

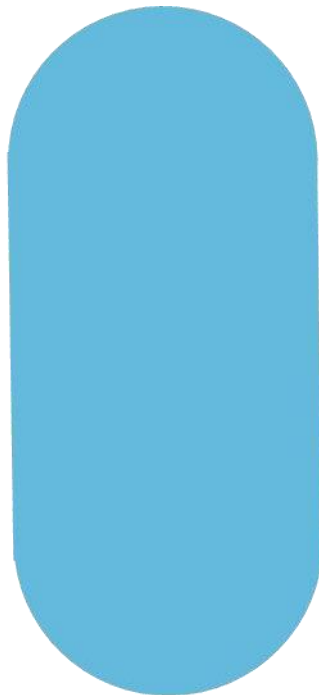


 Part of Shakespeare Martineau

CHICHESTER LOCAL PLAN EXAMINATION MATTER 1 HEARING STATEMENT

PREPARED ON BEHALF OF GLEESON LAND

September 2024





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1. INTRODUCTION

1.1 This Matter Statement has been prepared on behalf of Gleeson Land in respect of Matter 1 relating to the procedural and legal requirements of Chichester District Council's (CDC) Local Plan.

1.2 Gleeson Land has interests in the District across 3no. sites, as set out below, and have submitted representations at earlier stages of Plan preparation through Regulation 18 and 19 consultations:

- Land west of Clay Lane, Fishbourne – SHLAA ref. HFB0018a;
- Land south of Scant Road (West), Hambrook – SHLAA ref. HCH0024; and
- Land South of Lagness Road, Runcton, not previously submitted for consideration but subject to an Outline application being submitted in October 2024.

1.3 More detail on these sites is provided in our response to Matter 3.

1.4 This Matter Statement responds to the Inspectors' questions and have been considered in the context of the tests of 'Soundness' as set out at Para 35 of the NPPF (December 2023). These require that a Plan is:

- Positively Prepared – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
- Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
- Effective – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
- Consistent with National Policy – enabling the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy, where relevant.



2. MATTER 1: PROCEDURAL/LEGAL REQUIREMENTS

Q.1 **Is there clear evidence that the Council has engaged constructively, actively and on an ongoing basis with neighbouring authorities and prescribed bodies in accordance with section 33A of the 2004 Act in respect of strategic matters with cross-boundary impacts considered through the preparation of the Plan?**

- 2.1 The Duty to Cooperate (DtC) is not a duty to agree, but is a mechanism to ensure necessary cooperation of strategic cross boundary matters are considered as part of the Plan-making process. This is a legal duty and requires the Council to 'engage constructively, actively and on an ongoing basis with relevant bodies, including neighbouring authorities.
- 2.2 The NPPF (para 20) sets out what could constitute strategic matters, including housing, employment, infrastructure, community facilities and the natural, built and historic environment.
- 2.3 The Council has submitted a Duty to Cooperate Statement of Compliance (April 2024, SD06) which sets out the Council's approach to the DtC during preparation of the Local Plan. This identifies how the Council has engaged with relevant bodies throughout the process, including meetings, co-working and joint evidence gathering.
- 2.4 Whilst a number of Statements of Common Ground have been prepared and submitted alongside of the Local Plan, there are a number which are not yet available including with neighbouring authorities Arun District Council, Horsham District Council, Waverley Borough Council and South Downs National Park Authority (SDNPA). Further, despite the significance of highways matters there are not yet agreed Statements of Common Ground with West Sussex County Council or National Highway. We reserve our positions on these, and will comment once available should it be considered necessary to do so.
- 2.5 As detailed in the DtC Statement of Compliance, 2no. of the key strategic matters for the District, and neighbouring authorities, is transport (including highway capacity) and meeting housing needs. These are fundamentally interrelated in the view of the Council, with the Council concluding due to highways-related constraints it cannot meet its housing needs in full.
- 2.6 This was a significant divergence from Regulation 18 (Preferred Approach) consultation stage where the draft Plan sought to meet local housing needs in full, plus an allowance for accommodating unmet need arising from the SDNPA following a formal request from the neighbouring authority.



- 2.7 This shift in position has supported the Council's plan-making and engagement with stakeholders including relevant bodies, moving from a position of being able to meet and exceed its own housing needs to instead seeking for other authorities to accommodate Chichester's unmet need. The result, as shown in Table 4 and 5 of the DtC Statement of Compliance, is no authority having capacity, in the view of each. Thus, unmet needs in the region continue to grow.
- 2.8 As set out in Gleeson's Regulation 19 consultation response, and throughout our Matter statements, we disagree with the Council's position on the capacity constraints of the local highway network and consider it potentially feasible to, as a minimum, meet housing needs of the District in full.
- 2.9 Whilst we consider the Council has, and continues to, demonstrate ongoing engagement with a number of relevant bodies, it is our view there is no justified rational for a suppressed housing requirement figure. This has underpinned the Council's DtC discussions with other authorities such that these discussions have focused on constraints, rather than opportunities for assisting in reducing the significant unmet needs of the region.

Q.2 Is the Sustainability Appraisal (SA) adequate and have the legal requirements of the 2004 Act and the Town and Country Planning (Local Planning) (England) Regulations 2012 (2012 Regulations) been met?

- 2.10 We consider the Council has gone through the correct processes and procedures when completing its Sustainability Appraisal (SA) work, including scoping and interim stages. However, as per our responses elsewhere, we consider the Council has not adequately examined the reasonable alternatives (RAs) taking account the objective of the Plan.
- 2.11 As set out at para 4.1.7 of the SA the chosen method for consideration of the RAs was to focus on the 'spatial strategy' through providing for a supply of land to meet objectively assessed needs and other plan objectives as far as possible. The specific quantum and distribution is then considered in Section 5 which identifies the standard method derived local housing need (LHN) figure for the plan area is (at the time the report was published) 638 dwelling per annum (dpa). This is identified as a "capped" figure, at 40% above the baseline need figure reflecting the high affordability ratio.
- 2.12 Despite this, para 5.2.13 states that "there is little or no argument for exploring [growth] scenarios where the housing requirement is set at a figure above LHN", notwithstanding an acknowledged that "unmet housing needs are a widespread issue across the sub-region". This is despite, as referenced in the same paragraph, previous SA reports at earlier stages in the



- consultation considering it 'reasonable' to test housing figures above LNH at 800dpa and 1,000dpa.
- 2.13 Instead, the SA at para 5.2.9 – 5.2.11 it is concluded that it would be reasonable to set the housing requirement at a figure below LHN. With a “clear basis” for exploring unmet need to neighbouring authorities due to:
- Capacity constraints on the A27 following “detailed discussions with National Highways and WSCC, over the course of 2019-2022, have led to a resolution that there is capacity for no more than 535dpa in this area”;
 - Wide ranging reasons to suggest the northeast plan area is not suited for providing for the resulting shortfall, including the character of the area and water constraints; and
 - The potential Local Strategy Statement (LSS) to be prepared by the Coastal West Sussex and Greater Brighton Planning Board which will develop a long-term strategy for the sub-region for the period 2030 – 2050.
- 2.14 In respect of the LSS, there has been no progress of substance on this since the adoption of LSS2 in 2015. It would therefore not be appropriate to rely upon this as a mechanism for delivering any housing growth in the region in the coming Plan period.
- 2.15 As set out in our response to Matter 4A (Transport) we consider there is not currently up-to-date evidence to demonstrate a cap of 535dpa in the southern plan is justified. The actual quantum of development which can be accommodated on the road network is likely considerably higher. This needs to be tested by up-to-date modelling work which includes realistic assumptions. This unjustified position has underpinned the preparation of the Plan, including the Sustainability Appraisal process.
- 2.16 On this basis, we consider the Sustainability Appraisal process is flawed and it has inappropriately discounted the RAs of (1) meeting housing needs and (2) meeting housing needs plus unmet need from the wider-region.