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## Chichester Local Plan 2021-2039

### Hearing Statement on behalf of

**Barratts, David Wilson Homes, Landacre Developments Ltd, Crownhall Estates Limited and Martin Grant**  
(Representor No. 6827)

### Relating to 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

#### **Q 13. What is the justification for the proposed distribution of development in the plan area?**

Response

1.1 The proposed distribution of development (Spatial Strategy) has been guided by a number of influences. These are:

- 2015 Local Plan and Inspector's instruction to complete a review within 5 years,
- SA process and
- Key evidence base documents:
  - Transport Study – January 2023 - A27 capacity

- Strategic Flood Risk Assessment – December 2022

1.2 The justification behind each of these, with our concerns about the approach, is explored below.

### The 2015 Local Plan and Inspector's requirements

- 1.3 A key factor behind the development and justification for the spatial strategy is the Chichester Local Plan: Key Policies 2015 (CD01) and Inspector's decision letter of May 2015.
- 1.4 In her decision letter (para 56) the Inspector requires the Council to complete a review of the Plan within 5 years (2020) to address a housing shortfall and to ensure the Plan can be *"updated to take account of emerging evidence on highway infrastructure and rigorous testing of the impacts of providing housing up to the OAN or any updated OAN."*
- 1.5 This need to undertake a quick review focused on housing numbers and updating supporting evidence appears to have guided the development of the approach to housing numbers and then to the distribution of these in the District. Rather than preparing a new plan and developing a new approach based on up-to-date evidence the Council is largely continuing with the approaches and concepts developed by the 2015 plan, some of which date back to 2009.
- 1.6 This approach was understandable, and initially justified given the requirement to complete the Review in a short space of time. However, this approach is no longer considered justified given:
- the fact that the Review has not been completed in the required 5 years and is still not complete some 5 years after the required completion date;
  - the Review is no longer simply a review and the end of the plan period has now been extended by 10 years from 2029 to 2039;
  - the intervening passage of almost 10 years which has seen significant changes to policy, economic and social contexts and increased need over the period; and
  - an updated evidence base that suggests other spatial strategy options are/could be available.

- 1.7 Initially good progress was made with undertaking the review of the Plan. The SA scope was prepared in 2016 and an Issues and Option consultation produced by 2017. However, progress has significantly stalled since 2018 and the delay of 14 months between the Reg 19 consultation close and submission of the plan is particularly concerning, especially given that evidence base has continued to be produced during that period and even beyond submission to justify the plan.
- 1.8 Given the context of the review, it is a concern that the Council have chosen to maintain the basis of the 2015 spatial strategy approach despite the changing context, the legacy housing shortfall, exponentially growing needs, updated evidence and significant passage of time beyond the date when the review was expected to be completed. The Spatial Strategy approach is now considered unjustified in light of these time delays and changing context.
- 1.9 The Spatial Strategy has not been updated to reflect these changes nor has it acknowledged that potential alternatives were dismissed when the focus of the evidence base was on a limited review as required by the previous examining Inspector. The Spatial Strategy has simply rolled forward the previous plan but without producing the necessary evidence base to assess whether that is an appropriate option for the much longer plan period that is now being pursued.

### SA process

- 1.10 Significant concerns with the adequacy of the SA process and the justification for the development of the Spatial strategy have been addressed in our Matter 1 Statement and will not be repeated in detail here. In summary, we concluded that the approach to developing the strategy is contrived, flawed and unsound.

### Key evidence base documents

- 1.11 It is unfortunate that key evidence base that should under-pin the development of a spatial strategy was published after the close of the Regulation 19 consultation. In light of this it is difficult to see how the distribution of the housing in the plan is justified.
- 1.12 Key evidence documents are considered below.

### *Transport Study – January 2023*

- 1.13 The Regulation 19 strategy is informed by the Jan 2023 Transport Study (TA04) and earlier assessments. The Transport Study was completed based on a proposal of providing 10,354 dwellings for the period 2021-2039. This has been reviewed and found to be flawed and unsound to conclude a cap of 535dpa. Flaws include:
- Base year model uses 2014 traffic flows which are 10 years out of date
  - Does not appear to take into account any of the change which will impact existing and future peak time travel patterns, such as COVID-19 and rise in home working
  - States that the changes between TEMPRO 7.2 and 8.0 are significant and the model overestimates the potential future impacts
  - Data indicates that the levels of traffic growth expected within CDC are lower in all tested scenarios
  - 700 dwellings per annum could be accommodated in the southern plan area by the mitigation proposed for the 535 dwellings per annum scenario, although additional mitigation may be needed at the Portfield roundabout and the Oving junction

*Transport Background Paper*

- 1.14 The Transport Background Paper (TBP) was produced by CDC in July 2024 (19 months after the close of Regulation 19 consultation. It was prepared to explain the approach that has been taken to *'transport related issues within the Chichester Local Plan 2021-2039: Proposed Submission (LP), and in particular the effect of development within the plan on the A27 Strategic Road Network and related local highway impacts'*. The document has been reviewed and found to be flawed and unsound to conclude a cap of 535dpa. Concerns include:

- states that "in the main, the 700dpa demands can generally be accommodated by the mitigation for the 535 dpa scenario",
- recognises that "the model is inherently less reliable than when it was updated in 2018... and a new model is needed going forward to inform work... in informing the prioritisation and design of any mitigation schemes agreed as part of that process"

*Chichester Transport Study – 2024*

This transport study is undertaken to inform the transport evidence base for the Chichester Local Plan 2021-2039, to cover the anticipated development levels created by the local plan within Chichester District. This current local plan

review proposes 10,359 dwellings for the period 2021 to 2039. This has been reviewed and found to be flawed and unsound to conclude a cap of 535dpa, this includes

- The base year for this updated transport study is still 2014  
The higher scenario (638dpa) appears to have only been modelled up to 2039 without mitigation scenario and not with mitigation.

1.15 In light of the above our clients consider that the plan is unsound as highway issues have been relied upon to cap housing development below the LHN.

*SFRA – December 2022*

1.16 The Interim Strategic Flood Risk Assessment (comprised of the Level 1 Assessment December 2022 (CC09) and the Interim Level 2 Assessment Jan 2023 (CC10)) is a key piece of evidence relied upon by the Council to inform the spatial strategy and rule out future development on the Manhood Peninsula. It should be noted that the Peninsular is currently identified as an area for 'strategic growth' in the adopted Local Plan.

1.17 Full modelling datasets should have been publicly available for review at the time of the Regulation 19 publication. They were not and instead were finally published in May 2024 (i.e. post submission) following continued chasing of all authorities by our clients. As a result, it is difficult to understand how the SFRA could have robustly underpinned the development of the spatial strategy and justified the distribution of housing being presented in the plan.

1.18 Once the full datasets were available it became apparent that the SFRA is based on flawed modelling assumptions, which include:

- Modelled to include sea defences, where none exist
- Considers inappropriate crest widths, which have a knock-on effect of significant wave overtopping resulting in future flood risk scenarios and large extents of flood risk.
- Modelling reasonable assumption of crest widths, significantly alter extents of flood risk
- Inconsistent approach taken to different parts of the coastline, which appear to result in potential development areas / settlements being at greater risk of flooding

- 1.19 Appended (**Appendix 1**) to this statement is a technical note prepared by Floodline Consulting, which outlines the technical reasons for the shortcoming in the modelling work undertaken. In addition, a further Peer Review (Appendix 3) was undertaken Royal Haskoning DHV. These all confirm that the Council's approach to its SFRA is fundamentally flawed, and the future extents of flood risk are grossly exaggerated. The current model should be updated to provide confidence in its outputs as they are crucial for the spatial planning decision-making process in the local plan
- 1.20 This is a fundamental issue that undermines the soundness of the plan as flood risk has been relied on to restrict both the level of housing growth and the distribution of housing. This is made clear, for example, at 5.2.35 – 5.2.39 of the SA (SD03). This has resulted in East Wittering/Bracklesham being excluded from consideration within the Spatial Strategy. If the SFRA is flawed, which it is for the reasons set out above, then the strategy based on it is flawed. This is a particularly acute problem given the plan does not attempt to meet its standard method Local Housing Need. Were the Spatial Strategy informed by reliable flood risk assessments then increased housing numbers and other housing locations would have been considered.

#### Conclusion

- 1.21 As a result of flaws with the evidence base and approach taken to its development we consider that the Spatial Strategy is not justified and unsound.

### **Q.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)**

#### Response

- 1.22 Within the Transport Background Paper (BP14) (TBP) and the two CDC Transport Assessments (TA03 & TA04), the justification for the 535dpa cap is due to higher scenario (638dpa) showing a greater impact on junctions in the 2039 without mitigation scenario.
- 1.23 The broad principles of this assumption are not disputed and follows a logical scenario in that additional growth will result in an increase in vehicular

traffic/journey time/delay/queueing. However, from the information that is publicly available and conclusions within the TBP (in paragraphs 7.20 to 7.23 and analysis in Section 8 of the Transport Assessment 2024) it only provides outputs for the scenario of 638dpa, without mitigation. There does not appear to be any outputs or modelling scenarios publicly available that show anything other than 535dpa with mitigation. To robustly discount a higher level of housing, the 'with mitigation' needs to be tested.

- 1.24 The 2023 Transport Assessment suggests that 700 dwellings per annum could be accommodated in the southern plan area by the mitigation proposed for the 535 dwellings per annum scenario, although additional mitigation may be needed at the Portfield roundabout and the Oving junction, albeit the Oving junction mitigation improves the A27 flow. This reflects previous sensitivity testing in which stated that "in the main, the 700dpa demands can generally be accommodated by the mitigation for the 535 dpa scenario, although at the Portfield roundabout and Oving junction capacity issues get worse with the 700dpa demands and these junctions may need to consider further mitigation" (Para 5.40 of the TBP).