

# Public Document Pack

**JOHN WARD**  
Head of Finance and Governance Services

Contact: Democratic Services  
Email: [democraticservices@chichester.gov.uk](mailto:democraticservices@chichester.gov.uk)

East Pallant House  
1 East Pallant  
Chichester  
West Sussex  
PO19 1TY  
Tel: 01243 785166  
[www.chichester.gov.uk](http://www.chichester.gov.uk)



An **All Member Session** will be held in Virtual on **Thursday 29 July 2021** at **9.30 am**

**MEMBERS:** Mrs C Apel, Mrs T Bangert, Mr G Barrett, Miss H Barrie, Mr M Bell, Rev J H Bowden, Mr B Brisbane, Mr R Briscoe, Mr J Brown, Mr A Dignum, Mrs J Duncton, Mr J Elliott, Mr G Evans, Mrs J Fowler, Mrs N Graves, Mrs E Hamilton, Mr F Hobbs, Mrs D Johnson, Mr T Johnson, Mrs E Lintill, Mrs S Lishman, Mr G McAra, Mr A Moss, Dr K O'Kelly, Mr S Oakley, Mr C Page, Mr D Palmer, Mrs P Plant, Mr R Plowman, Mr H Potter, Mrs C Purnell, Mr D Rodgers, Mrs S Sharp, Mr A Sutton, Mrs S Taylor and Mr P Wilding

## AGENDA

### 1 **Announcements and Apologies for Absence**

The Chairman of the Council will open the session and note apologies for absence.

### 2 **Public Question Time**

In accordance with Chichester District Council's scheme for public question time the Council will receive any questions which have been submitted by members of the public in writing by noon two working days before the meeting. Each questioner will be given up to three minutes to ask their question. The total time allocated for public question time is 15 minutes subject to the Chair's discretion to extend that period.

### 3 **Local Plan and Strategic Infrastructure Update (Pages 1 - 96)**

At its meeting on 20 July 2021 Full Council resolved:

*That Council gives an administrative delegation to the Chief Executive to enact all decisions from the remote session of Councillors on 29 July 2021 and to report that enactment to the next Full Council.*

Members are therefore requested to consider the report and its appendices and instruct the Chief Executive to enact the recommendations set out in sections 2.1-2.5 of the report or as amended following debate.

### 4 **Exclusion of the Press and Public**

No part II items have been listed.

## NOTES

1. The meeting will be webcast live here: <https://chichester.nucast.live/>.
2. If you wish to ask a public question please refer to the instructions at agenda item 2. Joining instructions for the meeting will be issued once a question has been successfully registered.
3. The press and public may be excluded from the meeting during any item of business wherever it is likely that there would be disclosure of “exempt information” as defined in section 100A of and Schedule 12A to the Local Government Act 1972.
4. The press and public may view the report appendices which are not included with their copy of the agenda on the Council’s website at [Chichester District Council - Minutes, agendas and reports](#).unless they contain exempt information.

**Chichester District Council**

**All Member Session**

**29 July 2021**

**Local Plan and Strategic Infrastructure Update**

**1. Contacts**

**Report Author**

Toby Ayling – Planning Policy Divisional Manager  
Telephone: 01243 521050 E-mail: [tayling@chichester.gov.uk](mailto:tayling@chichester.gov.uk)

**Cabinet Member:**

Susan Taylor - Cabinet Member for Planning Services  
Telephone: 01243 514034 E-mail: [sttaylor@chichester.gov.uk](mailto:sttaylor@chichester.gov.uk)

**2. Recommendations**

- 2.1 That in the absence of significant external strategic infrastructure funding, the full scheme of improvements for the A27 Chichester Bypass prepared by Stantec consultants to support the Local Plan review including the proposed Stockbridge Link Road is undeliverable. Therefore the full package (and the Stockbridge Link Road) will not be progressed further as part of the Local Plan process barring a significant change in the availability and likelihood of securing public sector funding support.
- 2.2 That on the basis of recommendation 2.1 above, the Local Plan Review is likely to be unable to meet full housing needs and the Plan strategy should therefore focus on delivering as much development as possible based upon the capacity of the plan area to accommodate development within an affordable and deliverable package of transport mitigation taking into account all sources of available funding.
- 2.3 That discussions are held with the highway authorities seeking to agree a basis for delivering growth in the Chichester Plan Area until any decision is confirmed regarding a national road scheme for the A27 Chichester Bypass, to inform (along with waste water and other constraints) a revised distribution of development for further testing.
- 2.4 That the Council undertakes to review the Local Plan within 5 years, or earlier if a national scheme of improvements for the A27 Chichester Bypass is agreed by government via the Roads Investment Strategy 3 (RIS).
- 2.5 That the Council's position in respect of the Duty to Cooperate with other local authorities is updated to reflect that the Council is unable to meet the full housing needs of the Chichester plan area.

### 3. Background

- 3.1 At the special Council Meeting on 12 March 2021 Members considered a report on the revised Local Development Scheme (LDS). That report set out proposals to revise the formal timetable for the production of the Local Plan Review, and noted the significant transport work undertaken to date in considering how the growth expected in the Chichester Plan area can be managed whilst mitigating the impact on the road network, and in particular the A27. The report included an undertaking to report back to Members in the summer with an update on strategic infrastructure and particularly, progress on the delivery of a package of transport and waste water mitigation measures.
- 3.2 To facilitate this update report being considered by Members in July, the Council meeting of 20 July contained a short report. At that meeting, Full Council resolved:
- That Council gives an administrative delegation to the Chief Executive to enact all decisions from the remote session of Councillors on 29 July 2021 and to report that enactment to the next Full Council.*
- 3.3 Therefore the purposes of this report are primarily to set out the findings of the transport work being undertaken to date on the Local Plan Review; an update on other infrastructure issues and the implications for the emerging Local Plan.

#### Transport Work and update

- 3.4 Transport and the A27 have always been recognised as key considerations for the emerging Local Plan.
- 3.5 In the absence of any national scheme to deal with the known issues on the A27 at Chichester, the Local Plan Review must demonstrate that in the meantime, development proposed in the Plan will not have unacceptable transport impacts. The *Preferred Approach Plan*, published in December 2018, was accompanied by the document *Transport Study of Strategic Development Options and Sustainable Transport Measures* (the "*Preferred Approach Transport Study*") prepared by consultants PBA (now Stantec). That document is available on the council's *Local Plan Supporting Evidence* webpage and sets out a package of measures to deal with the transport impacts of the level of growth envisaged in the *Preferred Approach Plan*.
- 3.6 It is worth noting that the Local Plan which was adopted in 2015 was accompanied by a package of measures (albeit smaller in scale) with a similar aim. A comparison of the previous proposed junction amendments in 2015, with the package proposed in support of the *Preferred Approach Plan*, is set out on page 136 of the *Preferred Approach Transport Study*. In addition, the *Preferred Approach Transport Study* included a new Stockbridge Link Road between Fishbourne Roundabout and the A286 Birdham Road. The full rationale and details of this approach are set out in the *Preferred Approach Transport Study*, but an important aspect of the strategy was to rule out right turns at Stockbridge and Whyke roundabouts, - hence the Stockbridge Link Road allowed traffic to and from a revised Fishbourne Roundabout to make those turns.

- 3.7 The *Preferred Approach Transport Study* was accompanied by transport modelling evidence which tested and assessed the traffic movement arising from both the development envisaged in the *Preferred Approach Plan*, as well as the change in movement patterns arising from changes in the road network – i.e. the changes in the junctions, the new Stockbridge Link Road, etc.
- 3.8 The outcomes of the *Preferred Approach Plan* consultation were considered by Cabinet and Council in December 2019. In its response West Sussex County Council confirmed it had worked with the District Council in the production of the *Preferred Approach Transport Study*, and did not object to the findings, but highlighted a range of delivery risks associated with the works including the Stockbridge Link Road and sought further work to address those concerns.
- 3.9 In their response, Highways England confirmed that in their view the proposed package of measures in the *Preferred Approach Transport Study* would mitigate the adverse impacts of the envisaged growth on the Strategic Road Network, but they also sought more work to confirm deliverability and funding. In addition, Highways England advised the Local Plan Review should only consider the improvements contained within the *Preferred Approach Transport Study* as these have a reasonable prospect of coming forward (subject to funding) – i.e. not any potential national road scheme. The responses are available in full on the Council’s website at <https://chichester.oc2.uk/document/6> (click the “search representations” button to bring up the list of organisations).
- 3.10 In addition to the above issues, a range of other concerns were raised regarding the Stockbridge Link Road, including environmental and visual impacts and the resulting rerouting of traffic through local roads.
- 3.11 The above factors led to an update of the transport work to consider the implications of the removal of the proposed Stockbridge Link Road from the proposed transport mitigation package. This was confirmed in a report to Cabinet and Council in December 2019.

#### **4. Investigating an alternative to the Stockbridge Link Road**

- 4.1 Following consideration of the outcomes of the *Preferred Approach* consultation, Stantec were commissioned to undertake a two-part assessment of the transport implications of removing the Stockbridge link road. They were commissioned to first, set out the highway implications for removing the link road, and then second, if (as expected) it was determined on traffic grounds to be required, identify alternative mitigation to address resulting capacity and safety impacts on the highway network.
- 4.2 As expected, testing the road network without the Stockbridge Link Road confirmed the Local Plan mitigation is not adequate to mitigate the impact of the additional traffic. Following that, an alternative approach was considered. This was identified with reference to a number of factors, including the constraints at each A27 junction, the need to facilitate access to and from the Manhood Peninsula, and the need for a scheme which could feasibly be funded and delivered. This led to a potential “hamburger junction” being identified as an alternative approach at Stockbridge Roundabout. Other potential measures, such as grade separation or

amendments to the scheme at Whyke Roundabout were not taken forward given likely issues with deliverability.

- 4.3 Testing the alternative approach was in two parts. First, an initial feasibility junction design was drawn up of the proposed new junction. It was shared with West Sussex County Council (as Local Highway Authority) and Highways England in the first instance to test the initial feasibility of the junction design in its broadest terms. Following initial technical feedback the revised junction was then tested through modelling to determine if it would be capable of satisfactorily dealing with the modelled traffic flows arising from the *Preferred Approach Transport Study*.
- 4.4 The initial findings of that work were the subject of a presentation given to CDC Members at the meeting of the Development Plan and Infrastructure Panel in September 2020. The presentation concluded that the alternative Stockbridge Roundabout scheme could not accommodate the level of anticipated traffic by the end of the Plan period, and it was expected that the highway authorities would raise concern.
- 4.5 Because the work had identified a serious issue with the alternative to a link road, the envisaged later stages of the investigation (to test safety etc) were not proceeded with. The findings were written up into a report and shared with the highways authorities for their views. Both Highways England and West Sussex County Council responded, and were content with the findings of the report, the final version of which was published on the Council's website at the end of March 2021.

## **5. Further Transport Evidence**

- 5.1 Following the above, further technical work was identified to investigate and progress transport matters, namely –
  - a) Further transport modelling, to investigate the transport impacts development, and determine when the proposed transport improvements at each junction will be required;
  - b) Further feasibility work on each of the suggested major road schemes, to provide comfort that they are deliverable and provide greater comfort that the cost estimates are accurate; and
  - c) Specific feasibility and impacts study on the Stockbridge Link Road itself, to consider the wider environmental and visual impacts of the proposed Link Road.
- 5.2 Whilst this work was underway, meetings were set up with key parties to discuss the outputs and the potential implications for the Plan.

## **Infrastructure Constraints and the Emerging Plan**

- 5.3 The potential for infrastructure constraints to impact upon the delivery of development has been acknowledged for some time. In response, advice was sought from the Government's Planning Advisory Service (PAS) on the potential for infrastructure constraints to justify and require a phased approach to development or restrict the level of development over the local plan period.

- 5.4 The response from PAS is set out in full in Appendix 1. It does not provide an “off the shelf” answer to follow, but does provide some useful context and examples to consider, and a helpful reiteration of the need for greater certainty that development can be delivered for the first five years of the Plan period, with less certainty required in planning terms for the latter stages of the Plan.
- 5.5 In addition, the PAS report has highlighted the level of planning judgement required to substantiate a justified approach in these matters. Therefore an advisory meeting was set up with the Planning Inspectorate consider the outcomes of the discussions on transport infrastructure an funding outlined above.

## **Transport Work**

- 6.1 Following consideration of responses to the *Preferred Approach* Local Plan consultation and receipt of updated evidence on the availability of land, development requirements, and emerging evidence on strategic infrastructure opportunities and constraints, a potential revised distribution of development was prepared towards the end of 2020 to test further through evidence. The revised distribution of development fully met the needs of the Chichester plan area, and included a sufficient buffer to ensure the needs of the area were met and to address unmet need arising from that part of the district which falls within the South Downs National Park.
- 6.2. The Council’s transport consultants Stantec were commissioned to prepare revised transport modelling based on this revised distribution of development to address two main questions –
- a. What the necessary interventions were to mitigate the transport impacts of this planned level of growth; and
  - b. The timing of these improvements, with reference to anticipated delivery of the proposed revised distribution of development.
- 6.3 Initial outputs of that modelling work were received and a working draft advisory note forms Appendix 2 of this report. The findings were broadly as follows –
- a. The mitigation package identified as part of the *Preferred Approach* Plan was broadly sufficient to mitigate the impacts of the proposed revised distribution of development (though some additional smaller measures may be required to mitigate local junctions or updated based on the output of the accident analysis); and
  - b. With regards to timing, investigations were undertaken into the relative merits of implementing measures at the junctions in a west-east and an east-west order (with the east-west order mitigated by necessary amendments to enable all journeys to be made throughout the delivery process). A third option was recommended which ranked the order of need based on limited funds and delivered investment as and when funds were secured.

## Meeting with infrastructure funders

- 6.4 On the back of this advisory note, a meeting was held on 30 June with key parties. Present were representatives of the following key organisations:
- Chichester District Council (CDC)
  - CDC's transport consultants, Stantec
  - West Sussex County Council as Highway Authority
  - Highways England
  - Homes England.
- 6.5 At that meeting an update to progress on the local plan was given and the findings of the emerging transport work were discussed. In addition, the potential funding towards the identified transport works which could be secured through development contributions was outlined.
- 6.6 At that meeting, the following key points were established –
- The total transport mitigation package identified in support of the *Preferred Approach* Plan was estimated to cost approx. £65m in 2018. The highway authorities have raised concerns that this was an underestimate.
  - Notwithstanding any cost increases, this package could not be funded through developer contributions alone. Initial estimates of the amount which may be secured towards this were in the region of £33-£45m (based on an uplift of contributions and a full level of development in the proposed revised development distribution).
  - Homes England advised there was no appropriate external funding pot available at present. Announcements were expected in the Autumn statement this year, but there was no certainty regarding the scope, scale and timing of availability of any appropriate funding source for the transport mitigation.
  - Highways England advised there is no certainty that a national scheme (the A27 Chichester is identified as a “pipeline project” in RIS2) will be forthcoming, or that it could be assumed that it will provide capacity *of itself* to support future development.
- When Highways England were questioned about whether they would object to the Local Plan Review being brought forward without all the necessary investment in the A27 to mitigate growth being secured, they advised that they would need to consider the evidence available at that time.
- 6.7 A subsequent meeting was held with the Coast 2 Capital Local Enterprise Partnership who confirmed they were not in a position to contribute funding to the identified funding gap.

## **Conclusions on Transport matters**

- 6.8 Following the discussions above, it is clear that, from projected sources of funding it is not currently possible to fully secure the funding necessary to be able to deliver the full level of development envisaged in the *Preferred Approach Plan*.
- 6.9 Members will be aware that the work undertaken to date indicates the Stockbridge Link Road is the single most expensive element of the mitigation package and has a number of delivery issues. It was intended these issues would be investigated further through a feasibility and impacts study. However, given the quantified funding issues, and outcomes of discussions with key parties outlined above, it is considered there is sufficient justification and evidence now to conclude that the Stockbridge Link Road is currently not fundable or deliverable through the local plan process and therefore should not be proceeded with unless or until there is a significant change in circumstances. Therefore the detailed feasibility and impacts work envisaged for the Stockbridge Link Road will not be undertaken, although transport feasibility work for other junction works will still need to be done.
- 6.10 The onus is on the Council to produce a Local Plan to deliver identified development needs. Hence there has been a focus to date on progressing work and actions within the Council's control (such as transport studies) with the aim of securing a Plan which can be found sound at Examination. This has been reinforced by uncertainties regarding the status and outcome of any national road scheme for the A27 Chichester Bypass.
- 6.11 However, the limitations of what the Plan can secure and deliver as outlined above are now clear. It is essential that any development strategy is prepared with the agreement of the highway authorities, to manage how development will proceed, either through the Local Plan or via planning applications.
- 6.12 In light of the recently established funding constraints for transport mitigation, further work in this regard is underway. An alternative, "infrastructure constrained" approach to development is being discussed with transport consultants Stantec and will be used to inform further discussions with the highway authorities to seek an agreed basis for determining how much development can be accommodated, where it can be accommodated and whether it can proceed now or needs to be phased.
- 6.13 Although an agreement has not yet been reached with the highway authorities, it is reasonable to conclude that this issue has significant implications for the level of development which could be accommodated, specifically in the southern part of the Plan area (though with implications for the total level of development which could be achieved). Actions in response to this are set out in section 10.1 below.

## **7. Waste Water infrastructure**

- 7.1 In addition to the ongoing transport work, Members will be aware of the ongoing and extensive discussions between CDC officers and Southern Water regarding the capacity of wastewater treatment infrastructure, and the implications for the emerging Local Plan Review.

7.2 Southern Water is the authority with responsibility for wastewater. On-going discussions with Southern Water and the Environment Agency have concluded that whilst ultimately an engineering solution can be found to accommodate future growth, environmental limitations are a constraint, particularly in the western part of the plan area. The parties have not yet reached an agreed position, although work on a Statement of Common Ground is being progressed. So far, Southern Water has not stated that, notwithstanding the acknowledged environmental capacity issues which affect some of their waste water treatment works, that new development could not be served in some other way, for instance by delivering a new long sea outfall or amendments to their network to reroute waste water to a more appropriate works. Nonetheless, considerable concern remains that the Plan is necessarily being brought forward but without certainty on this important issue. Infrastructure options to serve the Chichester plan area are being examined by Southern Water over the next year but these will not be confirmed until the adoption of the DWMP in 2023 .

## **8. Update on other Infrastructure matters**

8.1 The most recent responses from statutory and other key consultees relate to the potential revised distribution of development prepared towards the end of 2020 to test further through evidence. These responses are set out in Appendix 4 of this report. It is worth noting that these responses were made in response to a distribution which would meet the needs of the Chichester plan area in full.

8.2 Key comments include –

- a) The EA confirm that new development should ideally look for connection to Tangmere WwTW. The EA support the recognition that future development may need to be phased so that it aligns with infrastructure provision.
- b) Natural England advise that the Local Plan should plan for the forecasted increased capacity demands on Waste water treatment works. In addition, due to concerns about water abstraction at Hardham, and the potential adverse effect on the integrity of the Arun Valley Special Area of Conservation (SAC) and Special Protection Area (SPA), mitigation measures (water neutrality) within the Sussex north supply area will need to be provided
- c) WSCC identify insufficient primary capacity to accommodate the sites to the east of Chichester where land for a 2FE primary school would be required. Any development within Hunston and North Mundham parishes cannot currently be accommodated in the existing primary schools in the area. Further capacity would be required to accommodate the development. Bosham, Chidham and Hambrook, Southbourne and Westbourne are all within the same school planning area; the cumulative total of the strategic allocations brings forward a requirement for circa 3 forms of entry additional (primary) school places and potential contributions for secondary places

8.3 These issues will be considered alongside the broader strategic infrastructure matters outlined in this report.

## **9. Planning Inspectorate (PINS) Advisory Visit**

9.1 Following the discussions with infrastructure funders, and subsequent conclusions on transport matters, a meeting was held with a Planning Inspector to obtain advice on the findings and implications for the Local Plan Review. Following the meeting the Inspector provided an advisory note which forms Appendix 3 of this report. The Inspector has highlighted that before concluding that housing needs cannot be met, the Council will need to determine –

- a. what level of housing could be achieved based on the required improvements to the A27 without undermining viability, and thus deliverability;
- b. whether the full housing needs could be met in another way, which includes taking a step back and reassessing the spatial strategy and distribution of development in other parts of the local plan area; and
- c. if not, then whether housing needs could be met elsewhere through constructive, active and on-going engagement as part of the Duty to Cooperate.

9.2 It should be stressed that while the Inspector did not rule out the Council proceeding with a lower level of development in the emerging local plan, he did emphasise the “high bar” in terms of justifying such an approach and the need to fulfil the Duty to Cooperate.

## **10. Next Steps**

10.1 The technical work, and most recent discussions outlined in this report have considerable implications for the emerging Local Plan. The main work areas are considered to be as follows –

- a) Agreeing a basis with Highways England and West Sussex County Council for delivering growth in the Chichester plan area as outlined in paragraph 6.12 while the future of any national road scheme is uncertain
- b) Using that to agree the basis for the emerging plan going forward, including the amount of development which is deliverable;
- c) Concluding work with Southern Water and the Environment Agency to arrive at an agreed approach to delivery of development, particularly in the western part of the Plan area;
- d) Using that to agree any additional phasing or other limitation on delivery of development;
- e) Following the Inspector’s advice, further considering the potential to deliver more development in parts of the plan area less constrained by these issues, including the northern part of the Plan area, to demonstrate all possible options have been exhausted.
- f) The steps outlined here need to be discussed with neighbouring authorities under the Duty to Cooperate to highlight this issue for the Chichester Plan area

and explore options to potentially accommodate unmet need outside of the plan area.

- 10.2 Members agreed a timetable for production of the Local Plan in March 2021. At the time of writing this report, critical further discussions with the highway authorities have been identified which will need to take place to seek agreement for how growth will be managed, both for the emerging Local Plan, Neighbourhood Plans and for planning applications. Therefore, for now it is not envisaged that there is a need for a formal review of the Local Plan timetable, although the council's webpage should be updated with the above information. Members will be kept informed as to progress. It is envisaged that a further report will be brought back to Members after the summer to provide a further update.
- 10.3 With regards to Neighbourhood Plans, it is recognised that the issues raised in this report provide further uncertainty. Parish Councils bringing forward neighbourhood plans have been asked to progress to Regulation 14 plan consultation prior to the publication of the Local Plan. It is considered appropriate that they still do so, as it assists all parties in understanding the potential and constraints in each parish (including the issues raised in this report) while the Local Plan is being brought forward.
- 10.4 It is therefore proposed that the recommendations in this report, and the next steps identified here, are (if agreed) communicated to parish councils by letter and an update is added to the next local plan newsletter which goes out to interested parties.

## **11. Alternatives Considered**

- 11.1 Essentially the Local Plan has two options, given the issue with infrastructure funding – either to go forward with proposals to meet the full level of identified development need but without certainty over funding for transport infrastructure, or to propose a reduced level of development for the plan area given the current significant shortfall in funding for this infrastructure. This has been previously identified as a key issue for the Local Plan Review and led to the advice note from PAS. However, the additional discussions with Homes England and Highways England have helped to clarify some aspects. In particular, the lack of public sector funding to support the A27 mitigation package was highlighted in Highways England's [response](#) to the Preferred Approach consultation (points 2 and 4) and no source of funding has been identified since then.
- 11.2 Given the above, it is considered that taking forward the Plan along the lines of the *Preferred Approach Plan*, i.e. meeting full development needs but without identified sources of funding to deliver the necessary works to the A27, is unlikely to be found to be a sound approach at examination. The recent Inspector's reports to [Tandridge](#) and the [North Essex Authorities](#) provide evidence that Inspectors are seeking a level of certainty regarding deliverability of necessary infrastructure that it will not be possible to secure over the next 18 months or so. An objection in principle from either of the Highway Authorities is considered extremely likely.

## 12. Resource and Legal Implications

- 12.1 The proposals in this report do not have any immediate resourcing implications for the Council over and above the matters contained in the Local Plan review budget update report that was agreed at the Council meeting of 20 July.
- 12.2 The preparation of the Local Plan Review has to follow the requirements of the 2004 Planning and Compulsory Purchase Act 2004 and associated regulations. The Town and Country Planning Act (Local Planning) (England) Regulations 2012 are of particular relevance.

## 13. Consultation

- 13.1 There is no requirement for consultation on the contents of this report, although proposals for communications are set out in paragraph 10.4.

## 14. Community Impact and Corporate Risks

- 14.1 Bringing forward a plan which does not meet all identified development needs carries significant risks. These risks will need to be addressed as far as is reasonable by the steps outlined in paragraph 10.1. Members are also referred to some of the examples set out in the PAS advice note (Appendix 3) which does highlight a number of instances where Plans have been found unsound due to lack of certainty over infrastructure provision. To mitigate the risks we will be receiving ongoing advice from PINS as we progress further through the steps they have recommended.

## 15. Other Implications

Are there any implications for the following?		
	Yes	No
<b>Crime and Disorder</b> The NPPF requires that local plans should develop robust and comprehensive policies that set out the quality of development that will be expected for the area, and that planning policies should ensure that developments create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.	X	
<b>Climate Change and Biodiversity</b> The NPPF identifies the mitigation and adaptation to climate change, and improvements to biodiversity, as fundamental issues to address in order to deliver sustainable development. Local plans are expected to adopt proactive strategies to mitigate and adapt to climate change in line with the provisions and objectives of the Climate Change Act 2008, and to co-operate to deliver strategic priorities which include climate change. Plans should also seek to minimise the impacts on and provide net gains for biodiversity	X	
<b>Human Rights and Equality Impact</b> The Equality Act 2010 sets statutory duties on public bodies such as local authorities with regard to promoting equality and reducing inequalities of outcome. To ensure that the statutory requirements	X	

are achieved, it is intended to undertake and publish an equality impact assessment which will be published as one of the supporting documents when the Local Plan Review is submitted to the Secretary of State for formal examination.		
<b>Safeguarding and Early Help</b>		X
<b>General Data Protection Regulations (GDPR)</b>		X
<b>Health and Wellbeing</b> The NPPF states that planning policies and decisions should aim to achieve healthy, inclusive and safe places	X	

## 16. Appendices

- 16.1 Appendix 1 – PAS advice Note
- 16.2 Appendix 2 – Working Draft July 2021 note from Stantec on strategic transport matters
- 16.3 Appendix 3 – PINS Advisory Visit Note 16 July 2021
- 16.4 Appendix 4 - Updates from other infrastructure providers and key parties

## 17. Background Papers

- 17.1 None.

## **Appendix 4 – updates from other infrastructure providers and key parties**

This appendix sets out the most recent responses from infrastructure providers and other parties to proposed development. It is worth noting that these responses were made in response to a distribution which would meet the needs of the Chichester plan area in full.

### **Environment Agency**

The EA generally support development to the eastern side of the plan area due to the wastewater treatment capacity issues within the Apuldram catchment in the west. The EA confirm that new development should ideally look for connection to Tangmere WwTW. The EA is also pleased to see that proposed housing has been reduced on the Manhood Peninsula due to potential increased flooding from sea level rise and that site AL6 (land south west of Chichester) has been removed. The EA support the recognition that future development may need to be phased so that it aligns with infrastructure provision.

### **Natural England**

The Local Plan should plan for the forecasted increased capacity demands on WwTW. Natural England understands that CDC are aware of the Nutrient Neutrality (NN) requirements involving the Solent, however would reiterate that the western stream area of Chichester contributes to the NN issue as it flows into the Solent - this also includes Chichester Harbour. The LPR provides a key opportunity for CDC to secure a Strategic Solution to NN.

Southern Water is unable to conclude no adverse effect on the integrity of the Arun Valley Special Area of Conservation (SAC) and Special Protection Area (SPA). Therefore Natural England advises mitigation measures (water neutrality) within the Sussex North supply area will need to be provided.

### **West Sussex County Council**

WSCC identify insufficient primary capacity to accommodate the sites to the east of Chichester where land for a 2FE primary school would be required. Any development within Hunston and North Mundham parishes cannot currently be accommodated in the existing primary schools in the area. Further capacity would be required to accommodate the development. Bosham, Chidham and Hambrook, Southbourne and Westbourne are all within the same school planning area; the cumulative total of the strategic allocations brings forward a requirement for circa 3 forms of entry additional (primary) school places. Where contributions are required to provide additional capacity through expansion, particularly for secondary education, details are provided.

The RD strategy includes a number of sites which fall within the sharp sand and brick clay minerals safeguarding area or minerals consultation area. These designations do not prevent non-mineral related developments from taking place, but it does mean that the criteria set out in Policy M9 of the West Sussex Joint Minerals Local Plan (2018) must be met. Consultation with WSCC will also be required.

*NB WSCC highways are considering the transport implications of the local plan through the ongoing transport modelling work with Stantec and hence no comment on transport matters is included here.*

### **Southern Gas Networks**

The potential sites within the IDP have been analysed on the Network Analysis Models to determine if any upgrades to the infrastructure are required to ensure security of supply and to maintain a safe operation of the gas network. At this time there is no requirement to reinforce the Intermediate or Medium Pressure tier systems. SGN cannot provide an assessment of the Low Pressure tier as can usually only be assessed when a connections enquiry/request comes in for a specific site, which details the exact connection point and the gas demand for the site. Therefore, it is possible that the Low Pressure tier could require localised reinforcement.

### **Southern Energy Power Distribution**

SEPD did not provide any updates in 2020. In their previous response (2018) SEPD confirmed that they have no identified major spending plans. The projected increase in load growth is anticipated to be accommodated from existing capacity. There has been a reduction in loads in recent years, thought to be due to improved energy efficiency and the downturn in the economy.

### **Telecommunications**

There are no updates in 2020. In 2018, it was confirmed that West Sussex County Council has contracted with BT Telecommunications plc to build the necessary communications infrastructure to provide improved broadband services. The £30million project is being funded by West Sussex County Council, the government and BT Telecommunications plc.

### **Thames Water**

Given that the proposed distribution of development north of the plan area is centred on four parishes in the north-east, it is Thames Water's view that future developments are very unlikely to require connection into their network. Consequently, Thames Water has confirmed that they have no network constraints affecting the delivery of wastewater services in association with proposed development in the north of the plan area.

# Advice note to Chichester District Council – Strategic Infrastructure Constraints

April 2021

## 1. Introduction and Purpose

1. The Planning Advisory Service (PAS) is providing ‘critical friend’ support to Chichester District Council (CDC) in relation to strategic infrastructure issues impacting on the Chichester Plan area. Considerable constraints exist in relation to the capacity (both short and long term) of Wastewater Treatment Works (WwTW) and the strategic road network to serve future planned development. The brief for the support is appended to this advice note (Appendix A) which provides a detailed background to the context and the nature and detail of the support request.
2. This support and advice note follows the provision of critical friend support in defining the approach and programme for the Local Plan review in 2019 and in relation to the production of an Interim Position Statement for Housing Development in 2020.
3. Section 2 of this advice note starts by providing a summary of the relevant national guidance which is pertinent to the issues being addressed. It then considers the relevant local position and context in relation to the strategic infrastructure constraints.
4. Section 3 draws together advice and matters for further consideration by the Council arising from an analysis of the relevant context and a range of relevant case studies.
5. Section 4 provides a summary of conclusions and recommendations arising from the advice note.
6. **This note is advisory only and does not constitute a legal opinion. It may be advisable for the Council to seek legal advice in order to confirm and / or supplement the advice provided within this advice note.**

## 2. Context

### National

7. The National Planning Policy Framework includes a number of requirements relevant to the consideration of strategic infrastructure constraints. These can be summarised as follows:
- Plans and decisions should apply a presumption in favour of sustainable development. Strategic policies of Local Plans should, **as a minimum**, provide for objectively assessed needs for housing, as well as any needs that cannot be met within neighbouring areas<sup>1</sup>, **unless the application of policies in this Framework<sup>2</sup> that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole** (paragraph 11).
  - Strategic policies in the Local Plan should make sufficient provision for housing (in line with the presumption in favour of sustainable development), infrastructure for transport, and infrastructure for wastewater (paragraph 20)
  - Strategic policies should look ahead over a minimum 15 year period from adoption, to anticipate and respond to long-term requirements and opportunities, **such as those arising from major improvements in infrastructure** (paragraph 22).
  - Planning policies should identify a supply of specific deliverable sites for years one to five of the plan period, and **specific developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15 of the plan** (paragraph 67). ***To be considered developable, sites should be in a suitable location for housing development with a reasonable prospect that they will be available and could be viably developed at the point envisaged.***
  - Effective and on-going joint working between strategic policy-making authorities and relevant bodies is integral to the production of a positively prepared and justified strategy. In particular, **joint working should help to determine where additional infrastructure is necessary, and whether development needs that cannot be met wholly within a particular plan area could be met elsewhere** (paragraph 26).
  - In order to demonstrate effective and on-going joint working, **strategic policymaking authorities should prepare and maintain one or more statements of common ground, documenting the cross-boundary matters being addressed and progress in cooperating to address these.** These should be produced using the approach set out in national planning guidance, and **be made publicly available throughout the plan-making process to provide transparency** (paragraph 27).

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<sup>1</sup> as established through Statements of Common Ground

<sup>2</sup> habitats sites and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park or defined as Heritage Coast; irreplaceable habitats; designated heritage assets; and areas at risk of flooding or coastal change.

- Plans should set out the contributions expected from development. This should include setting out the levels and types of affordable housing provision required, along with other infrastructure (such as that needed for education, health, transport, flood and water management, green and digital infrastructure). **Such policies should not undermine the deliverability of the plan** (paragraph 34).
- **Planning policies should seek to address potential barriers to investment, such as inadequate infrastructure**, services or housing, or a poor environment and be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices (such as live-work accommodation), and to enable a rapid response to changes in economic circumstances (paragraph 81).
- **Transport issues should be considered from the earliest stages of plan-making and development proposals, so that: a) the potential impacts of development on transport networks can be addressed; b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised** – for example in relation to the scale, location or density of development that can be accommodated; c) opportunities to promote walking, cycling and public transport use are identified and pursued; d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and e) patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places (paragraph 102).
- Planning policies should: a) support an appropriate mix of uses across an area, and within larger scale sites, to minimise the number and length of journeys needed for employment, shopping, leisure, education and other activities; b) be prepared **with the active involvement of local highways authorities, other transport infrastructure providers and operators and neighbouring councils, so that strategies and investments for supporting sustainable transport and development patterns are aligned**; c) identify and protect, where there is robust evidence, sites and routes which could be critical in developing infrastructure to widen transport choice and realise opportunities for large scale development; d) provide for high quality walking and cycling networks and supporting facilities such as cycle parking (drawing on Local Cycling and Walking Infrastructure Plans); e) provide for any large scale transport facilities that need to be located in the area, and the infrastructure and wider development required to support their operation, expansion and contribution to the wider economy (paragraph 104).
- **Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe** (paragraph 109).
- Planning policies and decisions should support development that makes efficient use of land, taking into account: a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it; b) local market conditions and viability; c) **the availability and capacity of infrastructure and services – both existing and proposed – as well as their**

**potential for further improvement and the scope to promote sustainable travel modes that limit future car use;** d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and e) the importance of securing well-designed, attractive and healthy places (paragraph 122).

8. The NPPF is supplemented by Planning Practice Guidance (PPG). Guidance which is relevant to the consideration of strategic infrastructure constraints in this context can be summarised as follows:

- The statement(s) of common ground should provide evidence of effective cooperation between the local planning authority (LPA) and infrastructure providers as to strategic cross-boundary infrastructure requirements. Where effective cross-boundary working can be demonstrated in the statement(s) of common ground, this could be used as evidence when trying to secure grants for infrastructure where effective joint working forms part of the assessment criteria.
- A statement of common ground is a written record of the progress made by strategic policy-making authorities during the process of planning for strategic cross-boundary matters. It documents where effective co-operation is and is not happening throughout the plan-making process, and is a way of demonstrating at examination that plans are deliverable over the plan period, and based on effective joint working across local authority boundaries. In the case of local planning authorities, it also forms part of the evidence required to demonstrate that they have complied with the duty to cooperate.
- A statement of common ground is expected to contain the housing requirements in any adopted and (if known) emerging strategic policies relevant to housing within the area covered by the statement, distribution of needs in the area as agreed through the plan-making process, or the process for agreeing the distribution of need (including unmet need) across the area.
- When authorities are in a position to detail the distribution of identified needs in the defined area, the statement will be expected to set out information on: a. the capacity within the strategic policy-making authority area(s) covered by the statement to meet their own identified needs; b. the extent of any unmet need within the strategic policy-making authority area(s); and c. agreements (or disagreements) between strategic policy-making authorities about the extent to which these unmet needs are capable of being redistributed within the wider area covered by the statement.
- Statements need be prepared and then maintained on an on-going basis throughout the plan making process. As a minimum, a statement needs to be published when the area it covers and the governance arrangements for the cooperation process have been defined, and substantive matters to be addressed are determined. If all the information required is not available (such as details of agreements on strategic matters) authorities can use the statements to identify the outstanding matters which need to be addressed, the process for reaching agreements on these and (if possible) indicate when the statement is likely to be updated.

- Authorities should have made a statement of common ground available on their website by the time they publish their draft plan, in order to provide communities and other stakeholders with a transparent picture of how they have collaborated.
- Infrastructure providers should be considered as additional signatories to the statement(s) of common ground. They have no responsibility for publishing, maintaining or updating the statement(s).
- A plan is an opportunity for the strategic policy-making authority to set out a positive vision for the area, but the plan should also be realistic about what can be achieved and when. This means paying careful attention to providing an adequate supply of land, identifying what infrastructure is required and how it can be funded and brought forward. At an early stage in the plan-making process strategic policy-making authorities will need to work alongside infrastructure providers, service delivery organisations, other strategic bodies such as Local Enterprise Partnerships, developers, landowners and site promoters. A collaborative approach is expected to be taken to identifying infrastructure deficits and requirements, and opportunities for addressing them. In doing so they will need to:
  - assess the quality and capacity of infrastructure, and its ability to meet forecast demands. Where deficiencies are identified, policies should set out how those deficiencies will be addressed; and
  - take account of the need for strategic infrastructure, including nationally significant infrastructure, within their areas.
- Where plans are looking to plan for longer term growth through new settlements, or significant extensions to existing villages and towns, it is recognised that there may not be certainty and/or the funding secured for necessary strategic infrastructure at the time the plan is produced. In these circumstances strategic policy-making authorities will be expected to demonstrate that there is a reasonable prospect that the proposals can be developed within the timescales envisaged.
- In order to demonstrate that there is a reasonable prospect these large scale developments can come forward, strategic policy-making authorities are expected to make a realistic assessment about the prospect of sites being developed (and associated delivery rates). Strategic policy-making authorities will need to demonstrate they have engaged with infrastructure providers, ensuring that they are aware of the nature and scale of the proposals, and work collaboratively to ensure that the infrastructure requirements are not beyond what could reasonably be considered to be achievable within the planned timescales. The authority can use statements of common ground, or other evidence, to detail agreements with infrastructure providers which confirm this and set out the further work which they will undertake to support the long-term delivery of the strategy.
- Infrastructure providers should, so far as possible, seek to plan for longer-term infrastructure requirements set out within adopted plans and reflect this in their funding and investment decisions.

- The strategic policy-making authority can use subsequent plans and plan reviews as an opportunity to provide greater certainty about the delivery of the agreed strategy. Annual reviews of the infrastructure funding statement should feed back into review of plans to ensure that plans remain deliverable. Should issues arise which would adversely affect the delivery of the adopted strategy then the authority should consider alternative strategies, through a plan review, if these issues are unlikely to be resolved.
  - The transport evidence base should identify the opportunities for encouraging a shift to more sustainable transport usage, where reasonable to do so; and highlight the infrastructure requirements for inclusion in infrastructure spending plans linked to the Community Infrastructure Levy, section 106 provisions and other funding sources.
  - A stepped housing requirement may be appropriate where there is to be a significant change in the level of housing requirement between emerging and previous policies and / or where strategic sites will have a phased delivery or are likely to be delivered later in the plan period. Strategic policy-makers will need to identify the stepped requirement in strategic housing policy, and to set out evidence to support this approach, and not seek to unnecessarily delay meeting identified development needs. Stepped requirements will need to ensure that planned housing requirements are met fully within the plan period.
  - Where there is evidence to support a prioritisation of sites, local authorities may wish to identify priority sites which can be delivered earlier in the plan period, such as those on brownfield land and where there is supporting infrastructure in place e.g. transport hubs. These sites will provide additional flexibility and more certainty that authorities will be able to demonstrate a sufficient supply of deliverable sites against the housing requirement.
9. Planning Practice Guidance makes reference to the Department for Transport Circular from 2013 *'The Strategic Road Network and the Delivery of Sustainable Development'*. This provides further context for how the LPA should manage and mitigate impacts on the strategic road network both through Local Plans and development management decisions. It states that:
- Where the overall forecast demand on transport infrastructure will surpass capacity at the time of opening of the development, then capacity mitigation will be sought. Capacity enhancement measures and the infrastructure required to deliver strategic growth should be identified at the plan-making stage. Mitigation of development impacts on capacity will be required at the time of opening and funded through agreement with the Secretary of State for Transport.
  - Where the residual cumulative impacts of development are severe, development proposals should be prevented or refused on transport grounds.
  - 'Severe' is not defined in the circular or in the NPPF. In *R. v Tunbridge Wells BC (2020)*, it was explained that recent judgements have suggested the term refers to a severe and serious adverse impact on safety and efficiency. The judge also stated

that 'severe' remains a matter of judgement for the decision-maker, informed by technical information.

### Local

10. The Council has produced (or is currently producing) a wide range of evidence which examines and details the wastewater and strategic transport constraints that exist in the context of both plan-making and development management. Work is also being undertaken to consider the potential impacts of nitrates in Chichester Harbour. The following sub-sections briefly summarise key relevant documentation which is pertinent to this advice note.

#### *Wastewater constraints*

11. The emerging Infrastructure Delivery Plan to support the Local Plan Review includes the following summary in relation to wastewater infrastructure constraints:

*“Southern Water is the statutory sewerage undertaker for most of West Sussex. There is a sewerage system, which is operated mainly under gravity, throughout Chichester Local Plan Area with limited spare capacity at Chichester (Apuldram) Wastewater Treatment Works (WwTW). Upgrades to Tangmere WwTW have now been completed, generating additional capacity to accommodate growth set out in the adopted Chichester Local Plan 2014-2029.”*

12. The Chichester Water Quality Assessment was published in 2018. The assessment was produced with the Environment Agency and reviewed the ability of the WwTW to manage pressures arising from proposed new development being considered as part of the emerging Local Plan Review in order to inform the Habitats Regulation Assessment. The Assessment highlighted a number of concerns as to whether the necessary measures can and will be delivered within the plan period. The assessment of existing capacity is now being updated and reviewed with Southern Water and the Environment Agency.
13. A joint Position Statement has been produced by the Environment Agency and Southern Water (with the involvement of the Chichester Water Quality Group) on managing new housing development in the Apuldram (Chichester) Wastewater Treatment Works Catchment recognising the capacity constraints that exist. This seeks to provide guiding principles for development proposals within the Apuldram WwTW catchment, including seeking major development proposals to demonstrate that no net increase in flows to the sewer network would occur arising from the proposed development. It also recognises that larger scale developments will be expected to drain to alternative WwTW once a new sewer pipeline connection is operational.
14. The Council continues to work closely with all relevant parties to secure appropriate solutions to enable growth being planned as part of the Local Plan Review to take place. However, the Council has expressed concerns in relation to the performance of Southern Water in carrying out its statutory obligations, and particularly how additional capacity can and will be provided in the wastewater treatment network which serves the plan area to provide for the additional capacity needed to accommodate increased housing growth, whilst ensuring that environmental harm does not occur. In addition, the Council is concerned that responses received from Southern Water in response to consultations on planning applications do not appear to be consistent with concerns being expressed in

relation to the emerging Local Plan Review. It is unclear how Southern Water are factoring in concerns relating to the cumulative impact of other development under construction or planned.

15. At its meeting on 24 November 2020, the Council resolved to write to OFWAT to express its serious concerns about the performance of Southern Water and request intervention. A letter was sent accordingly to the Chief Executive of OFWAT on 7 December 2020.
16. At the present time it remains unclear how much growth can be accommodated within the constraints that exist, and when future upgrades may be in place to accommodate further growth. This poses considerable difficulty for the Local Plan Review.

#### *Nitrates*

17. In addition to the consideration of physical capacity at the WWTW to serve planned development, the Council is also required to consider and assess the potential impacts of nitrates in Chichester Harbour, associated with waste water treatment. The emerging Infrastructure Delivery Plan to support the Local Plan Review includes the following summary in relation to wastewater infrastructure constraints:

*“Waste water treatment is not constrained in pure engineering or economic terms but constraints exist relating to licencing of discharges to controlled waters, where extra discharge may pose a risk to protected waters, especially Natura 2000 sites (Special Protection Areas and Special Areas of Conservation) and RAMSAR sites. Additional treatment capacity could be provided but may require new technologies.”*

18. Recent advice obtained from AECOM (HRA consultants to the Council) indicates that:

*“From reviewing all the steps that the Council has already undertaken it is clear that they are exploring every possibility for solving the nutrient neutrality issue for the Local Plan Review area and AECOM has not identified any measures that the Council is not exploring. However, it must be reiterated that a strategic solution for at least the first 5 years of plan delivery (including windfall) will need identifying as firmly as possible before the Local Plan and its HRA are submitted for Examination. Broad solutions for the remainder of the plan period, at least in terms of options for further exploration, should also be identified before plan submission.”*

#### *Strategic Transport constraints*

19. In 2013 the then Highways Agency provided a position statement in respect of the Local Plan that was then under production. This indicated that the Highways Agency were content with the overall scale of infrastructure mitigation measures being proposed, and that the impact arising from growth proposed by the Local Plan was not considered to be ‘severe’.
20. In December 2014, the Government published its first Roads Investment Strategy which included a commitment to improving the A27 Chichester Bypass. During 2016/7, Highways England undertook a consultation on a number of options for improvement schemes to the A27 Chichester Bypass. The responses received during the consultation highlighted the lack of community support for the options as presented by Highways England. By February 2017, Highways England had been instructed by the Secretary of State to no longer progress the project.

21. In December 2017, SYSTRA were commissioned by WSCC to produce a high level wider study, 'Build A Better A27 Study', as part of work to inform possible future A27 Chichester Bypass schemes that could be included in Highways England's Road Investment Strategy (RIS2) for the period 2020/2021 to 2024/2025.
22. When RIS 2 was published in March 2020, the A27 Chichester was identified as a "pipeline project". As such, some initial funding was identified to progress technical work on a potential scheme for inclusion in RIS3.
23. In 2018 the Council published the Transport Study of Strategic Development Options and Sustainable Transport Measures produced by Peter Brett Associates (Stantec) to inform the Local Plan Review. This study sought to understand the impacts on the existing highway network of the planned level of growth in the Local Plan Review, and to identify suitable mitigation measures accordingly. Committed development, together with planned mitigation schemes, in neighbouring Arun District and Havant District has been factored into the modelling work undertaken.
24. The Study identified mitigation measures required to satisfactorily address impacts arising from the emerging growth strategy. The total estimated costs for the mitigation measures ranged from £50.57 million to £67.1 million. By far the most significant scheme identified is for the A27 Corridor including a Stockbridge Link Road. The estimated costs for the whole corridor range from £48.04 million to £64.57 million. The mitigation schemes (including a new Stockbridge Link Road which would remove a large number of trips from the A27 and at key junctions) will not resolve the longstanding capacity issues relating to the A27, but instead will simply retain the level of queues and delays ensuring that the situation does not deteriorate further as a result of planned development.
25. The Stockbridge Link is a scheme that has been previously considered in part by Highways England within proposals for highway improvements for the wider strategic highway network. The scheme would offer benefits to the network, but may be constrained by a range of factors, including ecology, drainage, flood risk, landscape / visual impact and land ownership. The scheme is expected to require external funding.
26. The Chichester Infrastructure Delivery Plan (IDP) 2016-2035 provides the following summary of the current position:

*"There have been longstanding plans by Highways England to resolve the congestion problems of the A27 corridor, including the Chichester Bypass. The District Council has developed proposed improvements to the six junctions on the A27 to mitigate the impact of the plan development. Meeting the substantial cost of delivering this mitigation will require cooperation between local authorities and pooling of resources.*

*The A27 is the main trunk road along the south coast and as such there are cross-boundary issues with the neighbouring District of Arun, and Borough of Havant. The impacts of planned developments in these neighbouring authorities will need to be taken into account in planning improvements.*

*Highways England is responsible for the A27 trunk road, including the Chichester Bypass.*

*Funding for Strategic Road Network mitigation will be sourced through potential government and regional grants and developer contributions where viable. The Council works in partnership with Highways England and West Sussex County Council to pursue common transport goals, which will include potential new road infrastructure on or around the strategic road network, as well as changing travel behaviours and promoting the use of more sustainable modes of transport.”*

27. Emerging work undertaken by the Council indicates that developer contributions alone will not be capable of meeting the level of costs required to mitigate impacts on the strategic highway network without rendering development unviable. As a result, the necessary mitigation measures will most likely require significant external funding. At this point in time there is no certainty as to how and when that funding will be available.

*Chichester Local Plan – Inspectors Report*

28. In May 2015 the Inspector appointed to undertake the Independent Examination of the Chichester Local Plan published his report. The report confirmed that the Plan could be adopted by the Council with a housing requirement below the objectively assessed needs for housing at that time, but would need to be reviewed within five years of adoption.
29. The Inspector concluded that it was “*common ground that development in the Plan area is constrained by flood risk, environmental designations such as Chichester Harbour AONB, the SDNP and a number of designated or candidate sites of international importance for nature conservation*”. However, he found that some parts of the evidence base had used the annual housing requirement in the Plan of 410 units as a starting point in order to provide justification for this as a maximum – a figure that corresponded with the housing requirement arising from the revoked South East Plan. He also found that any increase in the housing supply in the Plan would be constrained by the limitations of the Transport Study. The figure of 415 units per annum was considered as an absolute constraint based on current transport evidence, as it did not allow for higher growth scenarios to be tested. However, the Inspector felt that on balance it was preferable to allow for the Plan to be adopted subject to a review and further work to assess highway infrastructure requirements.

*“Halting the Plan at this stage would allow an up to date transport study to be undertaken to include testing up to the agreed OAN. However the transportation situation is complex and at present there are uncertainties about the timing and detail of the A27 upgrade. Furthermore failure to adopt the Plan at this stage would delay delivery of the area’s strategic priorities and weaken the Council’s ability to ensure that development is sustainable. It would hinder the planned delivery of appropriate infrastructure to support development. In addition any delay now would undermine the momentum and the very positive work that has been carried out by local communities in preparation of NPs. For these reasons I conclude that the Plan should be adopted now, subject to a commitment to a review to be completed within five years. This will ensure that housing delivery after the first five years of the Plan period 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.”*

*Interim Position Statement*

30. In November 2020 the Council published an Interim Position Statement for Housing Development. The Statement does not seek to alter the statutory and/or non-statutory planning policy framework for decision-making. Rather, it sets out how the Council is taking a proactive approach in seeking to boost its supply of housing, and reflects adopted and emerging plan work, in order to provide a mechanism for the Council to provide clarity and confidence in relation to how planning applications should be determined in the interim period until the Local Plan Review is adopted.
31. The Local List includes the requirement for applicants to submit an interim position statement justification to demonstrate how the proposal would accord with all of the requirements contained within the Interim Position Statement.

### 3. Advice and Matters for Further Consideration

#### Meeting objectively assessed housing needs and the Duty to Cooperate

32. National planning policy is clear that Local Plans should positively seek opportunities to meet the development needs of their area, in addition to being sufficiently flexible to adapt to rapid change. Wherever possible, Local Plans should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas.
33. In producing and finalising the Local Plan Review the Council therefore must firstly clearly and robustly quantify objectively assessed needs in accordance with the PPG, based on utilising the standard methodology as a starting point. Consideration also needs to be given to the unmet needs of neighbouring areas. Once this has been determined and agreed in accordance with the Duty to Cooperate through statement(s) of common ground, the next stage is to consider to what extent the Local Plan Review is capable of meeting the identified need, with reference to paragraph 11b and footnote 6 of the NPPF, being cognisant of other relevant national planning policy requirements.
34. In the case of the Chichester Local Plan Review, the circumstances theoretically exist to enable the Council to justify not meeting the full objectively assessed needs for development if it can be demonstrated that to do so would be contrary to national policy in respect of the relevant constraints listed in footnote 6 of the NPPF (habitats sites and/or designated as Sites of Special Scientific Interest; areas at risk of flooding or coastal change; Areas of Outstanding Natural Beauty; and a National Park) or that the adverse impacts of meeting needs would significantly and demonstrably outweigh the benefits.
35. National planning policy has a clear expectation that development needs should be met wherever possible. To justify not meeting development needs the Council would need to demonstrate that 'no stone has been left unturned' in seeking to ensure that the development needs of the plan area are being met as far as possible, including seeking to obtain agreement from neighbouring areas that any unmet needs may be accommodated. To not meet development needs in full would place the onus fully on the Council to present a clear and convincing evidence-based justification to the independent examination as to how all attempts had been made to meet development needs both within the plan area and further afield, and that it was simply not possible or practical to do so within the parameters of the NPPF.
36. It is of crucial importance that the Council ensures that effective ongoing cooperation with neighbouring LPAs, relevant statutory consultees and infrastructure providers is documented in a published statement(s) of common ground at the earliest possible opportunity, and certainly no later than the publication of the 'Regulation 19' Submission Version of the Local Plan Review. This should follow guidance contained in the [PPG](#) and the advice and template produced by the [Planning Advisory Service](#). Importantly, the statement(s) of common ground should detail the distribution of identified development needs within the area, including the extent of any unmet needs, in addition to how strategic infrastructure needs are to be addressed. The need for improvements to wastewater treatment capacity and for strategic improvements to the A27 are strategic cross-boundary issues which have the potential to constrain growth in Chichester District and beyond. Indeed, it is clear that future growth plans in both Arun District and Havant Borough, and

potentially the wider sub-regions, will be constrained without sufficient upgrades. A joined up approach should be pursued as far as possible to address these constraints together with the relevant statutory consultees and agencies, and this should be documented within the statement(s) of common ground. Should the Council ultimately reach the conclusion that the objectively assessed needs of the plan area cannot be met in light of the evidence, the statement(s) of common ground will provide essential evidence in providing the necessary justification that the duty to cooperate has been met. The Council will need to be clear what role, if any, strategic planning relating to Local Strategic Statement 3 will have in addressing infrastructure and housing needs over the medium to long term, and how this may impact upon the later years of the plan period.

37. A number of recent Local Plan independent examinations have shown the critical importance of demonstrating that the Duty to Cooperate has been met, particularly in terms of the consideration of unmet housing needs:
38. In early 2020 the Inspector appointed to undertake the Independent examination of the [Wealden Local Plan](#) recommended that the Council should withdraw the Local Plan because there had been “*a lack of constructive engagement with neighbouring authorities and Natural England in respect of impacts on habitats and landscape and in respect of the issue of unmet housing need in Eastbourne*”.
39. In October 2019 the Inspector appointed to undertake the Independent examination of the [Sevenoaks Local Plan](#) wrote to the Council to recommend withdrawal due to a lack of constructive engagement with neighbouring authorities with regard to addressing Sevenoaks’ unmet housing need. The Inspector flagged that clear evidence of positive engagement with neighbouring authorities in order to resolve the issue of unmet needs on a cross-boundary basis did not exist in a positive form, and that the issues were not adequately resolved before submission.
40. In the Inspectors Report to the South Downs National Park Local Plan examination in 2019 the Inspector found that the Authority had complied with the Duty to Cooperate through the provision of Statements of Common Ground with neighbouring authorities to seek to accommodate, as far as possible, the balance of housing need that cannot be met within the Park. The Inspector concluded that:
 

*“there is no statutory or policy obligation upon the SDNPA to provide for its entire OAN, given there is robust evidence that the development capacity of the Park falls demonstrably below it. I consider that the arrangements for the unmet need to be accommodated have progressed as far as can reasonably be expected, consistent with the NPPF and regard them as adequate for the purposes of this Plan.”*
41. **The case studies highlight that if the Council is to pursue and successfully justify a strategy which does not meet the needs of the plan area as a result of infrastructure and / or environmental constraints, let alone the unmet needs of neighbouring LPAs, the Council must clearly demonstrate why the needs of the plan area cannot be met with reference to national planning policy (particularly paragraph 11(b) and footnote 6 of the NPPF). Adequate mechanisms must be in place, together with a clear commitment from all relevant parties through a statement(s) of common ground to address unmet needs in the plan area and potentially beyond. Where robust evidence exists that development,**

**capacity does not exist to enable full needs to be met, the Council must be able to demonstrate that arrangements for addressing unmet need have progressed as far as reasonably can be expected.**

#### Infrastructure constraints limiting growth

42. National planning policy is clear that Local Plans should seek to facilitate transportation and wastewater infrastructure improvements to enable planned growth to be accommodated. It is recognised that such improvements may take time to be delivered, particularly where they are reliant on developer contributions, and that such contributions should not be so onerous as to potentially jeopardise the viability and deliverability of the Local Plan.
43. National planning policy and guidance recognises that external Government funding may be required to unlock major infrastructure upgrades. LPAs should work with statutory agencies and infrastructure providers to ensure that strategic infrastructure improvements are included in relevant business plans, and that infrastructure requirements to support planned growth “*are not beyond what could reasonably be considered to be achievable within the planned timescales*”. National planning policy also recognises that funding gaps may exist at the time a Local Plan is adopted, and that regular local plan reviews as required by paragraph 33 of the NPPF can provide an effective mechanism to update a Local Plan to reflect changing circumstances over time.
44. In October 2020 the Inspector appointed to undertake the Independent Examination of the [Welwyn-Hatfield Local Plan](#) provided his preliminary conclusions and advice in relation to the Local Plan which had been submitted for examination in May 2017. He stated:
 

*“The evidence before the examination suggests that parts of the A1M and the A1000, the main north south road links, and the A414, which provides east-west links to Hertford, St Albans and beyond, are already heavily congested at peak periods. There are no guarantees that necessary road improvements, to facilitate the free flow of traffic along these routes, will be implemented in a timely manner during the plan period. In such circumstances an overall strategy that led to an increase in net in-commuting would not be sustainable and should not be found sound. Indeed, the Council should be seeking to reduce the necessity for high levels of in-commuting through the plan’s housing proposals”*
45. After a prolonged examination of over three years the Inspector has now required the Council to either propose additional housing sites, sufficient to meet the objectively assessed housing needs or withdraw the Local Plan from examination.
46. **This demonstrates that, in this particular local plan examination and taking into account all relevant local circumstances and evidence, the Council has been required by the Inspector to explore all possible avenues to ensure that housing needs will be met despite the lack of certainty that heavy congestion on the strategic road network can or will be addressed through upgrades over the course of the plan period. The Inspector has accepted that upgrades may not be in place, but instead expects the Council to find ways to seek to redress the high levels of in-commuting which are exacerbating congestion, whilst still meeting housing needs through the Local Plan.**
47. On the other hand, in late December 2020, the Inspector appointed to undertake the Independent Examination of the [Tandridge Local Plan](#) wrote to the Council to express

concern in relation to the cumulative impact of growth planned in Tandridge District and nearby areas which may contribute towards capacity issues at Junction 6 of the M25. He states:

*“In the absence of the certainty in delivery of transport mitigation, it is uncertain which, if any, of the Plans proposals may go ahead without residual cumulative impacts of development on the transport network being severe in terms of the Framework? These are significant concerns which go to the heart of the Plan.”*

48. The Inspector concludes that:

*“It is clear to me that there are specific policies of the Framework which indicate that development should be restricted in Tandridge and that in principle, the Plan would be sound in not meeting the OAN in full.”*

49. He goes on to state that the Plan needs to be redrawn to provide for recalibrated growth levels that take into account the constraints in light of an updated and agreed objectively assessed need figure and for a range of concerns relating to soundness to be addressed, or for the Council to withdraw the Plan and reconsider it.

50. **This demonstrates that, in this particular local plan examination and taking into account all relevant local circumstances and evidence, the Inspector has determined that the Plan would not be ‘sound’ in meeting local housing needs in full. Having considered the evidence the Inspector has concluded that the Plan would be likely to have a ‘severe’ impact on the strategic highway network without necessary certainty that the required strategic highway improvements can be funded and delivered within the plan period.**

51. The [Maldon Local Development Plan](#) (LDP) was adopted in 2017 and was prepared in the context of significant infrastructure constraints on future growth, and therefore provides a helpful case study – although it should be borne in mind that the Plan was examined under the provisions of the NPPF 2012.

52. The District of Maldon, in east Essex, is predominantly rural. Through the production of the LDP the Council was required to plan for significantly higher growth levels than had historically been delivered in the District. This posed considerable challenges given the limited infrastructure capacity available to support higher growth levels. Particular constraints related to secondary school provision, highway capacity and sewerage capacity in the Maldon / Heybridge area (the largest urban area in the District). Growth in Burnham-on-Crouch (the only other town) was also limited by primary school capacity. Whilst the levels of growth required represented significant increases on historic levels, they were not considered high enough in themselves to viably justify significant new strategic infrastructure upgrades such as new roads or a new secondary school.

53. Through the production of the LDP it became apparent that growth requirements could (just) be accommodated within the limitations of the infrastructure available with suitable upgrades being made during the course of the plan period. However, as the Maldon and Heybridge area is only served by one secondary school, the school would be required to grow in size to the upper limit of acceptability. Any more growth than that planned in the LDP would require a new secondary school and significant sewerage infrastructure upgrades, which would not be viable or achievable with a radically higher level of growth.

Significant concerns were raised by neighbouring Chelmsford City Council about the impact that planned growth would have on the A414 which connects Maldon with Chelmsford. However, as the only 'A' road serving the District, it was inevitable that growth requirements would impact upon the road. Planned growth in Burnham-on-Crouch could be accommodated within existing primary school capacity, but any higher levels of growth would require a new school, which was not considered to be viable or achievable.

54. The Council was required to demonstrate and ensure that the available infrastructure capacity would be sufficient to support the delivery of growth planned through the LDP. This situation was made more challenging by the fact that the LDP examination extended over a number of years, during which time the Council was unable to demonstrate the existence of a five-year housing land supply. This resulted in the submission of a large number of 'speculative' planning applications. During this period the Council had to determine each application on its merits in accordance with the presumption in favour of sustainable development, whilst being mindful that each additional consent would 'eat away' at the limited available infrastructure capacity. The Council was frequently put in a difficult position when determining planning applications prior to the adoption of the LDP, particularly where infrastructure providers did not (or were not able to) consider the cumulative implications of the proposal that was subject to a planning application alongside the emerging (not yet adopted) LDP. Generally speaking, infrastructure providers did not feel able to object to such schemes.
55. In response to these challenges, the Council produced its own [advisory statement](#) on this matter, to ensure that the decision maker should consider cumulative infrastructure requirements even where infrastructure providers did not object to specific 'speculative' planning proposals. In other words, the decision maker had a responsibility to consider cumulative implications of growth proposals on infrastructure capacity even where the infrastructure provider did not raise an objection. However, any determination of 'prematurity' would need to be taken with great care and reference to national planning policy and guidance.
56. Throughout the production of the LDP the Council worked closely with infrastructure providers, and particularly Essex County Council, to consider how growth requirements could be accommodated within the constraints that existed. The Council produced various iterations of the [Infrastructure Delivery Plan](#) (IDP), and a detailed infrastructure phasing plan during the independent examination of the Plan. In his [report](#) of the examination the Inspector commented as follows on the approach of the IDP and Infrastructure Phasing Plan:

*“Within the IDP is the Infrastructure Phasing Plan ('the IPP'). This has also been revised on a number of occasions throughout the examination. The most up-to-date version is in the Housing Update. This is a chart that sets out the proposed strategic allocations and the housing delivery for each on a year-by-year basis. It also lists the infrastructure requirements, indicates the site or sites reliant on its delivery and illustrates, again on a year-by-year basis, the timing of the infrastructure delivery relative to the associated housing delivery. Infrastructure costs and funding sources are also shown, including the sites from which contributions are expected. In short, it sets out what infrastructure is needed, where and when it is needed, how it will be*

*delivered and who is expected to pay for it. This is reflected in Policies S4 and S6...In my view, stemming from the IDP and the evidence informing it, the IPP is a detailed piece of work. I understand from the hearings that it has been drawn up in close consultation with the site promoters and infrastructure providers involved. This is a laudable approach. It lends confidence that the necessary delivery of infrastructure has been properly thought through. In my view, it represents a satisfactorily robust assessment."*

57. The Inspector went on to consider the approach to the provision of the necessary infrastructure alongside housing:

*"Looking at the IPP and Policies S4 and S6 which reflect it, it is wholly evident that the proposed Garden Suburb sites and other strategic allocations require a substantial level of infrastructure to support their development. To put it simply, the list is long and costly. In my view, this is a significant issue for the soundness of the Plan. I note the points raised about the timing of new education provision and housing. But if housing delivery were to slip, so too would the need for the school and early years provision. Setting the delivery of one relative to the other is a matter for the Council to ensure through planning obligations or possibly through planning conditions imposed on permissions. I see no reason why one or the other of these mechanisms could not provide adequate controls. It is clear to me that highways and schools capacity in Maldon and Heybridge, and the capacity of schools in the Burnham and Southminster grouping, is a significant constraint to new residential development above that proposed through the allocations in Policy S2. There is no evidence that a greater level of housing could be satisfactorily accommodated."*

58. Through the examination the issue of applying 'caps' to development was considered. Whilst capping development was not considered to be justified the Inspector concluded as follows:

*"I have considered the necessity for unequivocal 'caps' to explicitly prevent any further housing. However, in the absence of any clear evidential basis, that course would not be adequately justified. Rather, it is more appropriate in my view to ensure that any additional residential development is strictly limited."*

59. Main modifications were inserted into the policies of the LDP to make it clear that significant infrastructure constraints exist which strictly limit the capacity for development. Relevant policies in the adopted Plan explicitly state that the Council will resist proposals unless they can be accommodated without prejudicing or delaying the proposed allocations or planned infrastructure improvements.
60. The Plan takes a flexible approach to overcoming capacity constraints associated with the sewer network in the Maldon and Heybridge area. Paragraphs 2.56 and 2.58 points to the need for upgrades to the existing foul main. But Policy S4 requires that *"adequate provision is made for enhanced and comprehensive sewerage infrastructure"*. These are not prescriptive policies and allow for flexibility. In effect they leave the detailed matter of the precise solution to be decided at the relevant planning application stage.

61. In relation to the constraints that existed on the strategic highways network and the concerns that were raised regarding capacity through the independent examination, the Inspector concluded:

*“Paragraph 32 of the Framework says that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. There is no compelling evidence to demonstrate that the delivery of the proposed housing sites in Maldon and Heybridge would lead to such impacts.”*

62. By this point in time, the Council had already approved a number of planning applications relating to strategic sites in the LDP. As a result, the inspector noted that the matter had in effect therefore been resolved through the planning application process:

*“Consequently, this is not a matter that should stand in the way of their allocation. Even if the transport impacts would be severe, given the decisions already made by the Council through the planning application process, rejecting the allocations now could not prevent those effects from occurring.”*

63. **This demonstrates that, in this particular local plan examination and taking into account all relevant local circumstances and evidence, the Inspector concluded that the growth needs of the District could *just* be accommodated within the infrastructure constraints that exist. The Plan includes provisions to ensure that development proposals would be accompanied by the necessary infrastructure upgrades. This was evidenced through the production of a detailed infrastructure phasing plan produced by the District Council through close partnership working with the County Council and other infrastructure providers. The Inspector was provided with clear evidence of what could be delivered and when, which was supported by relevant infrastructure providers through the examination process. This demonstrates the importance of close partnership working with infrastructure providers to ensure that the proposals can be satisfactorily accommodated within the capacity that exists, or is planned to exist, within the plan period.**
64. In 2015 the [Euston Area Plan](#) was jointly produced by the Greater London Authority, Transport for London & London Borough of Camden. The Plan was produced as a development plan document to form part of the Camden Plan. It should be borne in mind that the Plan was examined under the provisions of the NPPF 2012.
65. The Plan was prepared to provide a long term planning framework to guide transformational change in the Euston area, focussed around the redevelopment of Euston Station. The Plan was prepared in the context of the proposals to terminate the High Speed Two line at Euston, which was opposed by Camden Council due to the significant land take required to build the line and the wider impacts on the Borough.
66. The Plan was developed to be flexible to allow for different station designs and also changes in circumstances surrounding the HS2 project. Strategic Principle EAP 1 makes clear that between 2,800 and approximately 3,800 additional homes will be delivered for the Euston area by 2031:

*“The amount of housing appropriate will be dependent upon the footprint and design of Euston Station, ability to overcome constraints associated with railway*

*infrastructure, particularly the cost and viability of decking, and compatibility with wider plan objectives and policies.”*

67. Through the independent examination of the Plan the Inspector carefully considered whether the Plan met an appropriate balance between the need for flexibility and the capability to deliver the proposals. In his [report](#) the Inspector concluded as follows:

*“The NPPF (at paragraph 154) states that Local Plans should be aspirational but realistic, and that they should set out the opportunities for development and contain clear policies on what will or will not be permitted and where. My Examination of the EAP has focused on this issue, and I reached the broad conclusion from my assessment of the EAP itself, the accompanying evidence base documents and the representations that were made to the EAP, that the balance described above has been weighted too heavily in favour of the Plan’s flexibility. This was leading to continuing and justified uncertainty within the Euston communities, both business and residential, as to the intended outcomes from the EAP’s development strategy.”*

68. As a result, the Inspector recommended a series of main modifications to the Plan in order to ensure that it included sufficient clarity regarding the deliverability of proposals.
69. **This demonstrates that, in this particular local plan examination and taking into account all relevant local circumstances and evidence, the Inspector determined that the Plan needed to provide greater certainty and clarity on what was being planned, and the deliverability of those plans. The Local Plan should provide sufficient certainty and clarity in terms of what is going to be delivered and when.**

#### Achieving ‘sustainable’ development

70. In 2017 [Mid Sussex District Council](#) sought to argue through the independent examination of the Local Plan that the proposed housing requirement of 800 dpa is the point above which the advantages of additional housing provision are significantly outweighed by the disadvantages. It should be borne in mind that the Plan was examined under the provisions of the NPPF 2012. The Sustainability Appraisal concluded that higher level provision would be likely to have severe negative impacts on environmental sustainability objectives. The District has a number of nationally important designations, including the South Downs National Park, the High Weald Area of Outstanding Natural Beauty (AONB) and various heritage designations, and is within the zone of influence of Ashdown Forest, which is a Special Protection Area (SPA), and much of the remainder of the District is rural.
71. The Inspector found that the Sustainability Appraisal and Strategic Housing Land Availability Assessment did not in themselves provide an adequate basis for supporting the Council’s conclusion, and that there was *“a degree of circularity about the Council’s argument”*. He stated:

*“The SHLAA rejects a number of sites on the basis of availability, transport access, sewerage, landscape capacity, heritage assets, ancient woodland and so on. These are important issues but what the analysis does not do is to consider the extent to which they might be resolved or mitigated through highways and footway improvements, sewerage infrastructure, selective development of parts of sites, the incorporation of green buffers and other measures. In some cases the absence of evidence counts against a site without any further assessment. Moreover, more*

*consideration should have been given to the potential for new freestanding developments as opposed to settlement extensions.”*

72. In conclusion the Inspector found that:

*“There are some constraints in certain localities, such as sewerage and highway capacity, which may be partially dependent on the programmes of other bodies to resolve. But housing provision is a government priority and should be reflected in the programmes of other public bodies. It is also the case that both site-related development contributions and CIL will assist in future in addressing such constraints.”*

73. The Inspector concluded that the Local Plan minimum housing requirement should be increased to 1,026 dwellings per annum, which included for 150 dwellings per annum of unmet need arising from Crawley.

74. **This demonstrates that, in this particular local plan examination and taking into account all relevant local circumstances and evidence, there was an expectation that infrastructure constraints could and should be overcome in favour of meeting local housing needs. There is also an expectation that Local Plans should seek to accommodate unmet needs arising from neighbouring areas where it is possible to do so. Relying on the Sustainability Appraisal process to identify and justify a ‘tipping point’ beyond which further housing provision would have negative impacts on the local environment is too subjective, and the Council should seek to assess all reasonable options for meeting local housing need.**

75. In the Independent Examination of the [Lewes District Part 1 Local Plan](#) in March 2016 (it should be borne in mind that the Plan was examined under the provisions of the NPPF 2012) the Inspector agreed with the Council that the agreed objectively assessed housing need figures could not be met in full in the District at that time *“without unacceptable environmental consequences that would be contrary to the policies and guidance in the NPPF and PPG”*. However, the Inspector required the Council to identify further housing sites in the Plan *“to more closely accord with the NPPF and to provide a higher number of new homes”*. He stated:

*“The Plan as modified would thereby get materially closer to meeting the full identified OANs over the plan period in the wider interests of sustainable development, particularly its social and economic aspects.”*

#### **Demonstrating deliverability of strategic infrastructure to support growth**

76. The [North Essex Authorities Strategic \(Section 1\) Plan](#) was adopted by the respective Councils (Tendring District Council, Colchester Borough Council and Braintree District Council) in February 2021. However, during a prolonged independent examination the Inspector required a significant amount of further work to be undertaken by the Councils in order to demonstrate the deliverability of the Plan, and also required significant modifications to be made to the Plan. It should be borne in mind that the Plan was examined under the provisions of the NPPF 2012.

77. As submitted, the Plan proposed three Garden Communities, providing between 29,000 and 43,000 homes in total. In [correspondence with the Councils](#) in June 2018 the Inspector

provided a number of interim conclusions on the Plan. These ultimately led to the removal of two of the three proposed Garden Communities within the Plan. One of the most significant concerns raised by the Inspector related to the lack of clarity on the deliverability of Garden Community proposals that were founded on significant new strategic transportation infrastructure projects and upgrades. The Inspector found that:

*“In my view the evidence provided to support the GC policies in the submitted Plan is lacking in a number of respects.*

*Policy SP5 includes two major trunk road schemes in its list of strategic infrastructure priorities: the A12 Chelmsford to A120 widening scheme which is included as a committed scheme in Highways England’s RIS1 programme, and the A120 Braintree to A12 dualling scheme which is currently under consideration for inclusion in RIS2. Both schemes are intended to relieve existing congestion problems and support economic growth in North Essex*

*In this context, the scale of the GC proposals means that they could not be developed in full without the additional strategic road capacity provided by these schemes.*

*No firm view on the feasibility of either West of Braintree Garden Community or Colchester / Braintree Borders Garden Community can be taken until it is known whether or not the A120 dualling scheme is included in that programme (or can be otherwise fully funded). While the GCs would contribute to the cost of the scheme, I have seen no evidence that it could be fully funded if it is not included in RIS2. It may be possible to devise interim solutions to accommodate a proportion of the generated traffic, and thereby enable early phases of one or both GCs to proceed, but that would not justify an in-principle endorsement of the GC proposals as a whole.*

*In addition, a decision has yet to be made on the alignment for the dualled A120. The alternative alignments still being considered have quite different implications for the A120’s relationship with CBBGC.*

*I appreciate that the NEAs, ECC and Highways England are working together constructively to resolve these issues. Nonetheless, greater certainty over the funding and alignment of the A120 dualling scheme and the feasibility of realigning the widened A12 at Marks Tey is necessary to demonstrate that the GC proposals are deliverable in full.”*

78. **This demonstrates that, in this particular local plan examination and taking into account all relevant local circumstances and evidence, the Inspectors were unable to conclude that (two of the three) proposed Garden Communities could be considered to be developable without sufficient evidence that key strategic road infrastructure would be likely to be in place in a timely fashion. It was clear from the evidence that the delivery of the Garden Communities was predicated on the delivery of strategic road upgrades, and therefore without clarity on funding and delivery arrangements, it was not possible to conclude that the Garden Communities could be considered to be developable or deliverable in full.**

### Deliverable versus developable and viability

79. In finalising the Local Plan, it will be important for the Council to clearly differentiate between planned housing sites that are considered to be 'deliverable' within the first five years of the plan period (in accordance with the definition in the NPPF - sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years), and those considered to be 'developable' in years 6+. Importantly, developable sites only need to be sites ***with a reasonable prospect that they will be available and could be viably developed at the point envisaged.***
80. Similarly, the Council must ensure that infrastructure required to support growth in the first five years of the plan period is clearly identified, and that suitable delivery mechanisms and funding are in place to secure this infrastructure without rendering the plan unviable.
81. Infrastructure required to support growth planned later in the plan period will by its very nature be less certain. Funding gaps for large scale strategic infrastructure projects are not uncommon. The scale of any funding gap can only be fully realised following completion of the Local Plan viability assessment. However, the Council must be able to demonstrate to the appointed planning inspector that infrastructure that is crucial to the delivery of the Local Plan strategy will, on the balance of probability be delivered in a timely fashion. This requires evidence of ongoing collaboration and joint working with key delivery partners, and progress towards obtaining external funding necessary to unlock growth.
82. Stated commitments from key delivery partners, such as Southern Water, Highways England, West Sussex County Council and neighbouring local authorities to continue to work collaboratively towards securing the necessary funding to deliver the necessary mitigation and capacity enhancements will be crucial. This should be supported by a clear programme to demonstrate to the Inspector how and when the necessary funding can be (in the balance of probability) secured. This should then inform the trajectory and phasing assumptions for the delivery of key sites.
83. It is also most likely that the Inspector will want to clearly understand precisely what can be delivered in the first five years of the plan period within the available infrastructure capacity (and with smaller scale interim solutions in place), before the need for longer term strategic improvements is triggered. The position reached should be endorsed by the relevant infrastructure providers.
84. The requirement for Local Plan policies to be monitored and subject to regular review provides an appropriate mechanism to update policies over time should a change in circumstances occur. Ideally the Council should present a clear and convincing narrative of how and when the strategic infrastructure can and will be provided to support planned growth and enable development needs to be met. Failing that, the Council would need to present clear evidence of why the strategic infrastructure cannot be provided within the plan period and therefore why growth must be constrained, but such an approach is likely to face considerable scrutiny at independent examination both in terms of the Duty to Cooperate and soundness.

### Development phasing and a stepped trajectory

85. Once the Council has been able to identify what can be considered to be deliverable within the first five years and appropriately supported by existing and short-term infrastructure upgrades, this may provide the basis for the identification of a phased housing trajectory. This can be justified where strategic infrastructure improvements are required to ‘unlock’ longer term growth, and to ensure that a five year supply of deliverable housing land will exist on adoption of the Plan. However, if such an approach is to be pursued the onus will again be on the Council to demonstrate that ‘no stone has been left unturned’ in seeking to maximise short-term delivery in the Local Plan Review, including considering alternative spatial strategy options and working with neighbouring LPAs to request that any shortfall is met elsewhere through the Duty to Cooperate.
86. Examples of good practice for stepped housing trajectories are the Arun Local Plan, adopted in 2018, and the Epping Forest Local Plan, which, whilst currently undergoing examination is moving towards the main modifications stage.
87. A summary of Arun’s approach can be found in their [Local Plan](#) within pages 116-119 in addition to policy HSP1. The justification and evidence for the stepped trajectory is set out within the [Housing Implementation Strategy](#). For Epping Forest, the [Housing Implementation Strategy update](#) (2019) provides a summary and justification for the approach taken by the Council.

## 4. Summary and Conclusions

88. This report provides advice to support the progression of the Chichester Local Plan Review in response to strategic infrastructure constraints and issues impacting on the Chichester Plan area. The advice responds to the brief provided by the Council (Appendix A). This section provides a summary of the advice provided and conclusions to assist the Council in finalising the Local Plan Review.
89. In the case of the Chichester Local Plan Review, the circumstances theoretically exist to enable the Council to justify not meeting the full objectively assessed needs for development if it can be demonstrated that to do so would be contrary to national policy in respect of the relevant constraints listed in footnote 6 of the NPPF, or that the adverse impacts of meeting needs would significantly and demonstrably outweigh the benefits.
90. However, this would require the Council to demonstrate that ‘no stone has been left unturned’ in seeking to ensure that the development needs of the plan area are being met as far as possible, including seeking to obtain agreement from neighbouring areas that any unmet needs may be accommodated elsewhere. To not meet development needs in full would place the onus fully on the Council to present a clear and convincing evidence-based justification to the independent examination as to how all reasonable attempts had been made to meet development needs both within the plan area and further afield, and that it was simply not possible or practical to do so within the parameters of the NPPF.
91. National planning policy is clear that Local Plans should seek to facilitate transportation and wastewater infrastructure improvements to enable planned growth to be accommodated. It also recognises that external Government funding may be required to unlock major infrastructure upgrades. National planning policy expects the Council to work with statutory agencies and infrastructure providers to ensure that strategic infrastructure improvements are included in relevant business plans. However, the Council should ensure that infrastructure requirements to support planned growth “*are not beyond what could reasonably be considered to be achievable within the planned timescales*”.
92. National planning policy recognises that funding gaps may exist at the time a Local Plan is adopted, and that regular local plan reviews as required by paragraph 33 of the NPPF can provide an effective mechanism to update a Local Plan to reflect changing circumstances over time.
93. National planning policy allows for development in Local Plans to be phased to take into account constraints. The housing trajectory in the Local Plan Review should seek to phase housing delivery over the plan period having regard to the constraints that exist. Sites included in the first five years should be ‘*deliverable*’ – that means that they should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years.
94. The Council should calculate how much housing the Local Plan Review will need to accommodate within the first five years of the housing trajectory to ensure that a five year housing land supply can be demonstrated on the adoption of the Plan. It should explore all reasonable options to identify suitable sites to achieve this, including requesting the assistance of neighbouring local authorities. Should the Council determine that this is not

possible under the circumstances, then it may be possible to justify the use of the stepped housing trajectory.

95. Sites included in the trajectory for years 6+ of the Plan period should be demonstrably '*developable*' – these are sites with a reasonable prospect that they will be available and could be viably developed at the point envisaged. The test for sites in years 6+ of the trajectory is therefore far less rigorous, and in some cases this may mean that lack of certainty over funding and delivery of strategic infrastructure required to support growth later in the plan period may not be a barrier to allocation – assuming that the infrastructure is not beyond what could reasonably be expected to be delivered.
96. This advice note has highlighted a range of case studies which provide an indication as to how Local Plans across the country have sought to respond to strategic infrastructure constraints that exist, and how appointed Planning Inspectors have assessed these approaches through independent examination. It is clear from the range of case studies presented that conclusions reached by Inspectors on this issue vary considerably depending upon the local circumstances and evidence that exists. In some cases, such as the Tandridge Local Plan and the South Downs National Park Local Plan, Inspectors have concluded that the development capacity of the areas is restricted by environmental and infrastructure constraints, and that to meet objectively assessed needs would be contrary to national planning policy. In other cases, such as the Welwyn-Hatfield Local Plan and the Mid-Sussex Local Plan, Inspectors have concluded that whilst development constraints do exist, they do not outweigh the need for the Local Plans to meet objectively assessed housing needs.
97. The Council should be cognisant of the case studies highlighted in preparing the Publication version of the Local Plan Review. However, the advice note also highlights the inherent difficulties in trying to draw out specific conclusions or comparisons from recent examples of Local Plan independent examinations. In examining the Local Plan Review, the appointed Inspector will be seeking to consider and balance a wide range of evidence in order to draw conclusions. There will inevitably be a significant element of planning judgement required within the parameters of national planning policy and guidance. However, the role of the Inspector is to examine whether or not the submitted plan is sound and legally compliant, and therefore it will be down to the Council to provide the necessary explanation, justification and narrative to robustly support the approach taken within the Local Plan Review. The presentation of the evidence and the position taken by the Council within the Local Plan Review (including statements of common ground) will be a key determinant – and it will be vital to present a strong and convincing narrative to the Inspector which clearly references the key paragraphs of the NPPF and PPG.
98. That being said, it is the case that an Inspector would take some convincing to conclude that objectively assessed needs could not be met purely because of lack of certainty over strategic infrastructure delivery. National planning policy is clear that local authorities should be seeking to significantly boost housing land supply through local plans in order to ensure that the target of 300,000 homes a year will be built nationally. An Inspector would not agree to a lower housing requirement unless there are very clear and evidenced barriers to growth. It is also the case that an Inspector would be likely to promote the use and application of the Local Plan Review mechanism to respond to changes in the status of

infrastructure provision over time, and also that they would look to the Council to be leading the case for the delivery of strategic infrastructure that is required to support growth plans. If the key infrastructure providers were to sign up to a Statement of Common Ground declaring that the infrastructure that is needed cannot and will not be in place to support required growth levels that would be different, as presumably they would hold and maintain an outright objection to the Plan through the examination process to substantiate their position. However, the Council (together with neighbouring authorities and delivery partners) must continue to be proactive in seeking to find solutions which will ensure the longer term delivery of the necessary strategic infrastructure.

99. In order to determine the approach to determining the level of growth that can robustly be included in the Local Plan Review, it will be essential for the Council to reach an agreed position with key delivery partners, including statutory consultees, relevant duty to cooperate bodies, relevant site promoters and relevant infrastructure providers as to:
- How much growth can be accommodated within the infrastructure constraints that exist across the plan period and in the first five years;
  - How much growth could be accommodated through short-term / interim improvements to infrastructure capacity, and when would such improvements provide for any additional capacity;
  - When longer-term strategic infrastructure upgrades could realistically be in place to deliver additional capacity, and how much additional development this could theoretically enable.
100. The Council will be expected to demonstrate that there is a reasonable prospect that the proposals can be developed within the timescales envisaged. The Council should seek to ensure that the agreed position on these points is reflected in Statement(s) of Common Ground which are available to support and justify the approach taken in the Local Plan Review. The approach to finalising the spatial strategy, housing trajectory (and Infrastructure Delivery Plan) of the Plan should then mirror the agreed position established within the Statement(s) of Common Ground. The production of an agreed and robust Infrastructure Phasing Plan alongside the housing trajectory and Infrastructure Delivery Plan would help to provide a great deal of clarity and confidence to the Planning Inspector at independent examination. The preparation of an Infrastructure Phasing Plan would also help to justify the need for a stepped housing trajectory, should this be required.
101. From the case studies presented in this advice note, it is evident that the Council, together with key delivery partners, should be doing everything possible to identify and deliver solutions to infrastructure constraints that will enable the delivery of growth (subject to the policy restrictions identified within paragraph 11 of the NPPF).
102. Should the Council determine that it will not be possible for the Local Plan Review to accommodate objectively assessed housing needs as required by national planning policy, the Statement(s) of Common Ground will provide essential evidence to assist the Inspector at Independent Examination. However, the Council must also ensure that 'no stone has been left unturned' and that all reasonable options to accommodate growth have been proportionately considered. This includes potential options to accommodate growth

through alternative spatial strategy options that may not be subject to the same degree of infrastructure constraints.

103. In development management terms, it will be vitally important for the Council to ensure that a considered approach is taken to determining planning applications in advance of the adoption of the Local Plan Review which considers cumulative impacts of growth. Applications being determined prior to the adoption of the Local Plan Review should not prejudice the progression and delivery of the Local Plan Review. However, national planning policy is clear that the circumstances which may warrant a refusal on the grounds of prematurity will be limited. The Council should be mindful of paragraph 49 of the NPPF when considering prematurity as a potential reason to refuse a planning application in advance of the adoption of the Local Plan Review.

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## **Introduction**

Chichester District Council is bringing forward a review of its local plan. The Plan area covers that part of Chichester District which does not fall within the South Downs National Park.

The [previous Chichester Local Plan \(2012-29\)](#) was adopted with a housing figure (of 435 dpa) below the OAN due to uncertainty around both transport matters (relating to the A27) and waste water capacity issues, subject to a review within 5 years.

The most recent [Preferred Approach](#) consultation plan was published in December 2018. It proposed allocations to deliver 650 dpa to meet local housing needs and an element of unmet need from that part of the South Downs National Park which falls within Chichester District.

Key representations received from organisations in response to the Preferred Approach consultation are available on the Council's website as follows -

- The response from Highways England is [here](#)
- The response from West Sussex County Council is [here](#)
- The response from Southern Water (SW) is [here](#)
- The response from the Environment Agency (EA) is [here](#)

Since receipt of these representations the Council has progressed work to address the issues highlighted. With both the A27 and wastewater treatment works, the existing capacity of existing strategic infrastructure is limited, and there remain uncertainties regarding the deliverability of significant expansion of capacity, due to funding and/or environmental constraints.

The Council's Development Plan and Infrastructure Panel considering a report *Local Plan Project* on 15 October 2020 which set out considerations of these projects in the context of the preparation of the new Local Plan.

## **Waste water issues affecting the Chichester Plan Area**

### **Background:**

Since the adoption of the Chichester Local Plan in 2015 additional waste water treatment capacity has been delivered at Tangmere Waste Water Treatment Works (WwTW), including a new pipeline, and the permit level increased to 3000 (dry weather flow). It is understood that although provision beyond this was considered feasible, in line with water industry funding processes, Southern Water only sought funding through the Ofwat approval process to provide the additional capacity required for the adopted plan target.

Delivery of strategic allocations served by this additional treatment capacity was scheduled to the later part of the plan period (post 2019) to allow for the improvements to be made, with development in other locations prioritised in the earlier years. More detail about phasing was set out in a [Housing Implementation Strategy](#) which accompanied the Plan.

The plan is now 5 years old. The plan is still under review and uncertainty about provision for waste water treatment beyond that in the adopted plan remains.

To support the *Preferred Approach* Plan the Council commissioned a [Water Quality Assessment](#) from Amec Foster Wheeler to consider waste water issues. Concerns raised at the preferred approach consultation, led to the Council undertaking a short focused piece of work looking at the capacity of existing WwTW and the environmental and other constraints to expanding capacity.

### **The issues:**

- 1) Current waste water treatment capacity is insufficient to meet the needs of the additional development to be delivered through the Local Plan Review which will cover the period to 2037.
- 2) Some treatment works have no capacity now (Apuldrum and Lavant) whilst others (Sidlesham and Thornham) will reach capacity within the first 5 years of the plan, based on delivery of existing permissions in the Chichester Plan Area. The situation is exacerbated by permissions in adjoining areas. A Position Statement is already in place to limit additional connections to Apuldrum WwTW.
- 3) Many of the waste water treatment works are subject to environmental constraints meaning there is limited scope to provide additional capacity.
- 4) Taking account of existing permissions and allocations (including those proposed in adjacent Havant Borough's Reg 19 Plan) additional treatment capacity would be required by 2028/9 to serve the additional quantum of development likely to come forward in the Chichester Local Plan Review.

### **Proposed solutions:**

- 1) Southern Water have suggested looking at the network connections, to reroute connections to WWTWs which have capacity. This would require a feasibility study, and funding through AMP6 which would cover the period 2025-30. [Waiting for SW to advise on feasibility study]. This solution would not be delivered within the first 5 years of the plan.
- 2) Further investigation is needed to confirm scope to expand capacity at Tangmere WwTW and increase the permit level there. Based on information prepared in relation to the adopted Local Plan it is understood that there is scope to increase the permit to 6000 (DWF) but SW have concerns about the technical ability to achieve this but there is lack of clarity between SW and EA, and in any event this will still be insufficient to meet full needs.
- 3) Increased capacity to treat an additional 3000 DWF at Tangmere would in any case still be below that required (unless part of the network connection rerouting uses WWTWs outside of the Plan Area).
- 4) A Statement of Common Ground is being prepared to fully establish the position of both Southern Water and the Environment Agency.

### **Other options:**

- 1) Phasing of development to later in the plan period
- 2) A conditional cap on numbers (overall or in specific catchments)

### **Positions of Statutory Consultees:**

In response to consultation on the Preferred Approach Plan Southern Water supported the reference in Policy S12 to the phasing of development to align with infrastructure delivery. It was noted that network reinforcements would be needed for the proposed strategic allocations AL6 (Land SW Chichester), AL7 (Bosham), and AL12 (Selsey). The response also noted that limited capacity is not a constraint to development provided policy and subsequent conditions require appropriate phasing to align with delivery of waste water infrastructure.

In response to consultation on the Preferred Approach The Environment Agency also raised concerns about capacity at AL6 and asked that reference to the sewer network was added to proposed allocation AL13 (Southbourne). Also flagged issues re AL9 (Fishbourne) - the parish would need to consider waste water in allocating sites in the NP. The EA also advised liaison with Southern Water over delivery of improvements. Wording improvements were suggested to S31 Waste water management and water quality.

In addition, in response to a recent planning application, a consultation response from Southern Water was received which accompanies this document. The consultation response raises a number of concerns regarding the capacity of the sewer network and nearby treatment works and seeks a condition to prevent occupation until necessary network reinforcement and wastewater treatment is in place.

### **Advice Required:**

We are continuing discussions with Southern Water and the Environment Agency.

Southern Water will undertake feasibility testing of rerouting connections once we have a revised development strategy.

It is considered there is no distribution of development which would avoid the known constraints to the capacity of WwTW which serve the Chichester Plan Area. Therefore there is a need to consider how to treat the issue in the emerging Plan.. Advice is sought therefore to –

- Q1 *To what extent does the existing position justify a “phasing” of development? Has such an approach been followed elsewhere, and what else would be required to justify such an approach? If this approach was followed, what would be the approach to this matter in development management terms prior to adoption of the Plan, and thereafter?*

Q2 *To what extent could the existing position justify an overall “ceiling” on the level of development planned for over the next Plan period? Has such an approach been followed elsewhere, and what else would be required to justify such an approach? If this approach was followed, what would be the approach to this matter in development management terms prior to adoption of the Plan?*

## **Strategic Transport Issues affecting the Chichester Plan Area**

### **Background:**

The previous Local Plan was supported by a [transport study](#) and apportionment of developer contributions on strategic sites to meet the estimated £12M costs for necessary improvements to junctions on the A27 corridor which serves the majority of the Plan area.. This led to a [Position Statement](#) by Highways England confirming they were broadly content with that position. Since then contributions have been collected in accordance with that agreement though no works have been delivered.

As part of the evidence base for the Local Plan review, a [new Transport Study](#) was prepared which showed a significantly greater package of mitigation, including a new element, the Stockbridge Link Road, which in total was estimated to cost over £60M. In response Highways England has sought additional further work on the feasibility and deliverability of the proposed mitigation. Bespoke viability evidence was not available at the time of the *Preferred Approach* consultation but it is clear that the total £60M cost of strategic infrastructure was prohibitive.

Since then the Council’s transport consultants Stantec have investigated whether the Stockbridge Link Road was essential for the Local Plan mitigation package to work. That work advised Members in September 2020 that work to identify an alternative approach that would remove the need for the proposed Link Road had not been successful. Stantec have now proposed to undertake that further work on the timings of the proposed mitigation works at each of the A27 junctions (and the need for the link road) to enable an assessment to be carried out of any “thresholds” for development beyond which junctions will need improvement.

At a national level, previous plans to deliver a national roads scheme on the A27 at Chichester were withdrawn due to a lack of consensus locally. In March 2020 the scheme was identified as a “pipeline project” in [Road Investment Strategy 2](#), with funding for feasibility work. No further announcement has been made by Highways England in this regard.

### **The issues**

- 1) The need to progress a local plan mitigation scheme in the absence of a national scheme.
- 2) The timing of necessary improvements on the A27 junctions.

- 3) The potential for local plan mitigation to compliment (or be replaced by) a national road scheme.
- 4) The potential shortfall in funding to deliver the local plan mitigation scheme.

### **Advice Required**

We are continuing discussions with Highways England and West Sussex CC.

We will undertake further feasibility work on the proposed local plan mitigation to gain greater comfort regarding the proposed local plan mitigation works in terms of feasibility and costings.

It is considered there is no practical distribution of development which would avoid the known constraints to the capacity of the A27 corridor which serves the Chichester Plan Area. Therefore there is a need to consider how to treat the issue in the emerging Plan. Advice is sought therefore to –

- Q3 *To what extent does the existing position justify a “phasing” of development? Has such an approach been followed elsewhere, and what else would be required to justify such an approach? If this approach was followed, what would be the approach to this matter in development management terms prior to adoption of the Plan, and thereafter?*
- Q4 *To what extent could the existing position justify an overall “ceiling” on the level of development planned for over the next Plan period? Has such an approach been followed elsewhere, and what else would be required to justify such an approach? If this approach was followed, what would be the approach to this matter in development management terms prior to adoption of the Plan?*
- Q5 *Are there examples elsewhere of plans being found sound where there are potential gaps in key infrastructure? What action should the Council take with regards to the known high infrastructure costs of the local plan transport mitigation?*

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# Chichester Local Plan

## Transport Modelling Review

13/07/2021 – v0005





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# Introduction

This technical note provides a summary of the operation of Chichester's highway network. Providing an overview of the Chichester Area Transport Model for the 2037 Reference Case, the 2037 Local Plan Development excluding any mitigation and the 2037 Local Plan Development incorporating the Preferred Approach mitigation plan as issued in 2018/19.

The content of this documentation has been developed to assist Chichester District Council (CDC) to understand the impact of the preferred development distribution and to assess and understand what additional mitigation may be required as a result of the updated distribution provided in 2020.

It provides detail for the AM and PM peak periods summarising the modelling outputs for **Actual Flow link** based comparing the three scenarios in Passenger Car Units (PCU); **Link Delay** provided in seconds for each scenario for the links in the model, and; the maximum **Volume over Capacity (V/C)** per node for each scenario.

Additionally, this technical note provides an indication of a programme identifying which schemes could come forward before others to support the local plan development.





# Chichester Transport Model

## Actual Flow Comparison values in Passenger Car Units (PCU)



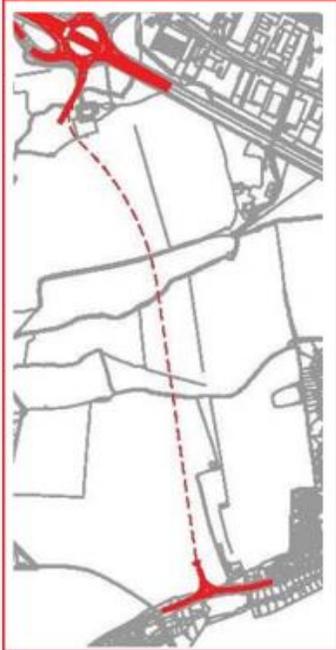
### Overview

The following section provides an overview of the analysis of the flow difference between the AM and PM 2037 Reference Case, Local Plan scenario without the mitigation and the Local Plan scenario with the preferred mitigation.

This provides an indication of how traffic is moving around the network and what redistribution may be occurring as a result of the Local Plan development without any mitigation and what impact the mitigation packages have on the local and wider highway network within Chichester.

The table shows the proposed mitigation schemes for the A27 Corridor only, there are other mitigation schemes proposed for the City Centre.

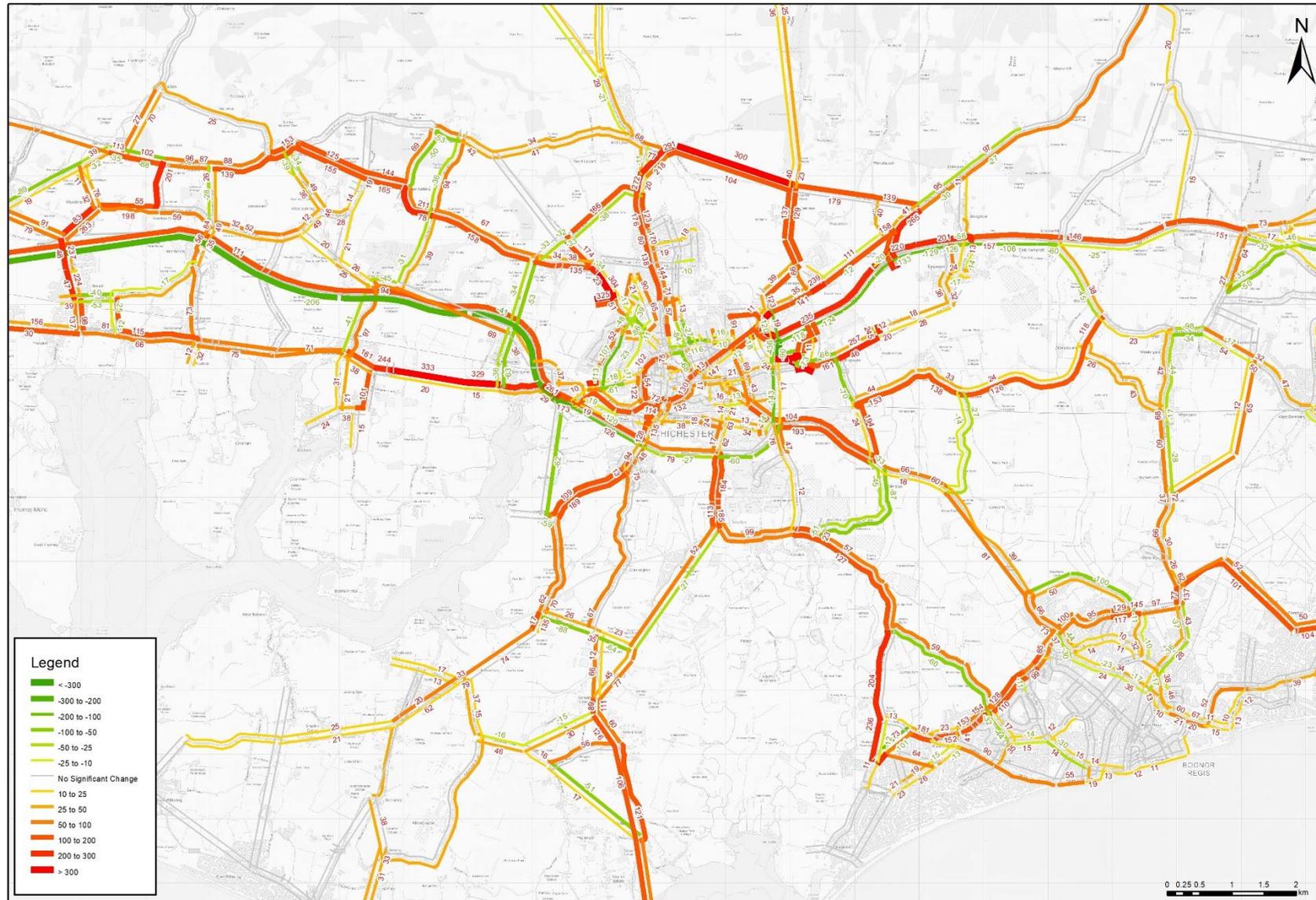
All values are in Passenger Car Units or PCU.

Fishbourne (Only) £5.95m	Stockbridge Road Jct £5.85m	Whyke Junction £5.24m	Stockbridge Link £25.2m
			
Bognor Road Jct (Only) £10.3	Oving Road Jct £1.4m	Portfield Road Jct £2.51m	
			



# AM - 2037 Local Plan no mitigation minus 2037 Reference Case – Flow PCU

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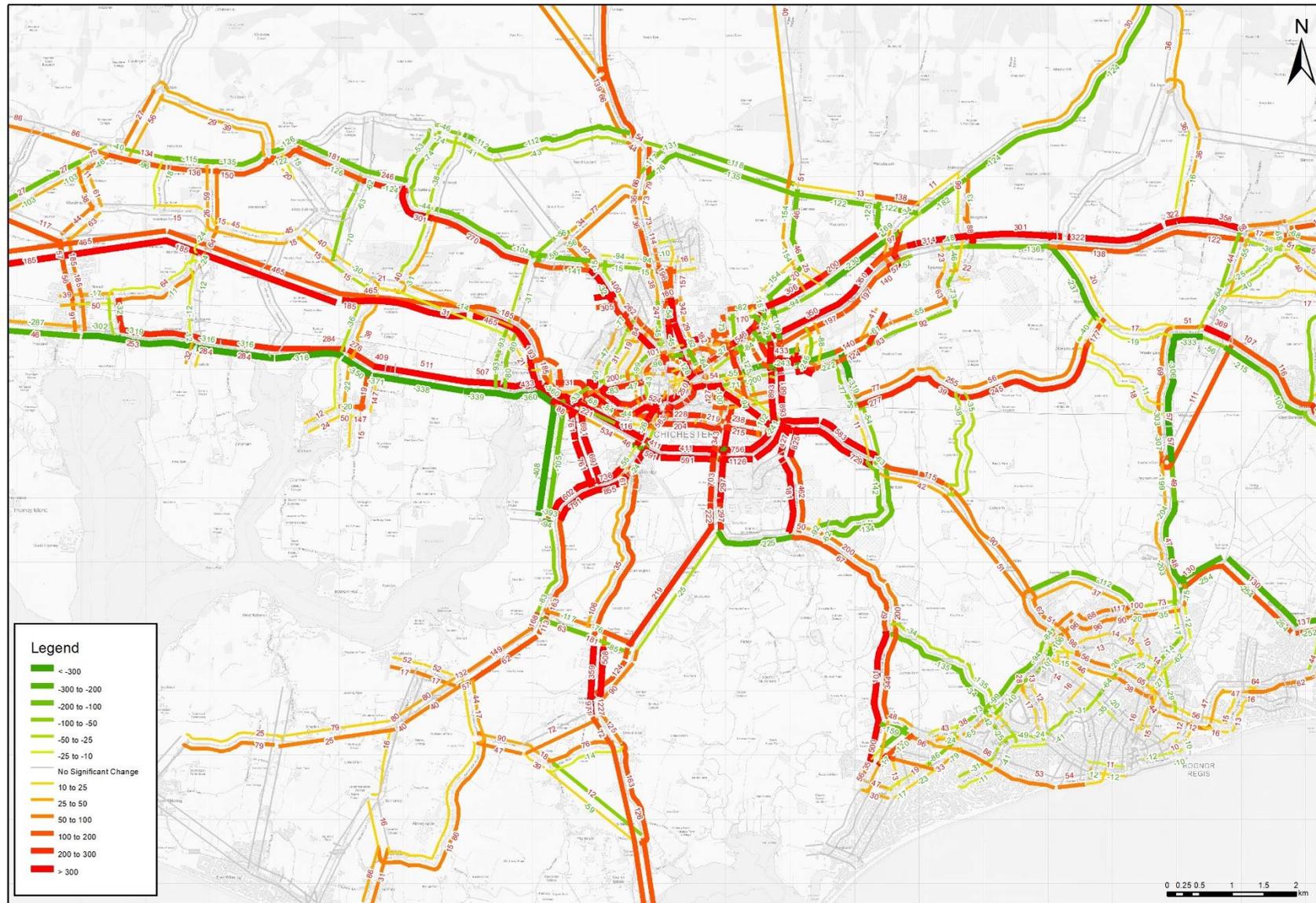


Service Layer Credits: Contains Ordnance Survey data (c) Crown copyright and database right 2021.



# AM - 2037 Local Plan with mitigation minus 2037 Reference Case – Flow PCU

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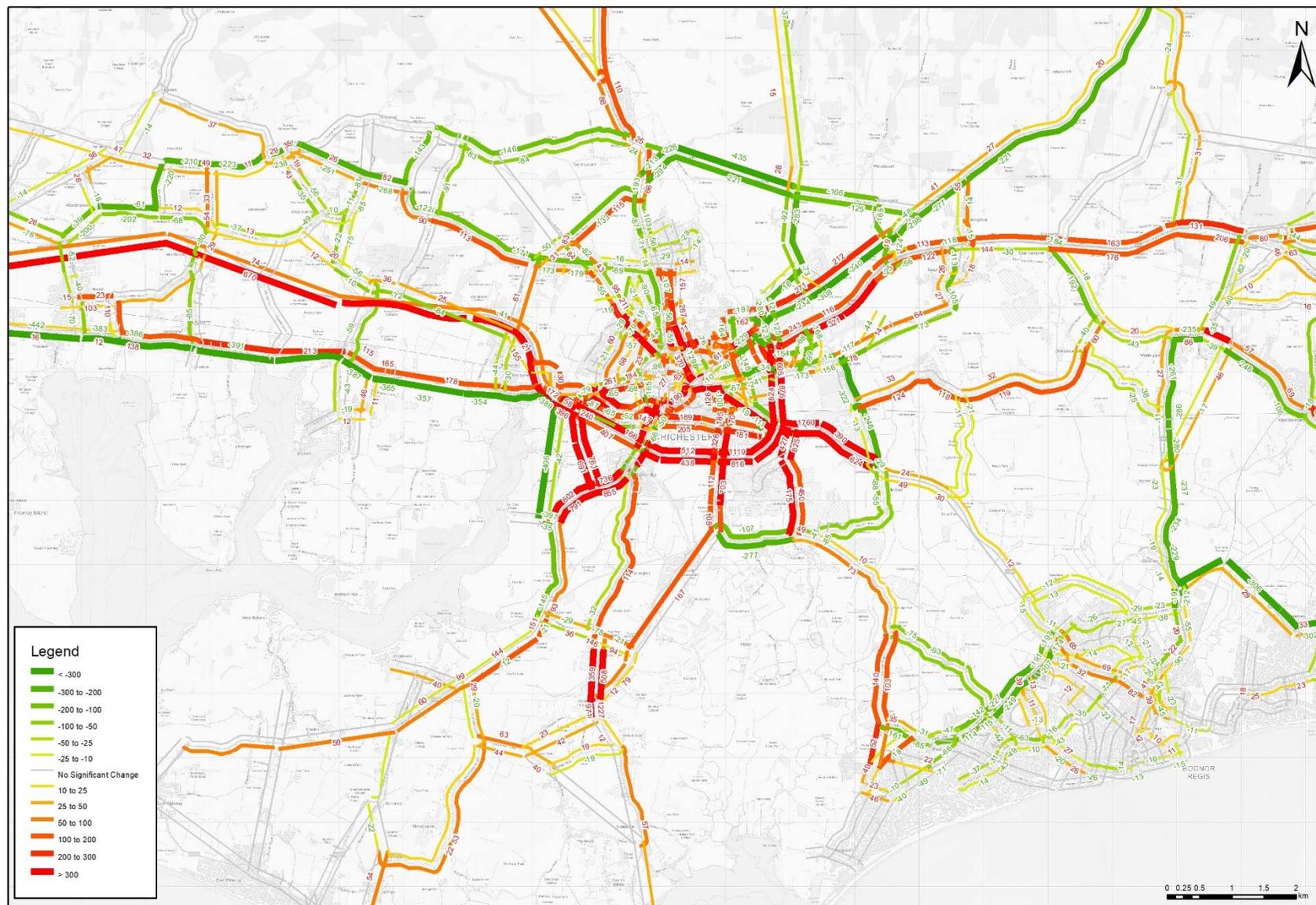
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# AM - 2037 Local Plan with mitigation minus 2037 Local Plan no mitigation

– Flow PCU

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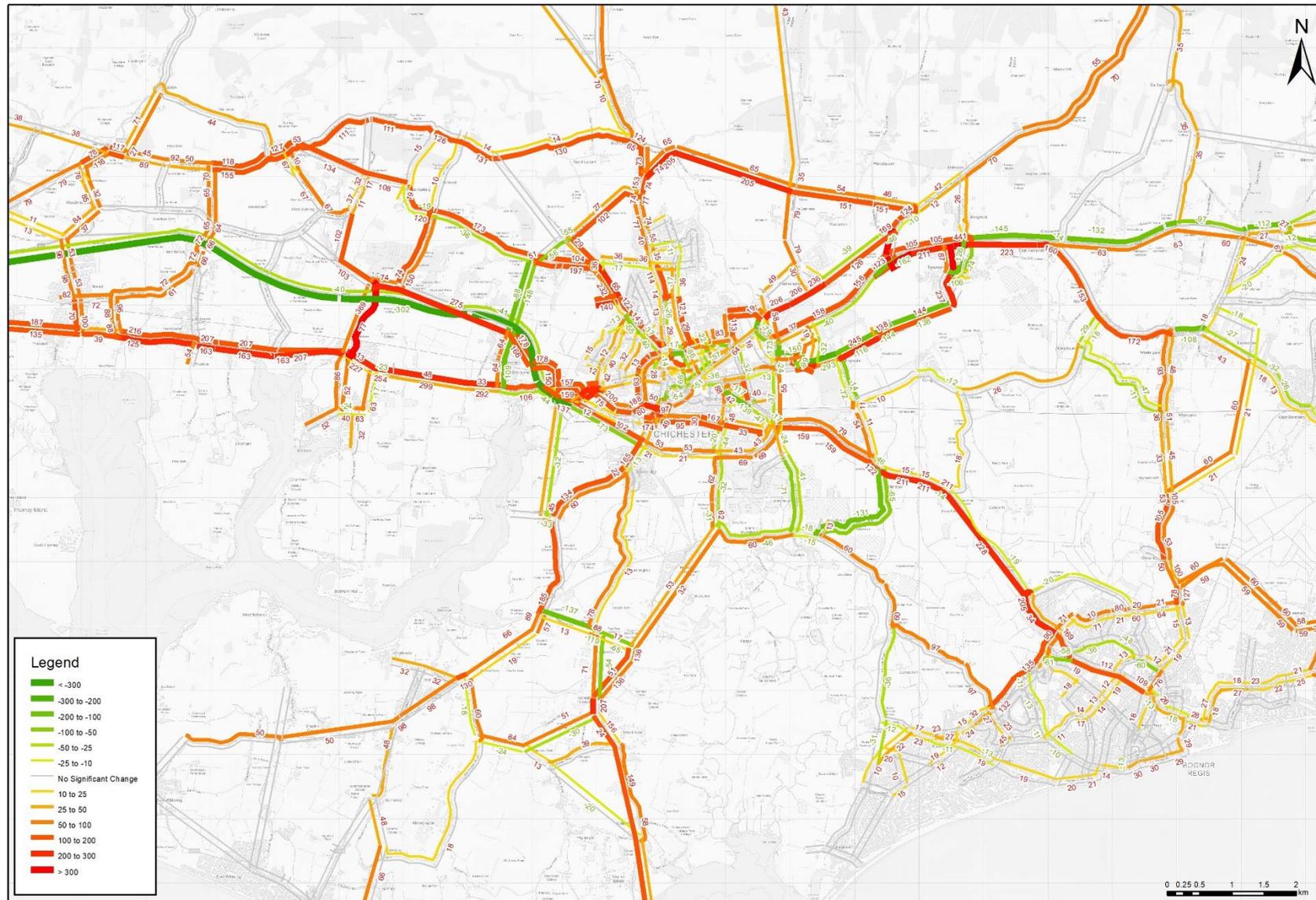


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# PM - 2037 Local Plan no mitigation minus 2037 Reference Case – Flow PCU

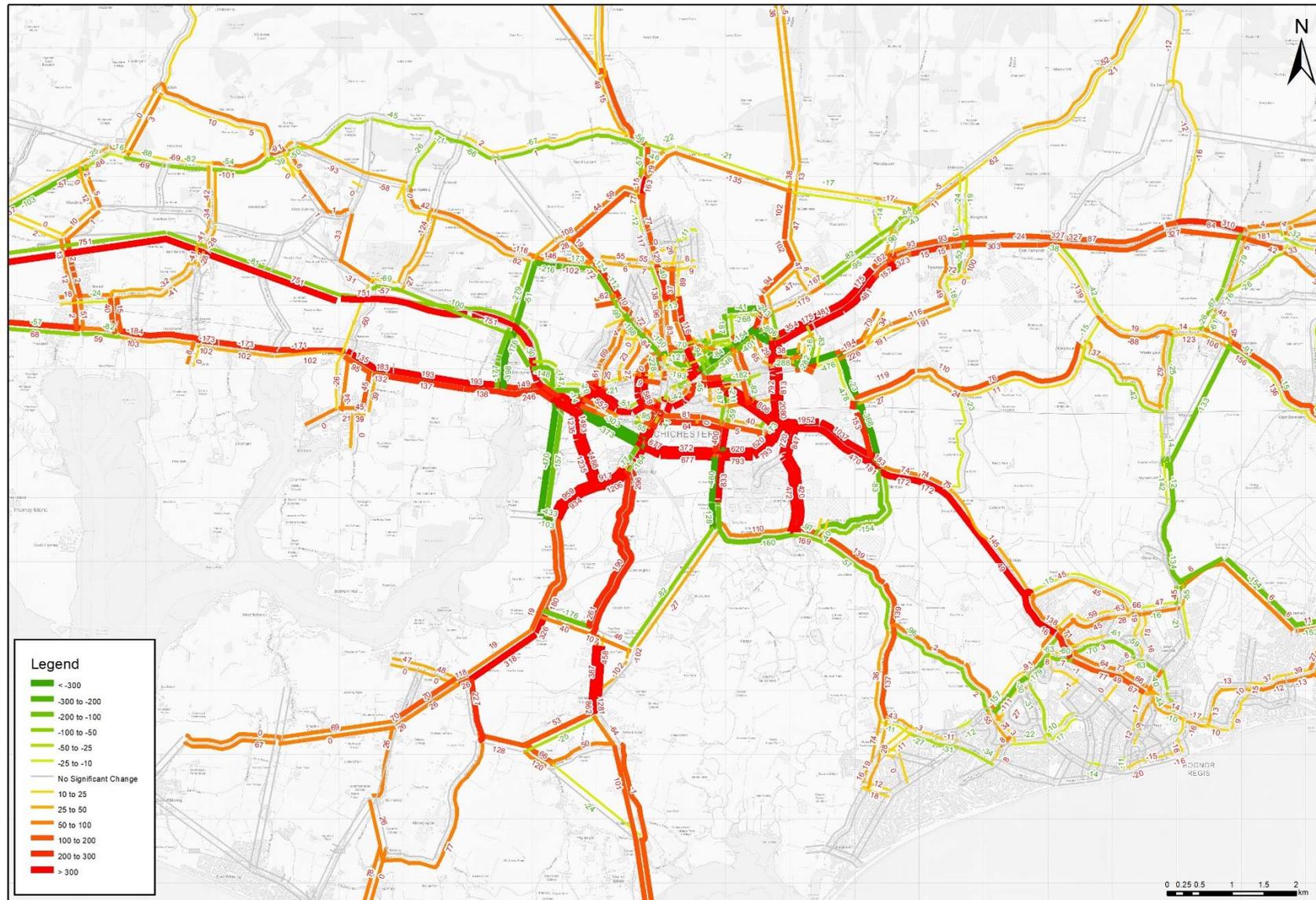
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# PM - 2037 Local Plan with mitigation minus 2037 Reference Case – Flow PCU



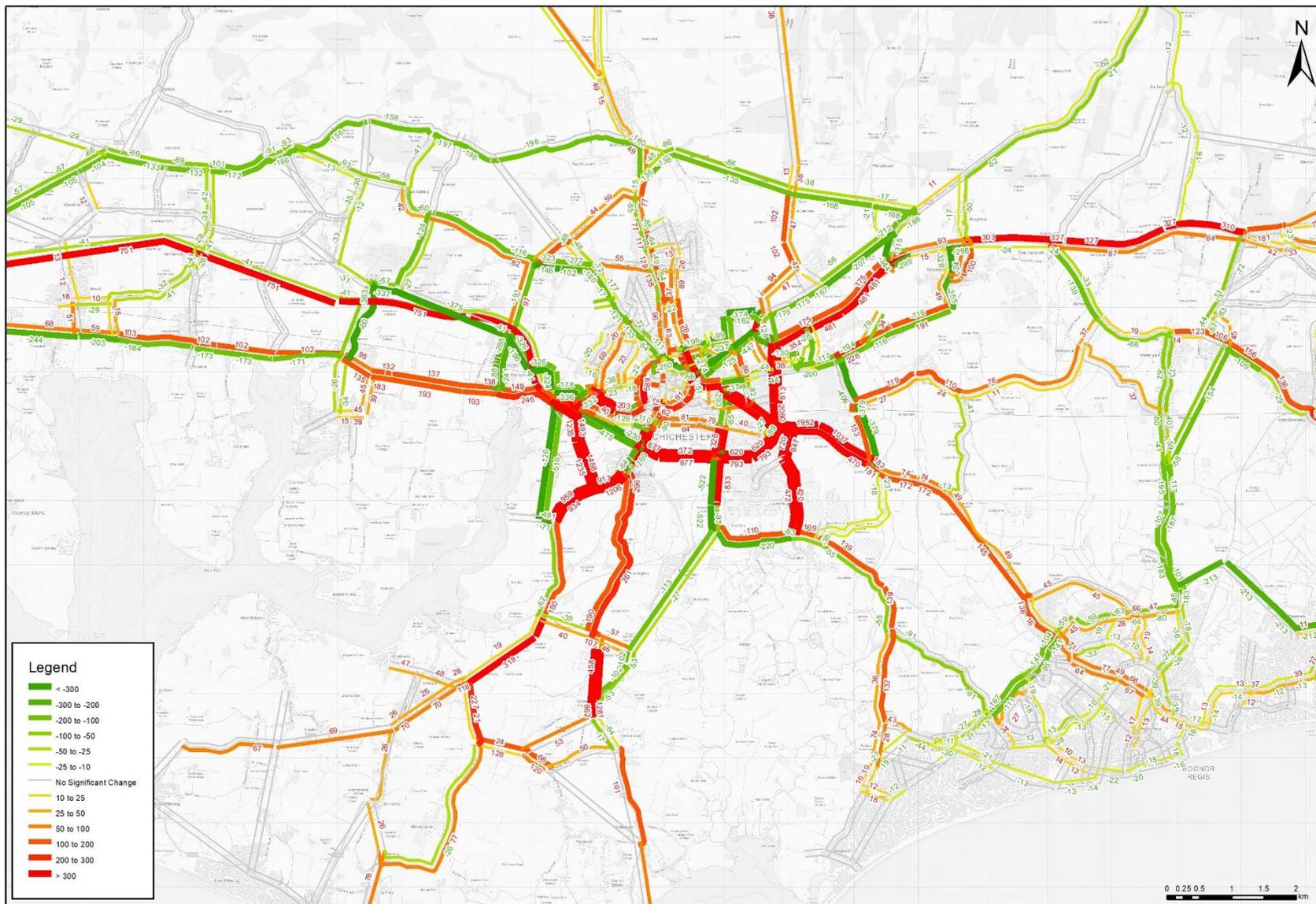
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# PM - 2037 Local Plan with mitigation minus 2037 Local Plan no mitigation

- Flow PCU

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### 2037 Local Plan no mitigation minus 2037 Reference Case

The modelling of this scenario for both peaks shows the following impact of the Local Plan without mitigation:

Reductions are witnessed for both peak periods at:

- A27 westbound of -203 and -304 in the AM and PM peaks respectively.
- Salthill Road of -31 and -146 in the AM and PM peaks respectively.
- Marsh Lane with the largest reduction being the south-westerly direction of -83 in the AM and -131 in the north-eastern direction in the PM.

Other more minor decreases are also noticed within the networks.

The increases are witnessed throughout the network as a result of the addition traffic generated as a result of the Local Plan development.

Specifically these are located at:

- A259 with an increase of 332 in the AM and 276 in the PM.
- New Road of 306 eastbound in the AM and 207 westbound in the PM.

It is also noticeable that there are large increases in traffic volume on the network to the east of Chichester, which correlates to the Local Plan development located in this area.

### 2037 Local Plan with mitigation minus 2037 Reference Case

The Local Plan with mitigation compared with the Reference Case shows a significant impact on the flows within Chichester. Reductions are witnessed on:

- Appledram Lane South -408 northbound and -105 southbound in the AM peak -470 and -157 and - respectively in the PM peak period – this impact is a consequence of the SLR.
- B2166 of -225 westbound in the AM peak and -160 in the PM peak.
- Marsh Lane of -134 eastbound and -142 westbound as well as in the PM of -154 and -83 respectively.
- In the AM peak there is a decrease of -336 westbound along the A259 Main Road
- And at Salthill Road a decrease of -279

The modelling shows significant increases in flow within the network by comparing these two scenarios, this is most noticeable along the A27 and at Bognor Road in the vicinity of the larger Local Plan development sites.

### 2037 Local Plan with mitigation minus 2037 Local Plan no mitigation

Reviewing the impact between the without mitigation and with mitigation scenarios provides an overview of how successful the mitigation measures are.

The decreases within the network are mainly located at:

- A259 Main Road in the AM of -360
- New Road eastbound of -441 and westbound of -215 in the AM, in the PM this is -100 and -138 respectively
- Similar locations to those previously mentioned are also noted including reductions along Marsh Lane, the B2166
- With Drayton Lane witnessing a decrease of approximately -256 southbound in the AM peak and -440 in the PM peak

However, in both peaks significant increases in flows are witnessed, specifically along the A27 of 668 in the AM and 753 in the PM for the westbound direction and along the B2201 – Selsey Road, southbound of 144 in the AM peak but both directions of 101 northbound and 262 southbound in the PM peak.



## Summary

The flows comparison in this section demonstrate that the impact of the Local Plan is significant and will result in additional traffic within the network. The current mitigation measures do result in a reduction of traffic travelling along minor roads in the majority of instances specifically New Road and the B2178/B2146 to the north west of the city.

Furthermore, the SLR demonstrates that this will reduce the traffic along Appledram Lane South.

The flow comparisons do however show that there is a significant increase in traffic flow along the A27, which is a result of the improvements of these junctions to the south of Chichester as such addition pressures on these junctions could be the reason why there are increases also identified within Chichester City itself when comparing the without mitigation with the with mitigation Local Plan scenarios.

The Local Plan mitigation modelling outputs are currently preliminary, which have shown that modifications to these mitigation packages may need to be made to lesser the impact on the operation of the network within Chichester City. Additionally, further safety mitigation measures may also impact on the final schemes taken forward for the transport evidence base of the Local Plan.



# Chichester Transport Model

## Link Delay Outputs values in seconds



## Overview

This section provides an overview of the Link Delay Outputs, presented in seconds.

It provides an understanding of the impact between the Reference Case model, and the Local Plan models without and with mitigation and provides an indication of how well the mitigation packages are working on reducing the levels of delay witnessed in the modelling.

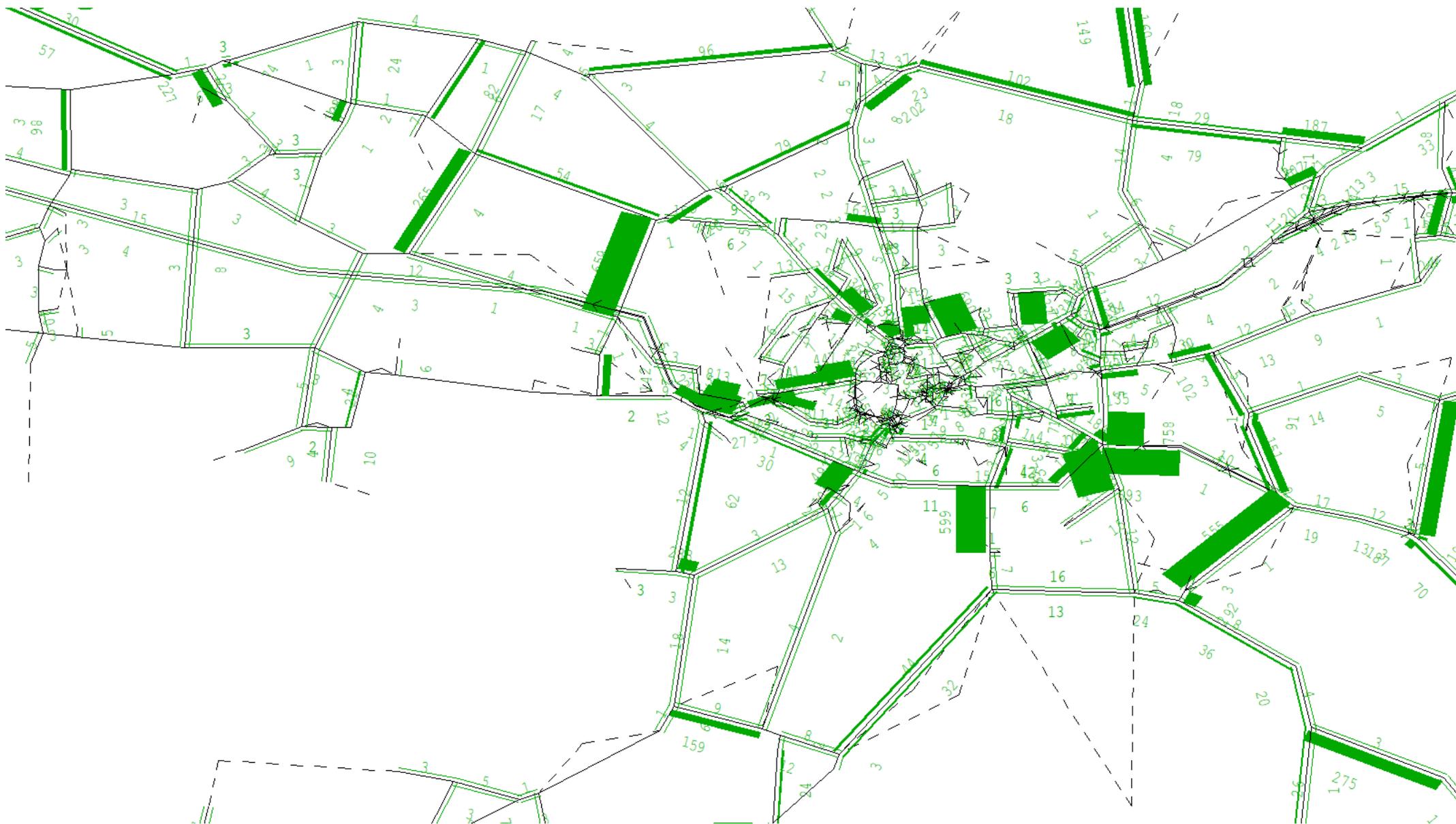
The information is summarised for both the AM and PM peak periods.

In the most part the locations of delay are also the locations where high volume over capacity V/C% percentages are also identified. Further analysis on the V/C is provided in the following section.





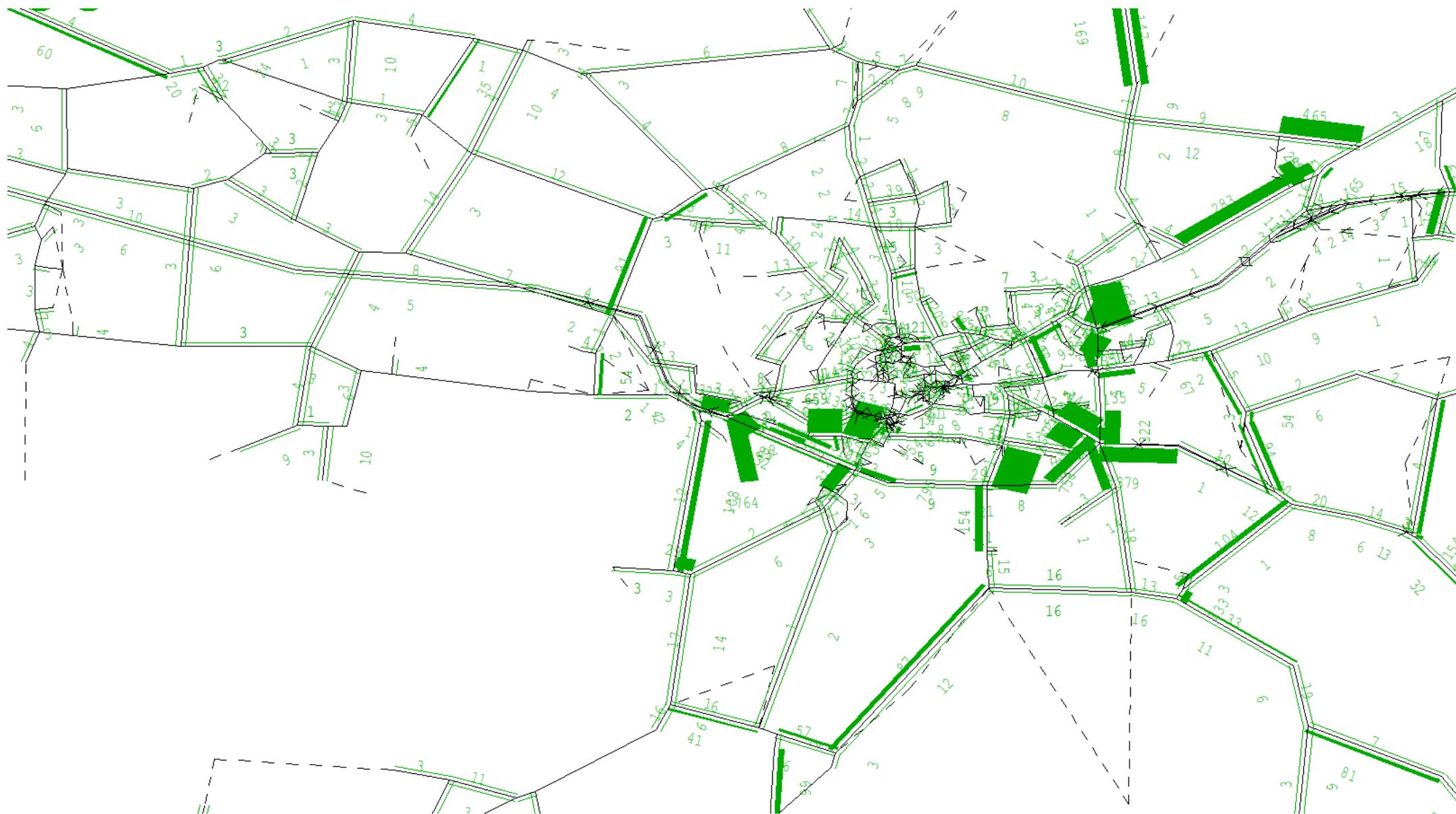
# AM - 2037 Local Plan no mitigation – Delay (S)







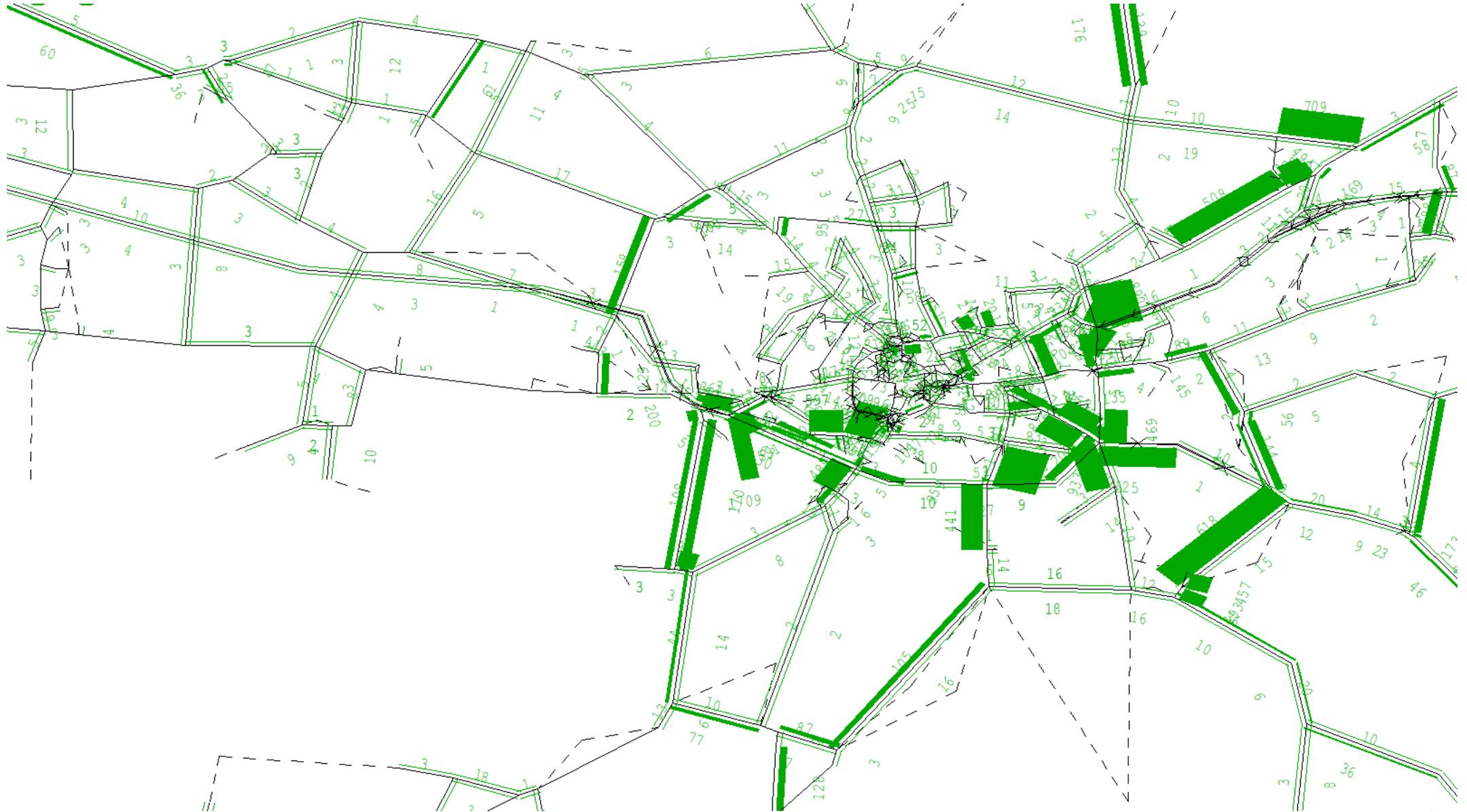
# PM - 2037 Reference Case – Delay (S)





# PM - 2037 Local Plan no mitigation – Delay (S)

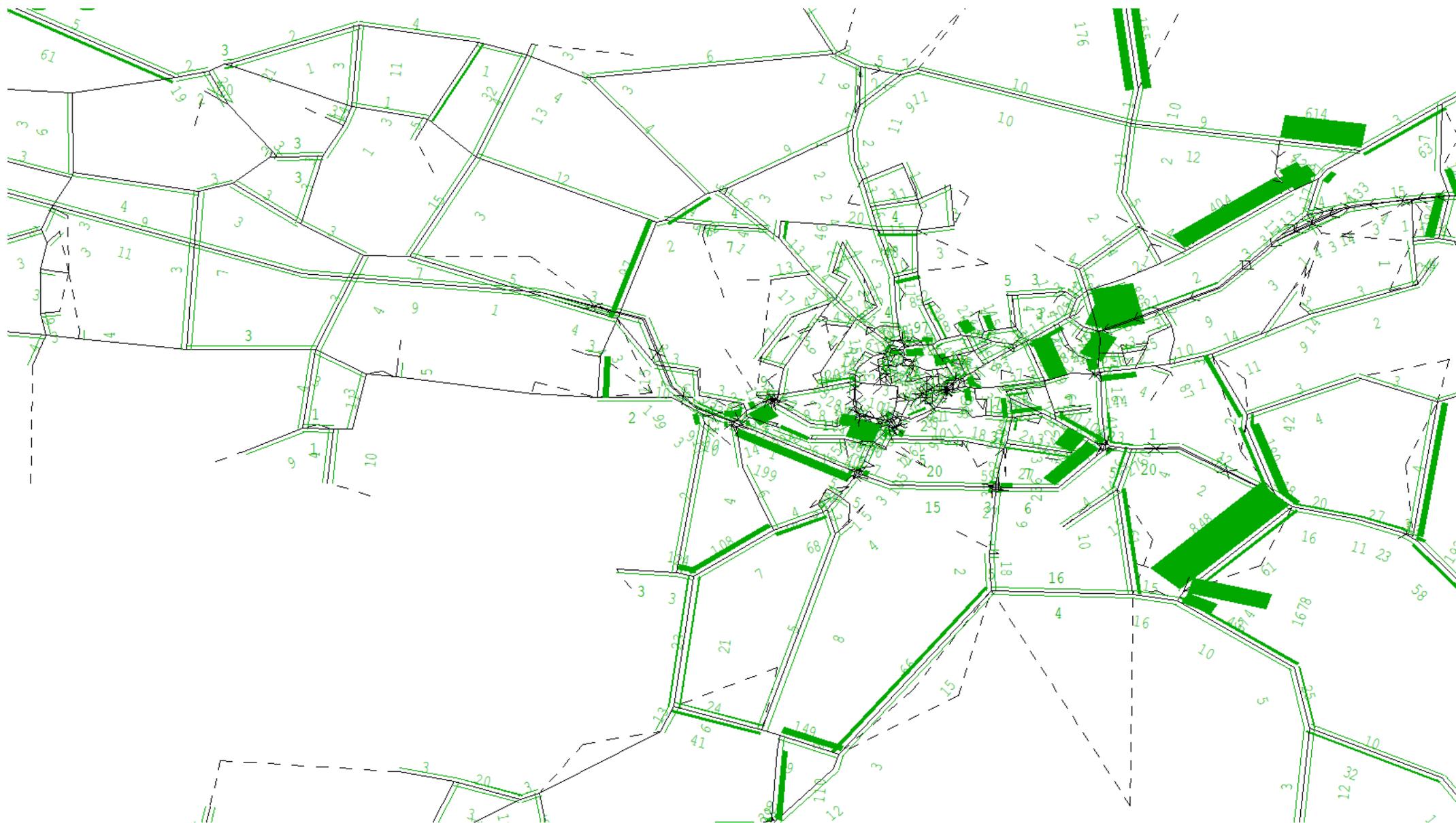
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# PM - 2037 Local Plan with mitigation – Delay (S)

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### 2037 2037 Reference Case – AM Peak

In terms of delay for the Reference Case in the AM, the modelling demonstrates that without the Local Plan development the following junctions witness significant delays:

- Fishbourne
- Stockbridge
- Whyke
- Bognor
- Salthill Road/B2178
- Marsh Lane/A259
- Dell Quay Road/A286 Birdham Road

As well as minor roads within Chichester City, including:

- Churchside/A286
- College Lane/Spitalfield Lane
- A285/Westhampnett Road
- Westgate/A286
- Cathedral Way/A259 Via Ravenna

### 2037 Local Plan without mitigation – AM Peak

Without mitigation the Local Plan scenarios are identified to significantly impact on the increase in delays at the junctions highlighted in the Reference Case including those within Chichester City centre. Additionally minor routes including:

- Appledram Lane South/Dell Quay Road
- Marsh Lane/A259
- New Road/A285

Show significant increases in delay during the AM peak.

### 2037 Local Plan with mitigation – AM Peak

The impact of the mitigation measures on delay is noticeable with significant reductions in delay at all the key junctions along the A27 south of Chichester as well as at Appledram Lane South and within Chichester City itself.

There are a couple of locations where delay is expected to increase slightly when compared with the without mitigation scenario, including at:

- Portfield
- New Road/A285

And some minor junctions around the southeast area of Chichester City.

### 2037 2037 Reference Case – PM Peak

During the PM the same core junctions along the A27 witness substantial delays, however, the following junctions are also identified to have large delays:

- Portfield
- New Road/A285
- Roman Road/Strettington Lane
- Appledram Lane South/Dell Quay Road
- Dell Quay Road/A286 Birdham Road

The junctions around the Southern Gateway site are also expected to witness a significant delay

### 2037 Local Plan without mitigation – PM Peak

In comparison with the Reference Case model, the levels of delay significantly increase in the without mitigation Local Plan scenario.

This is specifically noticed at:

- Fishbourne
- Stockbridge
- Whyke
- Bognor

With substantial increases at

- Marsh Lane/A259
- New Road/A285
- Appledram Lane South/Dell Quay Road



In the without mitigation Local Plan scenario, it is further noted that junctions within the area of the Southern Gateway also witness a reasonable level of delay.

### 2037 Local Plan with mitigation – PM Peak

The PM peak shows a slightly different picture to that of the AM, and although reductions in delay are noted along some of the junctions along the A27, such as:

- Fishbourne
- Stockbridge
- Whyke

Some arms of key junctions still witness a similar level of delay, specifically at:

- Bognor
- Portfield

Additionally, the model shows that delay at:

- Marsh Lane/A259
- Roman Road/Strettington Lane
- New Road/A285

Are expected to remain at similar levels of delay.

Likewise is the junctions around the Southern Gateway site, such as the A286, Southgate and Basin Road.

### Summary

The delay analysis has indicated that overall the mitigation does assist in reducing the overall delay in the network within and surrounding Chichester. This is most noticeable along the A27 during the AM peak, however, there are areas within the PM peak that witness similar levels of delay identified within the Reference Case or Local Plan without mitigation scenarios.

The Local Plan mitigation modelling outputs are currently preliminary, which have shown that modifications to these mitigation packages may need to be made to lessen the impact on the operation of the network within Chichester City. Additionally, further safety mitigation measures may also impact on the final schemes taken forward for the transport evidence base of the Local Plan.



# Chichester Transport Model

## Volume over Capacity (V/C) Outputs



## Overview

The following plots provide an indication of the operation of the junctions within the model. The plots show link volume over capacity or V/C as a percentage.

This provides an indication of which junctions are either reaching or are exceeding their operational capacity. If for example an arm of the junction had a V/C of 65%, this means that overall the junction is witnessing limited queues and hardly any delay. If however, that same arm in an alternative scenario witnessed a V/C of 90% that is showing that the junction is unable to operate without significant queues and delay and some sort of mitigation may be required to improve this.

The following section provides an indication of the operation of the junctions for V/C on a link by link basis, for the 2037 Reference Case, 2037 Local Plan scenario without mitigation and with mitigation.

It is important to note that the with mitigation outputs do not present the final mitigation packages, as some additional smaller measures may be required to mitigate local junctions or updated based on the output of the accident analysis. This provides an indicative idea of what impact the Local Plan and current mitigation packages may have on the network.

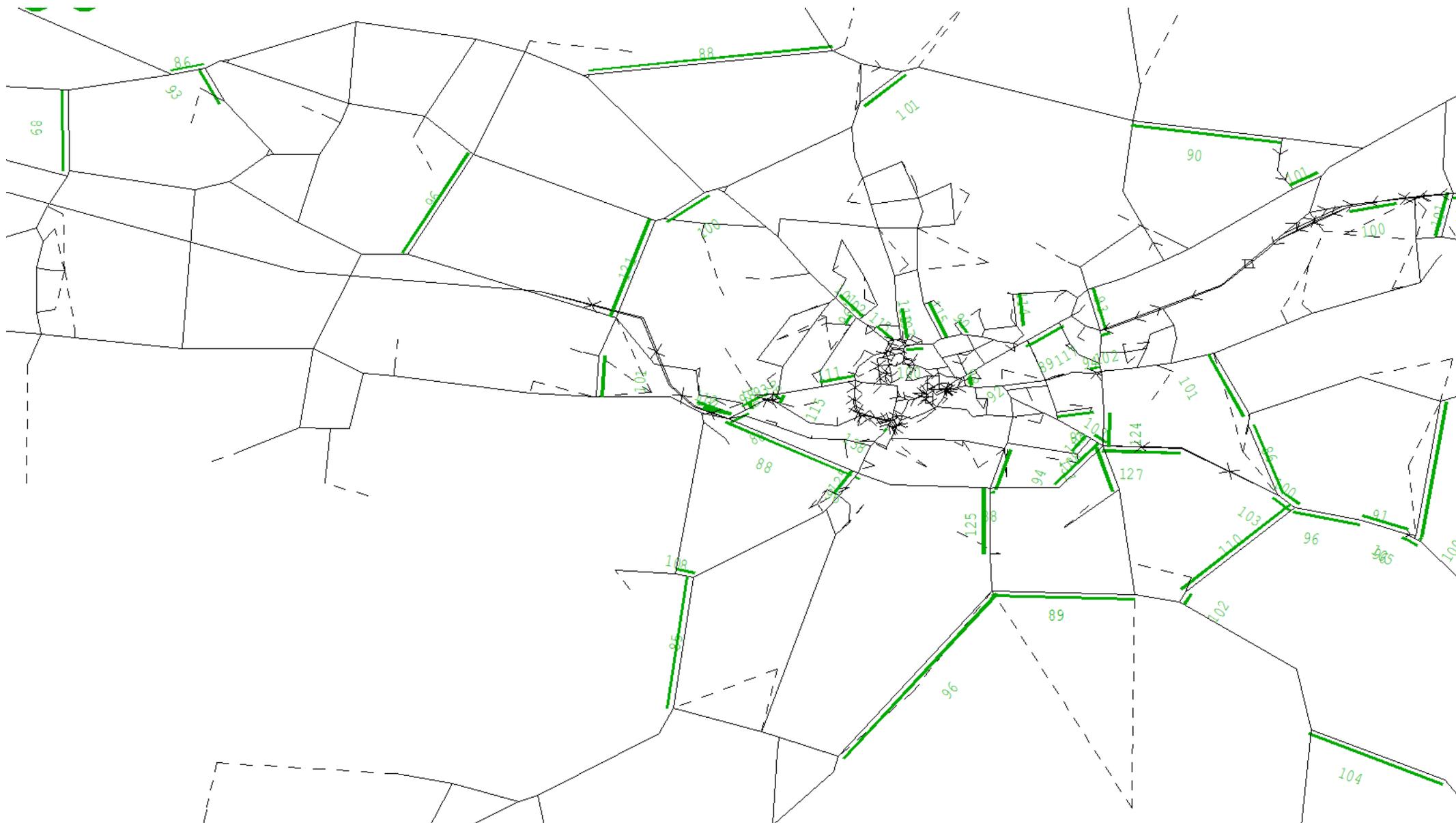
Additionally for the with mitigation scenario the Stockbridge Link Road or SLR has been included.

This output has been focused on vehicle traffic, however, that is not to say non-motorised users are not considered when designing mitigation. For example a new junction is likely to provide better facilities for pedestrians and cyclists than what is there today.

In most instances the locations of the largest V/C%s or those over 85% as shown in the following outputs are at the same locations to those identified to have significant delay in the section above.

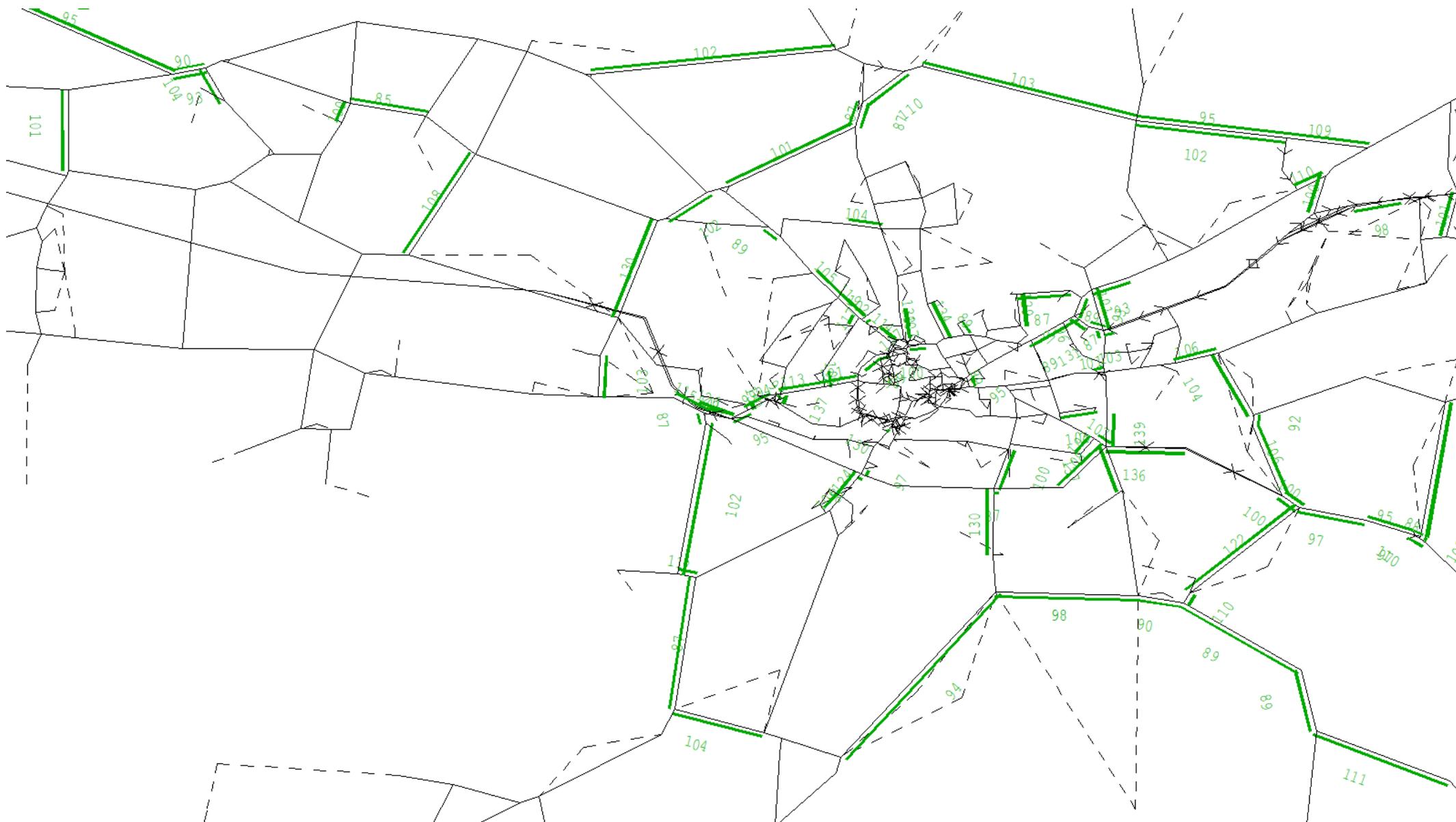


# AM - 2037 Reference Case - V/C%





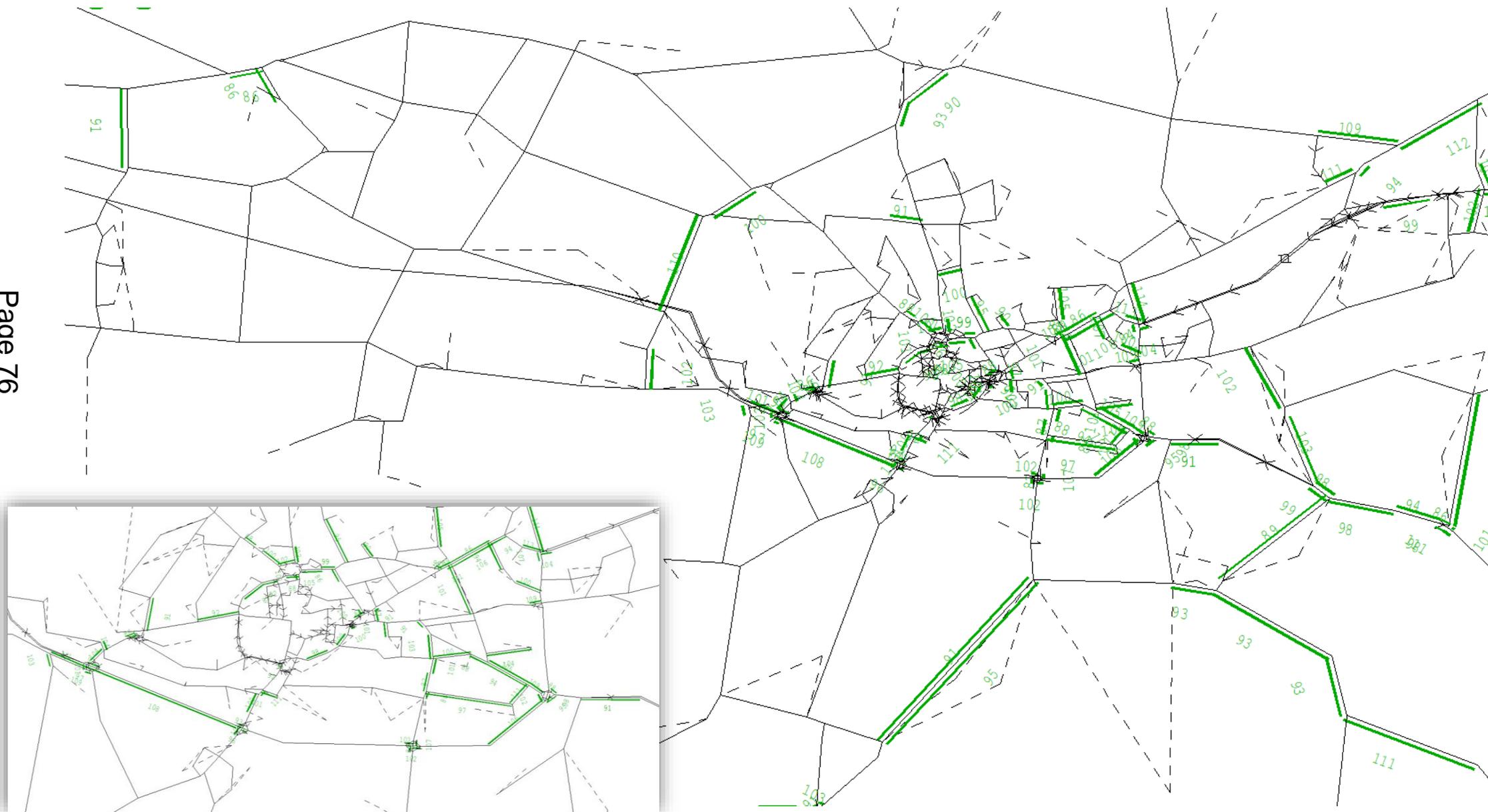
# AM - 2037 Local Plan no mitigation - V/C%





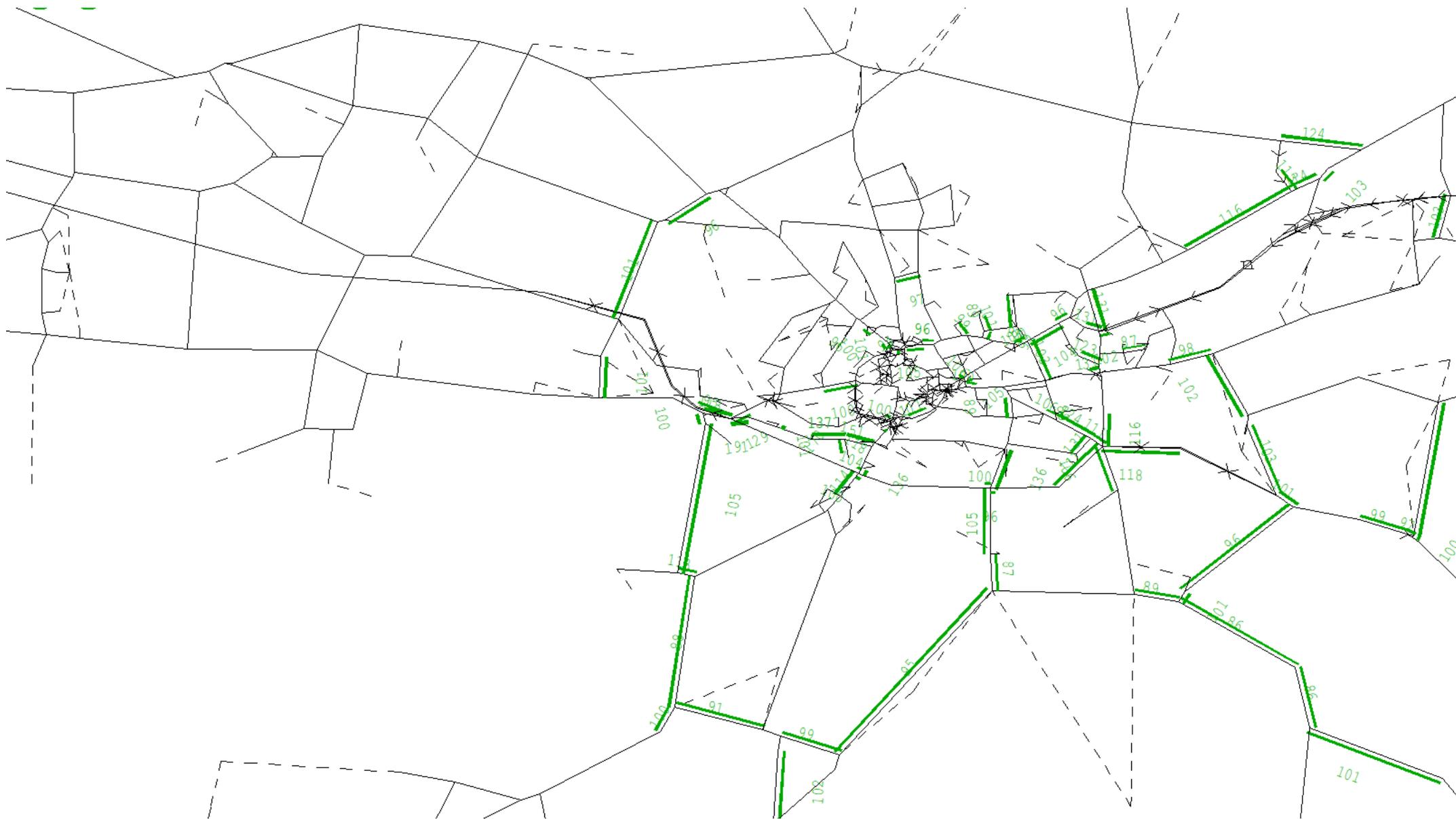
# AM - 2037 Local Plan with mitigation – V/C%

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# PM - 2037 Reference Case - V/C%

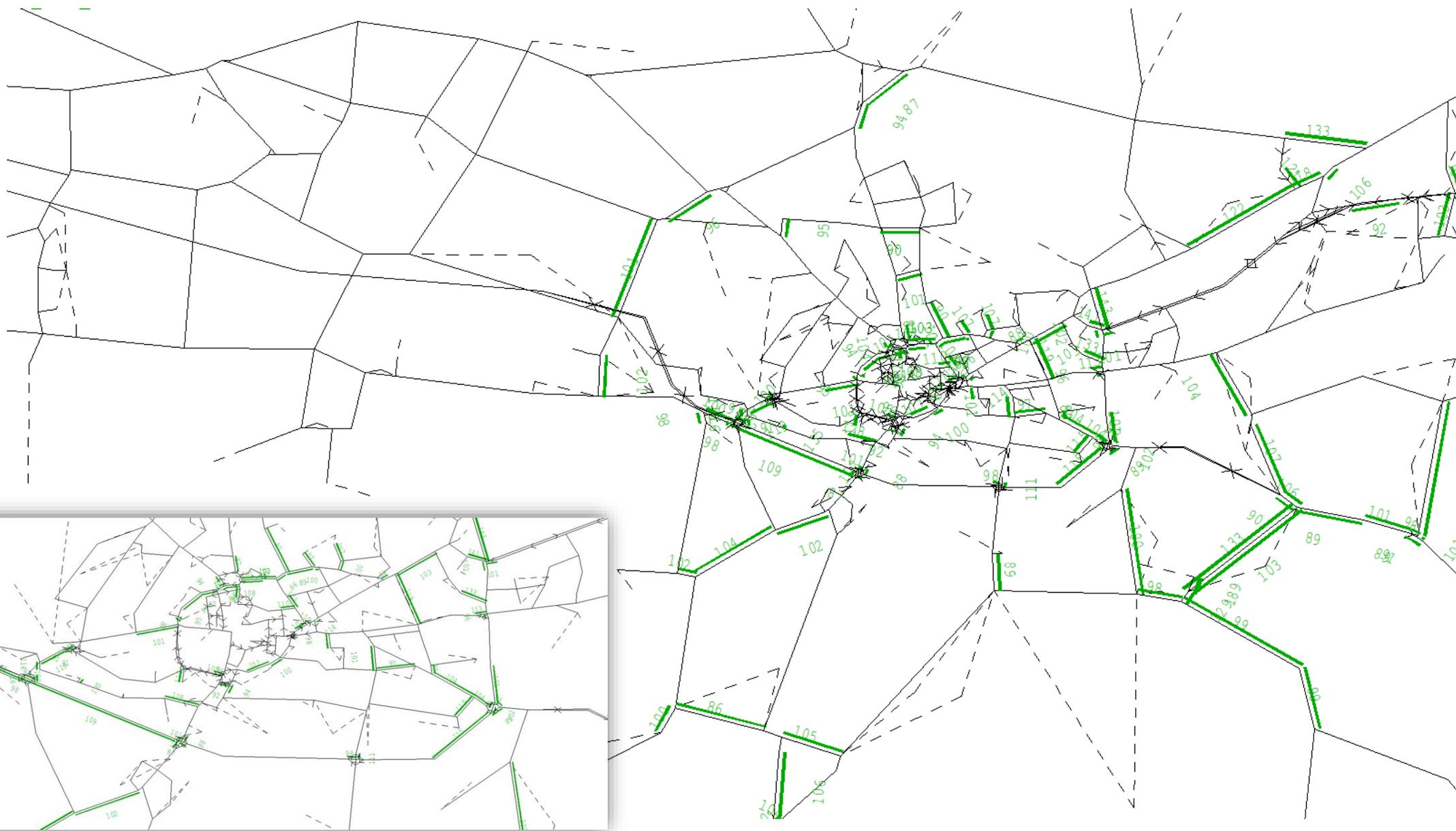






# PM - 2037 Local Plan with mitigation - V/C%

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### 2037 Reference Case – AM Peak

Along the A27 the modelling in the Reference Case identifies that the junctions of Fishbourne and Bognore witness the largest V/Cs on the mainline through the junctions with Stockbridge, Whyke and Portfield showing larger V/Cs on the minor arms of the junctions. This follows the same outputs shown in the delays.

Specifically Bognor roundabout is expected to have the largest V/C of 131%.

Elsewhere, the junctions to the north of Chichester City are expected to witness V/Cs over 100%.

### 2037 Local Plan Without Mitigation – AM Peak

Similarly to the delay outputs, the V/Cs over the network are expected to increase as a result of the Local Plan development during the AM peak, with Fishbourne and Bognor witnessing the largest increases along the A27.

Additionally the junctions to the north of Chichester City see an increase of approximately 20% V/C from the Reference Case.

### 2037 Local Plan With Mitigation - AM Peak

Globally, the mitigation measures do result in a reduction in the levels of V/C witnessed in this scenario.

However, what is noticeable is the slight increases in V/C on the junctions within Chichester City itself, specifically the eastern part and the junctions in close proximity to Bognor and Portfield.

Also identified through this first run of the previous 2018 mitigation schemes is the impact at the junctions along the A27. Although overall the levels of traffic have increased along the A27, the impact of this in increasing the V/C at the signalised part of the mitigation measures at Fishbourne, Stockbridge, Whyke and Bognor roundabouts are noticeable, the highest of these being the V/C of 108% westbound at Fishbourne, with slightly less values of 95 and above being identified at the other junctions along this route.

### 2037 Reference Case – PM Peak

Again the Reference Case PM peak shows a similar distribution of V/Cs of greater than 85% that the locations of delay identified in the previous section.

Most noticeable are the large V/Cs greater than 100% in the Appledram Lane/A286 junctions to the south of Chichester as well as the junctions along the B2145 and Marsh Lane witnessing V/Cs of greater than 87% and 96% respectively.

Additionally smaller junctions within Chichester also see V/Cs of greater than 100%.

### 2037 Local Plan Without Mitigation – PM Peak

During the PM peak similarly to the AM, the levels of V/C are seen to increase when compared with the Reference Case as a result of the Local Plan development. Specifically the junction of Appledram Lane and the A259 is witnessed to see a V/C of 105, which was not identified within the Reference Case as well as at Marsh Lane/Lagness Road.

The V/C of the junctions along the A27 all witness an increase of more than 10% V/C.

### 2037 Local Plan With Mitigation – PM Peak

As stated in the AM peak, the mitigation does result in general reductions in V/C on the network including those within Chichester City itself and therefore, shows an improvement in the operation of the network.

Additionally, as noted within the link flow analysis the A27 witness and increase in traffic flow, which does result in slight increases at the signalised sections of the mitigation measures modelled.

Specifically noticeable is the increase of the eastbound arm at Bognor road witnessing an increase of 4% from 109% to a V/C of 115%.



## Summary

The AM and PM 2037 Reference Case and Local Plan without and with previous mitigation shows that there is a general improvement of V/C percentages along the A27 as well as within Chichester City and external junctions within the district.

However, it is noted that there are slight increases in delay and V/C at the mitigation measures first identified within the 2018 study along the A27. But it is noted that the mitigation does reduce traffic on minor roads within Chichester and as such the levels of traffic along the A27 increases between the without and with mitigation Local Plan models.

It must be reiterated that the with mitigation outputs do not present the final mitigation packages, as some additional smaller measures may be required to mitigate local junctions or updated based on the output of the accident analysis.

But the plots and assessments presented within this documents provide an indicative idea of what impact the Local Plan and current mitigation packages may have on the network.



# Chichester Transport Model

## Alternative Option to Local Plan A27 Corridor Mitigation Approach



## Introduction

The current CDC Local Plan proposes a significant mitigation strategy for the district and specifically the A27 corridor. The mitigation proposals across the district are generally minor works, however the likely cost of the A27 works are likely to be significantly higher than the level of contributions that CDC are likely to be secure from the level of development defined in the Local Plan. Therefore this note seeks to provide a high level review of options, which seek to focus contributions already obtained and which will be forthcoming, to provide a material benefit to addressing the likely congestion of the Local Plan in a managed way, given that not all the schemes can be funded.

## Background

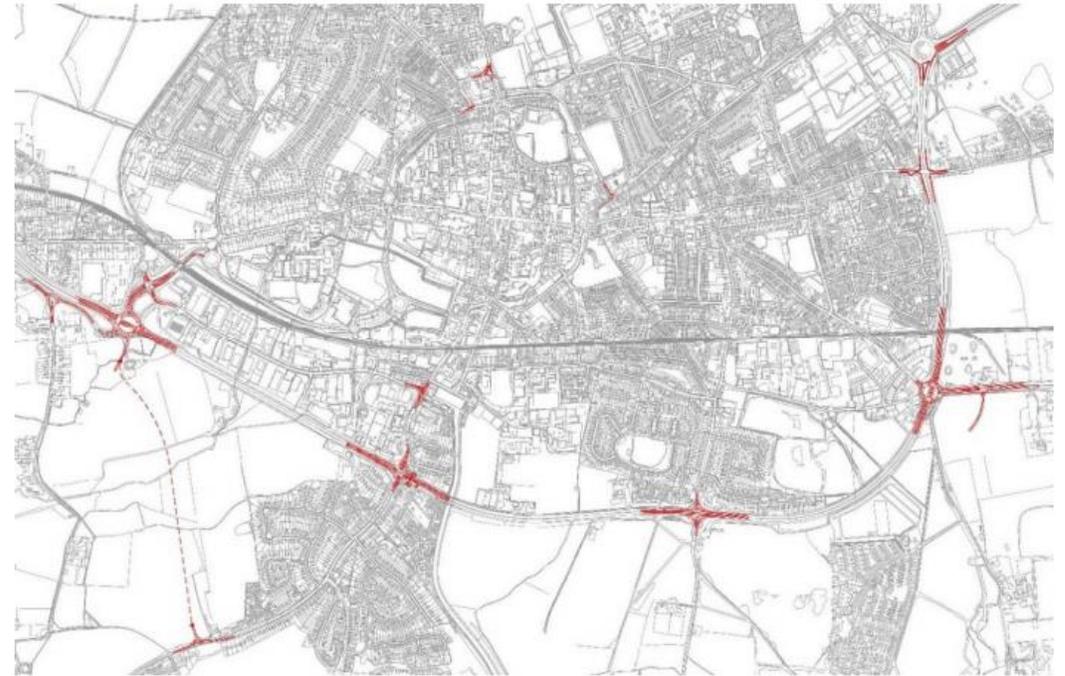
In December 2018, Stantec prepared the Chichester District Council – Local Plan Transport Study of Strategic Development Options and Sustainable Transport Measures report for CDC. The report included transport assessment to inform the preparation of the Chichester Local Plan Review (LPR) 2016-2035 including defining required mitigation schemes for the A27, City and District wide.

This document considered potential mitigation measures at the junctions identified to be impacted by the local plan development.

Nineteen (19) junctions were identified as being likely to require mitigation, 6 of them were on the A27 corridor and a new link road scheme as shown on the plan and summarised below.

- Fishbourne Road Jct
- Stockbridge RoadLink
- Stockbridge Road Jct
- Whyke Junction
- Bognor Road Jct
- Oving Road Jct
- Portfield Road Jct

The report not only set out the proposed mitigation schemes it included a set of high level costs for each of the schemes. The total cost of the A27 Corridor and link road was between £50 to £65 million based on lower and upper cost rates.

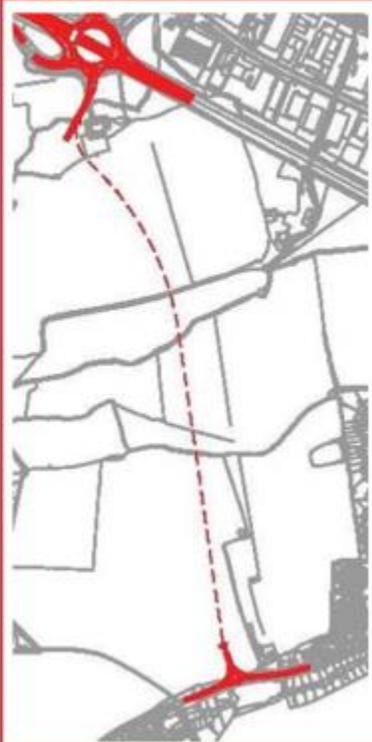
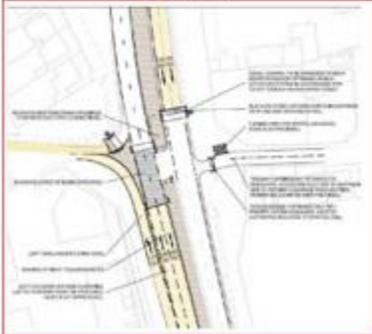




## A27 Scheme Summary

The table below set out the 6 main A27 junction schemes and the proposed Stockbridge Link. The table shows the provisional concept schemes and the individual costs for each junction.

Since the report in 2018, the Portfield Road junction has been the support of an improvement scheme, similar to that previously shown right.

Fishbourne (Only) £5.95m	Stockbridge Road Jct £5.85m	Whyke Junction £5.24m	Stockbridge Link £25.2m
			
Bognor Road Jct (Only) £10.3	Oving Road Jct £1.4m	Portfield Road Jct £2.51m	
			



### Provisional Modelling for Local Plan 2021

The updated modelling carried out in 2021 with the revised development quantum and locations, suggests that the previous A27 mitigation works defined for each of the junction locations is still valid and sufficient to mitigate the local plan development impact. However, the modelling is showing an increase in congestion to the east of the city at the Bognor Road and Portfield Road Jcts, even with recent improvements at the Portfield Road junction. This is likely linked to the Tangmere SDL, the increase in employment to the east of the city and an uplift in development generally to the east.

Based on the provisional modelling, it is proposed to include a future proposed mitigation scheme for the Portfield Road junction, of a similar value to previously for the purpose of this high level review.

### Alternative Local Plan Options

There are a number of options being considered that will allow the optimum use of the contributions acquired by CDC as part of the local plan process.

We have considered 3 options as per below

- Option 1 (West to East)

this considers improving the junctions along the A27 individually from west to east

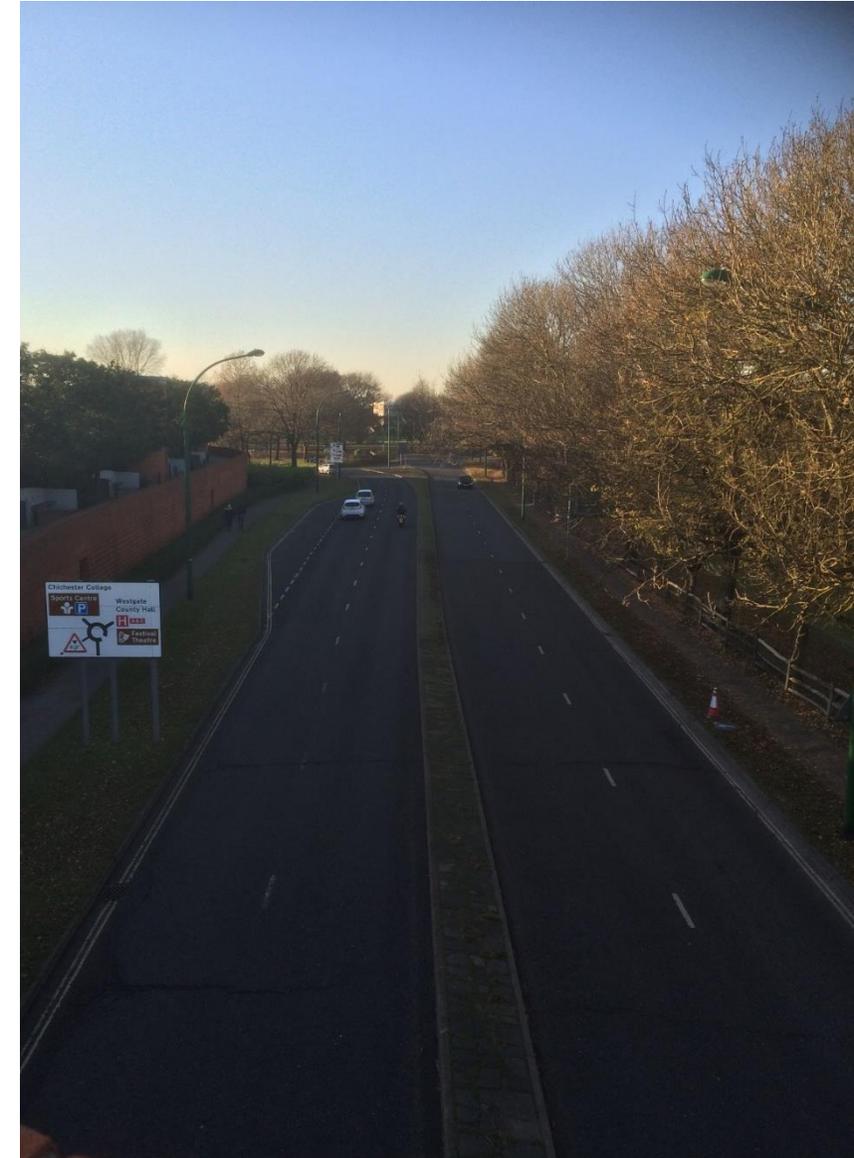
- Option 2 (East to West)

this considers improving the junctions along the A27 individually from east to west

- Option 3 (Ranking)

this looks at localised individual junction improvements based on low cost

With respect to Option 1 and 2, it is noted that this approach will result in increased congestion at the up or down stream junctions subject to the direction as the improvements will release congestion at those junctions, hence the need to proceed along the whole corridor releasing each bottle neck with the appropriate mitigation scheme. This approach obviously extends the period of congestion until funding can be secured to complete the whole corridor.





### Alternative Local Plan Option 1 (West to East)

The table below shows that, if the improvements are started from the west to east, it means that there is a major outlay at the start as it is anticipated that simultaneously to the Fishbourne Road junction, the Stockbridge link will need to be implemented.

This phasing would also accommodate the banned movements at the Stockbridge Road and Whyke Junctions which will ban right turn movements off the A27, hence the Stockbridge Link, needs to be in place before these can be implemented.

This approach would leave the mitigation to the east to the end of the period, however the latest modelling suggests that the main increase in congestion would be to the east of the city, therefore this approach would offer limited benefit to that area until those works are forthcoming.



Fishbourne Road Jct	Stockbridge Link	Stockbridge Road Jct	Whyke Junction	Bognor Road Jct	Oving Road Jct	Portfield Road Jct
£5.95m	£25.2m	£5.85m	£5.24m	£10.3m	£1.4m	£2.51m
£31.15m		£37m	£42.24m	£52.54m	£53.94m	£56.45m



## Alternative Local Plan Option 2 (East to West)

The table below shows that, if the improvements are started from the east to west. If as per Option 2A, the junctions improvements were carried out as defined on site east to west, it will raise issues in that banned movements at the Stockbridge Road and Whyke Junctions would be introduced prior to the Stockbridge Link which replaces those movements being introduced.

Therefore in reality, if the works were commenced from the east to west, then only Portfield, Oving and Bognor would be proposed. To address the banned movements at the Stockbridge Road and Whyke Junctions, as shown in Option 2B, the Fishbourne Jct and Stockbridge link will need to be improved prior to the Stockbridge Road and Whyke Junctions being implemented.

In principle both Option 2A and 2B would bring benefit to the east of the city and seek to mitigate the increase in congestion the modelling is highlighting.

	Fishbourne	Stockbridge Link	Stockbridge Road Jct	Whyke Junction	Bognor Road Jct	Oving Road Jct	Portfield Road Jct
	£5.95m	£25.2m	£5.85m	£5.24m	£10.3m	£1.4m	£2.51m
Option 2A	£56.45m		£25.3m	£19.45m	£14.21m	£3.91m	£2.51m
	Stockbridge Road Jct	Whyke Junction	Fishbourne	Stockbridge Link	Bognor Road Jct	Oving Road Jct	Portfield Road Jct
	£5.85m	£5.24m	£5.95m	£25.2m	£10.3m	£1.4m	£2.51m
Option 2b	£56.45m	£50.6m	£45.36m		£14.21m	£3.91m	£2.51m



### Alternative Local Plan Option 3 (Ranking)

There are 2 key considerations to the implementation of the individual schemes: the ability to mitigate the impact of the local plan development and the ability to fund the schemes. Based on there being limited funds, then the focus should be to the east, with Portfield Road Junction ranked the most urgent followed by Bogner Road junction. This would require initially an allowance of circa £2.51m, followed by an additional £10.3m.

### Funding

A key aspect is the funding of the 3 alternative options. To secure the benefit of each of the options, the councils contribution process, will need to treat the A27 as a single scheme. If developments impact on any of the junctions along the A27, their contributions are held in a single fund, this will allow the Council to build up a single fund and not have piecemeal sums against each junction, which will never reach the full sum required to complete the scheme. In principle, with this method, you can build a pot and when it reaches sufficient funding for a single scheme, those works can be progressed. The fund is then continually added to until the next junction trigger cost is met.

### Possible New Approach

Before the Covid 19 pandemic, a new approach to transport is being considered. The historical way known as predict and provide, where you forecast the future flow patterns for the weekday peaks and build out mitigation schemes to meet those requirements is being challenged to a more practical approach known as predict and manage. This approach still looks to forecast demand, but also seeks to influence travel choices and follow recent trends showing a reduction in short journeys by car and a lessening in car ownership especially with the growth in town centre living, where parking is limited.

An example of this is how during school holidays, there is generally a reduction in trips of between 15-20%, that level of reduction, generally means that congestion is significantly reduced, journey times are reduced and the road network is closer to being free flow. The Covid 19 situation has exacerbated this situation, when during lock down the level of traffic was reduced even further than in the school holidays. Although traffic flows are increasing the changes in employment trips specifically are leading to lesser vehicles on the road during the peaks, which in the future is likely to become the “new normal”.

The issue is that the industry is in transition and key statutory bodies such as local highway authorities, Highways England and Department of Transport are only just considering predict and manage, their premise is still to build to mitigate the forecast flows. This could result in major and expensive junction improvements being implemented that in a few years, if flows lessen provide well in excess of the capacity required.

### Way Forward

On the premise that there is no scope to secure the funding for all the A27 corridor improvements as a single package between now and 2035, then from the 3 approaches considered, it is suggested that CDC begin with Option 3 and then as funds become available move towards Option 2. In part this approach would delay the implementation of some of the higher costing schemes and delay the introduction of banned movements on the A27.

To progress with this approach a new mitigation scheme for Portfield Road Junction will need to be proposed.



# Chichester Transport Model

## Quantum of Development





## Document Control Sheet

Project Name: Chichester Local Plan

Project Ref: 47085

Report Title: Transport Modelling Review

Doc Ref: 47085-STN-XX-PP-0003\_CLPModellingReivew

	Name	Position	Signature	Date
Prepared by:	Dave Cope	Associate Transport Planner	DC	25/06/2021
Reviewed by:	Phil Brady	Associate Transport Planner	PB	25/06/2021
Approved by:	Phil Brady	Director of Land Development South	PB	25/06/2021
<b>For and on behalf of Stantec UK Limited</b>				

Revision	Date	Description	Prepared	Reviewed	Approved
0003	28/06/2021	Update based on CDC comments	DC	PB	PB
0005	17/07/2021	Additional Updates	DC	PB	PB

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## **Chichester Local Plan Review Advisory Visit Monday 12 July 2021**

### ***Introduction***

The advisory visit was held on Monday 12 July. It was conducted using Microsoft Teams with myself and representatives from Chichester District Council. Inspector Mike Hayden was also in attendance.

I advised that I would not be involved with the Plan after this meeting, other than to prepare this note to send to the Council and MHCLG for their information. PINS will retain a copy of this note, and it is normal practice for it to be sent to the examining Inspector when they are appointed (although it is in no way binding on them). I also advised that I cannot determine at this stage whether the Plan would be found sound or legally compliant, as those are matters for the examining Inspector.

### ***Background and Main Issue***

The *Chichester Local Plan: Key Policies 2014-2029* was adopted in 2015. The Plan does not meet the full objectively assessed housing needs for the area. But it did recognise that future proposals to improve the capacity of the A27 and wastewater treatment works could facilitate additional housing growth. For this reason, it committed the Council to a review of the Plan within five years to ensure that housing needs could be met.

The Council is now in the process of preparing the Local Plan Review. However, expected proposals for improvements to the A27 have not progressed and capacity constraints still exist in relation to wastewater treatment. The main issue for the advisory visit was therefore how the Council could progress the Local Plan Review in the face of continuing infrastructure constraints. The Council's position, as expressed in their briefing note, set out two options; either progress with the Local Plan but without certainty over the deliverability of infrastructure, or, progress with a Local Plan which fails to meet the full housing needs of the area.

### ***Highway Infrastructure – A27***

In order to accommodate growth sufficient to meet the full objectively assessed housing needs for the area, a package of highway improvements would be required to the A27. Initial estimates suggest that the necessary mitigation measures are likely to cost at least £65m. In contrast, only around £33m-£45m is expected to be achievable from developer contributions without undermining viability, and thus the delivery, of housing. No other sources of funding have been identified as likely to come forward at this stage, or in the immediate future.

The Council advised that further work is due to be completed shortly which will identify the maximum amount of development that could be achievable without undermining viability. This will be a critical starting point and will allow the Council to quantify what level of housing growth is likely to be deliverable over the plan period. It should also seek to establish at what stage the necessary improvements will be required. For example, could a phased approach be pursued which would allow some development to come forward in the early stages of the Plan period? If not already done so, the Council should also seek to determine what impact the proposed growth in the Local Plan Review would have on the highway network. How would additional housing affect the safe and efficient operation of the network?

We discussed the importance of looking at alternative strategies to meet the full objectively assessed housing need. For example, Officers explained that the 'east-west' corridor was the most sustainable location for growth, but what about the north of the district? What evidence is there to substantiate conclusions that the area beyond the National Park is unable to accommodate additional housing growth as part of a more 'balanced' strategy? Similarly, what about alternative locations in the south of the district that would put less pressure on the A27? Has the Council exhausted all possible opportunities for meeting housing needs?

The provision of housing and constraints such as the A27 and the South Downs National Park are strategic, cross-boundary planning matters. As the Council will be aware, Section 33A of the Planning and Compulsory Purchase Act 2004 places a duty on local planning authorities to co-operate in maximising the effectiveness of plan preparation. In particular, it requires local planning authorities to engage constructively, actively and on an ongoing basis in the preparation of development plan documents so far as they relate to strategic matters.

Paragraphs 24-27 of the 2019 National Planning Policy Framework ('the Framework') are also relevant. In particular, paragraph 26 states that: *"Effective and on-going joint working between strategic policy-making authorities and relevant bodies is integral to the production of a positively prepared and justified strategy. In particular, joint working should help to determine where additional infrastructure is necessary, and whether development needs that cannot be met wholly within a plan area could be met elsewhere".* (my emphasis)

The Duty to Cooperate and the requirements of the Framework (which is supplemented by the Planning Practice Guidance) are therefore critical in the preparation of the Local Plan Review. At the meeting, Officers advised that the Council has so far approached discussions with neighbouring authorities on the basis that the Local Plan Review will meet the full objectively assessed housing needs for the area. However, if this is not the case, then the examining Inspector will want to see evidence of constructive, active and on-going engagement to determine whether or not development needs could be met elsewhere.

As discussed at the meeting, a failure to meet the Duty to Cooperate cannot be remedied during the examination process because it applies to the preparation of the Plan, which ends upon submission. Paragraph 35 of the 2019 Framework is also clear that, in order to be effective, Plans should be based on effective joint working on matters that have been dealt with, rather than deferred.

### ***Wastewater Infrastructure***

The Council's Update Note explained that a Statement of Common Ground is in preparation with Southern Water and the Environment Agency. Despite several months of negotiation, the Statement has not been signed and the Council has identified concerns that this situation may continue, leading to a situation whereby Southern Water objects to the level of growth proposed, especially to the west of the district.

However, at the meeting the Council explained that following further dialogue, the position regarding wastewater treatment capacity was not expected to be a 'showstopper', and that agreement could be possible on mitigation options and infrastructure improvements. We therefore discussed the importance of continuing dialogue, seeking to narrow down the issues and identify possible solutions. One such solution discussed was the possibility of phasing, both in terms of overall numbers, and geographically to match development with existing and planned capacity.

However, even where phasing is pursued, paragraph 20 of the Framework states that strategic policies should set out the overall strategy and make sufficient provision for infrastructure, which amongst other things includes wastewater. Some level of detail will therefore be required to demonstrate how capacity can be improved. In order to be effective, paragraph 35 of the Framework is clear that it expects cross-boundary strategic matters to have been dealt with rather than deferred.

We also discussed the importance of the Duty to Cooperate, with the Environment Agency a prescribed body. Continued dialogue was therefore advised in order to narrow down the issues. This may lead to a Statement of Common Ground which sets out the areas of agreement, and disagreement. However, in order to demonstrate that engagement with prescribed bodies has been effective, the appointed Inspector would be looking for examples of policy outcomes, including how the engagement has shaped the strategy, and not just deferred issues.

### ***Conclusion***

The advisory visit and this note have been based on an initial and light touch assessment of the documents referred to by the Council, with a particular focus on the main issues of highways and wastewater infrastructure.

In summary, I explained that at this stage it was not possible to endorse a strategy that failed to meet the full objectively assessed housing needs for the area. Matters of soundness and legal compliance would be for the examining Inspector to determine with the benefit of all the supporting information and representations.

However, before reaching a conclusion that housing needs cannot be met, we did discuss the importance of seeking to determine:

- what level of housing could be achieved based on the required improvements to the A27 without undermining viability, and thus deliverability;
- whether the housing needs could be met in another way, which includes taking a step back and reassessing the spatial strategy and distribution of development in other parts of the district; and
- if not, then whether housing needs could be met elsewhere through constructive, active and on-going engagement as part of the Duty to Cooperate.

The PPG provides useful advice on the need to reach agreement on strategic matters and what local planning authorities should do if they are unable to secure agreement (Paragraph: 022 Reference ID: 61-022-20190315). It states that strategic policy-making authorities should explore all available options for addressing strategic matters within their own planning area, unless they can demonstrate that to do so would contradict policies set out in the Framework. If they are unable to do so, local planning authorities should make every effort to secure the necessary cooperation on strategic cross boundary matters before submitting plans for examination.

The PPG also advises that Inspectors will expect to see that strategic policy making authorities have addressed key strategic matters through effective joint working, and not deferred them to subsequent plan updates, or are not relying on the Inspector to direct them. Where a strategic policy-making authority claims it has reasonably done all that it can to deal with matters but has been unable to secure the cooperation necessary, for example if another authority will not cooperate, or agreements cannot be reached, this should not prevent the authority from submitting a plan for examination. However, the authority will need to submit comprehensive and robust evidence of the efforts it has made to cooperate, and any outcomes achieved. This will be thoroughly tested at examination.

I trust that the summary of main issues discussed at the meeting is useful. Should the Council require any further advice as preparation of the Plan progresses, please contact the Local Plans team.

*Matthew Birkinshaw*

Inspector  
15 July 2021