

# Public Document Pack

## JOHN WARD

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A meeting of the **Cabinet** will be held in the Committee Rooms, East Pallant House on **Tuesday 14 May 2024 at 9.30 am**

MEMBERS: Mr A Moss (Chairman), Mr J Brown (Vice-Chairman), Mrs T Bangert, Mr D Betts, Mr B Brisbane, Ms J Brown-Fuller, Mr M Chilton and Ms H Desai

## AGENDA

- 1 **Chair's Announcements**  
The Chair will make any specific announcements for this meeting and advise of any late items which due to special circumstances will be given urgent consideration under Late Items.
- 2 **Approval of Minutes** (Pages 1 - 12)  
The Cabinet is requested to approve as a correct record the minutes of its meeting on Tuesday 16 April 2024.
- 3 **Declarations of Interests**  
Members are requested to make any declarations of disclosable pecuniary, personal and/or prejudicial interests they might have in respect of matters on the agenda for this meeting.
- 4 **Public Question Time**  
In accordance with Chichester District Council's scheme for public question time the Cabinet 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.

## RECOMMENDATIONS TO COUNCIL

- 5 **Chalk Stream Resilience Project - Arun and Rother Rivers Trust** (Pages 13 - 24)  
The Cabinet is requested to consider the report and its appendix and make the following resolutions and recommendation to Council:
  1. That Cabinet recommends to Council that funding for the Arun and Rother Rivers Trust's (ARRT) Chalk Stream Resilience project of £180,000 (£60,000 per year for three years) is allocated from General Fund Reserves.
  2. That the Director of Planning and Environment is authorised to enter into a Memorandum of Agreement with ARRT to secure the funding and governance arrangements.
  3. That approval of the release of the allocated funding for years 2 and 3

**is delegated to the Director of Planning and Environment, following consultation with the Cabinet Member for Environmental Strategy, following an annual review of the project's performance.**

- 6 **Designated Protected Areas - Policy for applying for a Waiver** (Pages 25 - 36)  
The Cabinet is requested to consider the report and the appendix and make the following recommendations to Council:

1. **That Cabinet recommend to Council the introduction of a policy for determining applications to Homes England seeking a waiver in designated protected areas (dpa), as attached at appendix 1.**
2. **That Cabinet recommend to Council that delegated authority be granted to the Divisional Manager for Housing, Revenues and Benefits to make minor changes to the policy and as set out in section 5 of the policy.**

#### **KEY DECISIONS**

Exempt Part II Item 12 (see below).

#### **OTHER DECISIONS**

- 7 **Approval of the draft A27 Chichester Bypass Mitigation Supplementary Planning Document (SPD) (May 2024) for public consultation** (Pages 37 - 63)  
The Cabinet is requested to consider the report and its appendix and make the following resolution:

**That Cabinet approves the draft A27 Chichester Bypass Mitigation Supplementary Planning Document (SPD) (May 2024) for public consultation for a period of six weeks to commence prior to 31 May 2024.**

- 8 **Unauthorised Vehicle Encampments in Council Car Parks** (Pages 65 - 67)  
The Cabinet is requested to consider the report and make the following resolution:

**That Cabinet approves the release of £66,000 from reserves to fund unauthorised vehicle incursion deterrent measures at both Northgate and Cattle Market car parks.**

- 9 **Update on Custom & Self-Build at Chichester and revisions to the Register** (Pages 69 - 88)  
The Cabinet is requested to consider the report and its appendices and make the following resolutions:

1. **That Cabinet note the Custom and Self-Build health check and the subsequent workstream activity undertaken over the past year.**
2. **That Cabinet approve the revision of the eligibility criteria for entrance onto Part 1 of the Custom and Self Build Register as set out in section 5 of the report.**
3. **That Cabinet recommend further publicising of the CSB Register including through the hosting of an open event for those with an interest.**

- 10 **Late Items**  
a) Items added to the agenda papers and made available for public inspection

- b) Items which the Chair has agreed should be taken as matters of urgency by reason of special circumstances to be reported at the meeting

**11 Exclusion of the Press and Public**

The Cabinet is asked to consider in respect of agenda item 12 whether the public including the press should be excluded from the meeting on the following ground of exemption in Schedule 12A to the *Local Government Act 1972* namely Paragraph 3 (Information relating to the financial or business affairs of any particular person (including the authority holding that information)) and because, in all the circumstances of the case, the public interest in maintaining the exemption of that information outweighs the public interest in disclosing the information.

[**Note** The report and its appendices within this part of the agenda are attached for members of the Council and relevant only (printed on salmon paper)]

**12 Proposed Rent Review for 2-3 East Street, Chichester (Pages 89 - 95)**

The Cabinet is requested to consider the exempt report and its exempt appendices and make the resolution as set out in section 2.1 of the report.

### NOTES

1) 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.

2) 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.

3) Subject to Covid-19 Risk Assessments members of the public are advised of the following;

- Where a member of the public has registered a question they will be invited to attend the meeting and will be issued a seat in the public gallery.
- You are advised not to attend any face to face meeting if you have symptoms of Covid.

4) Subject to the provisions allowing the exclusion of the press and public, the photographing, filming or recording of this meeting from the public seating area is permitted. To assist with the management of the meeting, anyone wishing to do this is asked to inform the chairman of the meeting of their intentions before the meeting starts. The use of mobile devices for access to social media is permitted, but these should be switched to silent for the duration of the meeting. Those undertaking such activities must do so discreetly and not disrupt the meeting, for example by oral commentary, excessive noise, distracting movement or flash photography. Filming of children, vulnerable adults or members of the audience who object should be avoided. [Standing Order 11.3 of Chichester District Council's Constitution]

5) A key decision means an executive decision which is likely to:

- result in Chichester District Council (CDC) incurring expenditure which is or the making of savings which are, significant having regard to the CDC's budget for the service or function to which the decision relates or
- be significant in terms of its effect on communities living or working in an area comprising one or more wards in the CDC's area or

- incur expenditure, generate income, or produce savings greater than £100,000

### **NON-CABINET MEMBER COUNCILLORS SPEAKING AT THE CABINET**

Standing Order 22.3 of Chichester District Council's Constitution provides that members of the Council may, with the Chairman's consent, speak at a committee meeting of which they are not a member, or temporarily sit and speak at the committee table on a particular item but shall then return to the public seating area.

The Leader of the Council intends to apply this standing order at Cabinet meetings by requesting that members should *normally* seek the Chairman's consent in writing by email in advance of the meeting. They should do this by noon on the Friday before the Cabinet meeting, outlining the substance of the matter that they wish to raise. The word normally is emphasised because there may be unforeseen circumstances where a member can assist the conduct of business by his or her contribution and where the Chairman would therefore retain their discretion to allow the contribution without the aforesaid notice.

# Public Document Pack Agenda Item 2



Minutes of the meeting of the **Cabinet** held in the Committee Rooms, East Pallant House on Tuesday 16 April 2024 at 9.30 am

**Members Present** Mr A Moss (Chairman), Mr J Brown (Vice-Chairman), Mrs T Bangert, Mr D Betts, Mr B Brisbane, Ms J Brown-Fuller and Mr M Chilton

**Members Absent** Ms H Desai

**In attendance by invitation**

**Officers Present** Mrs L Baines (Democratic Services Manager), Mr N Bennett (Divisional Manager for Democratic Services), Ms P Bushby (Divisional Manager for Communities and Customer Services), Mr T Day (Environmental Strategy Manager), Mr A Frost (Director of Planning and Environment), Mrs J Hotchkiss (Director of Growth and Place), Mr J Mildred (Divisional Manager for Corporate Services), Mrs T Murphy (Divisional Manager for Place), Mr T Radcliffe (Human Resources Manager), Mrs L Rudziak (Director of Housing and Communities), Mrs D Shepherd (Chief Executive), Mrs F Stevens (Divisional Manger for Planning), Mr J Ward (Director of Corporate Services) and Mr W Townsend (Health and Safety Manager)

## 131 **Chair's Announcements**

Apologies for absence were received from Cllr Desai.

## 132 **Approval of Minutes**

In a vote the following resolution was agreed:

### **RESOLVED**

That the minutes of the Cabinet meeting on 5 March 2024 be approved and signed as a correct record.

## 133 **Declarations of Interests**

Mr Bennett declared an interest in item 13 as a member of his family works for the team. He withdrew from the room for the item.

**Question 1 from Simon Oakley:**

Noting the flooding in way of the holiday and caravan parks at Bracklesham and Earnley last week, and the importance of sites such as these to Chichester District's visitor economy, could you advise as to what engagement CDC and its coastal engineering service, Coastal Partners, have had with the Environment Agency over the past two years with regards the state, and future, of the groynes and shingle covered, clay cored, coastal defence bank which lies, and in part lay, between the Western rock arm of the Medmerry re-alignment scheme and the East end of East Bracklesham Drive, given what happens to this coastal frontage will have implications for the coastal defence of the permanent dwellings in the Eastern part of Bracklesham?

**Response from Cllr Brown to question 1:**

Thank you for the question. The council's Coastal Partners have been working closely with the Environment Agency on all matters associated with managing these risks. The events affecting Medmerry Caravan Site and Bracklesham Caravan and Boat Club last week involved tidal levels that were similar to or exceeded the highest tidal levels ever recorded locally and are a stern reminder of the risks associated with the coast. The beach in front of the caravan parks is managed by the EA, but the beach is updrift of the section of foreshore managed by the District Council and thus impacts our management and so it is essential that we continue to communicate regularly with the EA. When we identified erosion to the west of the Medmerry rock arm (between Medmerry and Bracklesham) the council began more specific engagement with the EA over the past couple of years, and remain abreast of their monitoring, thinking and proposals. The focus for our coastal service is to ensure flood & coastal erosion risk is effectively managed, and to ascertain the potential impact any decision or works will have on adjacent frontages.

These interactions have unsurprisingly intensified with the recent flooding, and the EA have begun re-profiling the beach which should lead to a reduction of the risk of a recurrence of the recent flooding.

Mr Oakley was permitted a supplementary question which was as follows:

What is CDCs' understanding of the EAs intentions/Policy for the future of this frontage? Is it "hold the line" or "managed retreat", noting the deterioration of the groynes and clay core of the bank along this frontage and that the frontage in way of the Medmerry re-alignment scheme's breach has rolled back considerably further than originally envisaged which, if managed retreat applies to the West of Western Rock Arm frontage, would have significant implications for the holiday parks and the East end of Bracklesham?

Cllr Brown responded that his understanding is that there is not a policy of managed retreat. Mrs Stevens explained that the council uses coastal partners as its engineering service. There is a shoreline management plan which outlines policy for

frontage. She added that she could not be sure if they have been updated to include the Medmerry scheme so she would need go back to Coastal Partners to provide a response.

**Question 2 from Simon Oakley:**

Noting the importance of Car Park income to CDC's finances, could you advise as to what loss of car parking income has arisen from unauthorised occupations of CDC Car Parks by groups of Caravans and attendant vehicles during FY23/4, including any estimate of loss of income due to other vehicles being deterred from using affected car parks during such unauthorised occupations? Were any Penalty Charge Notices issued in relation to these unauthorised occupations? If PCNs were issued, how many were issued, how many have been paid and if any have not has subsequent action been taken to obtain payment?

**Response from Cllr Moss to question 2:**

Thank you for your question. We do not hold any evidence of customers advising the parking services that they have been unable to park in a particular car park and have decided not to visit Chichester, generally if a car park is unavailable or full then customers will look for alternative parking at a nearby car park. Due to this reason, it is not possible to ascertain if there has been an impact on income. Typically people will find a car park that is not full.

With regard to PCN's all users must adhere to the same requirements in terms of payments, and where safe to do so if there has been a parking contravention a PCN will be issued. Where Penalty Charge Notices remain unpaid, we would follow the process as set out through the Traffic Management Act to recover the debt. We do not, however, record the number of Penalty Charge Notices issued to a particular group of individuals.

Mr Oakley was permitted a supplementary question. He asked whether occupied spaces were being paid for and what was being done regarding loss of parking income. Cllr Moss explained there had been no evidence of a loss of revenue as a result of incursion. He acknowledged that they are a challenge to residents with some of the issues that have been raised.

**Question from Les Payne:**

Question on behalf of Manhood Classics Car club.

The new proposed policy regarding the hire of CDC land for 'events' which is to be discussed today poses many questions for our group.

We have always maintained that we have met in the East Beach car park to get refreshments and meet like minded friends at the Beach Kiosk, paying car parking fees when the charges applied. Some people would also look at each others cars which of course, encouraged the general public to do so as well and enjoyment was had by all. We do not consider this to be an 'event'.

The proposed policy seems to indicate that we MUST now make this into an event instead of just parking our cars. The "Event" appears to suggest to us, that as a not for profit but charitable group, although not a registered charity, we will be subject, according to what size our 'EVENT' is deemed to be, to a charge of hundreds of £'s for each 2.5 hour meet up once a month. With admin fees, hire fees and set up fees, this appears to be that we are expected to pay approximately £330 minimum for each time we park our cars?

Despite the lengthy and detailed discussions we have had over the last 4 months, it still seems that we are talking on crossed purposes.

Such charges would make our visit to East Beach car park and refreshment kiosk totally unviable for us to the disappointment of us and many hundreds of people who have expressed their concern over the last four months.

We feel that an annual charge reflecting what we actually do in the car park would be fairer in our case.

Could the council please explain to us in more detail how they expect this to work.

We also note that there are suggested percentages of car park areas allocated for such 'events'. Whilst the East Beach car park has been allocated between 20 and 50% depending on the time of year, some car parks allocation suggests that an event in their car parks would consist of 4 car parking spaces?! Is this really classed as an **event**?!

It has been suggested that in the summer months that people park on the nearby roads because they could not get in the car park. This is definitely not correct. Many drivers park in such places and choose not to pay the parking fees and this will always be the case.

I would ask the cabinet to clarify what they deem to be summer months and if a larger percentage for these months could be considered.

### **Response from Cllr Brown-Fuller**

Thank you for your question Mr Payne. Members you will be aware that the consideration of a new policy is on the agenda at item 9 and once the policy is agreed and adopted then organisations can apply and I am glad you can be with us today Mr Payne.

The Policy will seek to clarify our position was there was no Policy in place beforehand to allow events in our car parks.

The intended and main aim of car parks is to provide parking for visitors, residents and businesses, which will always remain the priority. The use of car parks for anything other than parking would be classed as an event or activity.



The council must be consistent with its actions and ensure that capacity can be maintained, along with delivering its duties relating to health and safety. Events or activities will normally only be considered by organisations which are incorporated, this enables the organisation to be responsible for its obligations rather than these falling to the council.

The policy provides detail for requests and considerations for the hire of land and sits alongside the wider hire of land events policy with the associated application forms. Where a percentage has been indicated for car parks this is to cover both events and activities and there are examples of these shown in the policy.

To answer your question regarding the summer months within car parks are considered to be from 1<sup>st</sup> April to 31<sup>st</sup> October in line with our fees and charges linked to seasonality in our car parks and the percentage allocation for the months which might be deemed appropriate reflects the anticipated demand on the car park to ensure that car parking can be provided.

There are costs associated with the use of car parks and within the policy the expectation is that these are covered by the event or activity organiser. Where an event or activity is approved on a recurring basis the expectation would be that the application will reflect this and there would not need to be a separate application each time. However, an upper limit to the number of events would be applied to this (which would be generally one year), to enable ongoing confirmation of insurance documents and other requirements.

Costs associated will be calculated once the application is received to consider issues such as the income, the time and resource to ensure that the site is clear and ready for the event to take place (including signage beforehand) and also costs associated once the event has taken place.

Mr Payne was permitted a supplementary question. He explained that the Manhood Classic Cars Group does not agree that the meet is an event. He asked if the Group would be able to have an annual policy. Cllr Brown-Fuller explained that once the Policy has been adopted further conversations with the Group will take place as the council would like to support the Group and the event as an important event for Selsey.

Cllr Moss welcomed Mr Payne staying for the debate on the new Policy addendum.

### 135 **Chichester Harbour Management Plan 2024-2025**

Cllr Brown introduced the report. Mr Day was present.

Cllr Bangert asked if it would be possible for the Management Plan to provide a more defined buffer between the coast and the harbour. Cllr Brown explained that planning applications have to give due regard to the area and surroundings. He noted that he shared concerns relating to the effects on the harbour. Mr Frost explained that a Management Plan is not the tool for establishing the buffer. Taking account of the setting is a subjective matter which members need to bear in mind going forward.

Cllr Brisbane referred to the reference to 'traditional farming practice'. He raised concerns that farming is a significant contributor to nitrogen levels. He asked if it would be possible to introduce more robust measures for farming run off other than the interim five metre buffer.

Cllr Moss clarified that Chichester Harbour Conservancy are the authors of the Management Plan with the Cabinet being asked to approve. In response to Cllr Brisbane Mr Day added that the five metre buffer is standard farming practices based on national guidelines and best practice. Anything beyond that would need to be considered in the 2025-2030 Plan.

Cllr Moss gave his support to the Chichester Harbour Management Plan noting its benefit to the community.

In a vote the following recommendation was agreed:

**RECOMMENDATION TO COUNCIL**

**That Cabinet recommend to Council that the Chichester Harbour Management Plan 2024-2025 is adopted.**

**136 Consultation on the Second Climate Emergency Detailed Action Plan**

Cllr Brown introduced the report. Mr Day was present. He reiterated that the key considerations are the options and rankings made by the Environment Panel. He added that the format of the document will be more accessible for the website.

Cllr Moss noted the importance of the consultation and reiterated that the document will be accessible on the website.

Cllr Brown explained that the Climate Champions network is a new idea for Chichester. He confirmed the aim to work with communities to help cascade ideas outwards. He explained it would involve the sharing of ideas and best practices from within the community to build momentum.

In a vote the following resolutions were agreed:

**RESOLVED**

**That Cabinet:**

**a) approves the options for consultation as outlined in Appendix 1; and;**

**b) approves the consultation process and budget Option 2 - £15,000 as outlined in Appendix 2, to be funded from General Fund reserves.**

**137 Alcohol & Drugs Misuse Policy**

Cllr Chilton introduced the report. Mr Radcliffe was present. Mr Radcliffe explained that he had worked closely with Corporate Health and Safety and in conjunction with Horsham District Council. He hoped that in practice there would not be a requirement for many tests as the Policy would act as a deterrent. He confirmed that courses are being organised from 1 July 2024 for those managers and supervisors who may need to test their staff.

Cllr Bangert asked whether there was any data from other councils. Mr Radcliffe explained that the council does not carry out many tests. He reiterated the council's working partnership with Horsham District Council. He explained that Eastbourne and Lewes councils have also started to carry out random testing. Cllr Bangert requested assurance that support will be provided to staff when needed too.

Cllr Brown-Fuller asked whether there will be an area which is safe and private where the person will wait and whether they be supported by another member of staff of their choosing at that time. Mr Radcliffe explained that if the Policy is supported by Cabinet an area will be available.

Cllr Brown asked whether any historic incidents had been identified where the Policy would have been of use. Mr Radcliffe explained that there had been incidents where people driving for the council have had to be sent home.

Cllr Chilton noted that the type of Policy is usual practice in corporate organisations.

In a vote the following resolution was agreed:

## **RESOLVED**

**That the Cabinet accepts the revised Alcohol & Drug Misuse Policy.**

### 138 **Gypsy Traveller Liaison Role**

Cllr Bangert introduced the report. Ms Bushby and Mrs Stevens were present.

Cllr Brisbane explained that as well as providing better communications there are also benefits for the planning department. He explained that it is likely that the role will be able to liaise to find out who is occupying the sites. With regard to enforcement he noted that it is likely to speed up the process by having a liaison to help identify who to speak to.

Cllr Brown explained the importance of finding the right person for the role.

Cllr Moss endorsed the need for the post. He thanked the officers for bringing the report forward.

Cllr Bangert wished to emphasise the wellbeing benefits of the role. She added the importance of the liaison encouraging inoculations and education.

In a vote the following resolutions were agreed:

## RESOLVED

1. That Cabinet agree the release of £50,000 from reserves to fund a Gypsy Traveller Liaison Role (as described in the Appendix) for the 24/25 financial year.
2. That the post is included in base budget from 25/26 (subject to review).

Members took a short break.

### 139 Hire of Car Parks for Events and Activities - Addendum to Events Policy

Cllr Brown-Fuller introduced the report. Mrs Murphy was present.

Cllr Boulcott was permitted to speak. He asked how the council would differentiate from those attending the event to those parking. He also explained that in East Beach, Selsey most events take place on the grass not the car park. He requested an amendment to the addendum to provide 50% capacity to East Beach car park, Selsey all year round. He noted that events bring people to the area increasing footfall for traders and also car park revenue. He raised concerns that recurring events will be unable to self fund if the licence fee is too high. He requested that the fee be set at a maximum of £100.

Cllr Brown-Fuller thanked Cllr Boulcott for his input and questions. With regard to increasing parking revenue she explained that there could be a loss of income for car parks hosting events. She acknowledged that the nuance would need to be explored by officers and reflected on a case by case basis. She clarified that the percentages in the table indicate the anticipated car park use. The boundaries in the car park during the event would need to be agreed and monitored for overspill. The information would then be used to help decide any future events in that car park. She also clarified that setting a fixed fee would not necessarily cover the administrative costs for the council as it would depend on the size and type of event.

Mrs Murphy confirmed that the Policy allows operational decisions to be made by the parking services team.

Cllr Moss noted that it is important to allow the officers to use their discretion to agree the most appropriate use of the car parks. Cllr Moss added that the impact will be that other organisations will come forward wanting to hold events in the council's car parks.

Cllr Brown explained that he felt it reasonable to define the Car Club meets as an event. He added that Policy Addendum is designed to enable community groups to hold an event. He clarified that there is no intention to double charge anyone for using the car park for an event and then for parking on top.

Cllr Chilton requested that officers treat the site areas indicated on page 181 with a degree of flexibility. Mrs Hotchkiss explained the service knows what is happening on a day to day basis.

Cllr Brown asked if there is flexibility to review the Policy. Cllr Moss explained that it would be looked at over time.

In a vote the following resolution was agreed:

**RESOLVED**

**That the Addendum to the Council's existing Events Policy, as attached at Appendix 1, be approved to provide further guidance for use of car parks for events and activities.**

140 **Shingle Grading at Bracklesham Beach**

Cllr Brown introduced the report. Mrs Stevens and Mr Townsend were present. Mrs Stevens explained that officers had some concerns about the frequency of the grading but understand it is a trial at this stage.

Cllr Moss explained that he visited the site over the weekend. He added that the tide will return the stones therefore on three occasions as a trial the evidence needs to show that it lasts more than 24 hours. He requested that the grading be arranged at the right time to maximise the benefits.

Cllr Brown explained that value for money is whether the community use the beach on the three opportunities that are created.

Cllr Brown-Fuller asked how much flexibility there would be to book the contractor and how it would be communicated with the community so they can make the most of the three opportunities to use the beach. Mr Townsend explained that he hoped it would be completed in a reasonable amount of time. He explained that social media channels would be used to publicise. Mrs Stevens added that there is a long term weather forecast to help timings. With regard to the trial the council may not be able to monitor the usage of the beach. Cllr Moss hoped that the residents and the Parish Council would help demonstrate the value.

Cllr Brisbane added that the Parish Council should be taking a role in communicating when the beach would be available and also contributing to the cost. He added that if the trial is a success then the Parish Council should take on the cost rather than the district council.

Cllr Chilton raised concerns that the evidence is representations made by the Parish Council and the local residents rather than scientific evidence.

Cllr Bangert explained it is important to listen to the residents.

Cllr Brown accepted that decisions need to be evidence based but was mindful of the evidence that is and is not available. Mr Bennett responded. He explained that decisions have to be on the basis that there are reasons to make that decision. There is a concern that there is a distinct lack of evidence available. Those presenting the evidence to the council are those that have an interest in continuing it going forward. At present Mr Bennett was troubled by the fact that there is little to no

evidence rather than anything more substantial. He wished to make sure that Cabinet know they need to work from within an evidence base.

Cllr Brown recognised that representations come with their own caveats and potential bias. The absence of evidence does not mean that something is not happening. The stronger the case the local community make will strengthen the case that it is something the Parish Council should be funding. He clarified that there is no longer term commitment, just proposing the trial.

Cllr Moss wished Mr Bennett to confirm if a vote would be appropriate. Mr Bennett confirmed that a vote could take place. He advised that if members feel that there is no evidence they should vote against.

Cllr Brown proposed the following recommendation:

**That Cabinet considers the options for shingle grading at Bracklesham beach identified in paragraphs 5.1 – 5.8 below and approves its preferred option. The preferred option being Option 2 – Grade the slipway at Bracklesham Bay three times per year.**

This was seconded by Cllr Bangert.

Cllr Brisbane asked for advice on when to request an amendment to the Motion. Cllr Moss confirmed that this should be before the vote.

Cllr Brisbane requested including monitoring within the recommendation. Mrs Shepherd explained that any formal monitoring would need to be considered by officers and then brought back to Cabinet. She explained that members could opt to defer. Mrs Stevens added that to cost and quote would need additional staff resources so she would need to go away and come back with figures.

Cllr Brown asked as an alternative if Foreshores staff could be asked to provide attendance on those dates that the council does the work and also ask the Parish Council for formal feedback. Mr Townsend explained that there is only one full time employee so there would not be capacity to provide coverage every day of the week. Mrs Stevens explained that the Foreshores Officer could be called away on an urgent matter. Cllr Brown accepted the points but suggested three occasions over the summer could provide feedback. Mrs Shepherd explained that if agreed today officers would need to come back with the figures for monitoring. Mr Frost added that monitoring would be needed all day for the three days grading. He suggested alternatives might need to be considered such as camera monitoring. Mr Ward explained that if members want to monitor usage there would need to be monitoring when the shingle work takes place and other times to provide a direct comparison. Mr Ward suggested if that were the decision then members could defer the item. Cllr Moss explained that there may be a risk that the work would not take place this summer if deferred. Cllr Brown explained that he would be comfortable approving without a formal worked up monitoring. He suggested that members could take a vote today on the original proposal and then at the next meeting consider the monitoring options. Mrs Shepherd explained that the proposal which has been seconded could be voted on. If monitoring is added that would need to be a deferral.

Officers could bring a report back to the next meeting if monitoring needs including. Mr Bennett added that if Cllr Brisbane wished to defer for a report on monitoring that should be voted on first. If that unsuccessful then Cllr Brown's proposal would be voted on next.

Cllr Brown-Fuller asked if officers could talk to the Parish Council and explain that there would be no permanency to the grading if the Parish Council.

Mrs Stevens explained that monitoring the usage is not just about that day. It has to be monitoring outside of the period as well.

Cllr Moss suspended the meeting for advice on wording an amended recommendation.

The meeting then resumed.

Cllr Brown proposed the following amended recommendation:

**That Cabinet considers the options for shingle grading at Bracklesham beach identified in paragraphs 5.1 – 5.8 below and approves its preferred option. The preferred option being to Grade the slipway at Bracklesham Bay three times per year for the coming year and if the trial is successful that the Parish Council be asked to take on the ongoing cost of the grading.**

This was seconded by Cllr Bangert.

In a vote the following resolution was agreed:

**That Cabinet considers the options for shingle grading at Bracklesham beach identified in paragraphs 5.1 – 5.8 below and approves its preferred option. The preferred option being to Grade the slipway at Bracklesham Bay three times per year for the coming year and if the trial is successful that the Parish Council be asked to take on the ongoing cost of the grading.**

#### 141 **Late Items**

There were no late items.

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

Cllr Moss proposed that the Cabinet went into Part II. This was seconded by Cllr Brown.

In a vote the following resolution was agreed:

#### **RESOLVED**

**That the Cabinet considers in respect of agenda items 13-14 that the public including the press should be excluded from the meeting on the following ground of exemption in Schedule 12A to the Local Government Act 1972**

**namely Paragraph 3 (Information relating to the financial or business affairs of any particular person (including the authority holding that information)) and because, in all the circumstances of the case, the public interest in maintaining the exemption of that information outweighs the public interest in disclosing the information.**

Members took a short break.

**143 Planning Validation Software Pilot**

Cllr Chilton introduced the report. Mr Mildred and Ms Stevens were present.

Cllr Brisbane provided comment.

Cllr Brown asked a question about why the item was in Part II. Mr Mildred outlined the reason.

In a vote the following resolution was agreed:

**RESOLVED**

**That the resolution as set out in section 2.1 of the report be agreed.**

**144 Urgent Decision Notice - Part II Exempt**

On behalf of the Cabinet Cllr Moss formally noted the Part II exempt Urgent Decision Notice.

The meeting ended at 11.46 am

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CHAIRMAN

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Date:



Chichester District Council

CABINET

14 May 2024

**Chalk Stream Resilience Project – Arun and Rother Rivers Trust**

**1. Contacts**

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**Cabinet Member:**

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**2. Executive Summary**

The Arun and Rother Rivers Trust (ARRT) have approached CDC with a request to part-fund 2 new posts for three years. One post will work on the restoration of the Ems and the Hambrook. The other will begin work on a similar plan for the Lavant and its subsequent implementation. The success of both posts will be judged against a variety of metrics, both ecological and on the amount of additional funding secured for works that improve water quality and restore habitats. This report explains the funding proposal and the governance arrangements proposed for the project.

**3. Recommendation**

- 3.1 That Cabinet recommends to Council that funding for the Arun and Rother Rivers Trust's (ARRT) Chalk Stream Resilience project of £180,000 (£60,000 per year for three years) is allocated from General Fund Reserves.**
- 3.2 That the Director of Planning and Environment is authorised to enter into a Memorandum of Agreement with ARRT to secure the funding and governance arrangements.**
- 3.3 That approval of the release of the allocated funding for years 2 and 3 is delegated to the Director of Planning and Environment, following consultation with the Cabinet Member for Environmental Strategy, following an annual review of the project's performance.**

**4. Background**

- 4.1 The rivers Ems, Hambrook and Lavant are among only 238 chalk streams and rivers in England. These are globally very rare habitats, but none of these rivers is a designated site for nature (e.g., Site of Special Scientific Interest). These rivers are suffering from the effects of abstraction, pollution, habitat loss, drought and**

interruptions to natural processes and flow. They also feed into the internationally protected Chichester Harbour Special Protection Area.

- 4.2 The Arun and Rother Rivers Trust (ARRT) is one of a national network of river trusts that aim to protect and restore our rivers and streams. The Trust's area covers nearly all of Chichester and Arun Districts (see map in Appendix 1). The Trust has been working on a series of catchment-based plans for the restoration of rivers and their tributary streams within Chichester District. The Rother project is one of these projects and is being led by the South Downs National Park Authority, with the Council contributing match funding of £5k per year for 2 years. For the Ems / Hambrook and the Lavant, ARRT have approached the Council with a funding proposal for two Chalk Stream Resilience Officers over 3 years. These posts would enable ARRT to apply for and implement further grants funding for physical enhancements and educational work in those catchments to restore the rivers.

## **5. Outcomes to be Achieved**

- 5.1 The funding proposal (appendix 1) sets out detailed list of outputs for each catchment. These are not identical for the two posts as the river Ems restoration plan is more advanced than work on the Lavant (which has yet to begin). The success measures that the project officers will report against are also set out.
- 5.2 The principal outcomes are restoration of natural function in the river channels, tackling invasive non-native species, river and floodplain restoration (re-meandering, water meadow restoration, ponds etc). Alongside this work the project officer will work with landowners and the community to carry out citizen science monitoring or water quality, biodiversity and incident reporting. They will also run events to build community engagement and understanding of the issues affecting the rivers and hence support for potential solutions.
- 5.3 The detailed outcomes will be further developed through discussions between ARRT and CDC and secured in a funding agreement (MoA) between the parties.

## **6. Proposal**

- 6.1 The primary reason for the proposal is to protect and restore the Rivers Ems and Lavant, together with the Hambrook stream, the chalk streams with the largest catchments in the District. The part funding by the Council of two project officers so that they can be full time posts enables the Trust to carry out planning and engagement work and produce a plan for the Lavant and Hambrook. It will also allow for the continued monitoring of the Ems and the further implementation of the 10-year Restoration plan and the identified outcomes for the project as a whole to be delivered.
- 6.2 The funding request to CDC is sufficient for the posts to be filled at 0.8FTE and for the outcomes in the appendix to be delivered. ARRT is seeking additional funding elsewhere for the staff costs of these posts, in order to make them full time. The funding proposal does not guarantee funding will be secured for habitat improvements. The request is based on the necessity to have the officer posts, the engagement process and the plan in place to be able to make further funding bids for capital projects and other aspects of delivery (e.g., volunteer training, education programmes). However, the Trust has proposed that the amount of funding secured

and ratio of funding secured per £ of CDC investment are key performance metrics for the release of CDC funding at the annual reviews.

- 6.3 The project timescales will not fall neatly into financial years. The first year would begin in mid-24/25. The review process is proposed to be through the Environment Panel, with the Cabinet member making a delegated decision on the release of further tranches of allocated funding. The review will take place ahead of the end of the first calendar year of delivery.
- 6.4 The annual review process is separate to regular steering group meetings between CDC officers, ARRT and other funding partners. The MoA will set out the governance arrangements for the project, but it is anticipated that the steering group will meet quarterly to monitor delivery. Day-to-day management will be by ARRT's manager.
- 6.5 Should the recommendations be agreed, the next steps are to negotiate a Memorandum of Agreement to set out the Year 1 outputs, targets for the key success measures and the timescale for the annual review.

## **7. Alternatives Considered**

- 7.1 Alternatives considered included funding of the Ems / Hambrook post only on the basis that work is further advanced in that catchment, with a 10-year restoration plan for the Ems already drawn up. However, water quality issues on the Lavant are known to be an ongoing concern.
- 7.2 Making a reducing funding offer contingent on securing match funding for staff costs was also considered, but risks undermining the project before it has begun and the securing of match funding for non-staff costs is the rationale for funding the posts and is the key success measure for the release of funding beyond year one.

## **8. Resource and Legal Implications**

- 8.1 There is no current budget that would support the funding proposal. The recommendation is therefore to fund from reserves, with the budget to be provided for year one immediately following the completion of the MoA and other funding agreed so as to give certainty to the project (subject to the review process).
- 8.2 As a fixed term project there are no recurring resource requirements.
- 8.3 Other sources of funding include the Environment Agency (under the Water framework directive requirements), funding bids to Portsmouth Water and Southern Water and other likely funders public/private and philanthropic. There is no statutory requirement for the Council to fund such work, but the work will form a key part of our upcoming Biodiversity Strategy, through enhancing a rare habitat, by working across the wider catchment areas, and by connecting with our proposed Strategic Wildlife Corridors.
- 8.4 The ongoing monitoring of the project's performance and facilitating the annual review will be managed within the existing resources of the Environmental Strategy team, and this will support the development of the new Biodiversity Strategy for the District.

8.5 As an externally hosted project there are no potential redundancy/maternity pay costs, IT requirements or property implications.

## 9. Consultation

9.1 No specific consultation has been undertaken on this project proposal. However, the River Ems 10-year restoration Plan has been prepared with extensive input from the communities and landowners in the Ems catchment. The development of restoration plans for the Hambrook and Lavant will also be subject to consultation.

## 10. Community Impact and Corporate Risks

10.1 Restoration of rivers delivers environmental benefits. Working across a catchment to improved water quality has additional benefits for the state of Chichester Harbour. The projects will engage their communities in monitoring and offer volunteering opportunities.

10.2 The risks of non-delivery centre mainly on drawing in external funding for site specific improvements. The annual review would prevent the project continuing if it was unsuccessful, but the Council officers would endeavour to work though the steering group meetings to avoid that situation arising.

10.3 For the Lavant, development of a plan will take a period of time to develop in year one. The targets for investment secured at the end of year 1 will have to reflect this, but the plan should identify suitable project sites and the funding sources that would apply to these.

## 11. Other Implications

	Yes	No
<b>Crime and Disorder</b>		X
<b>Biodiversity and Climate Change Mitigation</b> Chalk streams and rivers are a rare and vulnerable habitat. By working at a catchment scale to tackle issues of water quantity and quality and by securing investment from other funders for riparian habitat restoration, this project will safeguard the future of three of the most significant streams in our District.	X	
<b>Human Rights and Equality Impact</b>		X
<b>Safeguarding and Early Help</b>		X
<b>General Data Protection Regulations (GDPR)</b>		X
<b>Health and Wellbeing</b> The project will result in an improved natural environment for residents of the District to enjoy, and offer volunteering opportunities to undertake positive environmental work in an outdoor setting	X	
<b>Other</b> (please specify)		X

## 12. Appendix

12.1 ARRT Chalk Stream Resilience Officer Funding Proposal.

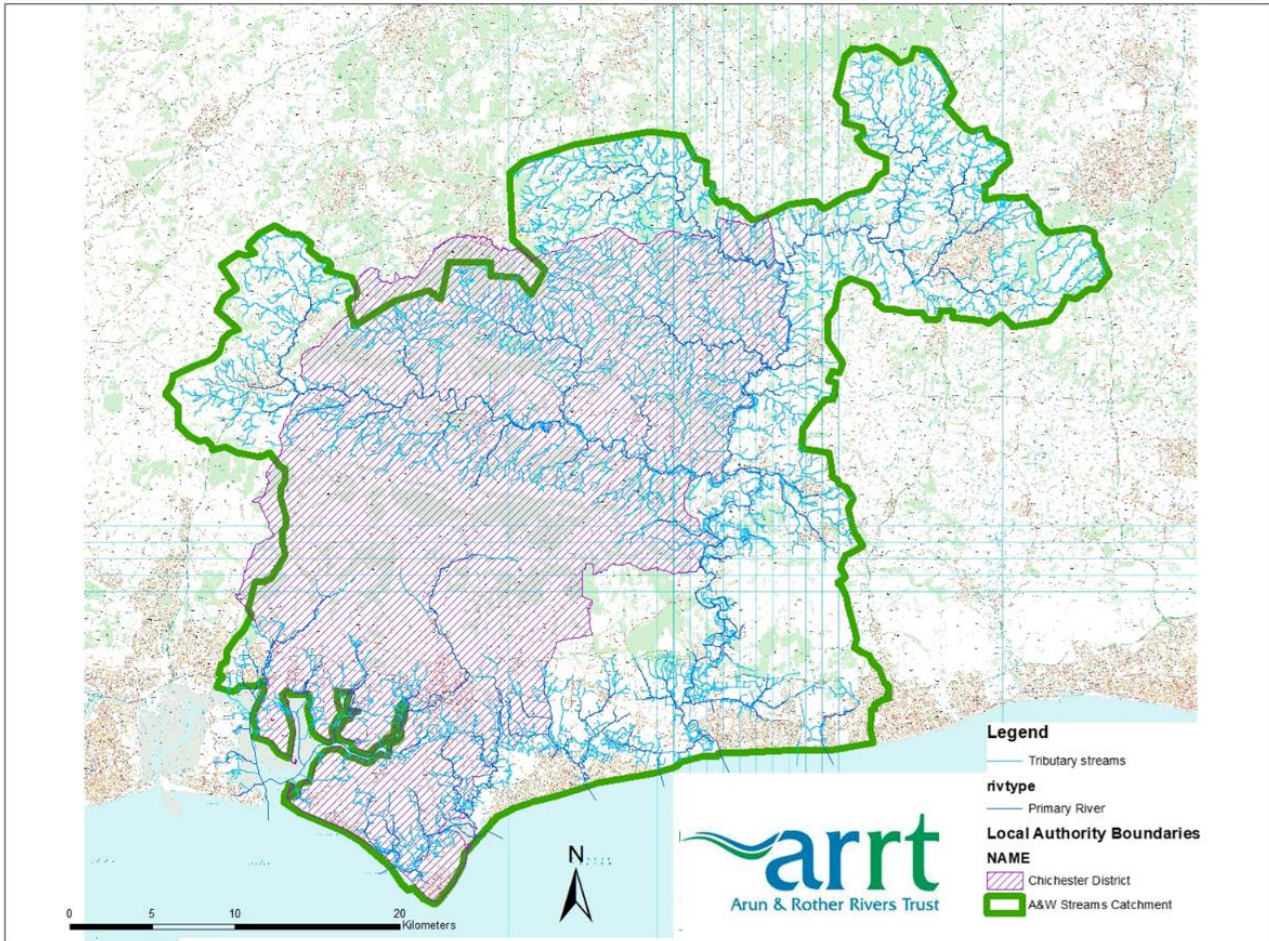
### **13. Background Papers**

None

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**Background:**

The Arun and Rother Rivers Trust (ARRT) is Chichester District Council’s Rivers Trust. CDC’s area covers most of our catchment.



ARRT’s aims are to protect and restore our rivers and streams, and to increase the public’s understanding of our rivers and their associated wildlife, and the value which they bring to our lives.

**Proposal:**

We would like CDC to part-fund two Chalk Stream Resilience Officers, one focusing on the Ems and Hambrook and a second on the Lavant.

We would like to ask CDC to contribute £30,000 per catchment per year for 3 years (total £60,000 per year for 3 years).

**The need:**

The River Ems, Hambrook and Lavant are among only 283 chalk rivers and streams in England. These rivers and streams were described by the [Chalk Stream Restoration Strategy](#) (2021) as our equivalent to the Great Barrier Reef, holding ‘a truly special natural heritage with a responsibility’. They are not only locally precious, but globally unique.

These streams and rivers also feed Chichester Harbour, an internationally important habitat for wildlife.

We have a vision to enhance the status for our chalk streams, as their current condition does not benefit their uniqueness. These streams are suffering from the effects of abstraction, drought, pollution, habitat loss, development, and interruption to the natural processes which should occur in a healthy river. We have all seen the effects of increasing flooding over recent years – another symptom of how we manage our rivers. Taking action now to restore, protect and ready them for future changes is vital.

The Chalk Stream Resilience Officers would enable ARRT to apply for and activate further grant funding. We would use this to up-skill local residents and groups, and to protect and restore these rivers, making them more resilient to climate change and inspiring local communities to look after them. We would measure this and report back on the ratio of funding secured per £ of CDC investment.

**Outputs:**

1. **Ems:** Working with stakeholders and local people ARRT have drawn together the ‘River Ems Restoration Plan 2024 – 2034’. This includes 56 recommendations focused on improvements to water quality, water quantity issues and habitats and species.

The following table provides prioritised recommendations to be delivered by the Chalk Stream Resilience Officer working in partnership with landowners and others. Each output has an associated success measure which will be monitored and reported back to the funder.

Output	Success measure (reported back annually to CDC)
<p>Improvements to fish passage to allow fish to seek refuge during times of low flow and poor water quality.</p> <p>Yr 1: Plans finalised for two projects at Westbourne Mill &amp; Lumley sluice, funding secured, permissions and permits in place.</p> <p>Yr 2-3: Capital works delivered at Westbourne Mill and Lumley sluice.</p> <p>Yr 2-3: Further investigations of culverts, weirs and sluices and planning for removal or modification to allow fish passage.</p>	<p>Project plans and permits</p> <p>km of stream opened up to fish movement</p> <p>Project plans</p>
<p>River and floodplain restoration inc. re-meandering, pond creation, water meadow restoration to increase resilience to high and low flows, and increase biodiversity.</p> <p>Yr 1: Plans finalised, funding, permissions and permits in place of enhancements at Walderton water works.</p> <p>Yr 2-3: Capital works delivered at Walderton.</p> <p>Yr 2-3: Work with landowners to plan further river corridor and floodplain enhancements.</p>	<p>Project plans and permits</p> <p>km of stream enhanced, km<sup>2</sup> of river corridor enhanced, no. people engaged, funding secured</p>
<p>Tackling Invasive Non-Native Species (INNS).</p> <p>Yr 1: INNS watch volunteer programme established to identify the distribution of INNS throughout the catchment, landowners engaged, eradication strategy produced, quick-win INNS removal</p>	<p>No. volunteers trained and engaged, hours of surveying conducted, survey results displayed on ARRT Cartographer map (online map to view by all)</p> <p>Eradication strategy report produced</p>



Yr 2-3: Further INNS removal and replacement with suitable native planting	m/km <sup>2</sup> of invasives removed, m/km <sup>2</sup> of native planting established
Enhancing the river channel to improve artificially altered sections, reducing impact of low flows and improving biodiversity.  Yr 1: Work with landowners on sites identified in Ems restoration pipeline to plan enhancements works at a minimum of 3 sites  Yr 2-3: Deliver identified projects	Project plans and permits, funding secured  km of stream enhanced
Community engagement events and activities with the aim of: Increasing citizen science volunteering Improving understanding of chalk streams and beneficial management Resolving conflict between stakeholder groups Reducing water use Supporting Friends of groups  Yr 1-3: Regular walks, presentations, attendance at community events	No. events delivered/attended, no. people engaged
Citizen science surveying established (biodiversity, water quality testing, outfall surveys, Invasive Non-Native Species (INNS) identification)  Yr 1: Volunteer surveyors recruited and surveying, Cartographer (online map open to view by all) set up to receive data  Yr 2-3: Further volunteers recruited and data is being used for project planning	No. volunteers trained and engaged, hours of surveying conducted, survey results displayed on ARRT Cartographer map
Ensuring project legacy  Yr 3: Legacy plan post 2027 agreed between partners	Plan produced

2. **Hambrook:** Activity will focus on partnership with the Friends of the Hambrook and wider local community. Friends of the Hambrook have identified a number of actions and enhancements, and are keen to have support from ARRT to implement these measures. Examples outputs include:

Output	Success measure
Hambrook walkover complete and restoration recommendations identified	Production of report jointly with Friends of Hambrook
Citizen science surveying established (biodiversity, water quality testing, outfall surveys)	No. volunteers trained and engaged and hours of surveying conducted
Friends of the Hambrook increase in skills and knowledge	No. of days of training/shadowing ARRT staff
'Quick win' projects delivered	Km of stream enhanced, km <sup>2</sup> of river corridor enhanced, no. people engaged, funding secured
Longer term projects identified and planned	Project plans (minimum of 2)

Funding secured for longer term projects	Amount of funding secured (£), ratio of funding secured per £ of CDC investment
Legacy plan post 2027 agreed between partners	Plan produced and resourced

### 3. **Lavant:**

The Lavant Chalk Stream Resilience Officer would work with stakeholders, the community and partners to plan and deliver tangible ‘on-the-ground’ action to improve the health and resilience of the River Lavant. Partners include the Goodwood and West Dean Estates, SDNPA, South Downs Trust, Portsmouth Water, Southern Water, the Clean Harbours Partnership and parish councils. An early focus would be on working with these organisations to help identify and implement a long-term solution to groundwater infiltration leading to over-pumping and tankering and subsequent pollution of the village pond and river at East Dean and Charlton.

Outputs for the Lavant would include:

<b>Output</b>	<b>Success measure</b>
Build support for the Lavant  Yr 1: Form a sub-catchment partnership group holding regular meetings	Minutes published
Planning and delivery of restoration and resilience recommendations  Yr 1: Walkover carried out on lower Lavant and restoration recommendations identified  (N.B – SDNPA funded walkover is underway to identify recommendations for Upper Lavant)  Yr 2-3: ‘Quick win’ restoration and resilience projects delivered, including within and downstream of Chichester city  Longer term projects identified and planned	Recommendation report    Km of stream enhanced, km <sup>2</sup> of river corridor enhanced, no. people engaged, funding secured  Project plans (minimum of 3)
Increasing capability amongst local groups and residents to safeguard the river  Yr 1: Citizen science surveying established (biodiversity, water quality testing, outfall surveys)	No. volunteers trained and engaged and hours of surveying conducted
Help facilitate the planning and implementation of a long-term solution to groundwater infiltration to prevent over-pumping and tankering in East Dean, Charlton, Singleton and West Dean  Yr 1: Assist Southern Water and others to formulate plan  Yr 2-3: Implementation – support capital works support as needed	Plan finalised  Capital works delivered for a long-term solution
Funding secured for quick-win and longer-term projects	Amount of funding secured (£), ratio of funding secured per £ of CDC investment
Legacy plan post 2027 agreed between partners	Plan produced and resourced

### **Outcomes for each catchment (long-term effects):**

- Community feels more hopeful as quick win improvements have been delivered.
- Outcomes have been demonstrated to mitigate negative impacts of development, showing the public that there are positive ways to deal with this.
- Improvements to water quality and measures to deal with peak flows and drought begin to be delivered, and invasive species are being brought under control.
- A wide section of the community are engaged with the chalk streams, value and cherish them.
- Community members enact positive behaviours to support their rivers.
- Citizen scientists have been up-skilled and empowered to monitor the rivers as an important tool to protect them.
- Schools are able to use this wonderful learning resource on their doorstep.
- The Ems becomes an exemplar showcase for climate mitigation/adaptation, nature recovery, water body resilience, community engagement and community wellbeing.
- The profile of the Lavant is increased and a group coalesced around positive action for this river.
- A solid plan for continuation of the projects beyond the 3 years contribution from CDC is in place, including identifying and applying for funding.

### **Links with existing CDC strategies:**

These posts would help CDC achieve outputs and outcomes in the following strategies and endeavours:

[Chichester Local Plan 2021 – 2039 Proposed Submission – Chapter 4 Climate Change and the Natural Environment](#)

NE2 Natural Landscape \* NE4 Strategic Wildlife Corridors \* NE5 Biodiversity and Biodiversity Net Gain \* NE6 Chichester's Internationally and Nationally Designated Habitats \* NE8 Trees, Hedgerows and Woodlands \* NE11 The Coast \* NE13 Chichester Harbour AONB \* NE15 Flood Risk and Water Management \* NE16 Water Management and Water Quality \* NE19 Nutrient Neutrality \* NE20 Pollution

[Local Biodiversity Action Plan 2020-2024](#)

Increase ecological data \* Wildlife Corridors Project \* Naturalising Chichester's Green Spaces \* Monitoring for biodiversity \* Promote biodiversity projects and achievements \* Encourage biodiversity in CDC Parks and Gardens and Estates

[Chichester District Council – Managing Water quality and wastewater](#)

Continue to support the Chichester Local Plan Water Quality Group, Chichester Harbour Protection and Recovery of Nature (CHaPRoN), and Three Harbours Technical Working groups.

[Chichester Harbour Conservancy - Policy 6 Water Quality](#)

To use evidence to influence decision making and investment in protecting and enhancing important habitats and species, and water quality improvements.

[Nutrient Mitigation](#)

There are a number of riparian improvement opportunities already identified on the Ems and Lavant which will lead to reductions in nitrates. These can then be used to mitigate impacts of the housing in the Local Plan, and contribute to outputs required under the Local Nutrient Mitigation Fund if CDC is successful in their bid for

phase 2. ARRT is already working with relevant landowners, and there would be possibility to stack additional benefits such as improved public access and Biodiversity Net Gain.

**Match funding:**

- £95,000 secured from **Environment Agency** for Ems restoration measures to March 2027. Initial funding of £10,000 for the Lavant has been requested for 24-25 (decision in April 2025). This would kick-start new citizen science investigations on the Lavant.
- Awaiting decision on £31,600 application to **UKSPF** for the Ems. This includes £15,600 towards a Chalk Stream Officer for the Ems. Therefore, if we are successful in our application the first-year contribution from CDC could be reduced by £15,600.
- **Portsmouth Water** have included a £650,000 investment in the Ems catchment as part of their Water Industry National Environment Programme delivery proposals to Ofwat. This would primarily be spent between 2025-2030, but with early start implementation before April 2025. Portsmouth Water will be notified on the outcome of their proposal bids later in the year. Their full investment proposal can be found here:  
[Business Plan 2025-2030 | Portsmouth Water](#)
- **Southern Water** have included £11.78m investment in the Lavant catchment as part of their Drainage and Wastewater Management Plan (DWMP) for the Arun and Western Streams River Basin Catchment. This work is scheduled to be delivered during the water company's Asset Management Plan Period 8 (2025-2030). This includes sewer relining and wetland creation to reduce the impact of groundwater infiltration to the sewer network. Further information can be found here:  
[AWS Options Development and Appraisal](#)  
[Lavant Investment Needs](#)
- The **South Downs Trust** and **Portsmouth Water** are funding SDNPA to carry out early investigations on the Lavant, delivering a Biodiversity Net Gain walkover which will identify recommended projects to improve the Lavant.
- In-kind support from **Goodwood Estate** and **West Dean** for the Lavant. They both have improvements to the river corridor identified in their estate plans. We have already completed an Upper Lavant walkover with these estates and SDNPA to identify sites for biodiversity and water quality improvements and natural flood management.
- Approaching **parish councils** and **West Sussex County Council** for contributions.

**Contact:**

Thank you for considering this proposal. To discuss please contact:

Aimee Felus – ARRT Trust Manager

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## Chichester District Council

### The Cabinet

#### Designated Protected Areas – Policy for applying for a Waiver

#### 1. Contacts

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##### Cabinet Member:

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#### 2. Recommendation

- 2.1 That Cabinet recommend to Council the introduction of a policy for determining applications to Homes England seeking a waiver in Designated Protected Areas (DPA), as attached at appendix 1.
- 2.2 That Cabinet recommend to Council that delegated authority be granted to the Divisional Manager for Housing, Revenues and Benefits to make minor changes to the policy and as set out in section 5 of the policy.

#### 3. Background

- 3.1 DPA's came into being on 7 September 2009 by virtue of sections 300-302 of the Housing and Regeneration act 2008. The principal objectives were to restrict the staircasing of shared ownership houses to a maximum of 80% and to ensure the retention of shared ownership homes in areas where it would be hard to replace if lost through 100% staircasing.
- 3.2 The areas under which this restriction applies is set out in The Housing (Right to Buy) (Designated Rural Areas and Designated Regions) (England) Order 2016 SI 2016 No 587 (the Order), which came into force on 20 June 2016, was made by the Secretary of State in the exercise of powers conferred by section 157 (1) (c) and (3) of the Housing Act 1985, following an application by Chichester District Council (the Council) to designate such areas.
- 3.3 The legislation requires the lease to contain provision either to restrict the staircasing or where this is permitted for the landlord, specified in the lease, to repurchase the property when the leaseholder wishes to sell.
- 3.4 Since the introduction of DPA's it has become evident that the policy aim of retention of stock is not an issue in all DPA's and proposed development indicates that shared

ownership homes would not be hard to replace.

#### **4. Issues to be addressed**

- 4.1 The restrictions on staircasing limits the availability of mortgages and potential buyers have found it harder to secure a mortgage, or if they are able to it can be at less favourable rates. Registered Providers (RP's) have also raised concerns with Homes England around their financial ability to guarantee buying back properties. In recognition of these issues, Homes England has determined that under certain conditions a waiver to lift these restrictions may be sought.
- 4.2 The implementation of this policy will ensure an agreed, consistent approach is taken when the Council is approached by RP's requesting the Council to seek a waiver.

#### **5. Proposal**

- 5.1 Following a review of affordable housing stock across the district and forthcoming developments, in particular the location of strategic sites a list of parishes where waivers will be sought has been drawn up. See appendix 1.
- 5.2 In areas where new development is likely to be limited and where there are only a small number of shared ownership homes the Council will not seek a waiver, except under exceptional circumstances.
- 5.3 In areas where development is more likely to come forward, and where there is a healthy supply of shared ownership properties, or where an area has been allocated a strategic site then an application for a waiver will be supported by the Council.

#### **6. Alternatives Considered**

- 6.1 The Council could choose not to introduce a policy; however, this would leave the Council open to challenge when determining requests from RP's. The introduction of a policy clearly outlines the Council's position and process for dealing with applications and provides clarity for both council officers and RP's.
- 6.2 The Council could consider a more restrictive policy preventing the application for any waivers in DPA's, however such restrictive practice could result in RP's not purchasing the affordable homes in such areas or limiting a wider range of mortgage choices for potential purchasers.

#### **7. Resource and Legal Implications**

- 7.1 If the Council did not have a policy any decisions made to seek or not to seek a waiver could be open to challenge by RP's.

#### **8. Consultation**

- 8.1 Legal Services and the Housing and Communities Panel have been consulted on the policy proposal.

## 9. Community Impact and Corporate Risks

- 9.1 The retention of affordable homes in rural areas helps to ensure mixed, balanced, and sustainable communities, enabling waivers to be sought in areas where there is increasing stock of affordable homes to buy ensure a wider choice of mortgages for those whose options are already limited.

## 10. Other Implications

	Yes	No
<b>Crime and Disorder</b>		√
<b>Biodiversity and Climate Change Mitigation.</b>		√
<b>Human Rights and Equality Impact.</b> Applications to apply for a waiver must be fully considered as failure to do so may have adverse implications.	√	
<b>Safeguarding and Early Help</b>		√
<b>General Data Protection Regulations (GDPR)</b>		√
<b>Health and Wellbeing.</b> As above having a decent home is core to health and wellbeing.	√	
<b>Other</b> (please specify)		

## 11. Appendices

Appendix 1 – Designated Protected Areas policy

## 12. Background Papers

None

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## Designated Protected Areas of Chichester

### Policy for DPA Waivers

## Contents

1. Introduction
2. The Issues
3. The Council's Approach
4. Application to Homes England
5. Monitoring and Review

Appendix 1 – Designated Protected Areas

Appendix 2 - Homes England, Waiver Application Form

## 1. Introduction

- 1.1 Designated Protected Areas (DPA) came into being on 7 September 2009 by virtue of sections 300 to 302 of the Housing and Regeneration Act 2008, which amended the Leasehold Reform Act 1967. There were two principal policy objectives: to remove the risk of enfranchisement for shared ownership houses where staircasing is restricted to a maximum of 80% and to ensure retention of shared ownership homes in areas where it would be hard to replace if lost through 100% staircasing.

The Housing (Right to Buy) (Designated Rural Areas and Designated Regions) (England) Order 2016 SI 2016 No 587 (the Order), which came into force on 20 June 2016, was made by the Secretary of State in the exercise of powers conferred by section 157 (1) (c) and (3) of the Housing Act 1985. The Order sets out areas within various districts, which include Chichester District.

- 1.2 The legislation requires the lease to contain provisions either to restrict staircasing to no more than 80% or that in instances where the leaseholder is permitted to acquire more than 80% (i.e. up to full ownership), then there is an obligation on the landlord (or a designated alternative landlord) specified in the lease to repurchase the property when the leaseholder wishes to sell.
- 1.3 It has become evident that for some of the areas which are now covered by DPA status, the policy aim of retention of stock is not an issue or the proposed development indicates that shared ownership homes would not be hard to replace.
- 1.4 In these circumstances a Registered Provider<sup>1</sup> (RP) can apply to the local authority to seek a waiver from Homes England, using the application form at appendix 2.
- 1.5 This policy sets out the circumstances where Chichester District Council (the Council) will request from Homes England that a waiver be granted on the restrictions on 'staircasing' (the process of shared owners purchasing additional shares in their properties from the RP). This will enable 100% of the equity, rather than the 80% restricted limit to be made available for purchase, where appropriate, for qualifying households.

## 2. The Issues

- 2.1 Ninety-four % of the Chichester District is designated as rural; typically, these are areas where the population is less than 3,000. In some of these areas, Westhampnett being one example, the Local Plan has designated strategic housing sites which are included in the DPAs. DPAs are not intended to cover 'rural' areas which become urban or suburban areas.
- 2.2 The legal relationship between RPs and Homes England in respect of their grant-funded delivery programme of affordable homes requires the lease to include a

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<sup>1</sup> Means a person listed in the register of providers of social housing established under Chapter 3 of Part 2 of the Housing and Regeneration Act 2008

restriction on the staircasing, along with a clause that the RP will buy back a property should the owner wish to sell.

- 2.3 Restrictions on staircasing limits the availability of mortgages and some potential buyers will find it harder to secure a mortgage or if they can it will usually be at less favourable interest rates. There are only a small number of lenders prepared to lend on restricted leases and RPs have also raised concerns over their financial ability to guarantee buy back properties.

### **3. The Council's Approach.**

- 3.1. The Council is committed to retaining affordable housing in its rural areas, particularly where forthcoming development is limited, and the prospect of replacement is low.
- 3.2. The Council has reviewed the current location of affordable housing stock and forthcoming developments, and in particular the location of strategic sites. This information has been used to assess the areas designated under the legislation and their suitability for an application to Homes England for a waiver.
- 3.3. In areas where new development is likely to be limited and where there is only a small number of shared ownership properties the Council will not, save in exceptional circumstances (see para 4.4 below), support an application to Homes England for a waiver. Such areas are denoted red in the colour-coded key in Appendix 1 to this policy.
- 3.4. In areas where development is more likely to come forward, and where there is a healthy supply of shared ownership properties, or where an area has been allocated a strategic site then an application for a waiver will be supported by the Council. Such areas are denoted yellow or orange in Appendix 1 to this policy.

### **4. Application to Homes England**

- 4.1. Where a RP wishes to seek a DPA waiver it must approach the Council with details of the development and a site location plan which clearly outlines the area to which the waiver is requested to be applied. The Housing Delivery Team will be responsible for processing the application in line with this policy acting in accordance with nominations made by the Director of Housing and Communities pursuant to delegated authority conferred by the Council's constitution.
- 4.2. If the development falls within one of the locations 'pre-approved' by the Council, then an application will be made by the Council to Homes England using the form attached as Appendix 2.
- 4.3. If the development falls within an area not approved by the Council, then the RP will be informed that the Council is unable to support the application, save where exceptional circumstances are deemed to exist (see para 4.4 below).

- 4.4. The Council may, in exceptional circumstances, use its discretion to seek a waiver from Homes England in an area which ordinarily it would not support an application for a waiver. An example of an exceptional circumstance might be where an RP is bringing forward a land-led 100% affordable scheme.

## **5. Monitoring and Review**

Over time, as the Council's Local Plan is reviewed and updated new strategic sites may emerge. Where this happens the Council's Housing Delivery team will review and update the approved list of locations where a waiver may be supported in consultation with the Divisional Manager for Housing, Revenues and Benefits. This policy will be reviewed on a three-yearly basis (unless particular circumstances require an earlier review).

**Appendix 1 – Designated Protected Areas**

Parish	Current Shared Ownership Units
Appledram	1
Barlavington	
Bepton	
Bignor	
Birdham	18
Bosham	1
Boxgrove	2
Bury	
Chichester	393
Chidham and Hambrook	14
Cocking	4
Compton	
Donnington	12
Duncton	
Earnley	
Eartham	
Easebourne	3
East Lavington	
East Dean	
East Wittering and Bracklesham	44
Ebernoe	
Elsted and Treyford	
Fernhurst	21
Fishbourne	17

**Key**



Within a DPA but do not (save in exceptional circumstances) recommend waiver.

Area not covered by DPA.

Area partly covered by DPA, allow waiver on large or strategic sites.

Area in DPA, recommend waiver due to current stock and forthcoming developments.

\* Selsey (where DPA applies) to be included in waiver recommendations

Fittleworth	
Funtington	
Graffham	
Harting	
Heyshott	
Hunston	1
Kirdford	6
Lavant	11
Linch	
Lynchmere	
Lodsworth	
Loxwood	17
Lurgashall	
Marden	
Midhurst	33
Milland	
North Mundham	13
Northchapel	2
Oving	99
Petworth	8
Plaistow & Ifold	
Rogate	
Selsey*	31
Sidlesham	
Singleton	
Southbourne	77
Stedham with Iping	
Stoughton	
Stopham	
Sutton	
Tangmere	30

Tillington	1
Trotton with Chithurst	
Upwaltham	
West Itchenor	
West Lavington	
West Dean	4
West Wittering	6
Westbourne	9
Westhampnett	55
Wisborough Green	6
Woolbeding with Redford	
<b>Total</b>	<b>939</b>



## Chichester District Council

Cabinet

14 May 2024

### Approval of the draft A27 Chichester Bypass Mitigation Supplementary Planning Document (SPD) (May 2024) for public consultation

#### 1. Contacts

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##### Cabinet Member

Bill Brisbane, Cabinet Member for Planning  
Telephone: 01243 785166 Email: [bbrisbane@chichester.gov.uk](mailto:bbrisbane@chichester.gov.uk)

#### 2. Recommendation

- 2.1 That Cabinet approves the draft A27 Chichester Bypass Mitigation Supplementary Planning Document (SPD) (May 2024) for public consultation for a period of six weeks to commence prior to 31 May 2024.**

#### 3. Background

- 3.1 Developer contributions to mitigate the impact of residential development on the A27 Chichester Bypass are currently secured through the Planning Obligations & Affordable Housing Supplementary Planning Document (SPD) which was adopted in 2016.
- 3.2 At the time the current Local Plan was adopted, the package of junction improvement measures referred to in Policy 8 was estimated to cost £12.82M. On this basis, the Planning Obligations & Affordable Housing SPD had the objective of securing £11.17M in development contributions. The remainder had already been secured by July 2016, specifically for the improvement works to Portfield Roundabout and Oving Road junction, both of which have since been completed.
- 3.3 The 2016 SPD has been successful in securing more than the target level of developer contributions for A27 improvement works, with a total of £19.54M having been secured, or in the process of being secured. However, the remaining improvement works to Fishbourne, Bognor, Stockbridge and Whyke roundabouts have not been possible to deliver as the costs have increased very significantly, well beyond the funding that has been secured through the SPD.
- 3.4 On 5 September 2023 Cabinet approved a revised SPD which was subsequently subject to public consultation from 22 September to 3 November 2023. That draft SPD sought to secure developer contributions from all uncommitted residential development coming forward in the south of the District, both before and after the

new Local Plan is adopted. That draft SPD was based on securing funding for the reduced A27 mitigation package that was developed as part of preparing the new Local Plan, involving improvements only to the junctions at Fishbourne and Bognor Roads, with an estimated cost of up to £43.4M.

- 3.5 There was a total of 126 responses received to the public consultation on the previous draft SPD. Many of these had some concerns about the proposed approach. The most significant concerns were received from developers and from some parish councils and are summarised below.
- 3.6 The approach was seen as contrary to the Town and Country Planning (Local Planning) (England) Regulations 2012 in that the draft SPD allegedly created a new development management policy without undergoing an Examination. This concern arose because the draft SPD sought to apply the developer contributions not only to dwellings coming forward under the adopted Local Plan, but also to those coming forward under the new Local Plan, which at that time had not been submitted for examination. It was also considered that references in the draft SPD to a 'cap' on development were not appropriate to include until this approach had been fully tested at the Local Plan Examination. These issues could only be addressed by restricting the application of the new SPD to those dwellings (comprising windfall sites and parish housing sites) that may still come forward under Policy 4 of the adopted Local Plan within the period before the new Local Plan is adopted.
- 3.7 The approach to calculating contributions in the draft SPD was criticised as it was not based on the 'proportional impact' that development has on the Chichester Bypass, based on proximity to the A27, but instead treated every development site across the District equally. This was said to give rise to conflict with the 'tests' set out within CIL Regulation 122 as there was no evidence to demonstrate that all dwellings would have a 'broadly equal' impact on the A27 junctions. This approach was also considered to be a retrograde step in that it moved away from what was seen as a reasonable and robust approach in the 2016 SPD, which did focus the calculation of contributions on the proportional impact of development coming forward, based on the development's location.
- 3.8 The previous draft SPD was also criticised as it proposed a sliding scale of contributions, based on the number of bedrooms in each dwelling. This applied a linear scale of contributions, such that a 2-bed dwelling would pay half the contribution of a 4-bed dwelling. This was not thought to be consistent with the CIL Regulation 122 'tests' as there is no clear or linear relationship between the number of dwelling bedrooms and the impact that dwellings have on the A27. Resolving this would require use of a measure more closely related to traffic impact, such as car ownership.
- 3.9 These concerns and all of the other points made in response to the public consultation, have been carefully considered and have informed the preparation of the revised draft SPD that accompanies this report.

#### **4. Outcomes to be Achieved**

- 4.1 The A27 Chichester Bypass Mitigation SPD is required to secure developer contributions, through Planning Obligations, to mitigate the impact of development on the A27 in the period leading up to the adoption of the new Local Plan. The objective of the SPD will be to secure approximately £13.46 million to fund the A27

junction improvements that will facilitate the new development coming forward now under the adopted Chichester Local Plan: Key Policies 2014-2029.

## **5. Proposal**

- 5.1 The draft SPD responds to the consultation responses received and to relevant available evidence. It will provide the guidance needed to ensure that Policy 9 of the adopted Local Plan can address the impact that development coming forward under Policy 4 and within the south of the District will have on the A27 Chichester Bypass and the related local highway network. On adoption of the new SPD, paragraphs 4.46-4.54 of the 2016 SPD will be deleted. However, in all other respects, the 2016 SPD will remain operative until that document is reviewed. The new A27 Chichester Bypass Mitigation SPD will cease to have effect on the adoption of the new Local Plan.
- 5.2 Latest costs evidence has shown that the level of funding required to be able to deliver the package of junction improvement works, anticipated by Policy 8 of the Local Plan, has increased to £33M. The 2016 SPD only sought contributions from development schemes over 50 dwellings and set contributions at a level based on the need to secure only £11.17M, which is no longer sufficient.
- 5.3 The draft SPD addresses this by providing guidance on the application of contributions to all net increases in dwellings within the south of the District, and seeking to increase the level of contributions sought. However, as there are only a limited number of dwellings anticipated to come forward in the period before the new Local Plan is adopted, the proposed approach has been informed by the Council's up-to-date viability evidence. This will ensure that there is an appropriate balance between increasing the level of A27 mitigation contributions sought and the need to ensure that development coming forward remains viable as a whole.
- 5.4 Applying the contributions to all new dwellings is an appropriate measure as it corrects the position within the 2016 SPD which placed the burden of paying contributions only on larger development schemes, even though there was no evidence to suggest that smaller developments do not have an impact on the A27 Bypass. The revised approach is therefore fairer and more closely aligns with the 'tests' for Planning Obligations set out in CIL Regulation 122.
- 5.5 The revised approach to the calculation of contributions has been carefully devised to ensure that a number of important factors are 'built in' to the calculation. This includes the location of development, by reference to the 14 wards south of the National Park. This allows contributions to reflect the likelihood that future occupants of permitted housing schemes will impact the A27. The calculation also considers current and projected car ownership and applies this to dwelling sizes to provide a more appropriate way in which contributions can be adjusted to reflect the size of dwellings coming forward. Finally, the approach allows the scaling of contributions based, as a starting point, on the notional maximum viable contribution

that was recommended within the Council’s 2023 Viability Study, which is £8,000 per dwelling, as an average.

- 5.6 Through the revised approach described above, the key issues raised in the previous consultation have been addressed. However, due to the significance of the changes made, compared to the previous draft SPD, it is considered that the revised draft SPD should be subject to further public consultation before it is finalised and adopted.

**6. Alternatives Considered**

- 6.1 An alternative approach would be to continue to rely on the 2016 SPD. However, doing so would not allow sufficient funding to be secured and would result in the necessary junction improvements not being deliverable. In the continued absence of government funding, this would result in significantly worse traffic congestion and increasing highway safety impacts, not only on the A27 Bypass, but also on the local highway network that feeds onto the A27.
- 6.2 A further alternative would be to adopt the version of the A27 Chichester Bypass Mitigation SPD that was consulted on in the autumn of 2023. However, the consultation responses received highlighted a number of significant legal compliance issues and adopting that version would expose the Council to material risk of Judicial Review.

**7. Resource and Legal Implications**

- 7.1 Preparation of the new SPD can be funded from existing budgets. The legal compliance issues that were raised in response to the version of the SPD consulted on autumn 2023 have been carefully considered and addressed. There are no legal implications of the Draft A27 Chichester Bypass Mitigation SPD (May 2024).

**8. Consultation**

- 8.1 Under Regulation 12 of the Town and Country Planning (Local Planning) (England) Regulations 2012 all draft SPDs must be subject to public consultation prior to adoption. If the Draft A27 Chichester Bypass Mitigation SPD (May 2024) is approved, it will be published for a 6-week public consultation.

**9. Community Impact and Corporate Risks**

- 9.1 There are no community impacts or risks to this council of proceeding to prepare and consult on the Draft A27 Chichester Bypass Mitigation SPD (May 2024).

**10. Other Implications**

	Yes	No
<b>Crime and Disorder</b>		✓
<b>Climate Change and Biodiversity</b> Traffic congestion that results from the overcapacity of the A27 Chichester Bypass leads to additional climate change emissions and the proposed SPD has a role in addressing this by securing funding for infrastructure improvements and other measures that will mitigate the impact of new development coming forward now.	✓	

<p><b>Human Rights and Equality Impact</b> The decision on how to apply the proposed developer contributions could have impacts on the viability of development, including the deliverability of provision for those with identified needs such as those requiring affordable housing, students, older people and Gypsies and Travellers.</p>	✓	
<p><b>Safeguarding and Early Help</b></p>		✓
<p><b>General Data Protection Regulations (GDPR)</b></p>		✓
<p><b>Health and Wellbeing</b> The traffic congestion that results from the overcapacity of the A27 Chichester Bypass has health and wellbeing impacts for residents and the proposed SPD has a role in addressing this by securing funding for infrastructure improvements to mitigate the impact of new development coming forward now.</p>	✓	

## 11. Appendices

Appendix 1 – Draft A27 Chichester Bypass Mitigation Supplementary Planning Document (SPD) (May 2024).

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# Chichester Local Plan 2014-2029

## A27 Chichester Bypass Mitigation

### **Version 2 - DRAFT**

#### Supplementary Planning Document

April 2024

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# 1.0 Introduction

- 1.1 The A27 is part of the Strategic Road Network and is therefore the responsibility of National Highways. All new housing development coming forward under the Local Plan is generating additional traffic impacts on the A27 Chichester Bypass junctions and the associated local highway network. These additional impacts require mitigation and, in the absence of any Government funding for mitigation works, the Council is dependent on securing financial contributions from new development to fund the necessary works.
- 1.2 Policy 8 of the Chichester Local Plan: Key Policies 2014-2029, adopted in 2015, makes provision for a coordinated package of improvements to junctions on the A27 Chichester Bypass that will increase road capacity, reduce traffic congestion, improve safety, and improve access to Chichester city from surrounding areas. The Transport Study of Strategic Development Options and Sustainable Transport Measures (2013)<sup>1</sup> identified an indicative package of measures for the six junctions on the Bypass: Fishbourne, Stockbridge, Whyke, Bognor Road, Oving Road and Portfield. These measures were identified as being sufficient to mitigate the impact of development proposed in the Local Plan and capable of being funded by that development.
- 1.3 Securing development contributions to fund the junction works was taken forward under Policy 9 (Development and Infrastructure Provision) of the adopted Local Plan. This policy was supported by guidance set out in the Planning Obligations & Affordable Housing Supplementary Planning Document (SPD), which was adopted in 2016. At that time, the package of junction improvements was calculated to cost £12,817,000.
- 1.4 In the period since the adoption of the Planning Obligations & Affordable Housing SPD, works to the Portfield and Oving Road junctions have been funded through developer contributions and have been completed. A significant level of developer funding has also been secured since 2016 towards the improvement works at the remaining four Chichester Bypass junctions (Fishbourne, Stockbridge, Whyke and Bognor Road). However, the costs of the remaining works have increased very significantly over the years and, in the continued absence of alternative funding sources, it is no longer possible to fully fund the remaining improvements works through the level of developer contributions that are set out in the 2016 SPD.

## **Purpose, Scope and Status of this Supplementary Planning Document**

- 1.5 The purpose of this new SPD is to provide guidance to the use of Policies 8 and 9 of adopted Local Plan, by responding to the updated evidence setting out the costs of the remaining junction improvements. This SPD will replace the text set out within paragraphs 4.46 - 4.54 of the 2016 SPD with a revised approach that will guide how Policy 9 can be used to appropriately address the impact that current development <sup>2</sup> is having on the A27 Chichester Bypass by increasing the level of contributions sought.

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<sup>1</sup> <https://www.chichester.gov.uk/studies>. The study was commissioned by Chichester District Council, National Highways, West Sussex County Council and major development promoters.

<sup>2</sup> Current development refers to the development that comes forward under Policy 4 (Housing Provision) of the Chichester Local Plan: Key Policies 2014-2029.

- 1.6 On adoption of this SPD, the above paragraphs of the 2016 Planning Obligations & Affordable Housing SPD will be deleted. However, in all other respects, the 2016 SPD will remain operative and should therefore be read alongside this new SPD by applicants and developers seeking planning permission within the District.

#### **Relationship with the adopted Chichester Local Plan and the Local Plan Review**

- 1.7 National Planning Guidance states that SPDs should build upon and provide more detailed advice or guidance on policies in an adopted local plan. This SPD updates the text in paragraphs 4.46 - 4.54 of the 2016 SPD and provides guidance on the policies set out within the Chichester Local Plan: Key Policies 2014-2029, which was adopted in 2015. As with all SPDs, the text set out below provides guidance only to support applicants and decision makers in their interpretation and application of the policies set out with in the adopted Local Plan.
- 1.8 In the past few years, the council has made significant progress on a Local Plan Review. This has included the publication for representations of the Chichester Local Plan 2021-2039 Proposed Submission (Regulation 19) in February 2023 and the Submission of the new Local Plan to the Secretary of State in May 2024.
- 1.9 The Local Plan Review is therefore at an advanced stage of preparation and is supported by a suite of updated technical evidence which has highlighted the continued need for A27 mitigation to be funded through developer contributions. However, as explained in Section 2 below, the Council is not able to wait for the Local Plan 2021 - 2039 to be adopted before reviewing the approach to collecting contributions to mitigate the impact on the A27 of the development that is coming forward now, under the adopted Local Plan. Therefore, as the Local Plan 2021 - 2039 has not yet been adopted, this SPD seeks to provide updated guidance on the application of the policies within the adopted Local Plan: Key Policies 2014-2029, as set out in Section 3 below.
- 1.10 Once the new Local Plan has been adopted, this SPD will be withdrawn and replaced by the new approach that will be set out in the new Local Plan 2021 - 3039.

## 2.0 Background

### The need for A27 Chichester Bypass improvements

- 2.1 The A27 is part of the Strategic Road Network and is therefore the responsibility of National Highways. Other roads within the District are the responsibility of West Sussex County Council (WSCC). Road congestion is a major concern for residents and businesses in the District; in particular, congestion around the junctions of the A27 Chichester Bypass. This in turn, leads to congestion on the local road network as drivers seek alternative routes, leading to further traffic-related problems on those alternative routes.
- 2.2 The Local Plan (2014 – 2029) acknowledges that without mitigation, new housing and employment proposed in the Local Plan would increase this congestion further, leading to increased queuing times around the A27 junctions and within Chichester city and a deterioration in highway safety. In response, Policy 8 (Transport and Accessibility) made provision for a coordinated package of improvements to junctions on the A27 Chichester Bypass that will increase road capacity, reduce traffic congestion, improve safety, and improve access to Chichester city from surrounding areas.
- 2.3 The basis for securing funding for A27 improvements to address the impact of the planned development identified over the plan period is set out in Policy 9 (Development and Infrastructure Provision). This explains that the Infrastructure Delivery Plan will be used to identify the timing, type and number of infrastructure requirements to support the objectives and policies of the Local Plan as well as the main funding mechanisms and lead agencies responsible for their delivery. Further, Policy 9 requires that all development, where appropriate, mitigates the impact of the development on existing infrastructure, facilities or services.

### Funding collected or secured to April 2024

- 2.4 At the time the Local Plan was adopted, the relevant evidence base included the Transport Study of Strategic Development Options and Sustainable Transport Measures (2013) which identified an indicative package of measures for the six junctions on the Bypass, costing £12.82 million. These measures were identified as being sufficient to mitigate the impact of development provided for by the Local Plan. On this basis, the 2016 Planning Obligations & Affordable Housing SPD referred to the objective of securing £11.17 million in development contributions over the lifetime of the Local Plan. The remainder of the identified funding had already been secured by the time the 2016 SPD was adopted, specifically for the identified improvement works to Portfield Roundabout and Oving Road junction. Both of these junction improvements have since been completed.
- 2.5 Monitoring has indicated that £4.16 million in contributions has been collected since 2016 from development coming forward in the south of the district in accordance with the Policy 9 of the Local Plan and based on the contribution levels set out in the 2016 SPD. In addition, a further £6.16 million has been secured through signed S106 agreements for developments that have yet to commence or where payment triggers are not yet reached. A further £9.22 million in contributions is in the process of being

secured (under the contribution levels set out in the 2016 SPD) from the Strategic Development Locations at West of Chichester (Phase 2) and Tangmere, each of which are yet to be granted planning permission. The combined total of these sums was £19.54 million at April 2024.

- 2.6 Although the Policy 9 of the Local Plan and the 2016 SPD have been successful in securing more than the target level of developer contributions for A27 improvement works, the remaining improvement works to the Fishbourne, Bognor, Stockbridge and Whyke roundabouts have not been possible to deliver. The main reason for this is that the cost of delivering these improvement works has increased very significantly over the past decade, well beyond the level of funding that has been secured through planning contributions set out in the 2016 SPD.
- 2.7 The Council has continued to press for improvements to the A27 Chichester Bypass to be addressed by central government funding and there has been ongoing engagement between the Council and National Highways over the past decade, seeking to achieve this end. However, in spite of these efforts, no other sources of funding have been made available to address the shortfall from the funding secured through development contributions.

#### Updated technical evidence

- 2.8 The Council has updated the cost evidence for delivery of the Jacobs schemes, This has involved an uplift in costs to account for inflation and utilising the WSCC cost estimate model, whilst maintaining the specification of works for the junction improvements as close to the original schemes as possible. The following table sets out the revised cost for each of the required junction improvements yet to be delivered.

<b>Figures show Million Pounds</b>	<b>Jacobs - Using Revised Costs Lower</b>	<b>Jacobs - Using Revised Costs Upper</b>
<b>Fishbourne</b>	<b>£7.6</b>	<b>£10.3</b>
<b>Stockbridge</b>	<b>£8.7</b>	<b>£14.6</b>
<b>Whyke</b>	<b>£7.1</b>	<b>£13.1</b>
<b>Bognor Road</b>	<b>£9.7</b>	<b>£15.2</b>
<b>Junction Total</b>	<b>£33.0</b>	<b>£53.2</b>

#### The need for a revised approach

- 2.9 The evidence supporting the adopted Local Plan concluded that the level of development set out within Policy 4 would give rise to unacceptable adverse traffic and highway safety impacts on the A27 Bypass (and the associated local network), unless it was supported by appropriate mitigation works to improve capacity at the six Bypass junctions. This conclusion is supported by the Council's up-to-date transport evidence<sup>3</sup> which has demonstrated that some of the Bypass junctions are already over-capacity.

<sup>3</sup> Chichester Local Plan Transport Study (Stantec, January 2023)

Therefore, any new dwellings coming forward now, within the south of the District, whether permitted by the Council or on Appeal, place a cumulative impact upon the A27 Bypass, which the proposed junction improvements are seeking to address.

- 2.10 As set out above, the latest available cost estimates for the remaining junction improvements show an overall cost of between £33 and 53.2 million. From this total we deduct the £19.54 million in developer contribution receipts that have already been secured. This leaves a minimum of £13.46 million to be funded through developer contributions secured from the development that comes forward within the remaining period before the new Local Plan is adopted.

### **The level of development anticipated**

- 2.11 As stated above, the contribution levels set out in this SPD would impact only new residential development that comes forward within the south of the District<sup>4</sup> from now until the adoption of the new Local Plan. The Council's recent transport evidence shows that development within the northern area of the District does not have a significant impact on the A27 Chichester Bypass.
- 2.12 Planning Permission has yet to be granted for two of the Strategic Development Areas identified in the Local Plan. These are West of Chichester (Phase 2) and Tangmere. However, as these allocation sites both benefit from a 'Resolution to Grant' outline planning permission, their A27 mitigation contributions will be based on the levels set out within the 2016 SPD.
- 2.13 Taking the above into account, the development that will be affected by the contribution levels set out in this SPD will be in the form of any Parish Housing Sites as well as all 'windfall developments' which are permitted before the new Local Plan is adopted. Based on the Council's monitoring of such development in recent years, it is anticipated that approximately 250 dwellings per year would be affected. It is anticipated that the new Local Plan will be adopted within one year. Therefore, unless the new Local Plan adoption is delayed, the total number of dwellings affected would be in the region of 250.
- 2.14 As part of the revision to the 2016 SPD, it has been decided that contributions should be sought from all planning permissions where there is a net increase in residential dwellings. This is a change from the 2016 SPD guidance which anticipated that contributions would be sought only from schemes of 50 or more dwellings. The reason for this change is that there is no basis in Policy 9 of the Local Plan to exclude developments smaller than 50 dwellings from being required to mitigate their impact on the A27. Applying the contribution to all new dwellings is fairer and therefore more closely aligns to the 'test' for Planning Obligations set out in Regulation 122(2)(c) of the Community Infrastructure Regulations 2010 (as amended).

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<sup>4</sup> The 'south of the District' is the area to the south of the boundary with the South Downs National Park, as shown on Figure 1.

## 3.0 Policy Framework

### National Policy and Guidance

- 3.1 Section 106 of the Town and Country Planning Act 1990 (as amended) sets out the legislative background against which Planning Obligations may be sought. In addition, Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) restricts the use of Planning Obligations to certain circumstances by setting out the three tests that must be satisfied in order for obligations to be required in respect of development proposals. Under Regulation 122 a Planning Obligation must be:
- a) necessary to make the development acceptable in planning terms;
  - b) directly related to the development; and
  - c) fairly and reasonably related in scale and kind to the development.
- 3.2 The National Planning Policy Framework (NPPF, December 2023) sets out in paragraph 34 that plans should set out the contributions expected from development. With regard to the mitigation of the impact of new development on the A27 Chichester Bypass, the expectations are set out within Policies 8 and 9 of the Chichester Local Plan: Key Policies 2014-2029 (see below). Policy 9 includes reference to the Infrastructure Delivery Plan which is the means by which the key infrastructure requirements and funding mechanisms are set out. This SPD provides guidance and support to the interpretation and application of the policies within the adopted Local Plan. It is important therefore, that this SPD is read alongside the relevant Local Plan policies which should be used in the determination of planning applications.
- 3.3 Paragraphs 55 to 58 of the National Planning Policy Framework (NPPF) (2021) set out Government policy in relation to Planning Obligations. Further guidance is provided by the Planning Practice Guidance (PPG). This states that policies for Planning Obligations should be set out in plans and examined in public and that such policies should be informed by evidence of infrastructure and affordable housing need, and a proportionate assessment of viability.<sup>5</sup> In the case of the contributions guidance set out within this document, the Local Plan policies underpinning the guidance are set out below. The contributions being sought have been informed by up-to-date infrastructure cost evidence and by up-to-date and proportionate local plan viability testing. The need for a significant increase in the level of contributions has been highlighted by the infrastructure cost evidence and by on-going engagement with National Highways and others. The need for a revision to the approach set out in the 2016 SPD also responds to the viability evidence as explained in Section 5 below.
- 3.4 It is acknowledged that the PPG also advises that it is not appropriate for plan-makers to set out new formulaic approaches to Planning Obligations in supplementary planning documents or supporting evidence base documents, as these would not be subject to examination. The Council has considered this guidance carefully and is at an advanced

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<sup>5</sup> PPG Paragraph: 004 Reference ID: 23b-004-20190901.



stage of preparing a new Local Plan which will set out a clear policy basis for seeking A27 mitigation contributions in the future. However, as explained in Section 2 above, the Council must ensure that the cumulative impact on the A27 Chichester Bypass of development coming forward now (under the adopted Local Plan) can be effectively mitigated. The level of contributions set out within the 2016 SPD is no longer sufficient to fund the necessary infrastructure improvements that are capable of mitigating the impact of development coming forward now. Therefore, if the Council were to wait until the new Local Plan was adopted, development coming forward now would not be mitigating its impact on the A27 Bypass and would therefore be in conflict with Policy 9 of the adopted Local Plan.

- 3.5 The Council has also considered the guidance within the PPG stating that if a formulaic approach to developer contributions is adopted, the levy can be used to address the cumulative impact of infrastructure in an area. The Chichester Community Infrastructure Levy (CIL) has been in place since 2016. However, the funding raised through CIL is not sufficient to fund the required A27 mitigations works and, in any case, this funding is required for other essential infrastructure and facilities that are needed to mitigate the impact of development, as set out within the Council's Infrastructure Delivery Plan.

#### **Local Planning Policy**

- 3.6 **Policy 4 (Housing Provision)** of the Chichester Local Plan: Key Policies 2014-2029 states that the plan will deliver 7,388 homes over the period 2012 to 2029. This includes existing commitments as well as site allocations, parish housing sites and windfall developments. Whilst the majority of this development has already been permitted and/or built, some parish housing sites and windfall developments continue to come forward and will do so until the new Local Plan is adopted.
- 3.7 **Policy 8 (Transport and Accessibility)** states that integrated transport measures will be developed to mitigate the impact of planned development. This will include a coordinated package of improvements to junctions on the A27 Chichester Bypass, that will increase road capacity, reduce traffic congestion, improve safety, and improve access to Chichester city from surrounding areas.
- 3.8 **Policy 9 (Development and Infrastructure Provision)** states that development and infrastructure provision will be coordinated to ensure that growth is supported by the timely provision of adequate infrastructure, facilities and services. The Infrastructure Delivery Plan will be used to identify the timing, type and number of infrastructure requirements to support the objectives and policies of the Plan as well as the main funding mechanisms and lead agencies responsible for their delivery
- 3.9 Policy 9 also states that all development will be required to provide or fund new infrastructure, facilities or services required, both on and off-site and, where appropriate, mitigate the impact of the development on existing infrastructure, facilities or services.

## 4.0 Planning Contributions

### Level of funding to be secured

- 4.1 Section 2 above sets out that a minimum of £33 million will be needed to fund the remaining A27 junction improvement works which are provided for within Policy 8 of the Local Plan. These are set out in detail within the Transport Study of Strategic Development Options and Sustainable Transport Measures (2013). These works relate to improvements at Fishbourne, Stockbridge, Whyke and Bognor Road junctions.
- 4.2 The overall level of residential development that will be affected by this SPD cannot be known with certainty. This is because it is largely comprised of windfall development and there is also no certainty over when the new Local Plan will be adopted. However, based on the Council's recent monitoring and the anticipated programme for the Local Plan Examination, the total number of dwellings is anticipated to be in the region of 250. However, this number could change if more or fewer homes are permitted each year or if the adoption of the new Local Plan is delayed.
- 4.3 In the absence of any additional sources of funding, this would result in a notional contribution per dwelling of £53,840 (£13.46 million ÷ 250 dwellings).

### Viability testing

- 4.4 It is clear that the level of contribution referred to above would render all residential development in the District unviable. Therefore, in order to determine what level of contribution would be feasible, on an average contribution per dwelling basis, local plan viability testing evidence has been used. This evidence was undertaken to support the Proposed Submission Plan in January 2023<sup>6</sup> and tested a wide range of potential financial contributions for A27 mitigation across a number of different residential 'typologies' (scenarios) that are consistent with the nature of development coming forward within the District.
- 4.5 The outcome of the viability testing was that the majority of development typologies across the south of the District were found to be sufficiently viable at a contribution level of up to £8,000 per dwelling.

### Calculation of planning contributions

- 4.6 Following the outcomes of the viability evidence, £8,000 per dwelling has been used as a 'Target Contribution Level'. This is effectively a starting point against which other factors, such as the location of development and the size of the dwelling (i.e. likely level of car ownership) can be applied. This ensure that the financial contribution applied to development is fairly and reasonably related in scale and kind.
- 4.7 As the 2016 SPD was based on a contribution apportionment approach that excluded windfall developments and other schemes under 50 dwellings, the Council has

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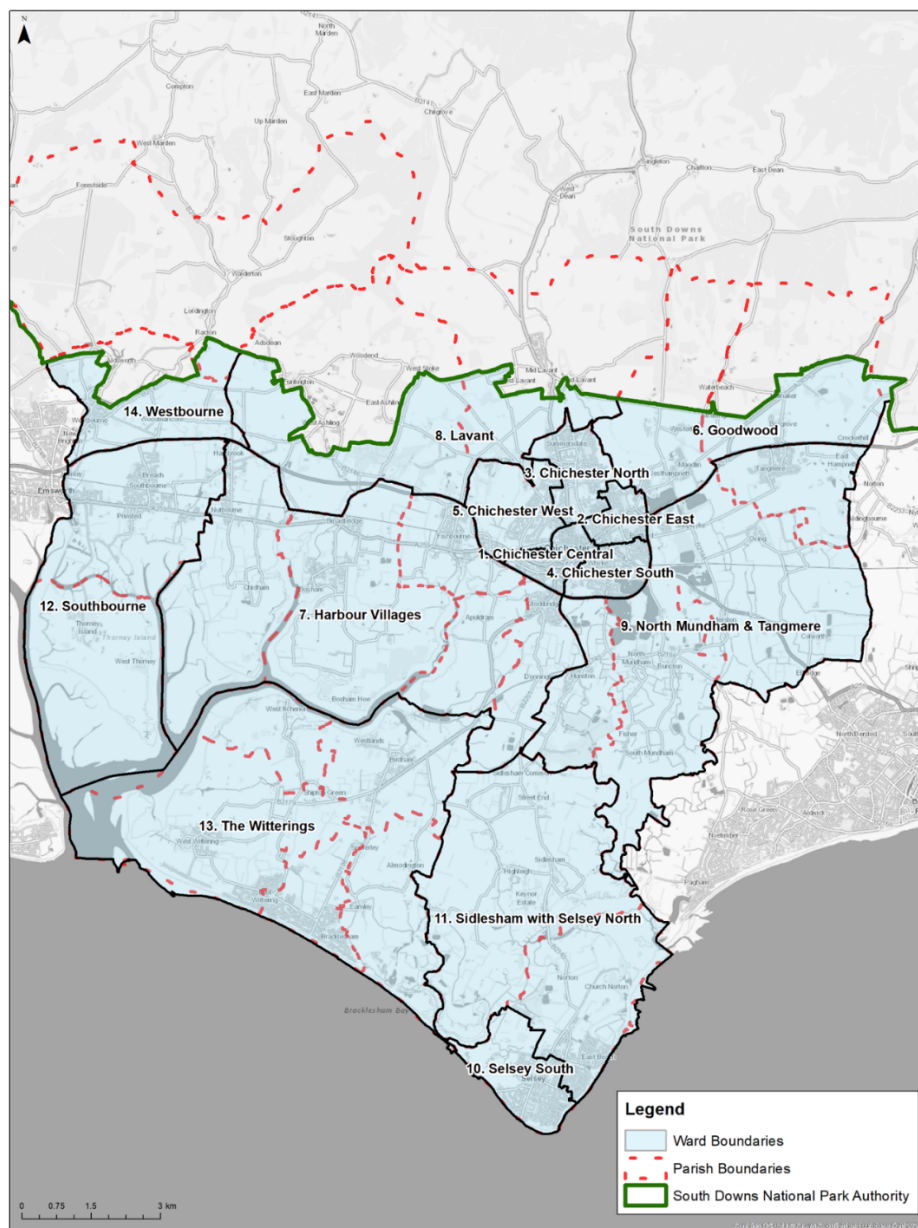
<sup>6</sup> Chichester Local Plan 2021-2039: Viability Assessment - Stage 2 (DSP, January 2023).



developed an alternative apportionment methodology which can be applied to all residential developments within the south of the District. This is based on up-to-date data taken from three sources:

- 2021 Census Household and Car ownership data;
- Department for Transport (DfT) National Trip End Model Car Ownership forecasts; and
- The Chichester Area Transport Model.

4.8 The analysis has been undertaken at Ward level for all wards in the south of the District, which are numbered 1 to 14. These are shown in Figure 1 below and also in Appendix 1:



**Figure 1: The 14 Wards south of the National Park**

- 4.9 The methodology first determines a factor at ward level that is based on car ownership. The data is sourced from both the 2021 Census for current levels of ownership and from the DfT National Trip End Model version 8.1 to provide car ownership forecasts for 2029. Car ownership is used as a proxy for likely car trips and it is expected that in addition to dwelling size influencing car ownership, this will also be influenced by site proximity to a good range of amenities or good sustainable transport links. Lower car ownership results in a lower per dwelling contribution.
- 4.10 The Chichester Area Transport Model, is then used to determine the likely impact of dwellings on the A27 Chichester Bypass. This model has been used to determine the number of trips from each site (combined at ward level) that reach the A27 Chichester Bypass. This includes trips which may only cross over the A27 at one of the six junctions, as well as those that travel along the bypass.
- 4.11 The outcome of this is the matrix presented in Table 1 below. This provides an 'Apportionment and Averaging Factor' for each of the 14 wards and for each dwelling size.

**Table 1: Apportionment and Averaging Factors**

Wards (see Figure 1)	1-Bed	2-Bed	3-Bed	4+-Bed
1. Chichester Central	0.25	0.44	0.62	0.90
2. Chichester East	0.29	0.55	0.76	0.99
3. Chichester North	0.43	0.61	0.75	1.02
4. Chichester South	0.36	0.57	0.78	1.05
5. Chichester West	0.33	0.56	0.77	1.09
6. Goodwood	0.36	0.51	0.61	0.77
7. Harbour Villages	0.58	0.84	1.03	1.38
8. Lavant	0.41	0.52	0.61	0.86
9. North Mundham & Tangmere	0.66	0.90	1.15	1.52
10. Selsey South	0.46	0.69	0.91	1.25
11. Sidlesham with Selsey North	0.47	0.69	0.98	1.34
12. Southbourne	0.18	0.27	0.34	0.45
13. The Witterings	0.54	0.73	1.00	1.31
14. Westbourne	0.20	0.30	0.39	0.50

- 4.12 **The relevant Apportionment and Averaging Factor is then multiplied by the Target Contribution Level (£8,000) for each dwelling to derive the contribution for that dwelling.** An example is shown in Table 2 below for a development with a net increase of five dwellings in East Wittering.

**Table 2: An example of how the contribution can be calculated (for the Witterings)**

A. No. of dwellings	B. Size of dwellings	C. Target Contribution Level (= A x £8,000)	D. Apportionment and Averaging Factor (Table 1)	E. Total Contribution (= C x D)
3	2 bed	£24,000	0.73	£17,520
1	3 bed	£8,000	1.00	£8,000
1	4 bed	£8,000	1.31	£10,480
5	-	-	-	<b>£36,000</b>

**Total A27 mitigation contribution that will be required**

4.13 It is important to emphasise that the Total Contribution that may be calculated using the method described above is indicative only, based as it is on guidance provided by this SPD. In order for residential development within the south of the District to be acceptable to the Council, it must be consistent with the Local Plan as a whole <sup>7</sup>, including Policy 9 (Development and Infrastructure Provision). Applicants are therefore advised to check with the Council about the level of A27 mitigation contributions that will be required for any given proposal, either during pre-application engagement or following submission of a planning application.

**Development to which the contributions will apply**

4.14 The A27 mitigation contributions will apply only to any **net increase in new dwellings coming forward in the area to the south of the National Park** (see Figure 1). The contribution will be sought from all new dwellings, including from affordable homes, retirement homes (such as sheltered housing) and from self or custom-build homes.

**Demolitions and dwelling conversions**

4.15 If a development involves the demolition of any dwellings or the conversion of a larger dwelling into multiple smaller dwellings, the total contribution for the dwellings to be lost can be calculated and deducted from the overall contribution for the development as a whole. The overall contribution for the development cannot fall below zero.

**Development to which the contributions are unlikely to apply**

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<sup>7</sup> Subject to other material considerations.

- 4.16 There are some cases where the A27 mitigation contributions are unlikely to be sought and these are set out below. The list below is not exhaustive however, and where applicants are in doubt, they are advised to ask about this during pre-application engagement with the Council.

Care homes / Extra Care facilities (Use Class C2)

- 4.17 Older and disabled persons care homes (including Extra Care homes) are generally for people who do not own or drive cars and so tend to have a very small or negligible impact on the A27 Chichester Bypass. For private care homes or Extra Care homes where parking spaces are provided for residents (beyond the normal level of visitor parking), the Council will consider applying the A27 mitigation contribution.

Purpose-built student accommodation

- 4.18 As with care homes, purpose-built student accommodation does not tend to provide parking spaces for the occupants or allow for the use of cars by students. These types of accommodation tend to be located within urban areas with good access to sustainable modes of travel. For student accommodation schemes where parking spaces are provided for occupants (beyond an appropriate level of visitor parking), the Council will consider applying the A27 mitigation contribution.

Holiday lets

- 4.19 For accommodation (whether a building or caravan) where the planning permission is for short-term holiday lets, it would not be appropriate to apply the contribution as this could result in double-counting the impact on the A27, to the extent that those using the lets may live within the south of the District. In addition, there is no viability evidence to support applying a financial contribution to the delivery of holiday accommodation.

## 5.0 Guidance on Procedures

- 5.1 Where a s106 agreement contains a financial obligation other than for A27 mitigation, applicants are advised to read the Planning Obligations & Affordable Housing SPD (July 2016). The guidance below relates only to those Planning Obligations intended to mitigate the impact of development on the A27 Chichester Bypass.

### Section 106 Agreements and Section 278 Agreements

- 5.2 Under the 2016 SPD, where applicants were required to pay A27 mitigation contributions, the Section 106 Agreements required the applicant to enter into a Section 278 Agreement with National Highways. The s278 Agreement was then used to pay the contribution directly to National Highways. However, this practice has recently changed and Chichester District Council will now be collecting and holding the A27 mitigation contributions on National Highways' behalf. Therefore, the A27 mitigation contributions will be secured through Planning Obligations, either through a Section 106 Agreement with the Council or a Unilateral Undertaking by the applicant.
- 5.3 The funding collected will be passed, either to National Highways or to their nominated delivery partner, at the time that the initial work on the relevant junction improvement works is due to commence. Any interest payments received on the contributions being held by the Council will be put to use for the same purposes as the collected funds.

### Trigger Points

- 5.4 During the s106 negotiation process, trigger points for each Planning Obligation will be agreed upon between the applicant and the Council. There are established trigger points which are suitable for s106 agreements and further guidance on this is provided within the 2016 SPD.
- 5.5 For the A27 mitigation contributions, there is a need to ensure that sufficient funding is available at the point that it is required. This could be some years before a new junction improvement is due to be completed, due to the long lead-in times required for the design and construction work involved in works on the Strategic Road Network. Therefore, the Council will seek payment of the full contribution prior to the commencement of the development.
- 5.6 Exceptions may be made for larger development schemes, where development will be phased over a number of years. In such cases a phased payment of A27 mitigation contributions will be negotiated with the applicant.

### Monitoring

- 5.7 The Council starts managing and monitoring each s106 agreement/Unilateral Undertaking from the moment it is signed. This is a complex process and the Council employs a Planning Obligations Monitoring and Implementation Officer dedicated to overseeing this complex programme and ensuring the successful delivery of the Planning Obligations.

- 5.8 Where the payment of A27 mitigation contributions is phased due to the scale or phasing of a large development, the Council may require a monitoring fee to be paid in addition to the contribution, to cover the costs of monitoring the collection of contributions.

#### **Index-linking Contributions**

- 5.9 Financial contributions will be index-linked in order to allow for the fluctuation of prices between the date the agreement is signed and the date the payment is made. This is calculated based on the indexation adjustment of the relevant index, from the date the s106 agreement is signed to the expected date of payment. The additional amount paid on top of the financial contribution adjusts the contribution in accordance with inflation.
- 5.10 The method of indexation for the A27 mitigation contributions will be the **Tender Price Index of Road Construction (ROADCON)** which measures the movement of prices in tenders for road construction contracts in England, Scotland and Wales. This index is published by the Building Cost Information Service (BCIS). In the event that the index shall decrease, the contribution shall not fall below the figure set out in the s106 agreement.

#### **Enforcement of Obligations**

- 5.11 If it is evident that a Planning Obligation is not being complied with, officers will consider instigating enforcement action if other reasonable measures fail to secure payment. Planning Obligations are enforceable by Chichester District Council in the Courts by application for an injunction and for recovery of contributions payable.

#### **Repayment of Contributions**

- 5.12 The mitigation works for the A27 Chichester Bypass will not be able to commence until a sufficient quantum of funding has been collected for any given project. This could take multiple years. It is also the case that the implementation of each of the improvement works projects will have a long lead in time, again measured in years. Therefore, any repayment period negotiated through s106 agreements will be expected to be a minimum of 20 years to avoid undermining the process of funding the improvement works.



## 6.0 Development Viability

- 6.1 The guidance below is reproduced from paragraphs 3.6 to 3.12 of the 2016 SPD for the convenience of applicants.
- 6.2 In certain circumstances, it may be considered that the viability of a scheme is jeopardised due to site constraints or other factors and that this would justify a reduction in the amount of affordable housing or other planning obligations. It is recommended in such cases that applicants seek pre-application advice from the Local Planning Authority prior to the formal submission of a planning application.
- 6.3 Viability assessments to be submitted as evidence in negotiations must be capable of independent expert verification carried out by a qualified (RICS) surveyor/valuer. Any abnormal or exceptional development costs should be supported with robust and costed specialist reports and technical data.
- 6.4 Where viability is affected by large costs associated with bringing a heritage asset back into beneficial use, any enabling development and/or costs of the repairs will need to be supported with robust and costed specialist reports and technical data, sufficient to enable independent expert verification.
- 6.5 Where required, and at the Council's discretion, independent qualified RICS surveyor/valuers with specialist skills will be appointed by the Council to investigate the whole, or selected elements of submitted viability assessments. Any expenditure incurred by the Council in carrying out external verification of financial viability appraisals and assessing evidence must be reimbursed by the Applicant. Prior to instructing an external report and to ensure value for money and meet due diligence obligations, the Council will either appoint the District Valuer or obtain three cost limited estimates from appropriately qualified valuers/surveyors who are capable of acting on the matter without a conflict of interest, and agree the external expert with the applicant. The applicant will be required to provide a written undertaking to cover the costs before the valuer is appointed. Viability reports will be shared with the applicants.
- 6.6 Where such reports result in conflicts of opinion necessitating additional work and fees, supplementary undertakings to reimburse the Council will be sought. Any disputes between the Council and the applicant will be referred to an independent arbitrator (in accordance with RICS guidance).
- 6.7 Financial viability evidence will usually be required to reflect current day values and costs. Where proposals include phases of development that are expected to come forward over a number of years, assessments will be required to take account of projected changes in the value of development, or costs. Appropriate mechanisms may be required within s106 agreements to address the consequences of such changes over time.

6.8 RICS guidance, Financial Viability in Planning 2012<sup>8</sup> provides more detailed guidance on current approaches to viability assessment in the planning context and appropriate methodologies.

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<sup>8</sup> This has in part been updated through Financial Viability in Planning: Conduct and Reporting (RICS, May 2019).



## 7.0 Glossary

**2016 SPD:** This refers to the Planning Obligations and Affordable Housing Supplementary Planning Document that was adopted by the Council in 2016.

**Apportionment and Averaging Factor:** This is a number (factor) that has been calculated by the Council to allow the calculation of A27 mitigation contributions for any given size of dwelling or location within the south of the District. The Apportionment and Averaging Factors take account of car ownership (current and projected), site location and the likely impact that new dwellings will have on the A27 Chichester Bypass.

**Community Infrastructure levy (CIL):** A levy allowing local authorities to raise funds from owners or developers of land undertaking new building projects in their area. The Council introduced CIL in 2016.

**Infrastructure Delivery Plan (IDP):** This sets out the current planned and required infrastructure, when it will come forward, who will be leading on each aspect and the funding mechanisms and responsibilities required.

**Local Plan: Key Policies (2014-2029):** is the current local plan, adopted in 2015, that provides the policy basis for both the 2016 Planning Obligations and Affordable Housing SPD and this A27 Chichester Bypass Improvements: Planning Obligations SPD.

**Local Plan Review (or Local Plan 2021-2039):** is the emerging local plan that will, on adoption, replace the current local plan. The most recent version of the Local Plan Review is the Chichester Local Plan 2021 – 2039: Proposed Submission (Regulation 19), published in February 2023.

**Material Consideration:** Any factor relevant to the determination of a planning application or appeal, subject to limits set out in planning statute law, government circulars and guidance.

**Mitigation:** is the application of measures to avoid, minimize, or compensate for the adverse effects or harm created by new development.

**National Highways (NH):** Formerly known as ‘Highways England’ is an executive non-departmental public body, sponsored by the Department for Transport. They are responsible for managing the Strategic Road Network, of which the A27 is a part.

**National Planning Policy Framework (NPPF):** The suite of national planning policies to which planning decision makers must have regard in making planning decisions. The Council must also have regard to the NPPF in the preparation of local plans and other local planning documents. The latest version was published in July 2021.

**Planning obligations:** Planning obligations are legal obligations entered into to mitigate the impacts of a development proposal.

**Section 106 Agreements (s106):** are formal planning agreements entered into under section 106 of the Town and Country Planning Act 1990 by a person with an interest in the land and the local planning authority; or via a unilateral undertaking entered into by a person with an interest in the land without the local planning authority.

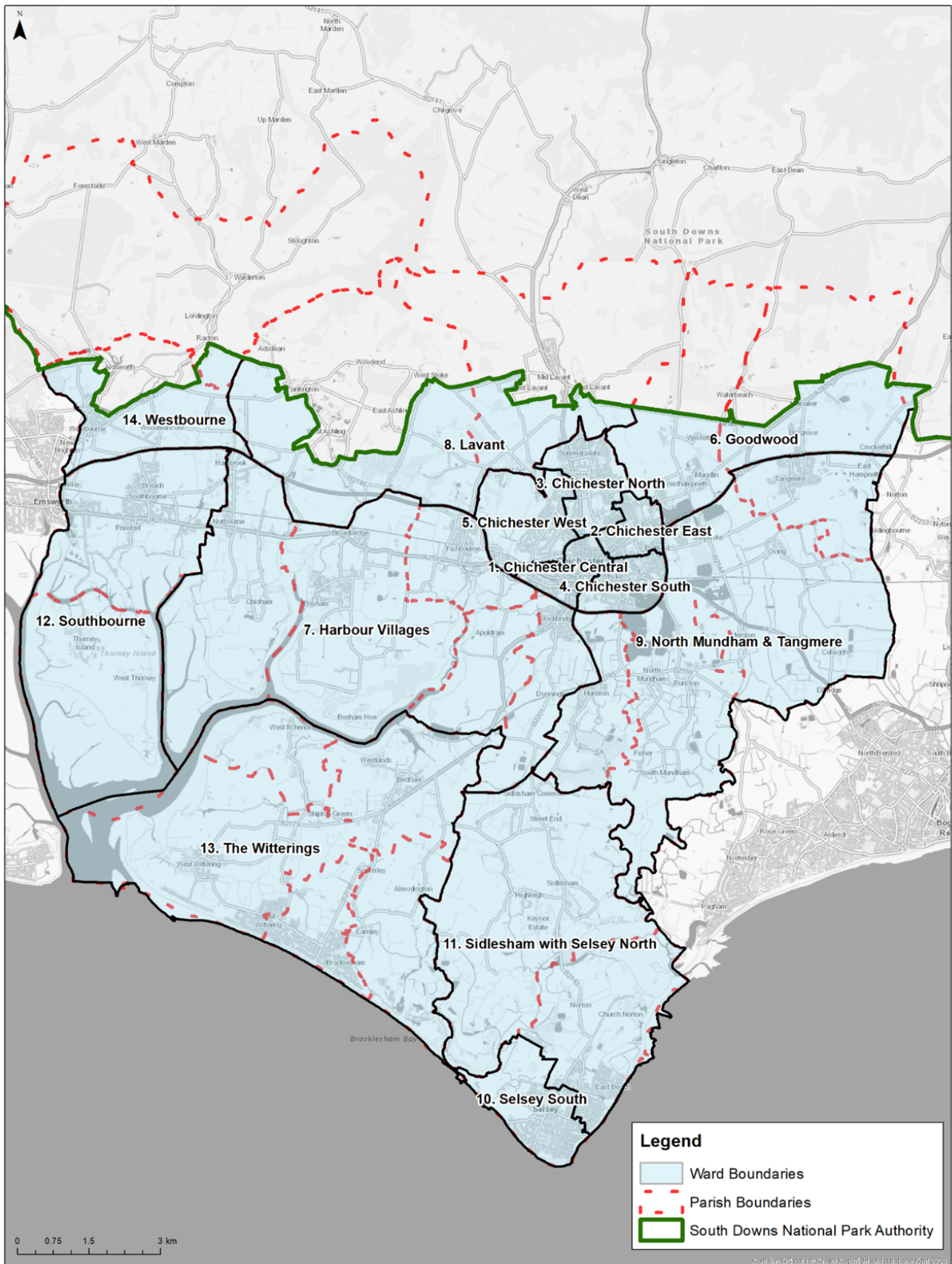
**Section 278 Agreements (s278):** are formal agreements entered into under section 278 of the Highways Act 1980 by a person with an interest in the land and the highways authority. These are often used to secure off-site highways works needed to mitigate the impacts of a development.

**Strategic Road Network (SRN):** is the major road network made up of motorways and trunk roads (including the most significant 'A' roads, such as the A27). They are administered by National Highways (formerly Highways England) which is an executive non-departmental public body, sponsored by the Department for Transport. All other roads in the District are administered by West Sussex County Council.

**Target Contribution Level:** This is the notional starting point for A27 mitigation contributions (per dwelling) and was calculated taking account of up-to-date area-based viability evidence that was published on the Council's website in January 2023. The Target Contribution Level is £8,000 per dwelling.

**Viability Assessment:** An assessment of the financial viability of a development, taking into account a range of different factors such as location, type of site, size of scheme and scale of contributions to infrastructure and facilities.

# APPENDIX 1: The 14 Wards south of the National Park



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**Chichester District Council**

**CABINET**

**14 May 2024**

**Unauthorised Vehicle Encampments in Council Car Parks**

**1. Contacts**

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**Cabinet Members:**

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**2. Recommendation**

- 2.1 That Cabinet approves the release of £66,000 from reserves to fund unauthorised vehicle incursion deterrent measures at both Northgate and Cattle Market car parks.**

**3. Background**

- 3.1 This Council has taken an active role in supporting authorised locations for Travellers to reside within the district through its provision of an authorised transit site, alongside working with partners and within Development Management policies to support suitable homes for the Gypsy and Traveller communities. Despite this, a number of unauthorised encampments occur each year in council car parks.
- 3.2 The number and size of unauthorised encampments in council car parks vary each year, with two of the council's city car parks in particular – Northgate and Cattle Market – experiencing a higher level than other car parks of unauthorised encampments. Northgate car park for example has seen five visits in the space of two months already this year. Complaints from the public and local businesses have increased and the impact on the space in car parks has been significantly reduced each time.
- 3.3 Cabinet approved in 2021 for the introduction of 'bunds' to reduce the chance of unauthorised encampments on green spaces owned by Chichester District Council. This has resulted in a reduction in Traveller incursions on green land, however the visits to car parks (in particular Northgate and Cattle Market) have increased. It is recognised that effective deterrents are more difficult to implement for car parks as by their nature they are designed for ease of vehicle access.
- 3.4 Traveller incursions in car parks result in a reduction of car parking space available along with instances of significant anti-social behaviour. The incursions have had a

significant negative impact on the everyday lives of local residents and some of the local businesses. The increasing number and size of visits with the duration of stay at sites has demonstrated that deterrent measures should be considered further to reflect the additional level of impact caused to users and neighbours of these car parks.

- 3.5 Measures to restrict access in car parks generally focus on limiting high sided vehicles to access the area, most generally through use of a height barrier.
- 3.6 Options for both Cattle Market and Northgate car park have been considered and initial estimates of costs received. It is recognised that options will require careful consideration to ensure that the car parks can remain operational for all authorised users and to reduce the risk of congestion on the local highway. In addition to this, the annual Sloe Fair, for which CDC has a duty to provide the land as part of a charter which is in place, cannot be restricted in use by any obstructions such as height barriers within the area designated to the Fair.

#### **4. Outcomes to be Achieved**

- 4.1 To provide a deterrent to Northgate and Cattle Market car parks for unauthorised encampments.
- 4.2 That any deterrent measures installed do not prevent CDC from hosting the annual Sloe Fair in Northgate car park.
- 4.3 That any deterrent measures installed comply with any relevant planning requirements.
- 4.4 That any deterrent measures do not significantly impact the operational needs of the car park and reflect the outcome of discussions with key stakeholders.

#### **5. Proposal**

- 5.1 It is proposed that three access restrictions points are introduced at Northgate car park – each covering the entry / exit points and that one is installed at Cattle Market car park – to cover the entry / exit point.

#### **6. Alternatives Considered**

- 6.1 Do nothing. This will not result in opportunity to attempt to protect council land from unauthorised encampments.

#### **7. Resource and Legal Implications**

- 7.1 Estimates of cost have been received and Cabinet are asked to approve £66,000 to be released from reserves to cover the cost of the works to the sites.
- 7.2 Discussions have been held with the Development Management team to consider any planning requirements.

7.3 Works will be overseen by the Parking Services team.

## 8. Consultation

8.1 As part of the consideration of options for the sites, discussion and engagement is taking place with relevant stakeholders. This will continue as the project progresses.

## 9. Community Impact and Corporate Risks

9.1 It is hoped that the measure proposed will assist with reducing unauthorised encampments in council car parks. The scheme, if approved, will be monitored closely.

9.2 It is recognised that height barriers do not always resolve the issue and they are subject to being damaged – incurring additional cost. Introducing height barriers at the two car parks could result in Travellers using another car park which might result in expectations that height barriers will be introduced into all car parks.

9.2 It should be noted that the Travellers themselves are considered part of our community and any deterrents that restrict their nomadic lifestyle may have a negative impact on them. These impacts should be considered against the impacts on the settled community and neighbouring businesses, etc.

## 10. Other Implications

	Yes	No
<b>Crime and Disorder</b> – potential positive impact by restricting illegal or unauthorised access to CDC land and as such prevent potential crime and disorder that may follow such incursions.	X	
<b>Biodiversity and Climate Change Mitigation</b>		X
<b>Human Rights and Equality Impact</b> – all decisions need to be taken considering the duties of all sections of the community – residents in particular neighbours, legitimate users of the car parks as well as Travellers and their Article 8 rights.	X	
<b>Safeguarding and Early Help</b>		X
<b>General Data Protection Regulations (GDPR)</b>		X
<b>Health and Wellbeing</b> – by preventing some incursions this will have a positive impact to the wellbeing of local residents.	X	

## 11. Appendices

11.1 None

## 12. Background Papers

None

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**Chichester District Council**

**THE CABINET**

**Update on Custom & Self-Build at Chichester and revisions to the Register**

**1. Contacts**

**Report Author:**

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**Cabinet Member:**

David Betts – Cabinet Member for Housing and Revenue and Benefits

**2. Recommendation:**

- a) **That Cabinet note the Custom and Self-Build health check and the subsequent workstream activity undertaken over the past year.**
- b) **That Cabinet approve the revision of the eligibility criteria for entrance onto Part 1 of the Custom and Self Build Register as set out in section 5 of the report.**
- c) **That Cabinet recommend further publicising of the CSB Register including through the hosting of an open event for those with an interest.**

**3. Background**

Overview

- 3.1 As required by the [Self-build and Custom Housebuilding Act 2015](#), the Council has held a Self-build and Custom Housebuilding Register since April 2016. This is a register of individuals or groups of individuals who are seeking to acquire serviced plots of land in the district to build their own homes.
- 3.2 The Act (as amended by the Housing and Planning Act 2016) places two further duties on the Council:
  - A duty to have regard to the register when carrying out its planning, housing, land disposal and regeneration functions.
  - A duty to grant, within three years, 'suitable development permission' to enough serviced plots of land to meet the demand for self-build and custom housebuilding in the authority's area.

An external review in the form of a Health-Check of the Custom and Self-Build Register and wider workstream was undertaken by the Right to Build Task Force in January 2023. The feedback from this review made several recommendations and resulted in an Action Plan a copy of which is available at Appendix 1.

The Action Plan identifies a number of areas in which the Council could improve the Custom and self-Build workstream and the actions taken over the past year as per the recommendations of that Action Plan are set out below:

- **Resourcing** – whilst we don't have a designated officer, we have identified a Custom Self Build Officer Champion that has absorbed the workstream into their day-to-day role and acts as the Lead Officer for CSB.
  - **Political Backing** – Cllr Betts has agreed to be the current Custom Self-Build Member Champion and a training session for members in relation to CSB took place on Monday 13<sup>th</sup> November 23.
  - **Website & Communications Strategy** – at the time of the Healthcheck, the Council hadn't publicised the register other than how to join on the Council's website. As a result of the Healthcheck we subsequently included an article in the Initiatives magazine in Summer and this was followed by a wider campaign across multiple channels and a second article in September 2023. The website pages are updated as required and reviewed on a quarterly basis.
  - **Corporate Plan/Housing Strategy** – At the time of writing this Report neither the Corporate Plan or Housing Strategy refer specifically to Custom and Self-build Housing. The current Housing strategy is due to be refreshed for 2025 and this provides an opportunity for Custom and Self-build options to be captured so far as is appropriate to do so.
  - **Monitoring** – The Healthcheck indicated that monitoring data should be published. Subsequent to the Healthcheck the Levelling Up and Regeneration Act 2023 now stipulates that numerical data should be published and the Council has now done so on the Custom and Self-build webpage available here: [Custom and self-build housing - Chichester District Council](#). Furthermore, the Council continues to review it's monitoring of Custom and Self-build housing across Housing and Planning Divisions.
  - **Supplementary Planning Document and Neighbourhood Plans** – The Council at this stage does not envisage a separate Supplementary Planning Document specifically for Custom and Self-build, however, this option remains on the table should it become evident that there is a consistent and severe under delivery of Custom and Self-build housing. In relation to Neighbourhood Plans, the Housing delivery Team have written to Parish Councils to offer our services in terms of a range of data and assistance that can be provided to help such groups shape their plans, this includes Custom and Self-build housing policies.
  - **Member and Officer Training** - Regular training for officers has been undertaken since January 2023 and separate training has been undertaken for Members
  - **Development Management Process and legal controls / s106** – This is an area that continues to evolve and a joint meeting between Housing and Planning Divisions is currently in the works to discuss the best way forward in terms of appropriate wording for Conditions and/or a s106 template. Consideration needs to be given to which mechanism is the most appropriate for the scale of the proposed scheme.
- 3.3 Turning now to eligibility to join the Register, eligibility criteria for entrance to Part 1 of the custom and Self-Build Register was introduced in 2018 and required people

to have a local connection to Chichester. At this time a financial test was also introduced.

- 3.4 In relation to Recommendation C) the Council has a statutory duty to publicise the Register and one way to do this would be to provide an open event on Custom and Self-build –to enable those with an interest to find out more about securing a Custom Self-build home.

#### 4. Outcomes to be Achieved

- 4.1. In relation to Recommendation A) the outcome is to raise awareness of the work that has been undertaken over the past year in relation to Custom and Self-build housing.
- 4.2. In relation to Recommendation B) the outcome is to simplify the process for registration for applicants bringing it in to line with the requirements to join the general Housing Register and to reduce unnecessary barriers for which officers are not qualified to reach a judgment.
- 4.3. In relation to Recommendation C) To encourage those wishing to undertake Custom and Self-build to join the register and to learn more about how it may be a viable option for them and meeting the needs of this section of the community.

#### 5. Proposals

- 5.1. To reduce the length of time an applicant needs to have lived in the Chichester Plan Area from 5 years to 2 years.
- 5.2. To remove the need to provide financial evidence to join the register.
- 5.3. Eligibility criteria for entrance to Part 1 of the custom and Self-build Register was introduced in 2018 and required people to have a local connection to Chichester. The criteria is set as follows in the first column, with proposed changes being recommended in the second column:

Existing Part 1 Joining Requirements	Proposed Part 1 Joining Requirements
<ul style="list-style-type: none"> <li>have lived in the Chichester District Local Plan area (i.e., not in the South Downs national Park) for at least 5 years immediately prior to the date you apply to join the register; or,</li> </ul>	<ul style="list-style-type: none"> <li>have lived in the Chichester District Local Plan area (i.e., not in the South Downs national Park) for at least <b>2 out of 5</b> years immediately prior to the date you apply to join the register; or,</li> </ul>
<ul style="list-style-type: none"> <li>have been employed in the district for more than 16 hours per week for the last two years; or,</li> </ul>	No change
<ul style="list-style-type: none"> <li>have close family who have lived in the district as their main</li> </ul>	No change

place of residence for the last five years and need the support of the close family or the close family needs the support of the applicant; or,	
<ul style="list-style-type: none"> <li>• have been in the service of the regular armed forces or have left the service of the armed forces for a period of five years or less.</li> </ul>	No change

The above is in addition to the Requirements to join the wider CSB Register which is set out nationally in legislation as follows:

- aged 18 or over;
- a British citizen, a national of an EEA state other than the UK or a national of Switzerland; and,
- seeking (either alone or with others) a serviced plot of land in the plan area to build a house to occupy as your sole or main residence.

5.4 In addition, applicants are currently asked to provide evidence of their financial ability to undertake the build. Officers recommend that this requirement should be removed in its entirety as officers are not best placed to determine the affordability of a person's circumstances to undertake such a build. In addition, there are several other factors that may affect affordability such as whether the land is already in their ownership, interest rates, mortgage availability, build costs etc all of which will be unique to each case.

5.5 Those without a local connection are eligible to join Part 2 of the register.

## 6. Alternatives Considered

- 6.1 Do nothing and maintain the status quo. This is considered not to be the preferred option as it fails to recognise the particular needs of those looking to build their own home and puts in place barriers to those wishing to join the register.
- 6.2 The Council could choose to apply no restrictions, however, this would potentially lead to exceptional demand being placed on the district making it extremely challenging to fulfil our statutory duty in relation to meeting supply.
- 6.3 The council could choose to apply more restrictions, however, to do so would not reflect the Action Plan and Independent Healthcheck undertaken, nor would it reflect Best Practice.

## 7. Resource and Legal Implications

7.1. There are no direct or legal implications of following the recommendations other than those set out in this report. In terms of resource an undefined amount of resource would be required to hosting an event, however, officers consider this likely to be minimal and capable of being met out of existing budgets.

## 8. Consultation

8.1. The Housing and Communities Panel have been consulted with a view to bringing the Custom Self-Build Register Part 1 joining criteria into line with the Council's Housing Allocation Scheme.

## 9. Community Impact and Corporate Risks

9.1. There are considered to be no Corporate Risks associated with the Recommendations of this Report. In terms of Community Impact, it is considered to be a positive impact for those wishing to build their own home within the Chichester Plan area.

## 10. Other Implications

<b>Are there any implications for the following?</b> If you tick "Yes," list your impact assessment as a background paper in paragraph 13 and explain any major risks in paragraph 9		
	Yes	No
<b>Crime and Disorder</b>		X
<b>Climate Change and Biodiversity</b>		X
<b>Human Rights and Equality Impact</b>		X
<b>Safeguarding and Early Help</b>		X
<b>General Data Protection Regulations (GDPR)</b>		X
<b>Health and Wellbeing</b>		X
<b>Other</b> (please specify)		

## 11. Appendix

Appendix 1 – Right to Build Taskforce Custom and Self-build HealthCheck

## 12. Background Papers

None

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16<sup>th</sup> February 2023

### **Chichester District Council – Custom and Self-Build Action Plan**

The Custom and Self-Build Health Check and Action Plan process provides a mechanism to determine how ‘healthy’ an LPA’s policies, procedures, protocols, and engagement are in respect of CSB and how the authority is delivering on their duty in respect of the Right to Build legislation. The Health Check Questionnaire Responses are considered against a series of ‘benchmark’ requirements. These are to ensure:

- **That each LPA has a RTB Register that is visible, well promoted and regularly monitored and actioned.**
- **That fee charges, if employed by LPAs to join registers are appropriate and proportionate. Connection tests, if applied are reasonable and necessary in accordance with national policy and guidance.**  
**That effective and meaningful planning policy is used in emerging or adopted local plans to positively promote and support CSB in all its guides.**
- **That regular annual monitoring takes place in relation to the supply and demand of CSB in the LPAs area.**
- **That CSB applications are correctly recorded and that appropriate legal obligations are used to ensure permissions come forward as intended for CSB.**

**In order to increase diversity in the housing sector all of the above points play an important role to delivery CSB and to make this a mainstream housing offering.**

Within this context, the responses submitted by Chichester District Council via the Health Check Questionnaire, together with a review of information available from the Council’s website, have been assessed to inform the suggested action plan below. The action plan utilises a traffic light priority system in order to assist with implementation.

### Chichester District Council CSB Action Plan

Status	Description
RED	High priority - needs immediate attention.
AMBER	The task is a concern and a priority.
GREEN	The task is on track to complete on time.
COMPLETE	Indicates the task has been finished and ready for next phase.



<b>Name of local authority</b>	Chichester District Council		
<b>Name of lead contact:</b>	Mark Bristow, Housing Delivery Officer, Housing Delivery, Chichester District Council		
	<b>Health Check Outcome</b>	<b>Priority (RAG)</b>	<b>Action Plan Intervention</b>
<b>Resourcing for CSB</b>	<p>Chichester Council does not have any specified identified resource for custom and self-build and notes significant skills gaps in housing delivery, planning policy and development management. The Housing Delivery Team is keen to push forward the agenda, in particular, affordable provision via CLTs on LA land. Greater training and experience would be very helpful.</p>		<p>The Task Force have found that having the benefit of a dedicated CSB officer who is responsible for driving CSB and investing in working with CSB enablers and community self-build groups significantly helps increase diversity in housing in the local authority area and ensures a proactive approach to CSB as a defined type of housing.</p> <p>It is recognised that local authorities are experiencing significant budgetary and resourcing challenges at present and therefore the most expedient approach is likely to be upskilling/training existing staff. The Task Force regularly facilitates training opportunities which are often provided to local authorities free of charge. These include a series of masterclasses covering monitoring, design coding, delivery, working with enablers and appeals. There is also an existing forum for officers with responsibility for CSB. This has proved to be an excellent learning opportunity for officers and a forum where concerns, issues and challenges can be discussed, and experiences shared. Therefore, it is suggested that the Council designates one or more officers who can take the lead on CSB engagement and act as the first contact for the LPA. Lack of specific responsibility for CSB within a planning/housing department is a very limiting factor in engaging with people who wish to build their own homes as well as custom build enablers and community groups.</p>

			<p>The Council may also wish to consider suitable funding sources for example any residual new burdens funding to provide officer resource for CSB. Over time, as the Council adopts suitable development plan policy that secures provision of CSB on large sites, the Council could explore the use of Planning Performance Agreements to facilitate delivery of CSB.</p>
<b>Political Backing</b>	<p>No member champion has been identified, although the Housing Portfolio is keen on seeing CSB coming forward. There appears to be broad support for CSB as a result of an individual promoting this form of housing.</p>		<p>As a starting point, it is suggested that the Council seeks to hold an initial session to engage Members in CSB and ‘win hearts and minds’. The Housing Portfolio holder, who is keen to see CSB coming forward in Chichester, can play an important role as a ‘Member Champion’ to lead engagement and understanding of CSB amongst the Council’s membership.</p> <p>The Task Force offers introductory workshops, and it is understood that this is in the process of being arranged for the Council. The Task Force believe that this is an essential first step in achieving clarity and support for officers across; development management, policy and housing enabler teams. In our experience, these work best when attended by a broad range of officers across the Council’s housing and planning functions and crucially, elected members. Establishing strong political support and leadership is essential to proactive CSB promotion by a local authority.</p> <p>It is also important that Planning Committee Members also have specific knowledge in CSB. The Council may wish to consider arranging bespoke training for Planning Committee Members to ensure they are fully cognisant of the Right to Build legislation and are able to take the Councils duties into account in exercising their decision making powers. This would be a paid for provision with the Task Force being able to visit the LA and deliver a bespoke face to face training session to suit the needs of the LPA.</p>
<b>Register</b>	<p>The Council does not currently charge a fee for entry onto the Register. There is a local</p>		<p>It is welcomed that the Council does not currently charge a fee for entry onto the Register. In the Task Force’s experience, register fees simply act as a deterrent for applications and</p>

	<p>connection restriction as land is at a premium within the area. A financial solvency test has also been implemented although the Council is considered this is removed.</p>	<p>being able to demonstrate healthy demand for CSB is crucial for the promotion of any CSB interventions particularly proactive local plan policies. Given the current stage of plan making, the Task Force would advise against the introduction of a fee as data from the Register will be important in seeking to justify the Council's intended policy approach to delivering CSB at Examination.</p> <p>In respect of the local connection restrictions, Planning Practice Guidance makes clear that tests need to be proportionate, reasonable and reviewed periodically to ensure that it responds to issues in the local area, for example, areas with exceptional demand or limited land availability. It is recognised that a significant proportion of Chichester falls within the South Downs National Park (and therefore not the local planning authority for this area) as well as the Chichester Harbour Area of Outstanding Natural Beauty and internationally designated habitat sites. It is suggested that the local connection test is monitored and reviewed over time, particularly as progress is made on the new Local Plan. If there is an opportunity to remove the connection test over time this would be a positive step for inclusivity and help to encourage Custom Self Build to all interested parties.</p> <p>In terms of the financial solvency test, Planning Practice Guidance is clear that this may be applied where relevant authorities wish to assess whether the applicant can afford to purchase the land, although authorities should be aware that self-build and custom build can provide a route to affordable home ownership for those on low incomes and so will need to take this into consideration if introducing a financial solvency test. The Council is considering whether to remove this test and this would be supported by the Task Force. The financial solvency test introduces an additional resource requirement for local authority officers whereby time will be spent processing applications and, in our view, this is largely unnecessary. The Register can ask a series of questions around</p>
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			<p>the applicant's ability to afford a CSB as well as questions to assess affordable housing need without a formal eligibility test. If the financial solvency test is to be retained, it should be designed to enable the maximum number of individuals to pass and <u>not</u> act as a deterrent to registration.</p> <p>Finally, it is noted that the Council holds an electronic register which hopefully assists with reducing the administrative burden of maintaining the register. The Council may wish to consider publication of high level analytics from the Register, on an annual basis. This is likely to assist enablers looking at areas within England's regions to seek to develop CSB sites. The LPA should seek to encourage the facilitation of enablers through sharing of data in a responsible manner which do not create conflicts</p>
<b>Website Presence</b>	The Council's website has not been updated for some time. The Council's CSB webpage helpfully provides a guidance note that covers the Register which addresses the additional eligibility requirements.		<p>The Council should ensure regular updates to the website in regards to CSB. Fundamentally, there should be clear links between the Council's housing and planning webpages as it may not be immediately clear to customers when searching for information on custom and self-build where they need to be looking. CSB webpages should be engaging and ideally provide a range of information sources to aid consumers including details of the Council's local plan policies (once adopted), register requirements and ideally, details of any plots currently available. As an example, please see <a href="#">Teignbridge District Council's website</a> which contains a broad range of information to assist prospective custom and self-builders including an interactive map of consented sites across the District.</p>
<b>Communications Strategy for CSB</b>	No dedicated officer, member or local community engagement in respect of CSB has taken place.		<p>It is important to engage with local communities, as well as developers and enablers regarding CSB, both to convey demand and information relating to the Council's future plans to support CSB and explore opportunities to upscale CSB delivery.</p> <p>Positively promoting CSB and actively seeking to engage and work with local SME builders and CSB enablers is important to ensure CSB is delivered to satisfy the needs of those on the</p>

			<p>Council's Register. Local community engagement is also a powerful opportunity to establish evidence of demand and identify where communities want to see CSB.</p> <p>In the first instance, the Council could also consider arranging town and parish council briefings for custom and self-build. These can be invaluable in informing and inspiring local communities to take action to promote CSB in their local area whether through a community housing initiative or neighbourhood plan.</p> <p>In time, as larger, strategic scale development proposals are identified consider the use of engaging marketing events to inform the local population of the opportunities that this form of housing can provide and make them aware of potential opportunities that may be coming forward in their area. This could provide multiple benefits including:</p> <ul style="list-style-type: none"> <li>• Developing a greater understanding of the demand for CSB at the local level.</li> <li>• Raising awareness amongst the local community.</li> <li>• Stimulating interest in upcoming developments which will aid the marketing process.</li> </ul> <p>Finally, as the Council's Custom and Self-Build approach becomes more established, the Council could also consider arranging specific forums for SME builders and CSB enablers that operate in the area (similar to agent/developer forums). This would provide an opportunity to provide updates as to the latest permissions, pipelines of sites, policy and design requirements as well as developing positive working relationships.</p>
<p><b>Corporate Plan / Housing Strategies</b></p>	<p>The Council's Corporate Plan is silent on CSB as is the Housing Strategy.</p>		<p>The Task Force has found that reference to CSB within relevant corporate / housing strategies greatly helps ensure that all key parties are aligned and are working towards cross-departmental, mutually agreed goals and aspirations to advance the delivery of CSB in their area. It also ensures that</p>

			<p>CSB is taken into account as part of relevant decisions taken by the Council, in accordance with the Right to Build duties. Strategies should establish specific, measurable and realistic targets which can be monitored as part of the Council's corporate KPI monitoring process. Fundamentally, this further enshrines the need to diversify the housing market (and the benefits this brings) into the culture of the organisation.</p>
<b>Monitoring of CSB</b>	<p>The Council monitors CSB permissions and completions as part of overall housing monitoring. Specific monitoring is done by the Council's CIL team.</p> <p>It is unclear whether the Council is currently meeting its statutory duties in respect of CSB. The Council also does not actively publish CSB land supply information although CSB is included within a list of permissions as part of 5yhs data which is published annually.</p> <p>No monitoring of CSB delivery is included within the Council's wider corporate performance activities.</p>		<p>The Task Force would strongly suggest that the Council should seek to publish data in respect of CSB register demand as well as permissions and completions. Publishing monitoring data not only helps the sector to understand the market and demand in your areas but crucially helps the local and regional market to respond and seek to deliver for those who are wishing to build their own homes.</p> <p>To assist local authorities, the Task Force has produced a standardised template for monitoring CSB land supply. This is available as a Guidance Note on the Task Force Website: PG13 – Annual Monitoring Reporting</p> <p>Whilst the duty is explicit in meeting the demand for CSB by reference the number of entries on the Council's Register, the reality is that many authorities are not currently meeting the demand for CSB. Where this is the case, it is important to demonstrate that proactive, positive action is being taken within the local authority.</p> <p>Please also see the Task Force's Planning Guidance Note: PG 10 Counting relevant permissioned plots.</p>
<b>Local Plan &amp; CSB Policy</b>	<p>The Council does not currently have an adopted local plan policy that supports CSB. The Council's emerging plan is proposed to include a number of references including housing mix, percentage policy on larger sites, CSB references within a rural exception</p>		<p>The emerging Chichester Local Plan Review 2035 (Preferred Approach – December 2018) includes references to custom and self-build housing within Policy DM2 'Housing Mix'. Although it is noted from the Council's health check responses that the intention is that policies will go further than this. The Council's approach to establishing a broad package of policies to support custom and self-build is welcomed. It is important to establish clear, unambiguous policy requirements in respect</p>



	<p>policy. The subsequent allocations DPD will also be an opportunity for dedicated allocations.</p> <p>In terms of evidence, the Council has its CSB Register, a list of CIL exemptions and the Housing and Economic Development Needs Assessment.</p> <p>The Council's emerging Plan is not yet at Examination.</p>	<p>of CSB. The Task Force advocates for CSB support to be enshrined in various aspects of planning policy including:</p> <ul style="list-style-type: none"> <li>• Strategic policy (CSB as part of housing mix as well as broader support for CSB having regard to spatial strategy/settlement hierarchies)</li> <li>• Site specific (Allocations, percentage policy requirements, small sites requirements)</li> <li>• Development management (windfall sites, exception sites, design standards etc.).</li> </ul> <p>The Task Force is able to offer technical support with drafting policies, evidence and/or acting as a critical friend for local plan policy approaches as part of a paid for service.</p> <p>With regards to the Register, this is a useful starting point although it is important to recognise that the registers provide a snapshot of demand at a point in time. They are ultimately dependent on register awareness and how the LPA has marketed the Register and therefore are unlikely to be a reliable proxy for longer term plan-making.</p> <p>Therefore, it is important to support register data with other sources of demand. It is important to ensure that any plan-wide needs assessment does not simply repeat the register data. The recent <a href="#">Housing and Economic Development Needs Assessment undertaken by Icen Projects Limited</a> takes into account broader demand evidence such as use of secondary data sources as recommended by PPG. It also recognised the Register's limitations as an expression of demand. The approach is welcomed and will help justify the inclusion of CSB policies within the local plan.</p> <p>Should the Council wish to go even further, the Council could consider a separate Demand Assessment Model which considers longer term strategic demand for CSB. This has been developed by <a href="#">Three Dragons</a>, in collaboration with the Task</p>
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			<p>force to assist local authorities with long term planning and identifying underlying demand for CSB. Their approach uses current local and national data in respect of demographics and affordability and provides information about demand across a local authority or housing market area, taking account of the type, size and tenure of serviced plots.</p> <p>In addition to demand evidence, the Council could also helpfully develop the evidence base in respect of land supply. This could be facilitated through a call for sites process that specifically invites land submissions for custom and self-build.</p>
<b>SPD for CSB</b>	The Council does not have an adopted or emerging SPD for CSB.		<p>The Council does not have an adopted or emerging Supplementary Planning Document for Custom and Self-Build. Clearly, an SPD, by nature must be supplementary to development plan policy and therefore there will need to be a suitable policy 'hook' in place to support an SPD. The courts have made clear that it is not appropriate to use SPDs to supersede development plan policy or make an alteration to plan policy to address new evidence. Consequently, as the new Local Plan is adopted, the Council may wish to consider whether an SPD could helpfully expand upon policy or provide further detail to CSB policy requirements to demonstrate how they can be taken forward. A draft SPD could helpfully cover the following:</p> <ul style="list-style-type: none"> <li>• Definitions of CSB and the differences between them</li> <li>• Delivering % policy requirements</li> <li>• Guidance for planning applications</li> <li>• Phasing and delivery</li> <li>• Achieving quality design</li> <li>• Use of design codes and plot passports</li> <li>• Servicing and utilities</li> <li>• Marketing plots</li> <li>• Delivery of affordable CSB</li> <li>• Other matters including CIL</li> </ul>
<b>Neighbourhood Plans</b>	The Council does not currently engage with parish and town		Chichester District Council has a significant number of neighbourhood plans. Neighbourhood plans are powerful tools



	<p>councils, neighbourhood groups, forums to promote the benefits of CSB, although once the new Local Plan is adopted then more active engagement may take place.</p>		<p>that give local communities direct power to develop a shared vision for their neighbourhood so they can deliver the development they need and want. Neighbourhood plan groups therefore have powerful planning tools at their disposal to support custom and self-build delivery.</p> <p>The Council could play a supportive role in engaging with neighbourhood plan groups to facilitate opportunities for custom and self-build. The Council could actively support groups in taking forward a range of opportunities that could help facilitate CSB opportunities in advance of the new local plan being adopted. These could include:</p> <ul style="list-style-type: none"> <li>• Encouraging CSB in the area or asking new housing developments to include serviced building plots in a scheme</li> <li>• Identifying specific sites and areas where CSB would be supported.</li> <li>• Promoting affordable CSB opportunities on rural exception sites – either as single homes or as part of a larger site.</li> <li>• Encouraging and identifying suitable sites where group or community led projects can be built.</li> </ul> <p>Neighbourhood plan support could naturally follow on from a process of engagement with local communities (as covered above) to encourage and inspire aspirations to deliver more CSB opportunities across Chichester.</p>
<p><b>CSB – Member and Officer Training</b></p>	<p>No internal or external training for officers / elected members on CSB has taken place in the last 6 months.</p>		<p>As set out in the 'Political Backing' section, in the first instance an introductory workshop with members and officers would assist with instilling support and enthusiasm for CSB at all levels within the Council. The Council may also wish to consider arranging a site visit for officers and members to see some of the UK's successful CSB first hand. One such example is Graven Hill in Bicester, which is the largest and most ambitious CSB project in England. The Task Force have arranged two guided</p>

		<p>tours to Graven Hill, with significant discounts for local authorities. Further details can be found at:  <b>7 March 11:30-2pm</b>  <b>10 May 11:30-2pm</b></p> <p>There are also a number of opportunities for more specific, bespoke training based around key issues facing the sector. The Task Force offers a strong masterclass programme whereby sessions are free for local authorities to attend. Recent sessions include percentage policy sites, planning appeals, delivery models and counting plots. There are also a number of additional sessions in the pipeline including a session covering: -</p> <p><b>Part 1</b> Affordable Custom &amp; Self Build Housing - (Big A and Little a) What it is and potential approaches to make it happen. <b>15<sup>th</sup> February 2023 @12.30pm -2pm</b></p> <p><b>Part 2</b> Affordable Custom &amp; Self Build Housing - Who could assist in making it happen? (Community led housing, Registered providers, Local authorities, etc.) <b>12<sup>th</sup> April 2023 @12.30pm – 2pm</b></p> <p>Self &amp; Custom Build Planning Policies The Good, Bad &amp; The Ineffective on the 23rd of February @ 11.30am-1.1pm</p>
<p><b>Development Management Process and legal controls / s106</b></p>	<p>The Council does not have a template section 106 agreement for CSB. Use of legal controls is an evolving issue within the Council. At present there does not appear to be a well-established framework in this regard although once the new Local Plan is adopted the Council will likely look at legal stipulations in relation to issues such as phasing, marketing</p>	<p>It is important to ensure that permissions for custom and self-build home are secured and delivered as such. Planning obligations (via s106 agreement or unilateral undertaking) and planning conditions will help provide certainty over the delivery of custom and self-build. It is therefore important that these cover all of the essential components to ensure CSB provision is delivered in a timely manner.</p> <p>Over time, the Task Force has developed a good understanding of the components needed within a legal agreement to secure high quality delivery of CSB. These include:</p>

	<p>periods, restrictions on occupation etc.</p>		<ul style="list-style-type: none"> <li>● Site-wide delivery which includes the number of CSB plots secured.</li> <li>● Defining CSB as the occupant having primary input into the dwelling's final design and layout</li> <li>● Distribution and phasing of plots on the site</li> <li>● Servicing plots and utilities</li> <li>● Staircasing / cascade</li> <li>● Marketing</li> <li>● Control over design – design code and plot passport</li> </ul> <p>It is suggested that the Council establishes a standardised draft s106 schedule which addresses all of the key requirements set out in the Council's local plan and those which are necessary for the delivery of high quality plots.</p>
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