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# Examination Statement

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

**Matter 3: The Spatial Strategy**

**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 3: The Spatial Strategy

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**Issue: Is the spatial strategy positively prepared, justified, effective, and consistent with national policy?**

### Policy S1: Spatial Development Strategy

**Question 13: What is the justification for the proposed distribution of development in the plan area?**

- 2.1. CDC undertook a 'Settlement Hierarchy Update' in May 2024 (Ref: BP11). The Paper assessed the availability and accessibility of services and facilities and whether there had been any change since the last update in December 2018. The 'Infrastructure Delivery Plan' (April 2024, Ref: IN01) then assessed the existing capacity of these services and facilities and whether improvements are required to accommodate growth across the District. CDC also prepared a 'Housing Distribution Background Paper' (July 2024, Ref: BP05).
- 2.2. These Background Papers identified Chichester City as the most sustainable location and therefore best for growth. This was based on the number of specific services and facilities available in each settlement and the availability and frequency of public transport options. We are therefore in **general agreement** with the spatial strategy by focusing growth and development on Chichester city as the sub-regional centre and most sustainable location in the District due to Chichester city providing the full range of services and facilities with excellent public transport options. There are no other settlements within the Plan area which offer such a complete variety of facilities and services, and access to public transport.
- 2.3. Since Chichester city has a number of constraints (historic setting, the A27 to the south and east, the harbour AONB to the west and the national park in the north) there are limited opportunities for strategic scale development directly adjacent to the city itself. However, focusing growth close to the city instead could still reinforce Chichester's role as a sub-regional centre whilst reducing the need to travel to facilities and delivering sustainable development.
- 2.4. CDC is faced with a significant number of constraints, including: highways capacity limitations, nutrient neutrality, water neutrality, landscape designations and flood risk. These constraints were explored in detail in CDC's Sustainability Appraisal (January 2023, Ref: SD03.01) and it is acknowledged that currently the A27 poses a constraint to development across the District without the delivery of necessary highways improvement works. CDC's Transport Background Paper (July 2024, Ref: BP14) concludes that these highways improvements are **not financially viable from development contributions alone**, even up to a delivery of 700 dpa. But given the significantly higher draft Standard Method target of 1206 dpa and the substantial unmet housing need in the surrounding local planning authorities, CDC should instead reassess the option of delivering a higher level of housing and use this to address strategic highways mitigation.
- 2.5. There is also a noticeable lack of evidence of CDC exploring the possibility of a new settlement in the Southern Plan Area. A new settlement would help CDC meets its objectivity assessed housing need, whilst also funding necessary A27 highway improvements. A new sub-regional centre or settlement hub in the Southern Plan Area could reduce the need for new residents to travel if alternative services and facilities were available, reducing local reliance on the A27, funding A27 highway improvements and enabling the

delivery of new dwellings. Such a change in emphasis would help ensure the Plan is positively prepared by meeting its objectively assessed need.

- 2.6. The proposed distribution of development is therefore **not considered to be justified** due to the lack of exploration of alternative growth scenarios (such as a new settlement in the Southern Plan Area). The quantum of work required to explore such an option would likely take longer than the six month timeframe recommended in the letter from the Minister of State (Matthew Pennycook MP), to the Chief Executive of the Planning Inspectorate, dated 30 July 2024<sup>1</sup>. On this basis, unless the current plan could be adopted extremely promptly (which seems unlikely), the Inspectors may consider it more appropriate and pragmatic for the eCLP to be withdrawn and a new Local Plan, which provides the objectively assessed housing need, progressed in its place.

**Question 14: In assessing the transport impacts of housing growth, what reasonable alternative levels of housing growth were considered for the southern plan area and why were they discounted? (see also Matter 4A transport)**

- 2.7. Housing has been proposed in the locations considered to be the least sensitive in environmental terms and most sustainable in relation to access to services. The Sustainability Appraisal (January 2023, Ref: SD03.01) assessed five different scenarios for housing distribution and concluded that Scenario 1A was the preferred option. Scenario 1A comprised the smallest quantum of development and has consequently formed the basis of the eCLP.
- 2.8. The Sustainability Appraisal assesses growth options for delivering more and less residential development in the Southern Plan Area, as well as exploring options for higher growth in the Northeast Plan Area. However, due to highway capacity limitations, nutrient neutrality, water neutrality, landscape and flood risk constraints, these alternative growth options were discounted.
- 2.9. **CDC does not consider the potential of a new settlement in the Southern Plan Area in its Sustainability Appraisal**, which is a significant shortcoming. It is recommended that the potential of a new settlement should be fully explored as a means of enabling CDC to meet its local housing targets. The settlement would need to be located in close proximity to Chichester city in order to utilise the existing services and minimise the use of the A27. A new settlement would have the benefit of being able to deliver new sustainable infrastructure, such as new bus routes and cycle paths and reduce the reliance on private vehicles, as well as funding wider A27 highway improvements. The allocation of a new settlement would require further consultation which would result in delays to the Local Plan process. As outlined above, if changes to the eCLP are beyond the scope of Main Modifications and are likely to require longer than six months to complete, then it may be more appropriate for the eCLP to be withdrawn and a new Local Plan progressed.

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<sup>1</sup> <https://assets.publishing.service.gov.uk/media/66aa157b0808eaf43b50dad5/minister-pennycook-to-chief-executive-of-planning-inspectorate.pdf>

Question 15: The final paragraph of the Policy says 'To ensure that the council delivers its housing target, the distribution of development may need to be flexibly applied, within the overall context of seeking to ensure that the majority of new housing is developed in accordance with this Strategy where appropriate and consistent with other policies in this plan. Any changes to the distribution will be clearly evidenced and monitored through the Authority Monitoring Report'. What is meant by 'flexibly applied'? Is the Policy clearly written and unambiguous, so it is evident how a decision maker should react to development proposals?

2.10. We agree that Policy S1 lacks clarity. It should be amended to define the meaning of 'flexibly applied' to ensure the policy is clearer for decision makers in accordance with paragraph 16(d) of the NPPF (2023). For example, it could be that if CDC cannot demonstrate a five year housing land supply, less weight should be given to the settlement hierarchy and instead, sustainable sites located outside of the settlement hierarchy should be appropriately considered based on individual merit.

Question 16: Are the proposed main modifications (MMs) necessary for soundness?

2.11. Modification CM039 amends criterion 3 as follows:

~~"Where opportunities arise, s~~*Supporting the villages and rural communities in the North of the Plan Area."*

2.12. Modification CM039 is necessary for soundness because policies must be "*clearly written and unambiguous, so it is evident how a decision maker should react to development proposal*" in accordance with paragraph 16 of the NPPF (2023). The existing wording could be open to interpretation depending on what an 'opportunity' is considered to be.

2.13. Modification CM040 is in regard to the formatting of Policy S1 and is considered to be necessary for soundness in order for the policy to be clear and unambiguous in accordance with paragraph 16 of the NPPF (2023).

### Policy S2: Settlement Hierarchy

Question 17: Is the proposed settlement hierarchy justified?

2.14. The proposed settlement hierarchy prioritises development in Chichester city. This decision is supported since Chichester city has excellent access to the full range of services and public transport options assessed in CDC's Background Papers. No other settlements within the Plan area offer such a complete variety of facilities and services, and access to public transport. Therefore, the hierarchy of prioritising development at Chichester as the Sub-Regional Centre, followed by development at the settlement hubs, service villages and the rest of the plan area appears (insofar as it goes) broadly appropriate based on the evidence presented in the submitted Background Papers (e.g. Settlement Hierarchy Update Background Paper, May 2024 and Sustainability Appraisal, January 2023).

2.15. However as noted elsewhere, further analysis and consideration should be given to new settlements within the hierarchy that may contribute sustainably to delivery in the plan as a whole.

**Question 19: Are the suggested MMs necessary for soundness?**

- 2.16. Modification CM046 seeks to delete the unintentional duplication of the word 'local' in the final sentence of Policy S2. This modification is considered to be necessary for soundness as it would enable Policy S2 to be clearer in accordance with paragraph 16(d) of the NPPF (2023).
- 2.17. Modification CM047 is also considered necessary for soundness as it corrects a formatting error for the unintentional capitalisation of the word 'rest' in the first line of the final paragraph of Policy S2.