specific environmental studies and proposals.

Close proximity should not be defined by measurement but by the distance between the limit of the defined area and the scope of influence of the development proposed. This can only be determined on a case by case basis in response to detailed ecological study, which should be a policy pre-requisite of any development proposed adjoining a corridor. Adjoining should be defined as 'having a direct influence' as determined by planning judgement applied by the decision maker through the consideration of supplied evidence.

Policy NE8 Trees, hedgerows and woodlands

Q.127-128 We support Council Modifications CM090-CMCM095 but request the plan clarifies how Irreplaceable habitat definitions are treated by the decision maker. Our example is Ancient Woodland, frequently defined as irreplaceable habitats, and in principle this is not disputed. However, frequently we find there is conflict between the map definition and evidence on the ground; with old woodlands having been replanted or replaced, indicators are absent and the soil bank lost.

Where proposals affect designated Ancient Woodland, the plan must require as a starting point an examination of the quality and extent of Ancient Woodland remaining at site, its indicators and 'soil bank', and should not religiously apply map definitions.

Policy NE10 Development in the Countryside

Q.130-131 We support Council Modifications CM096-CM109 with the exception of the failure of the Plan to recognise the special characteristics and requirements of the Goodwood Estate and its development requirements that support its longevity for the benefit of all.

The Estate is one of a number of large landowners, through whose stewardship much of the open countryside which is sought to be protected has been conserved. The Estate continues that stewardship, but to do so it must evolve. Evidence to the Local Plan indicates the importance of the Estate and its businesses to local, regional and National Economies and this should be recognised by the Plan. Much of the Estate is open countryside, and it is actively used, not necessarily for traditional uses of agriculture and forestry, but for events, tourism and recreation. The plan should acknowledge through supporting explanation, the Estate's need to use open land for a variety of different uses and developments over time to support and evolve, whilst at all times protecting and enhancing the environment.

The Estate applies the NPPF as a whole balancing economic viability and benefit with environmental conservation; the Estate relies on its high-quality environment to sustain its businesses. The plan should apply a similar approach to its policies.

Policy NE23 Noise

Q.153 We support the Council modification CM154 in part, but request further modification as follows:

"Revise paragraph 1 to read "Where noise sensitive development is proposed, a high-quality living environment is provided with acceptable levels of amenity that meet and where possible exceed the expected reasonable living conditions of future occupiers by seeking to avoid noise that gives rise to significant adverse impacts on health and quality of life."

Without this amendment the policy is not sound, and this is amply demonstrated by current planning submissions. We comment on this matter further in Matter 6 and Area Policy 9.

Policies P1/P2 Placemaking, Health and Wellbeing

Q.154 We support the Council modifications CM192-197 subject to further clarification of the importance of local character and distinctiveness, and its importance to economic vitality as we have suggested through our representations, with cross referencing to other policies and proposals to ensure the principle is comprehensive.

Policy P9 Historic Environment

Q.160-161 The Estate questions if it is necessary to reference trees specifically in modification CM206, as it believes all features, natural or man-made, within the setting of an historic asset are equally significant. What is missing from the criteria for assessment is the economic contribution of the asset and its setting to the local, regional and national economies. Historic centres such as Chichester (and Goodwood) owe their economic vitality to the historic environment and the setting of their historic assets. Such assets and the wider benefits their conservation can provide must be treated with care.

Modification CM211 is unacceptable. Setting of historic assets should be defined as more than views in and out when referencing Policy P13 Registered Parks and Gardens. Long range views of the asset within wider settings are equally important. Further, Registered Parks and Gardens should be afforded the same assessment as other heritage interests, to include consideration of land and its uses that immediately adjoin or which contribute to its setting from public viewpoints (to be comparable to the test used to establish the effect of development on the setting of a listed building). Without this comparable assessment being required, the Plan is unsound in respect of this element.

Policy I11 Infrastructure Provision

Q.178-179 We continue to press for clarity over the implications of new development on existing infrastructure. The plan should indicate that new developments will be required not only meet its immediate needs, such as providing a new access, but should also set out clearly the impact of the development on existing services and infrastructure, and be required to make good deficiencies commensurately. It is not acceptable for developers to claim infrastructure provision leads to lack of viability. Such costs should be acknowledged at the time of site acquisition or securing options. Developer contributions should be commensurate with known constraints and the availability of infrastructure locally.