

Southbourne Parish Neighbourhood Plan 2014-2029

Submission Plan

A Report to Chichester District Council of the Examination into the Southbourne Parish

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Contents	Page
1.0 Introduction and Role of the Independent Examiner	3
2.0 Basic Conditions	4
Regard to the National Planning Policy Framework	4
Contribution to Sustainable Development	5
Conformity with the Strategic Policies for the local area	6
Conformity with European Union Obligations	7
3.0 Background Documents	7
4.0 Public Consultation	8
5.0 Southbourne Parish Neighbourhood Plan – Land Use Planning Policies	9
Policy 1 - Development within Settlement Boundaries	10
Policy 2 - Housing Site Allocations	11
Policy 3 - The Green Ring	14
Policy 4 - Housing Design	14
Policy 5 – Employment	15
Policy 6 - Village Centre & Local Shops	16
Policy 7 – Environment	17
Policy 8 – Education	17
Policy 9 – Transport	18
6.0 Implementation and Development Management	20
Proposals Statements	20
7.0 Summary	22
8.0 Recommendations	23
Modifications to meet the basic conditions	23
Referendum Area	23
9.0 Conclusions	24
Appendix 1 Recommended policy alterations to the Submission Draft Plan	26

1.0 **Introduction and Role of the Independent Examiner**

- 1.1 Neighbourhood Planning is an approach to planning which provides communities with the power to establish the priorities and policies to shape the future development of their local areas. This Report sets out the findings of the examination of the Southbourne Parish Neighbourhood Plan, referred to as the Plan. The Parish of Southbourne is within West Sussex and forms part of the Chichester District administrative area. It comprises 6 settlements: Hermitage, Lumley, Thornham, Prinsted, Southbourne and Nutbourne.
- 1.2 Southbourne Parish Council (Parish Council) commenced preparation of the Plan in 2012. A steering group was formed comprising parish councillors and members of the local community and as the proposals advanced, the qualifying body, the Parish Council approved the publication of:
- the state of the Parish report;
 - the pre-submission neighbourhood plan; and
 - the submission neighbourhood plan.
- 1.3 The Basic Conditions Statement confirms that the Parish Council has worked with the officers of Chichester District Council (CDC) throughout the preparation of the neighbourhood plan. The current development plan against which I am required to assess the Southbourne Parish Neighbourhood Plan is the Chichester District Local Plan first review, which was adopted as in April 1999. From 28 September 2007, only the remaining 'Saved Policies' have any effect for development control purposes and continue to be part of the development plan.
- 1.4 CDC has consulted on the Proposed Modifications it considered were required to make the Plan sound. Any minor changes required on the basis of accuracy, clarity or for updating purposes will be included in the adopted version of the Chichester Local Plan. The Proposed Modifications consultation ran for six weeks from 8 January 2015 until 19 February 2015. All comments received have been forwarded to the independent Inspector. I understand that this new Local Plan is likely to be adopted later this year. This may require revision of the Southbourne Parish Neighbourhood Plan if made, in due course,
- 1.5 The Plan has been prepared by the Parish Council, a qualifying body, for the Neighbourhood Area covering the whole of the Parish of Southbourne, as designated by the District Council on 14 May 2013. CDC subsequently approved a boundary change, resulting in land on the eastern edge of the parish becoming part of the adjoining Chidham Parish. Consequently a new Neighbourhood area was designated and confirmed on 5 March 2014.
- 1.6 My role as an Independent Examiner when considering the content of a neighbourhood plan is limited to testing whether or not a draft neighbourhood plan meets the basic conditions, and other matters set out in paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended). The role is not testing the soundness of a neighbourhood plan or examining other material considerations.

1.7 Paragraph 8 of Schedule 4B to the Town & Country Planning Act 1990 (as amended) [excluding 2b, c, 3 to 5 as required by 38C(5)], states that the Plan must meet the following “basic conditions”;

- it must have appropriate regard for national policy;
- it must contribute towards the achievement of sustainable development;
- it must be in general conformity with the strategic policies of the development plan for the local area;
- it must be compatible with human rights requirements and
- it must be compatible with EU obligations.

1.8 In accordance with Schedule 4B, section 10 of the Town & Country Planning Act 1990 (as amended), the examiner must make a report on the draft order containing recommendations and make one of the following three recommendations:

- (a) that the draft order is submitted to a referendum, or
- (b) that modifications specified in the report are made to the draft order and that the draft order as modified is submitted to a referendum, or
- (c) that the proposal for the order is refused.

1.8 If recommending that the Plan proceeds to a referendum, I am also then required to consider whether or not the Referendum Area should extend beyond the Southbourne Parish Neighbourhood Plan area to which the Plan relates. I make my recommendations at the end of this Report.

1.9 I am independent of the qualifying body, associated residents, business leaders and the local authority. I do not have any interest in any land that may be affected by the Plan and I possess appropriate qualifications and experience.

2.0 **Basic Conditions**

2.1 I now consider the extent to which the Plan meets the “*basic conditions*”. A Basic Conditions Statement has been prepared and published by Southbourne Parish Council and supplied to me by Chichester District Council for the purpose of this independent examination of the Southbourne Parish Neighbourhood Plan 2014-2029.

2.2 **Regard to the National Planning Policy Framework (NPPF)**

2.3 In relation to the presumption in favour of sustainable development, the NPPF advises that all plans should be based upon this presumption with clear policies that will guide how the presumption should be applied locally. Paragraph 16 of the NPPF acknowledges that the application of the presumption in favour of sustainable development will have implications for how communities engage in neighbourhood planning. In particular neighbourhoods should develop plans that support the strategic development needs set out in Local Plans, including policies for housing and economic development and plan positively to support local development, shaping and directing development in their area that is outside the strategic elements of the Local Plan.

2.4 The NPPF explains at paragraph 183, that neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need. Parishes and neighbourhood forums can use neighbourhood planning to:

- set planning policies through neighbourhood plans to determine decisions on planning applications; and
- grant planning permission through Neighbourhood Development Orders and Community Right to Build Orders for specific development which complies with the order.

2.5 Paragraph 184 of the NPPF requires that the ambition of the neighbourhood should be aligned with the strategic needs and priorities of the wider local area and that neighbourhood plans must be in general conformity with the strategic policies of the Development Plan. Furthermore, neighbourhood plans should reflect these policies and neighbourhoods should plan positively to support them. Provided that neighbourhood plans do not promote less development than set out in the relevant Development Plans, or undermine the strategic policies, neighbourhood plans may shape and direct sustainable development in their area.

2.6 Subject to my comments in section 5 of this report, in relation to various policies of the Plan, I am generally satisfied that the Plan has adequate regard to these policies in the NPPF. In reaching this opinion I have been assisted by the comprehensive Basic Conditions Statement prepared in support of the draft Plan by Southbourne Parish Council. This identifies ten of the thirteen principal objectives of the NPPF in delivering sustainable development. The three areas not explicitly covered in the Basic Conditions Statement within the NPPF are less, or not relevant in the context of Southbourne. These relate to:

- Supporting a prosperous rural economy;
- Protecting Green Belt Land; and
- Facilitating the Sustainable use of Minerals.

2.7 **Contribution to Sustainable Development**

2.8 At paragraph 7, the NPPF defines the three dimensions to sustainable development as being, economic, social and environmental; the NPPF sets out the roles that the planning system is expected to perform in relation to each. The Basic Conditions Statement considered these three dimensions in relation to Strategic Environmental Assessment, (SEA), for the Southbourne Parish Neighbourhood Plan, through Urban Edge in its report to Southbourne Parish Council in August 2014.

2.9 Four SEA Objectives were developed for use in the appraisal, each supported by sub-objectives and decision-making criteria comprising:

- SEA Objective 1: Biodiversity;
- SEA Objective 2: Flood Risk;

- SEA Objective 3: Transport; and
- SEA Objective 4: Landscape & Built Heritage.

- 2.10 The SEA explains that following the conclusion of the scoping stage, in accordance with National Planning Policy Guidance (NPPG), the SEA compared the reasonable alternatives, including the preferred approach, and assessed these against the baseline environmental characteristics of the area and the likely situation if the Neighbourhood Plan were not to be made. This SEA assesses two main reasonable alternatives:
- Option 1: Pre-Submission SPNP – development in the parish proceeds in accordance with the SPNP and other planning policies; and
 - Option 2: 'Do Nothing' – development in the parish proceeds without the guidance of a Neighbourhood Plan.
- 2.11 Within Option 1, a number of further sub-options were presented primarily related to which sites should be brought forward as settlement boundary extensions, to accommodate the future development needs of the parish.
- 2.12 The SEA acknowledges that all of the site allocations could lead to negative effects on Landscape and Built Heritage and recommendations were made by the SEA to mitigate these likely effects for each of the assessed sites. Other policies and proposals in the Plan were either assessed as neutral in relation to the Landscape and Built Heritage objective, or were predicted to have a positive impact, including the Green Ring, Housing Design, Environment, Transport, Community Buildings, and Infrastructure Projects. The SEA concluded that the, "Do Nothing" option would have greater overall negative effects on Landscape and Built Heritage compared with Option 1 and Option 1 was predicted to have positive effects on Landscape and Built Heritage, which are less likely to be achieved without the Plan.
- 2.13 The SEA provides a significant part of the evidence upon which the Plan policies are supported. The Basic Conditions Statement provides in Table B, a helpful sustainable development summary related to the policies in the Plan.
- 2.14 On the basis of the evidence in the SEA and the guidance in the NPPF and NPPG, I concur that the Plan would contribute to the achievement of sustainable development, subject to various policy amendments recommended in this report.
- 2.15 **Conformity with the Strategic Policies for the local area**
- 2.16 As I have indicated at paragraph 1.3, in the Introduction to this report, the current development plan against which I am required to assess the Southbourne Parish Neighbourhood Plan is the Chichester District Local Plan first review, which was adopted in April 1999. From 28 September 2007, only the remaining 'Saved Policies' have effect for development control purposes. The adopted Local Plan, is likely to be superseded by the Chichester Local Plan Key Policies 2014-2029, (CLPKP). If the Local Plan is found sound following examination, I understand that this new Local Plan is likely to be adopted later this year.

2.17 The Basic Conditions Statement describes the process of assessing the extent to which the Plan conforms to the adopted development plan for the area as “challenging”. The Parish Council has attempted to assess the Plan against the policies in the adopted plan and the emerging CLPKP in terms of general conformity with the Plan in Table C to the Basic Condition Statement. Whilst the Chichester District Local Plan first review is significantly out of date, it remains the adopted plan against which the policies of the Plan are to be assessed. It is not appropriate for me to consider the emerging CLPKP strategic policies in relation to the Plan at this stage. If the CLPKP proves to be sound and is then adopted, it will be a matter for the parish whether it will review this Plan, if made, against the strategic planning policies of the CLPKP.

2.18 Concerning Policy 1 of the Plan, this appears to cross the line between being an acceptable neighbourhood plan policy and a strategic policy which would not be appropriate in a neighbourhood plan. I consider this later below with suggested amendments which I consider would overcome this issue. Subject to various amendments, I consider that the Plan policies would conform to the strategic policies of the adopted development plan and the NPPF.

2.19 **Conformity with European Union Obligations**

2.20 Strategic Environmental Assessment (SEA) was undertaken in relation to the Plan in accordance with EU Directive 2001/42, as the Plan contains policies that may have significant environmental effects. The SEA report prepared by Urban Edge for the Plan’s evidence base has shown that the Plan policies will have no significant adverse environmental effects.

2.21 The Basic Conditions Statement explains that the Neighbourhood Plan Area includes a small part of the Chichester & Langstone Harbours Special Protection Area (SPA). A Habitats Regulations Assessment (HRA); under the Conservation of Habitats and Species Regulations 2010 (as amended)) was not considered to be required due the scope of development proposed by the Plan being within the parameters assessed by the HRA for the Chichester Local Plan: Key Policies Pre Submission 2014-29.

2.22 The Neighbourhood Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act 1998.

3.0 **Background Documents**

3.1 In examining the Southbourne Parish Neighbourhood Plan 2014-2029, I have had regard to the following documents in addition to the Submission Version of the Plan:

- a) National Planning Policy Framework, March 2012
- b) National Planning Policy Framework, Planning Practice Guidance
- c) Town and Country Planning Act 1990 (as amended)
- d) The Planning Act 2008
- e) The Localism Act (2012)

- f) The Neighbourhood Planning Regulations (2012)
- g) The Chichester District Local Plan first review April 1999 (saved policies)
- h) The Provision of Service Infrastructure Related to New Development in Chichester District
- i) Interim Statement on Planning for Affordable Housing
- j) Interim Policy Statement on Development and Disturbance on Birds in Special Protection Areas and Identified Compensatory Habitats
- k) Planning Obligations & Affordable Housing Supplementary Planning Document (SPD) Consultation draft
- l) Chichester Local Plan: Key Policies 2014-2029 (Draft)
- m) Strategic Housing Land Availability Assessment (SHLAA) 2013 and 2014 update
- n) Statement of Basic Conditions
- o) Summary of representations received by Chichester District Council (CDC) as part of Regulation 16 publication and submitted to the independent examiner pursuant to paragraph 9 of Schedule 4B to the 1990 Act
- p) Consultation Statement, Southbourne Parish Neighbourhood Plan - Consultation Statement - August 2014
- q) Southbourne Parish Neighbourhood Plan 2014-2029 Site Assessments Report 2014
- r) Strategic Environmental Assessment for the Southbourne Parish Neighbourhood Plan August 2014
- s) Southbourne Submission Consultation Responses
- t) Chichester Employment Land Review Update prepared for Chichester District Council, (FINAL REPORT), January 2013, by G L Hearn; (ELR)
- u) Community Infrastructure Levy Draft Charging Schedule, November 2014
- v) Prinsted Conservation Area Character Appraisal and Management Proposals, 2007 (updated 2012)
- w) West Sussex County Council adopted Mineral Local Plan (2003)
- x) WSCC published the, Joint West Sussex Minerals Local Plan, Mineral Sites Study (Version 1), August 2014

4.0 **Public Consultation**

- 4.1 Details relating to the public consultation undertaken in the preparation of the Southbourne Neighbourhood Plan are summarised in the Consultation Statement, August 2014. Consultation and community engagement is a fundamental requirement of the Neighbourhood Planning Regulations, the process of plan-making being almost as important as the plan itself. The Neighbourhood Planning Regulations 2012 requires that a Consultation Statement to be submitted with the neighbourhood plan confirming the persons and bodies consulted about the proposed neighbourhood plan; explaining how they

were consulted; summarising the main issues and concerns raised and how these matters have been considered within the proposed Plan. Such engagement with the community during plan-making has raised awareness and encouraged the community in Southbourne, to understand and in some case query the draft policies as well as the plan's scope and limitations.

4.2 Effective consultation can create a sense of public ownership, achieve consensus and in the context of neighbourhood planning provide the confidence for support of the Plan. To fulfil the legal requirements of the Section 15(2) of Part 5 of the Neighbourhood Planning regulations 2012, a Consultation Statement should contain:

- details of the persons and bodies who were consulted about the proposed neighbourhood plan development;
- an explanation of how they were consulted;
- a summary of the main issues and concerns raised by the persons consulted;
- a description of how these issues and concerns have been considered and, where relevant, addressed in the proposed neighbourhood plan.

4.3 The Southbourne Parish Neighbourhood Plan the Consultation Statement has been prepared to fulfill the legal obligations of Section 15(2) of Part 5 of the Neighbourhood Planning Regulations, 2012. It is clear from the Consultation Statement that there has been an extensive amount of engagement with local community and statutory bodies, by the Parish Council together with the Neighbourhood Plan Steering Group and Focus Groups.

4.4 The approach and execution of the community consultation has been undertaken on a comprehensive and diligent basis throughout the period during which the Plan has been prepared. A tribute to the public involvement is the extent to which the Plan commands a high level of public support, although the Plan recognises that some interests will not be satisfied by the site allocations and some of the policies that have been prepared and subject to public scrutiny and consideration through informal and formal consultation. I am satisfied that the Consultation Statement complies with Section 15(2) of part 5 of the 2012 Neighbourhood Planning Regulations and that the proposed neighbourhood development plan meets the requirements of paragraph 8 of Schedule 4B to the 1990 Act, in accordance with 15(1) of part 5 of the 2012 Neighbourhood Planning Regulations.

5.0 **Southbourne Parish Neighbourhood Plan – Land Use Planning Policies**

5.1 I have considered the Southbourne Parish Neighbourhood Plan policies and set out below my comments, observations and recommendations. This assessment has been made following the key objectives of the Plan upon which the Plan is founded, these are as follows:

- to protect the scenic beauty of the AONB and the integrity of the gaps between settlements
- to avoid significant effects of development on the Chichester Harbour SPA and other areas of designated ecological significance
- to increase open space and recreation facilities and provide alternatives to existing facilities within or close to sensitive areas

to avoid increasing, and where possible resolve, existing flooding and drainage problems
to respect the significance of heritage assets including the Prinsted Conservation Area
to provide new open market and affordable homes but ensure the local utilities infrastructure can accommodate new development
to secure the integration of new development into the existing settlements
to ensure that the design of new development contributes positively to the visual character of its local surroundings and provides the highest level of sustainable building consistent with government standards
to avoid increasing traffic congestion at the Stein Road railway crossing in the plan period and to identify long term solutions
to encourage local shops within the villages
to encourage local employment within settlements
to locate new development so as to support and facilitate the use of public transport
to identify and manage local land use/infrastructure projects to assist in implementing plan policies in the long term

5.2 It is evident through the consultation process and the SEA evaluation, a rational approach to assessing sustainable options for development has been considered and the Plan makes careful alterations to the existing settlement boundaries, to minimise planning harm, as shown on the Policies Map, consistent with the key objectives of the Plan.

5.3 To avoid confusion, I should again make it clear that the policies in the neighbourhood plan have been assessed against the development plan, this comprises the saved policies of the Chichester District Local Plan first review, adopted in April 1999. The relevance of the adopted development plan and the weight to be accorded to it is in many instances questionable. For the purposes of considering the draft policies of the Southbourne Parish Neighbourhood Plan, in the absence of an up to date development plan, I have given greater weight to advice contained in the NPPF in the examination of this Plan.

5.4 ***Policy 1 – Development within Settlement Boundaries***

5.5 The Plan seeks to amend the settlement boundaries of Southbourne/Prinsted, Nutbourne West and Hermitage/Lumley/Thornham to facilitate residential development. Since within Chichester District Council's administrative area, over 75% of the land is allocated as AONB or falls within the South Downs National Park, opportunities for development are severely restricted.

5.6 Policy 1 has been formulated following an examination of potential development land on a criteria based approach. It has a good measure of support from consultation respondents. To the extent that objections were raised, these relate to the proposed residential development site boundaries and allocations, rather than the principle of modifying settlement boundaries to accommodate housing growth. Having regard to the analysis within the SEA, the proposed amendments to the settlement boundaries are justified.

5.7 I concur that Policy 1 of the Plan conforms to paragraph 30 of the NPPF to the extent that the Plan will support a pattern of development which, where reasonable to do so, facilitates the use of sustainable modes of transport. Through the use of the criteria filters I agree that

it also accords with saved Local Plan policy TR6. Similarly the selection criteria, which avoids development in or in close proximity to the Chichester & Langstone Harbours Special Protection Area, the policy accords with saved Local Plan policy RE7, safeguarding the declared special protection areas. Again, the criteria against which the settlement area extensions have been proposed ensures compliance with saved Local Plan policies RE4 and RE6 in respect of the Chichester Harbour Area of Outstanding Natural Beauty and Strategic Gaps. Policy RE4 requires that “areas of outstanding natural beauty will be conserved and enhanced ... any development which would be harmful to their visual quality or distinctive character will not be permitted except in compelling circumstances.” Policy RE6 covers all the land between Southbourne village and Nutbourne to the east and Hermitage to the west. It states that “*only in compelling circumstances which are of sufficient weight to override the importance of preventing the coalescence and retaining the identity and amenity of settlements ... will development which would be harmful to these objectives be permitted in the following strategic gaps*”. The Plan would secure these objectives and I note is supported by amongst others, Chichester Harbour Conservancy.

- 5.8 I am however concerned that this policy appears overly strategic in nature and as such should not be included, in the form that it is drafted within a neighbourhood plan. The title of the policy in particular suggests that it is strategic and is therefore unacceptable. To reduce perception that there might be a strategic intent within Policy I, this should be re-named as I have recommended below.
- 5.9 To the extent that over the life of the Plan proposals might come forward for development outside the settlement boundaries, it would not be appropriate for the Plan to require such proposals to conform to development plan policy in the countryside. That responsibility should be for Chichester District Council to determine through its development plan policies. For this reason I have indicated that if this policy is to be retained, the final sentence of the draft policy should be removed, as indicated below. In the explanatory text, the policy should therefore encourage, rather than direct development, within the established settlements within the parish. The recommended revision to the policy is shown in Appendix 1.

5.10 Policy 2 - Housing Site Allocations

- 5.11 The housing site allocations not surprisingly, have attracted the most vociferous and numerous consultation responses. Residential housing supply is hotly contested in terms of the location, quantum and impact in this parish which is particularly constrained by the South Downs National Park, Areas of Outstanding Natural Beauty and Habitats Regulation Directives. In addition, minerals policy, flood risk, drainage, traffic impact and accessibility issues amongst others constrain development opportunities for housing allocations. In conjunction with Policy 1, Policy 2 seeks to allocate land for housing within the designated expanded settlement areas whilst mitigating potential planning harm through the use of planning conditions and planning obligations.
- 5.12 The three sites allocated for residential development in Southbourne village are located within the amended Settlement Boundaries defined in Policy 1, the fourth is at Nutbourne West. The policy carefully outlines the criteria that would be expected to make housing development acceptable in each location having regard to the locality of each site. Policy 2

anticipates that the four allocated sites will deliver 350 dwellings in the parish in the period up to 2029, 300 of which will be in Southbourne increasing the size of the village by reference to housing by about 20%. In the absence of an up to date and adopted development plan, but having regard to the Chichester Strategic Housing Land Availability Assessment 2014, additional sites may be expected to be brought forward within the Plan period. If such proposals accorded with the other policies of the Plan, this would not preclude such development being acceptable, provided it were located within the defined settlement areas.

- 5.13 Whilst Policy 2 has a good measure of support from the consultation respondents, some concern has been raised that the Plan appears to be short term in its approach to housing delivery. Given the expectation that there will be a new development plan in place in the near future, there is likely to be a need to review and revise the Southbourne Neighbourhood Plan, if made, shortly thereafter. In any event whilst the Plan's time horizon is to 2029, the Plan acknowledges that it will be subject to periodic review and will need to reflect alterations to national and district planning policy changes from time to time to remain effective.
- 5.14 A number of consultation objections were raised to all of the sites being located to the south of the railway line. In order to provide enhanced pedestrian accessibility, I note that Network Rail would need to be consulted regarding the route and arrangements for the construction of a new footbridge crossing close to the Loveders Mobile Home Park site. This does not amount to an objection and it would appear that subject to funding this infrastructure, presumably by way of s106 or CIL contributions, this aspiration could be realised. Chichester District Council (CDC), in its consultation response queries how this might be delivered through developer contributions or by CIL. Having regard to the Council's "Community Infrastructure Levy Draft Charging Schedule, November 2014" and Annex B, the Draft Regulation 123 List, it would appear that there is scope to deliver these enhancements, possibly involving some s106 contributions over the life of the Plan. As the parish (along with others where neighbourhood plans are in place), would be entitled to 25% of the CIL receipts, it is reasonable to expect that infrastructure enhancements such as the proposed footbridge and the Green Ring could be delivered over the life of the Plan and that resolving landownership issues to accommodate the footbridge and provide connecting highway access, should also be an achievable aspiration. I note that the Parish Council anticipates exercising control by ownership of the greater part of the Green Ring land over the life of the Plan and the Green Ring, will be a salient factor to mitigating harm associated with the development of the allocated housing sites within Southbourne and in addition windfall sites will be expected to contribute to delivering this objective.
- 5.15 The reasoning for locating development to the south of the railway is pragmatic to mitigate traffic congestion on Stein Road and the existing railway level crossing. I also note that there is support for these sites from the Environment Agency for the proposed allocations which have been directed to the areas at the lowest probability of flooding and that they are all located within Flood Zone 1. However, in considering planning proposals for sites in excess of 1 hectare within Flood Zone 1, these should be accompanied by a site specific flood risk assessment to accord with the NPPF at paragraph 103. As part of such assessments and to accord with the recommendations of the SEA, development proposals should incorporate Sustainable Drainage Systems (SuDS) to prevent increases in surface

water flood risk. Policy 2 therefore needs amendment in my opinion, to include for such a requirement in the criteria relating to the allocated sites.

- 5.16 A further issue remains the extent to which Policy 2 has considered saved policies BE3 and BE4 from the adopted Local Plan providing guidance on archaeology and buildings of architectural or historic merit. These saved policies are not listed in relation to the Plan at paragraph 2.37, which appears to be an omission. English Heritage picks up this deficiency in its representations and also makes plain that the Plan fails to acknowledge the relevance of saved policy BE6 (Conservation Areas). I have considerable sympathy with this observation and would recommend the inclusion of these three saved policies in the list of relevant saved policies at paragraph 2.37 of the Plan. English Heritage points to the findings of the Strategic Environmental Assessment and suggests that Policy 2 III and IV should include requirements for a Heritage Statement to be prepared and for mitigation proposals, where evidence indicates a potential presence of remains. Policy 2 would then comply with the NPPF at paragraph 128. A requirement for a Heritage Statement for planning proposals for the sites covered by Policy 2 III and 2 IV would also bring Policy 2 in line with the NPPF guidance at paragraph 141. As a consequence of proposed housing development at Sites III and IV, I agree that Policy 2 IV should include requirements for Heritage Statements to be prepared.
- 5.17 Whilst generally supporting the Plan, Chichester Harbour Conservancy, (CHC) raises serious concerns in relation to the reduction of the strategic gap and the effect on the setting of the neighbouring AONB. This concern is raised in relation to Policy 1, but spills over to Policy 2 and the specific housing allocations. The CHC's comments in relation to site 2 I (150 dwellings on land at Loveders Mobile Home Park), relate to encroachment into the Strategic Gap between Southbourne and Nutbourne, perceived coalescence and harm to the rural setting of the AONB. Without doubt, there will be harm to the strategic gap if development were to take place in this location and some harm to the setting of the AONB, however having regard to the limited options available for much needed housing development and the evaluation undertaken by way of SEA, the approach in the Plan is justifiable. This is a fine balance in the light of the Plan's first and second stated objectives which are:
- to protect the scenic beauty of the AONB and the integrity of the gaps between settlements; and
 - to avoid significant effects of development on the Chichester Harbour SPA and other areas of designated ecological significance.
- 5.18 It is evident that recreational disturbance might arise from this development to the extent that this would be sufficient to justify a mitigation package on a Solent-wide basis, having regard to the clear recommendations of the SEA. Similarly in connection with Site 2 II, 125 dwellings on land north of Alfrey Close, a Solent-wide strategic mitigation package proportionate to the scale of development would be appropriate, as well as for the Policy 2 sites III and IV.
- 5.19 Concerning Site 2 III: 25 dwellings on land at Gosden Green, whilst I note the CHC's outright objection, I note that development proposals have already been advanced for housing development and following negotiation with the applicant during 2014, revised proposals were prepared and were considered favourably by CDC in February 2015.

Whilst there is some circularity in weighing up the appropriateness of this proposal in the light of the Plan's emerging policies, due to the stage reached following pre-examination consultation, I nonetheless agree with the Council's approach, other than in relation to the reference to Policy 9 (please see my comments on Policy 9 below), and support the inclusion of Site III, in policy terms in the Plan, but having regard to appropriate mitigation as outlined above to include for a Solent-wide strategic mitigation package proportionate to the scale of development.

- 5.20 West Sussex County Council (WSSC) has raised concerns in relation to safeguarding mineral reserves that may be affected by the Plan. WSSC acknowledge that the adopted Mineral Local Plan (2003), includes a number of site allocations. However none of these allocations are within the parish of Southbourne. Notwithstanding that WSSC is currently taking steps to update the Minerals Plan and the current Minerals Plan is substantially out of date, there is no justification for the inclusion of a minerals policy in the Southbourne Neighbourhood Plan as neighbourhood plans cannot include minerals policies.
- 5.21 WSSC published the Joint West Sussex Minerals Local Plan, Mineral Sites Study (Version 1) in August 2014. There appears no suggestion that the Plan allocations for housing development would prejudice the extraction of minerals during the Plan period. I have little doubt that in determining planning applications where minerals might be an issue, CDC would give a great weight to the benefits of mineral extraction in accordance with the NPPF at paragraph 144. Under the circumstances, it would not appear necessary to make a special reference to mineral safeguarding in relation to the four allocated housing sites in the Plan.
- 5.22 The specific housing mix comprising only 1, 2, 3 and 4 bedroom homes appears to be supported by CDC's response to this policy by way of a strong preference for a greater proportion of smaller dwellings on the grounds of affordability. Whilst the greatest need may be for 1-4 bedroomed dwellings, this should not necessarily be to the exclusion of some larger additional accommodation in the parish, for which there may be demand and need. I recommend that the policy should be simplified to allow for a wider mix of dwellings, as identified in Appendix 1. Indeed, CDC recognises that the requisite mix of both affordable and market units should be in line with the recommendations of any current evidence of housing need, for example a strategic housing market assessment.
- 5.23 The authors of Policy 2 have undertaken a careful balancing exercise in advancing the four potential housing sites and overall the approach that has been undertaken justifies the allocation of these sites for development, subject to proposals meeting the additional criteria identified in the policy.
- 5.24 ***Policy 3 - The Green Ring***
- 5.25 Of the eleven representations in respect of the Green Ring policy, all were supportive. The Plan anticipates that the delivery of the policy will take many years and will be a long term objective, funded by developer contributions and CIL. I note that the Plan expects that all windfall development in Southbourne/Prinsted will be expected to contribute to the implementation of this policy and that the majority of the Green Link land is expected to be transferred to the Parish Council, which will be responsible for its long term protection and management.

5.26 This policy will contribute to sustainable development within the parish and needs no alteration.

5.27 Policy 4 - Housing Design

5.28 There are two limbs to this policy. The first relates solely to design matters, the second to specific environmental impact through not increasing flood risk and safeguarding and enhancing biodiversity. It might have been preferable to have split these policy objectives into two separate policies. This might be a matter for further consideration if the Plan is to be revised (if made), in the light of the policies in the new development plan assuming that this will be adopted. In considering the design aspects contained within this policy, this attracted no comment from CDC and only one representation from the public, which was supportive. The policy is in accord with the NPPF at paragraphs 56, 57 and particularly 58 and thus will assist the Plan in achieving sustainable development within the parish.

5.29 Similarly the second limb of the policy will assist in successfully meeting section 10 of the NPPF. The allocated sites already meet the sequential test, to the extent that they are all within Flood Zone 1. This policy will assist the consideration of windfall sites that may be promoted for development in addition to the allocations over the life of the Plan. However, to accord with the NPPF and having regard to flood risk concerns and the findings and recommendations of the SEA, Policy 4 should be revised to call for flood risk assessments and consideration of sustainable urban drainage systems to mitigate and prevent surface water flood risk, if appropriate. This would accord with paragraph 4.45 in the Plan's explanatory text, relating to this policy. This would I believe also satisfy the comments made by the Environment Agency regarding this policy in its letter of 9th October 2014.

5.30 As to safeguarding and enhancing biodiversity, this is covered more generally in Policy 7, concerning development proposals and their likely impact on the natural environment, by ensuring the protection of local assets and the provision of additional habitat resources for wildlife and green spaces for the community. As housing development proposals are a subset of all development proposals covered in Policy 7, the duplication in Policy 4 may be deleted as indicated in the recommended amendment to this policy in Appendix 1.

5.31 Policy 5 – Employment

5.32 The employment policy attracted few consultation comments. Those that were received from local residents were generally supportive of the policy. Havant Borough Council queried whether the policy was consistent with the emerging development plan, but since this is yet to be adopted, this is not a matter to which I can attribute weight. Havant BC has suggested that consideration should be given to indicating criteria which would provide viability thresholds against which development proposals might be objectively assessed. This is a helpful suggestion. In considering the viability of land in employment use, where developers consider that the land and buildings are no longer viable for their existing use, proposals should be accompanied by a marketing report identifying the extent to which the property has been exposed to the market, the marketing activities carried out, together with details of viewings and interest received. The marketing report would need to be proportionate to the size of the existing use and development proposal and be accompanied by a viability assessment demonstrating that the existing business use is no

longer viable. The promoters should be prepared to fund a peer review of the viability assessment as part of any planning application. The marketing report and viability assessments could be treated as being commercially sensitive by CDC, to retain commercial confidentiality. This would enable rigour to be introduced and to safeguard land uses which might otherwise not be retained, from being transferred to other uses.

- 5.33 The most up to date evidence assessing employment land need in the parish is the “*Chichester Employment Land Review Update prepared for Chichester District Council, (FINAL REPORT), January 2013*” by G L Hearn; (ELR). The ELR is a comprehensive review analysing the employment land needs of the District, prepared as part of the evidence base for the Chichester Local Plan: Key Policies Pre Submission 2014-29. The ELR identified that although most of the employment land would be required at higher order settlements, in Southbourne, the requirement would be, “*up to 2 ha*”. Paragraph 6.100 of the ELR concluded;

“6.100 At Southbourne, existing employment land provision is focused at Clovelley Road. This is an intensely developed employment area which accommodates a number of lower grade employment uses. Local access to the site is relatively poor, with on-street parking further limiting internal circulation within the employment site. The site is also located close to residential areas and generates commercial traffic along nearby residential streets. Given the quality of existing employment provision within the Clovelley Road area and limited potential for further employment development in this location, it would be appropriate to include a modest allocation (potentially of up to 2 hectares) of employment land as part of a new strategic residential development scheme subject to detailed consideration of locational and access issues and market demand at the time of development.”

- 5.34 The draft Plan employment policy is permissive and the Plan supports development of business related land use activity, subject to there being no loss of community facilities, no adverse residential impact and no adverse impact on traffic capacity and other infrastructure. It is consistent with the existing saved adopted local plan policies B2-B8 inclusive and is acceptable as a neighbourhood plan policy subject to the proposed suggested alterations indicated which should assist in the future for development control purposes as identified in Appendix 1.

5.35 **Policy 6 - Village Centre & Local Shops**

- 5.36 The Plan envisages that the additional residential development anticipated will encourage retail demand. It is not clear whether this might be sufficient to secure the current retail offer within the parish, but from the consultations, the existing local shops are very popular with the local community despite a decline in numbers in recent years. Policy 6 received relatively little comment during the consultation process, but this was supportive.

- 5.37 There is no doubt that the thrust of Policy 6 accords with paragraph 70 of the NPPF particularly in relation to resisting loss of valued facilities and services, particularly where this would reduce the community’s ability to meet day-to-day needs. In seeking to demonstrate whether the continued use of existing village shops and services are viable, the explanatory text indicates that the local community will be prepared to accept that in

some cases there may be a considerable period within which proposals for new retail or commercial uses may come forward and during which time the unit may be vacant. Presumably, during such void periods, the parish would expect such properties would be freely exposed to the market for re-use to try and maintain the vitality of the village centre.

- 5.38 In order to assist consistency in decision making, it would be desirable to provide a stronger framework in the draft policy for viability testing. However, this would need to be proportionate to the scale of the proposed land use change. In order to provide policy guidance to demonstrate what would be required by applicants in assessing matters of viability, as with Policy 5- Employment, I recommend a similar amendment to this policy as shown in Appendix 1.

5.39 **Policy 7 – Environment**

- 5.40 The environmental protection policy of the Plan is not fully in accordance with the policy intentions set out in section 11 of the NPPF entitled, “*Conserving and enhancing the natural environment*”. The policy as drafted sets a potentially weaker standard. This has been highlighted by CHC in its consultation comments.

- 5.41 The suggested amended policy, would sit more comfortably with the NPPF advice at paragraph 115. In considering mitigation of harmful effects of development where these can overcome the planning harm caused by development, where that harm would be greater, if the proposals were to be located elsewhere in the locality, the SEA indicates that infrastructure investment to reduce flood risk could be appropriate. English Nature, in its consultation response, suggested that mitigation measures to overcome planning harm consequent upon development and disturbance to birds in SPAs and identified compensatory habitats, could be referenced through Policy 7 in the period up to the adoption of the Chichester Local Plan: Key Policies 2014-2029. Draft Policy 7 adequately expects all development proposals to contribute to and enhance the natural environment by ensuring the protection of local assets and the provision of additional habitat resources for wildlife and green spaces for the community, and stems from the recommendations in the SEA.

- 5.42 In the event that the Parish Council wishes to take the Plan forward to referendum, I recommend the minor amendment to Policy 7 to meet the environmental protection expectations of the NPPF, as shown in Appendix 1

5.43 **Policy 8 - Education**

- 5.44 The explanatory text of the Plan, sets out the background to this policy which would allow the Bourne Community College to extend its present playing field and build an All Weather Pitch/Multi Use games Area with fencing and lighting for use by the College Students and the local community. The land proposed for this allocation is already owned by WSCC for educational purposes and the Plan indicates an existing under-provision of formal sports facilities in the parish. This proposal to which the local community would also have access,

once delivered, would contribute to mitigate this shortcoming, thereby meeting the policy aspirations of paragraphs 72 and 73 of the NPPF.

5.45 WSCC advised in its consultation reply that there are no plans to extend facilities at the Bourne Community College. It pointed out that for the proposals in Policy 7 to be delivered, WSCC as land owner would need to be in agreement. There appears no certainty that an All Weather Pitch/Multi Use games Area with fencing and lighting would be acceptable to the County, but this nonetheless appears to be a reasonable land use planning expectation to which the Parish and school aspires. In addition, there would appear to be a prospect that the funding could be found, at least in part, if the County Council was to agree to allow this policy proposal to be implemented.

5.46 It is noted that the County Council will continue to monitor the effects of planned housing development and will seek developer contributions towards expansion of education infrastructure (Early Years, Primary, Secondary and Youth Services) from development in the locality.

5.47 Other consultation responses regarding this Policy focused rather less on the land use planning issues associated with development of school buildings, but rather the traffic congestion related to school runs, parking and the number of pupils using the level crossing, some querying the content of Policies 1 and 2 and whether it would be preferable to promote housing development to the north of the railway which might reduce current and future traffic congestion. There were no concerns raised by Natural England or the CHC about the potential harm to the environment and biodiversity that might arise concerning light pollution and noise and the wider effects these may have in terms of environmental impact. However to the extent that the second criterion of the policy requires that any disturbance to the amenity of local residents by way of noise and light pollution would be avoided, or satisfactorily mitigated, presumably by planning conditions, such planning harm should be satisfactorily mitigated and be acceptable.

5.48 I therefore consider Policy 8 as drafted to be acceptable for development control purposes.

5.49 **Policy 9 - Transport**

5.50 It is evident that transport issues are a fundamental cause for concern amongst many of the respondents to the consultation, on the Plan's content and various policies. The SEA highlights the principal weaknesses of the Parish as including:

- a. poor traffic management through Southbourne village centre, such as train gates congestion and some narrow roads with little off-street parking; and
- b. bus and train service connections to major employment centres, surrounding villages and shops need some improvements.

5.51 It is therefore consistent that the Plan identifies the importance of seeking to resolve the north – south vehicular traffic difficulties caused by the level crossing close to Southbourne Station and for planning obligation funding to support local bus services.

5.52 Network Rail acknowledges that implementing the proposed elevated crossing would increase railway safety and could lead to the closure of level crossings and would welcome further discussions.

- 5.53 In the absence of any identified funding, Policy 9 is aspirational, but this is not unreasonable in the context of the Plan's time horizon to 2029 and the long term intention is to deliver a new road bridge over the railway line to provide an alternative route to Stein Road. To achieve this objective, the policy attempts to safeguard land to the west of the village for a new road and bridge described as "an elevated crossing", since there is no practical option to the east of Southbourne. Only a broad alignment is identified in the Plan to the west of the settlement at present and only on the south side of the railway, as identified on the Policies Map. The broad location of the safeguarded land indicating the road alignment and bridge adjoining the settlement boundary, is said to minimise impact on the open countryside between Southbourne and Hermitage, although this is contested by the CHC. However, the SEA predicts strong positive effects for this Transport objective and similar positive effects resulting from the implementation of these proposals (Cycle Routes and Infrastructure Projects) as these would improve the amenity, accessibility and well-being of the community.
- 5.54 A major shortcoming of this policy is that there is no clarity as to how this proposed highway infrastructure might relate to and integrate with the highway network to the north of the railway. This is not a point that appears to have been considered in any detail by the SEA in relation to environmental impact, other than to say that the final alignment and design must also take into account the biodiversity interest of the land. The SEA suggests that further planning for such a proposal will be undertaken towards the end of the current plan period, for implementation, if deliverable, at some point later. Comments from WSCC similarly point to a lack of feasibility work to support this proposal and that it is unclear from the Policies Map where the proposed new road would link to the existing local highway network to the north of the railway line. WSCC has indicated that if the new road and vehicle crossing are to remain in the policy, an indicative route should be included in the Policies Map, supported by evidence, with a clear explanation of the aims of the proposal. I concur with that view since only then would it be feasible to protect the route in the future, in town planning terms, as this would broadly be supported by paragraphs 30 and 41 of the NPPF.
- 5.55 It would be unrealistic to expect that the first part of this road link could be delivered within the Plan period in the absence of more detailed crossing designs, costs, alignment of the road, services connections and link to the existing road system to the north of the railway.
- 5.56 The explanatory text of Policy 9, includes the proposal to deliver a pedestrian footbridge to the east of Southbourne associated with the allocation of the 'Land at Loveders Mobile Home Park' site. This is not expressly included in the draft policy, although, subject to discussions with Network Rail and other landowners, this may be a more realistic project to deliver within the Plan period and which may contribute to delivery of the Green Ring.
- 5.57 It is not clear what improvements are required for the local bus services, (currently provided by Emsworth and District) to serve the growing population of the settlements and the magnitude of contributions that might be raised by way of s106 contributions and CiL. There appears to have been little if any liaison with the bus companies to establish such need which might justify this aspect of the policy, certainly there is no reference to consultation with the bus company in the consultation statement.

- 5.58 In order to offer a solution which might facilitate taking this Plan forward to referendum, there would appear to be two options available, either to delete Policy 9 from Plan, or downgrade the policy to a “proposal” as suggested in the representations by West Sussex County Council. Either option would allow further consideration to be given to the route, land assembly issues, funding of the infrastructure in discussion with Network Rail and assessing how the new road would be incorporated in the Green Ring, to provide connectivity to the northern part of the settlement. This in turn might facilitate the closure of the Stein Road level crossing adjacent to the Station in the longer term. As part of such further investigative work it is inevitable that further analysis will be needed in revising and extending the SEA to support any amended sustainable proposals that might arise in the future, but I suspect this is unlikely to be resolved quickly. Indeed I note that in the Basic Conditions Statement in Table 4, considering sustainable development, explains that the sustainability benefits will be addressed in future development plans and that in Table 5, assessing conformity with Development Plan policies, in relation to draft Policy 9, the statement comments: “...*When those proposals are assessed in a future review of the Neighbourhood Plan then the impact of these provisions on the strategic gap between Southbourne village and Hermitage will be considered.*” This supports my opinion that at present Policy 9 is not sufficiently formed to be used for development control purposes.
- 5.59 In parallel, if either of the options mooted in paragraph 5.58 above are chosen, it would be prudent to consider the improvements to the bus network through consultation with the bus companies, representatives from CDC and WSCC, to assess matters such as the frequency of services, route alterations and extensions in addition to the provision of bus shelters and real time information systems. These further considerations might allow draft Policy 9 to re-emerge in a subsequent version of a neighbourhood plan, once there is greater clarity as to the delivery and implementation of what is currently a putative planning policy ambition.

6.0 Implementation and Development Management

- 6.1 The Plan indicates that implementation will be through a combination of the local planning authority’s consideration and determination of planning applications for development in the parish, and through steering public and private investment into a series of infrastructure proposals contained in the Plan.
- 6.2 CDC will be responsible for development control and development management measures, but the Plan indicates that the parish intends to use the Plan to structure representations on submitted planning applications. Such representations should be founded on the policies within the Plan.

6.3 Proposals Statements

- 6.4 The Plan includes two proposal statements which I understand are not policies and therefore do not fall to me to be examined in relation to assessing whether the Plan meets the Basic Conditions. Nonetheless I consider they need some comment, not least because they have been subject to consultation as part of the Plan. Paragraph 184 of the NPPF states that:

“Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need. Parishes and neighbourhood forums can use neighbourhood planning to:

- set planning policies through neighbourhood plans to determine decisions on planning applications;.....”*

6.5 Thus there is no power for the qualifying bodies to set planning “proposals”, as distinct from policies, for development control purposes. Equally, it appears to me that the parish may include land use related proposals to inform the Plan, provided that they are not to be used for determining planning decisions. I can appreciate that there may be circumstances in which the community may have a long term land use planning objective, which requires further work before it can be formulated into a deliverable policy for local land use planning decision making. Draft Policy 9 falls into such a category and could be downgraded to a proposal. By retaining the objective of draft Policy 9 as a “proposal”, there may remain a prospect in the longer term, that key Objective 9 of the Plan, *“to avoid increasing traffic congestion at the Stein Road railway crossing in the plan period and to identify long term solutions”*, might be realised, although this may be after a review of the current neighbourhood plan.

6.6 There is a risk that the “proposals” in the Implementation section might become surrogate policies in the future and used to try to influence development control decisions. This would not be appropriate. However the proposals are not policies and not held out to be so by the parish council. To avoid the potential for any doubt or confusion the Plan should state expressly confirm this within the explanatory text and that they carry no weight for decision making in the Plan area.

6.7 To help distinguish the policies from proposals in the Plan, the proposals should not be published in bold type, but could be expressed as follows.:

Proposal 1: Cycle Routes

Proposals to designate and to carry out works to provide dedicated cycle routes between the settlements of Southbourne/Prinsted, Hermitage, Lumley, Nutbourne, Westbourne, Emsworth, Woodmancote, Hambrook, Chidham, Thornham and Thorney Island, will be encouraged, provided it can be demonstrated those works can be achieved and will have no significant environmental effects on the Chichester & Langstone Harbours Special Protection Area.

Proposal 2: Financial Contributions from Development

Parish Council will support the local planning authority in securing financial contributions from development proposals to invest in infrastructure projects that are directly related to the individual and cumulative impact of development on Southbourne and Nutbourne.

The Parish Council especially wishes to see sufficient financial contributions made by developers to fund the Green Ring (of Policy 3), community facilities, local schools, health and utility services.

- 6.8 In the light of my comments in respect of Policy 9, it would be appropriate to include the objective as an aspiration as follows as an alternative to the deletion of the policy, which would otherwise be my recommendation:

Proposal 3: Transport

In order to reduce congestion at existing railway crossings and to improve pedestrian safety, the Parish Council wishes to safeguard land to the west of Southbourne, as shown on the Proposals Map, for the provision of a new road and an elevated crossing of the railway line. The Parish Council also proposes to identify a corridor of land to the north of the railway crossing connecting to the existing highway network and identify the means of delivery.

The Parish proposes to investigate improvements to the bus services which may provide justification to CDC for appropriate financial contributions from development proposals within the Parish.

7.0 Summary

- 7.1 In accordance with Schedule 4B to the Town and Country Planning Act 1990, paragraph 10(6), b), I set out below the summary of my findings below.
- 7.2 I am satisfied that Southbourne Parish Council is the qualifying body and is entitled to submit a Neighbourhood Development Plan (NDP), within the meaning of s38A of the Localism Act 2011, for the parish. I am satisfied that this area is appropriate to be designated as a neighbourhood area and note that it was confirmed by Chichester District Council on 14 May 2013, and revised following boundary changes, the designated area being re-confirmed on 5 March 2014 as the whole of Southbourne Parish.
- 7.3 I am also satisfied that the Southbourne Parish Neighbourhood Plan 2014-2029 does not relate to more than one neighbourhood area and that there is no other NDP in place within this neighbourhood area.
- 7.4 The Plan period is defined as being up to 2029, aligning the Chichester Local Plan: Key Policies 2014-2029, although not yet adopted. As the saved policies of the Chichester District Local Plan first review 1999, remains the adopted development plan, the Southbourne Parish Neighbourhood Plan 2014-2029, has been examined against those policies and the policies of the NPPF. It apparent from the Basic Conditions Statement that there may be a future review of this NDP.
- 7.5 The Basic Conditions Statement confirms that the Southbourne Parish Neighbourhood Plan 2014-2029, at paragraph 1.3, does not make provision for any excluded development. I concur with that statement and the Plan is in accordance with s61K of the Town & Country Planning Act 1990.
- 7.6 I am satisfied that the draft Southbourne Parish Neighbourhood Plan 2014-2029 has given adequate regard to the policies in the National Planning Policy Framework (NPPF), subject in a number of cases to modification of the draft policies. If these recommended changes are accepted, I believe that the Plan will make a positive contribution to sustainable development, promoting economic growth, supporting social wellbeing, whilst conserving the natural and historic environment within the parish.
- 7.7 The Basic Conditions Statement confirms that a Strategic Environmental Assessment (SEA) was undertaken in accordance with EU Directive 2001/42 as the Plan contained policies that may have significant environmental effects. A separate SEA report was prepared for the evidence base of the Plan. This concluded that the policies would have no significant adverse environmental effects. The conclusions of the SEA have been used to inform the formulation of the draft policies for the Plan.
- 7.8 Although the Neighbourhood Plan Area includes a small part of the Chichester & Langstone Harbours Special Protection Area (SPA), the Basic Conditions Statement explains that a Habitats Regulations Assessment (HRA; under the Conservation of Habitats and Species Regulations 2010 (as amended)), was not required due the scope of development proposed by the Plan being within the parameters assessed by the HRA for the Chichester Local Plan: Key Policies Pre Submission 2014- 29. I accept that conclusion

as being sufficient in the light of the up to date evidence base prepared for the new Development Plan and that this information was available to inform the preparation of the draft policies for this NDP.

7.9 The preparation of the Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act 1998. I agree that the Plan is compatible with EU obligations and will contribute to achieving sustainable development within the parish and further conclude that the Neighbourhood Plan would have no likely significant adverse effects on the environment or European Sites.

7.10 As to public consultation, the process and management of the community consultation has been generally very satisfactory and I am confident that the Consultation Statement and the supporting evidence, outlining the terms of reference and actions of the Steering Group, the comprehensive workshops, consultation letters and feedback forms leading to the formulation of draft policies and pre-submission consultation following the drafting of the initial policies fulfils Section 15 (2) of Part 5 of the Neighbourhood Planning Regulations 2012.

8.0 Recommendations

8.1 Modifications to meet the basic conditions

8.2 For the reasons set out above and subject to all of the modifications indicated in the preceding sections of this examination report, I consider that the Plan would meet the basic conditions in terms of:

- having appropriate regard to national planning policy;
- contributing to the achievement of sustainable development;
- being in general conformity with the strategic policies in the development plan for the local area;
- being compatible with human rights requirements; and
- being compatible with European Union obligations.

8.3 I therefore recommend that in accordance with Schedule 4B to the Town and Country Planning Act 1990, paragraph 10 (2), b) that the modifications specified in this report are made to the Southbourne Parish Neighbourhood Plan 2014-2029 and that the draft Plan as modified is submitted to a referendum.

8.4 Referendum Area

8.5 It is the independent examiner's role to consider the referendum area appropriate in the event that the Qualifying Body wishes to proceed to the referendum stage.

8.6 In the event that the Qualifying Body wishes to proceed to the referendum stage with this Plan, I consider that the referendum area should extend to the Plan Area, comprising the revised Parish boundary in accordance with the designated area as confirmed on 5 March 2014 and as identified as Plan A within the Plan.

9.0 **Conclusions**

- 9.1 I conclude that, subject to the recommendations in this report being accepted, the Plan meets the basic conditions as defined in the Localism Act 2011, Schedule 10 and Schedule 4B, 8 (2) of the Town and Country Planning Act 1990.
- 9.2 In accordance with the Town and Country Planning Act 1990, Schedule 4B 10 (2) (b), I recommend that the modifications specified in this report are made to the draft Neighbourhood Plan and if accepted, the draft Southbourne Parish Neighbourhood Plan 2014-2029 is submitted to a referendum.

Jeremy Edge BSc FRICS MRTPI
23rd March 2015

Appendix 1

Recommended Policy Alterations to the Submission Draft

Southbourne Parish Neighbourhood Plan 2014-2029

Policy 1: ~~Development within the Settlement Boundaries~~ Spatial Strategy

The Neighbourhood Plan will support development proposals located inside the Settlement Boundaries of Southbourne/Prinsted, Nutbourne West and Hermitage/Lumley/Thornham, as shown on the Policies Map, provided they accord with other provisions of the Neighbourhood Plan and development plan. ~~Development proposals outside the Settlement Boundary will be required to conform to development plan policy in respect of the control of development in the countryside.~~

4.4 This policy ~~encourages~~ directs future development in the parish to the established settlements of Southbourne/Prinsted, Nutbourne West and Hermitage/Lumley/Thornham.

Policy 2: Housing Site Allocations

*The Neighbourhood Plan allocates the following sites for housing development of a mix of **mainly** 1, 2, 3 and 4 bedroom homes, as shown on the Policies Map, subject to the development principles outlined:*

- 1. 150 dwellings on land at Loveders Mobile Home Park, Main Road, provided the scheme:
 - a. is accessed from the A259 Main Road only;*
 - b. meets its public open space requirements by providing land to form part of the Green Ring proposed in Policy 3, comprising a playing field, an equipped children's play space and informal open space;*
 - c. safeguards land within the site for the future erection of a pedestrian footbridge over the railway east of Southbourne station and connects this to the footpath network of the Green Ring;*
 - d. enables the provision of a new footpath to Southbourne railway station, to the satisfaction of Network Rail, and makes a reasonable financial contribution to the cost of implementing this footpath;*
 - e. demonstrates by way of a site specific flood risk assessment that the proposed development would be acceptable incorporating Sustainable Drainage Systems (SuDS) to prevent increases in surface water flood risk; and*
 - f. includes a Solent-wide strategic mitigation package proportionate to the scale of the recreational disturbance to the Chichester Harbour SPA.**

- II. 125 dwellings on Land North of Alfrey Close, provided the scheme:
- a) is accessed from the A259 Main Road;
 - b) meets its public open space requirements by providing land to form part of the Green Ring proposed in Policy 3, comprising informal open space and an equipped children's play space;
 - c) demonstrates by way of a site specific flood risk assessment that the proposed development would be acceptable incorporating Sustainable Drainage Systems (SuDS) to prevent increases in surface water flood risk; and
 - d) includes a Solent-wide strategic mitigation package proportionate to the scale of the recreational disturbance to the Chichester Harbour SPA.

- III. 25 dwellings on Land at Gosden Green, provided the scheme:
- a) is accessed from the A259 Main Road by way of a new road along the eastern boundary of the site; ~~the alignment and specification of which takes into account the provisions of Policy 9 of the SPNP;~~
 - b) meets its public open space requirements by providing land to form part of the Green Ring proposed in Policy 3, comprising informal open space;
 - c) includes a Heritage Statement identifying mitigation proposals where evidence indicates potential presence of remains;
 - d) demonstrates by way of a site specific flood risk assessment that the proposed development would be acceptable incorporating Sustainable Drainage Systems (SuDS) to prevent increases in surface water flood risk; and
 - e) includes a Solent-wide strategic mitigation package proportionate to the scale of the recreational disturbance to the Chichester Harbour SPA.

- IV. 50 dwellings on Land at Nutbourne West, provided the scheme:
- a) is accessed from the A259 Main Road only;
 - b) provides a significant landscape buffer along all its boundaries, comprising structural landscaping, public allotments, informal open space and a children's play area;
 - c) makes a reasonable financial contribution towards a package of drainage works to mitigate the impacts of the development and to ensure that existing flooding problems in the vicinity of the site and downstream are not exacerbated;
 - d) makes provision for car parking spaces to benefit dwellings adjoining the site;
 - e) includes a Heritage Statement identifying mitigation proposals where evidence indicates potential presence of remains;
 - f) demonstrates by way of a site specific flood risk assessment that the proposed development would be acceptable incorporating Sustainable Drainage Systems (SuDS) to prevent increases in surface water flood risk; and
 - g) includes a Solent-wide strategic mitigation package proportionate to the scale of the recreational disturbance to the Chichester Harbour SPA.

All the proposed allocations will be expected to deliver affordable housing in accordance with the policies of the development plan and to provide financial contributions to meeting their infrastructure requirements and other provisions of the Neighbourhood Plan, as indicated in Proposal 2.

Policy 4: Housing Design

Development proposals will be supported, providing their scale, density, massing, height, landscape design, layout and materials, including alterations to existing buildings, reflect and enhance the architectural and historic character and scale of the buildings and landscape of Southbourne Parish.

All development proposals must be able to demonstrate they will not increase the risk of flooding on or adjoining the proposals site, ~~informed, if appropriate, by a site specific flood risk assessment, incorporating Sustainable Drainage Systems (SuDS) to prevent increases in surface water flood risk. and that they will safeguard and enhance biodiversity in accordance with Policy 7 of the SPNP.~~

Policy 5: Employment

Development proposals for new business-related development will be supported, provided:

- i. they do not adversely impact neighbouring residential properties; and*
- ii. they do not lead to the loss of existing community facilities;*
- iii. they do not adversely affect transport and other infrastructure.*

Development proposals that enhance the operational effectiveness and appearance of existing employment sites and facilities, or to redevelop those sites to provide modern commercial units and associated facilities, will be supported, provided they do not adversely impact neighbouring residential properties.

Development proposals that will result in the loss of employment floorspace will be resisted, unless it can be demonstrated that either there will be an increase in jobs as a result of the proposals enabling a higher employment density to be achieved or the use is no longer viable.

In assessing viability, developers should prepare and submit:

- a) a marketing report; and*
- b) a viability assessment;*

to support development for other land use proposals and be willing, at the discretion of the local planning authority to fund a “peer” review of both the marketing report and viability assessment, if requested.

Policy 6: Village Centre & Local Shops

Development proposals to change the use of existing shops or commercial units will be resisted, unless it can be demonstrated their continued use is no longer viable.

This policy seeks to protect local shops in the parish from a change of use to a non-commercial use, either through the determination of planning applications or in the

consideration of impact of applications for prior approval (where the change of use is considered permitted development).

In assessing viability, developers should prepare and submit:

- a) a marketing report; and*
- b) a viability assessment*

to support development for other land use proposals and be willing, at the discretion of the local planning authority to fund a “peer” review of both the marketing report and viability assessment, if requested.

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In assessing viability, developers should prepare and submit:

- a) a marketing report; and*
- b) a viability assessment*

to support development for other land use proposals and be willing, at the discretion of the local planning authority to fund a “peer” review of both the marketing report and viability assessment, if requested.

Policy 7: Environment

*Development proposals ~~development proposals must seek to avoid having any significant environmental effects on designated environmental and landscape assets,~~ **should conserve and enhance designated environmental and landscape assets,** especially the Chichester and Langstone Harbours Special Protection Area and Chichester Harbour Area of Outstanding Natural Beauty. Where effects are unavoidable and their impact may be less significant to the surrounding locality, then the proposals must show how these effects will be mitigated to the satisfaction of the local planning authority.*

In addition any development proposals must contribute to and enhance the natural environment by ensuring the protection of local assets and the provision of additional habitat resources for wildlife and green spaces for the community.

Policy 9: Transport

I recommend that Policy 9 be deleted.

~~Policy 9: Transport~~

~~The Neighbourhood Plan safeguards land to the west of Southbourne, as shown on the Policies Map, for the provision of new road and an elevated crossing of the railway line in order to reduce congestion at existing railway crossings and to improve pedestrian safety. Development proposals that will prejudice the ability to deliver the road or elevated crossing will be resisted.~~

~~Reasonable financial contributions will be sought from development proposals to support the enhancement of bus service provision within the Parish.~~

I recommend that Plan Inset A should be revised, deleting reference to Policy 9. Other references in the supporting text to Policy 9 should also be deleted.

In the explanatory text, at 4.26, I recommend that this should be amended as follows:

*~~4.26 Policy 9 of the SPNP provides for the safeguarding of land adjoining the western boundary of the Alfrey Close site for a western road and railway bridge to be delivered beyond the plan period. These provisions do not directly impact the allocation site. However, while~~ **The principle of access from the A259 via Alfrey Close for the 70 dwelling and care home scheme has already been accepted, a scheme for the 125 dwellings could achieve another road access shared with the new access onto the A259 as shown on the concept plan E above, reflecting the ambition in Proposal 3.***