

# Chichester District Council

Cabinet

2 March 2021

## Local Plan Review - Responses to Preferred Approach: Part 2 Development Management Policies, Policies Map, Habitats Regulation Assessment and Sustainability Appraisal

### 1. Contacts

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### 2. Executive Summary

This report sets out the representations received to the Local Plan Review Preferred Approach Part 2 - Development Management (DM) Policies, Policies Map, Habitats Regulation Assessment (HRA) and Sustainability Appraisal (SA). The representations received in respect of each are summarised individually at Appendix 1, together with the Council's proposed response.

### 3. Recommendation

**That Cabinet recommends to Council**

#### 1. That:

- a. The Summary of Representations included as Appendix 1 to this report is noted.
  - b. The proposed Council responses to the representations set out in that document are agreed for publication on the Council's website.
  - c. The Director of Planning and the Environment is authorised, following consultation with the Cabinet Member for Planning Services, to make minor amendments to the Summary of Representations and Responses prior to its publication.
2. That the issues raised in the Summary of Representations document and the other relevant issues summarised in section 9 of this report are noted as key considerations for the ongoing production of the Local Plan.

## **4. Background**

- 4.1 On 20 November 2018, Council approved the publication of the Preferred Approach Plan along with supporting documents for an 8 week period of public consultation, from 13 December 2018 until 7 February 2019.
- 4.2 The consultation documents consisted of five components:
1. A key policies consultation document: Draft Local Plan Review 2016-2035 Preferred Approach. This document set out the overall strategy; area based strategic policies and development management policies for the Local Plan area.
  2. A schedule of proposed changes to the Policies Map.
  3. An initial Sustainability Appraisal (SA). This document included an assessment of the social, environmental and economic impacts of options for policies, considered against the sustainability objectives;
  4. A Habitats Regulations Assessment (HRA) to consider the implications of the Plan on sensitive designated ecological assets.
  5. Supporting evidence studies covering a range of topics, including transport, infrastructure requirements, landscape sensitivity, water quality and capacity and housing and employment land requirements.
- 4.3 The Preferred Approach Plan was prepared taking account of matters raised in the Issues and Options consultation undertaken in the summer of 2017, the input of officers in other relevant services within the Council and meetings of the Council's Development Plan and Infrastructure Panel.

## **5. Purpose of this Report**

- 5.1 A summary of representations and the Council's proposed responses to Part 1 of the Local Plan Review: Preferred Approach were seen and endorsed by Cabinet and Council on 3 October 2019. Whilst it was always the intention to provide the same information in respect of Part 2, as the Part 2 Development Management (DM) policy responses are less likely to inform the strategic direction of the plan, work has been prioritised first where it is fundamental to the progress of the Local Plan; namely a robust evidence base which will provide the justification for strategic, allocation and development management policies. There has been on-going consideration of the responses to the SA and HRA as work on the Local Plan has progressed.
- 5.2 However, while work on the Local Plan strategy is continuing (and is the subject of another report on this agenda), it is now appropriate for Members to be aware of the

Part 2 consultation responses and the way in which the Council proposes to address them. Therefore, the purpose of this report is to inform members about the consultation responses received in respect of the DM policies which can be found in Part 2 of the Preferred Approach Plan (pages 134 – 205) and the supporting policies map, HRA and SA.

- 5.3 Appendix 1 of this report provides a summary of the responses received for each policy (policies DM1 – DM35), followed by the Council's proposed response to the comments received. Comments on the policies map, HRA and SA are also summarised and responded to.
- 5.4 Consultation responses are categorised into comments, support and objections. In some cases, it has been appropriate to suggest an amendment to the policy (or supporting text) and the comment can be addressed straight away. In other cases, further work will need to be carried out to determine whether it is appropriate to amend a policy, map or document. This will be based on the latest evidence available and the advice of stakeholders or technical advisors. Where further work is required, it is set out in the Council's response at Appendix 1.
- 5.5 Notwithstanding the need for some further discussions, it is not considered that the consultations received raise highly contentious or insurmountable issues which would prevent the Local Plan from progressing. In many cases, respondents are suggesting word changes to provide greater clarity or emphasis and this can be addressed quite easily. However, there are some issues which cannot be addressed until we have taken specialist advice or received the latest technical report. This includes responses on rural exception sites, gypsies and travellers, retail, sustainable design and construction and air quality. The responses received on the SA and HRA will also need to be considered by the specialists carrying out this work, to ensure that all regulatory requirements are met.
- 5.6 It is also important to note that the DM policies often relate to matters where technology and/or trends are evolving all the time, for example, renewable energy and retail. It is therefore important to ensure a balance between certainty in terms of the application of the policy and also the ability to future-proof the policy so that it remains relevant over the entire plan period.
- 5.7 More detailed information on the consultation process and a breakdown of the outcomes were set out in the report considered by Cabinet and Council in December 2019.

## **6. Outcomes of the Consultation**

- 6.1 Part 2 of the Local Plan Review: Preferred Approach contained 35 Development Management policies, the policies map, the HRA and the SA. The number of representations, in comparison with the other consultation documents, is summarised in the table below.

## Consultation responses received to Local Plan Review Preferred Approach

	Representations	Support	Object	Comment
Part 1	2742	389	1444	909
Part 2	401	92	136	173
Appendices to document	25	1	12	12
Sustainability Appraisal	17	0	2	15
Policies Map	20	4	6	10
Habitats Regulations Assessment	3	0	0	3

- 6.2 The consultation portal, available on the Councils website at <https://chichester.jdi-consult.net/localplan/> sets out a web based version of the Plan which includes all the comments made in response to the consultation. In addition, summaries of all representations have been prepared and are also available on the Councils website at <https://www.chichester.gov.uk/article/30923/Preferred-approach---consultation-December-2018>.

### 7.0 Issues Raised

- 7.1 The key issues raised in the representations are outlined at paragraph 7.3 of this report. Members should, however, review the full schedule of representations set out in the accompanying summary document and consider the draft Council responses to them.
- 7.2 In terms of the number of representations received, the DM policies which received the most responses were: DM2 (Housing Mix); DM3 (Housing Density); DM8 (Transport, Accessibility and Parking); DM16 (Sustainable Design and Construction); DM24 (Air Quality); DM28 (Natural Environment); DM29 (Biodiversity) and DM32 (Green Infrastructure).
- 7.3 The key issues raised in the representations include the following:
- a) Policies should allow for an increase in affordable homes and the flexibility to provide a wider mix of homes which has regard to local and site specific circumstances;
  - b) Allow the flexibility to increase site density where appropriate;
  - c) Further consideration should be given to alternative modes of transport to reduce the need to travel by car and the subsequent impact on air quality;
  - d) Policy should encourage highest standards of energy efficiency for all homes;

- e) Concern that Air Quality Management Areas (AQMAs) will deteriorate as a result of proposed plans, requirement for greater monitoring of AQMAs and for proposals to reduce the impact of additional development on AQMAs;
- f) Views of the Chichester Harbour Area of Outstanding Natural Beauty should be protected and more emphasis should be placed on avoiding impacts rather than mitigation;
- g) Policy should be strengthened to prevent loss of biodiversity rather than mitigation. Biodiversity net gain should be encouraged;
- h) Strengthen policy to be more positive and to ensure that green infrastructure is multifunctional. In addition, green infrastructure connections should be improved to ensure spaces function and deliver benefits.

## **8.0 Resource and Legal Implications**

- 8.1 The publication of the Part 2 consultation responses on the Council's website does not have any additional resourcing implications, over and above the Local Plan Review budget already agreed for this work.
- 8.2 The preparation of the Local Plan Review has to follow the requirements of the 2004 Planning and Compulsory Purchase Act 2004 and associated regulations. The Town and Country Planning Act (Local Planning) (England) Regulations 2012 are of particular relevance.

## **9.0 Consultation**

- 9.1 The outcomes of the Preferred Approach consultation are set out in full on the Council's website. A report setting out key issues and proposed responses to Part 2 of the draft Plan is included as Appendix 1 to this document.

## **10.0 Community Impact and Corporate Risks**

- 10.1 The Local Plan Review is likely to have significant implications for many communities in the plan area. Consultation will need to be handled sensitively.

## 11.0 Other Implications

	Yes	No
<p><b>Crime and Disorder</b></p> <p>The NPPF requires that Local Plans should develop robust and comprehensive policies that set out the quality of development that will be expected for the area, and that planning policies should ensure that developments create safe and accessible environments where crime and disorder and the fear of crime do not undermine quality of life or community cohesion.</p>	x	
<p><b>Climate Change and Biodiversity</b></p> <p>The NPPF identifies the mitigation and adaptation to climate change, and improvements to biodiversity, as fundamental issues to address in order to deliver sustainable development. Local Plans are expected to adopt proactive strategies to mitigate and adapt to climate change in line with the provisions and objectives of the Climate Change Act 2008, and to co-operate to deliver strategic priorities which include climate change. Plans should also seek to minimise the impacts on and provide net gains for biodiversity.</p>	x	
<p><b>Human Rights and Equality Impact</b></p> <p>The Equality Act 2010 sets statutory duties on public bodies such as local authorities with regard to promoting equality and reducing inequalities of outcome. To ensure that the statutory requirements are achieved, it is intended to undertake and publish an equality impact assessment which will be published as one of the supporting documents when the Local Plan Review is submitted to the Secretary of State for formal examination.</p>	x	
<b>Safeguarding and Early Help</b>		x
<b>General Data Protection Regulations (GDPR)</b>		x
<p><b>Health and Wellbeing</b></p> <p>The NPPF states that planning policies and decisions should aim to achieve healthy, inclusive and safe places</p>	x	

## 12.0 Appendices

Appendix 1 – Preferred Approach Local Plan Part 2: Summary responses and Council’s initial response