

# Chichester District Council

CABINET

12 July 2016

## **A27 Contributions - Adoption of amendment to the Planning Obligations and Affordable Housing Supplementary Planning Document**

### **1. Contacts**

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### **2. Recommendations**

- 2.1 That the Cabinet approves the proposed responses to the representations received, as set out in Appendix 1.**
- 2.2 That the Cabinet recommends that the Council:**
  - (i) determines that, due to there being no adverse comments from the Statutory Bodies and for the reasons set out in the Criteria and screening opinion set out in Appendix 2 to this report, a Strategic Environmental Assessment is not required in respect of the proposed amendment to the Planning Obligations and Affordable Housing Supplementary Planning Document (SPD); and**
  - (ii) agrees the approach for securing A27 contributions proposed in the consultation, and formally adopts amendments to the Planning Obligations and Affordable Housing Supplementary Planning Document (SPD) by including the additional wording set out in Appendix 3.**

### **3. Background**

- 3.1 At its meeting on 26 January 2016, the Council resolved to undertake public consultation on a proposed methodology for securing financial contributions from the major housing developments proposed in the Chichester Local Plan to mitigate their traffic impact on the A27 Chichester Bypass junctions, and**

potentially contribute to the wider A27 improvement scheme currently being developed by Highways England. Subject to the outcome of the consultation, it was intended to amend the Council's Planning Obligations and Affordable Housing Supplementary Planning Document (SPD) to enable the Council to use S106 agreements to require that, prior to commencing housing construction, the relevant developers would need to enter into a S278 agreement with Highways England to provide for a specified financial contribution proportionate to the development's expected traffic impact on the A27 junctions.

- 3.2 Public consultation was undertaken over a 6-week period from Friday 29 January to Friday 11 March 2016. Draft wording to be added to the Planning Obligations and Affordable Housing SPD was published for comment, along with the technical transport study<sup>1</sup> that underpins the methodology used to calculate the contribution to be sought each of the relevant housing sites.
- 3.3 Representations were received from 13 separate organisations and individuals. This low response rate reflects the fact that the proposed financial contributions would only affect a very small number of housing developments (those of 50 or more dwellings). The consultees that did respond included the promoters of the strategic developments at West of Chichester, Westhampnett/North East Chichester and Tangmere, and also Highways England and West Sussex County Council. Appendix 1 presents a summary of all representations received, together with a proposed Council response to each of the main points raised.
- 3.4 Following consultation with the Statutory Bodies (Natural England, Historic England and the Environment Agency), officers consider that a Strategic Environmental Assessment (SEA) of the amendment to the Planning Obligations & Affordable Housing SPD is not required. Appendix 2 presents the SEA Screening Assessment.
- 3.5 The Council must now consider the representations received and decide whether to proceed with the suggested approach for A27 developer contributions, and whether any amendments are needed to the wording proposed to be added to the SPD.

#### **4. Outcomes to be achieved**

- 4.1 To ensure that the additional traffic impacts of development proposed in the Chichester Local Plan are mitigated and do not further accentuate the existing problems of congestion on the A27 Chichester Bypass and on local roads linked to the A27 junctions.

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<sup>1</sup> A27 Chichester Bypass - Developers Contribution Analysis for Strategic Development Options and Sustainable Transport Measures (report by Jacobs, October 2015)

## **5. Proposal**

- 5.1 Having reviewed all representations received, officers do not consider it necessary to alter the general approach or proposed methodology for securing A27 contributions. However, some minor updates are proposed to the proposed SPD wording. Appendix 3 presents the amended wording, highlighting these minor changes.
- 5.2 Subject to any views and comments, Members are asked to approve the responses to representations, and to recommend to Council that the wording presented in Appendix 3 be added to the Planning Obligations and Affordable Housing SPD as a formal amendment to that document. It is proposed that the new text will be added into the 'Transport and Highways' section of the SPD, as a new sub-section immediately following Paragraph 4.45 of the current SPD document.

## **6. Alternatives that have been considered**

- 6.1 Alternative approaches for obtaining A27 development contributions were considered when formulating the current approach. These included the possibility of using CIL or seeking direct payments through S106. However, these approaches raised issues of compliance with the CIL Regulations, which were set out in the earlier January 2016 report.
- 6.2 A further alternative open to the Council would be not to seek developer contributions towards the A27, but to rely entirely on the delivery of a Highways England scheme for the A27 at Chichester funded by central Government. However, there would be some risk in that approach, since the Highways England/Department for Transport proposals are still at an early stage of consideration. A preferred A27 scheme has not yet been announced. In addition, the timetable for delivering a major scheme may be subject to further slippage.
- 6.3 Set against this, the Council is now actively considering planning applications for the strategic sites allocated in the Local Plan. It is important to establish a methodology for obtaining developer contributions at this stage, irrespective of whether the Highways England scheme goes ahead. The proposed developer contributions would be directly related to the cost of improvements required to mitigate the traffic impacts of new housing proposed in the Local Plan, and have been calculated independently of any Highways England scheme. The contributions would address the additional traffic impacts resulting from the Local Plan, but do not seek to address the wider issues of traffic congestion on the A27.
- 6.4 It is considered that the Council's proposed approach and methodology for seeking A27 contributions meets the tests for planning obligations set out in the CIL Regulations. Therefore, it is recommended that the Council proceeds with the proposed approach.

## 7. Resource and legal implications

- 7.1 Following the inclusion of the proposed additional wording, the amendment to the Planning Obligations and Affordable Housing SPD will be published, along with a statutory adoption statement. Parties involved in the process will be notified and there will be a period of six weeks for any legal challenge. The amendment to the SPD would remain in effect pending the outcome of any challenge.

## 8. Consultation

- 8.1 As noted above, the proposed wording to be added to the Planning Obligations and Affordable Housing SPD setting out the approach for securing A27 developer contributions, has been subject to a six week period of public consultation. The representations received and responses to them are attached at Appendix 1 to this report.
- 8.2 The members of the Development Plan and Infrastructure Panel have been consulted on this report and appendices and any comments received will be reported at the meeting.

## 9. Community impact and corporate risks

- 9.1 Road congestion is widely recognised as a major issue affecting Chichester city and the surrounding area, particularly related to the impact of traffic on the A27 junctions. The developments proposed in the Local Plan will generate traffic that will further add to these existing pressures. Securing proportionate financial contributions from major housing development will mitigate the impact of the additional development and/or contribute to funding a larger Highways England scheme (assuming that this progresses as expected).
- 9.2 The proposed amendment to the wording of the Planning Obligations and Affordable Housing SPD sets out a fair and transparent approach for securing contributions from major housing developments to mitigate these additional traffic impacts on the A27 junctions. This will benefit all road and transport users in and around the city and will provide wider environmental benefits (e.g. helping to address problems of air pollution).
- 9.3. As noted in paragraph 7.1 above, the amended SPD will be subject to a statutory six week period for potential legal challenge.

## 10. Other Implications

	Yes	No
<b>Crime &amp; Disorder</b>		✓
<b>Climate Change</b>	✓	
Improvements to traffic movement on the A27 will benefit all		

road and transport users in and around the city and will provide wider environmental benefits (e.g. helping to address problems of air pollution).		
<b>Human Rights and Equality Impact</b>		✓
<b>Safeguarding and Early Help</b>		✓
<b>Other (Please specify)</b>		✓

## 11. Appendix

Appendix 1 - Representations received in respect of public consultation with the proposed responses

Appendix 2 - Strategic Environmental Assessment (SEA) Opinion Screening Assessment

Appendix 3 – Proposed additional wording to be added to the Planning Obligations and Affordable Housing SPD

## 12. Background Papers

A27 Chichester Bypass: Developer Contribution Analysis for Strategic Development Options and Sustainable Transport Measures (report by Jacobs, October 2015)  
<http://www.chichester.gov.uk/CHttpHandler.ashx?id=25922&p=0>