

Chichester District Council Local Planning Authority

Southbourne Parish Neighbourhood Plan 2014-2029

DECISION STATEMENT

1. Introduction

- 1.1 Under the Town and Country Planning Act 1990 (as amended), the Council has a statutory duty to assist communities in the preparation of Neighbourhood Plans and Orders and to take plans through a process of examination, referendum and adoption. The Localism Act 2011 (Part 6 Chapter 3) sets out the local planning authority's responsibilities under Neighbourhood Planning.
- 1.2 This report confirms that the modifications proposed by the examiner's report have been accepted, the draft Southbourne Neighbourhood Plan has been altered as a result of it and that this plan may now proceed to referendum.

2. Background

- 2.1 The Southbourne Neighbourhood Development Plan relates to the area that was designated by Chichester District Council as a neighbourhood area on 5 March 2014. This area is coterminous with the Southbourne Parish Council boundary that lies within the Chichester District Council local planning authority area.
- 2.2 Following the submission of the Southbourne Neighbourhood Plan to the Council, the plan was publicised and representations were invited. The publicity period ended on 16 October 2014.
- 2.3 Mr Jeremy Edge was appointed by Chichester District Council, with the consent of Southbourne Parish Council, to undertake the examination of the Southbourne Neighbourhood Development Plan and to prepare a report of the independent examination.
- 2.4 The examiner's report concludes that, subject to making minor modifications recommended by the examiner, the Plan meets the basic conditions set out in the legislation and should proceed to a Neighbourhood Plan referendum.
- 2.5 Having considered each of the recommendations made in the examiner's report, and the reasons for them, the Parish Council has decided to make the

modifications to the draft plan referred to in Section 3 below, to ensure that the draft plan meets the basic conditions as set out in the legislation.

3. Decision

- 3.1 The Neighbourhood Planning (General) Regulations 2012 require the local planning authority to outline what action to take in response to the recommendations of an examiner made in a report under paragraph 10 of Schedule 4A to the 1990 Act (as applied by Section 38A of the 2004 Act) in relation to a neighbourhood development plan.
- 3.2 Having considered each of the recommendations made by the examiner's report, and the reasons for them, Chichester District Council in consent with Southbourne Parish Council, has decided to accept the modifications to the draft plan. Table 1 below outlines the alterations made to the draft plan under paragraph 12(6) of Schedule 4B to the 1990 Act (as applied by Section 38 A of the Act) in response to each of the examiner's recommendations and the justification for them.

Table 1: Recommendations by the Examiner agreed by Chichester District Council in consent with Southbourne Parish Council

POLICY	MODIFICATION RECOMMENDED	JUSTIFICATION
All text	Minor updating and amendments to cross referencing as a result of other modifications	For clarity and completeness.
Para 2.37	Recommend the inclusion of three saved policies (Policies BE3 - Archaeology; Policy BE4 - Buildings of Archaeological Interest; Policy BE6 – Conservation Areas).	For completeness of the Neighbourhood Plan.
Policy 1	<p>Recommend amendments to Policy 1 and paragraph 4.4 as below:</p> <p>Policy 1: Development within the Settlement Boundaries Spatial Strategy</p> <p><i>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</i></p>	To reduce the perception that there is a strategic intent to the policy; and for the policy to encourage rather than direct development.

	<p>conform to development plan policy in respect of the control of development in the countryside.</p> <p>4.4 This policy encourages directs future development in the parish to the established settlements of Southbourne/Prinsted, Nutbourne West and Hermitage/Lumley/Thornham.</p>	
Policy 2	<p>Recommend amendments to Policy 2 as below:</p> <p>Policy 2: Housing Site Allocations</p> <p><i>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:</i></p> <p><i>1. 150 dwellings on land at Loveders Mobile Home Park, Main Road, provided the scheme:</i></p> <p><i>a. is accessed from the A259 Main Road only;</i></p> <p><i>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;</i></p> <p><i>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;</i></p> <p><i>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;</i></p> <p><i>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</i></p> <p><i>f. includes a Solent-wide strategic mitigation package proportionate to the scale of the recreational disturbance to the Chichester Harbour SPA.</i></p>	To meet the Basic Conditions.

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;

	<p><i>b) provides a significant landscape buffer along all its boundaries, comprising structural landscaping, public allotments, informal open space and a children's play area;</i></p> <p><i>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;</i></p> <p><i>d) makes provision for car parking spaces to benefit dwellings adjoining the site;</i></p> <p><i>e) includes a Heritage Statement identifying mitigation proposals where evidence indicates potential presence of remains;</i></p> <p><i>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</i></p> <p><i>g) includes a Solent-wide strategic mitigation package proportionate to the scale of the recreational disturbance to the Chichester Harbour SPA.</i></p> <p><i>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.</i></p>	
<p>Policy 4</p>	<p>Recommend amendments to Policy 4 as below:</p> <p>Policy 4: Housing Design</p> <p><i>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.</i></p> <p><i>All development proposals must be able to demonstrate they will not increase the risk of</i></p>	<p>To meet the Basic Conditions.</p>

	<p><i>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.</i></p>	
<p>Policy 5</p>	<p>Recommend amendments to Policy 5 as below:</p> <p>Policy 5: Employment</p> <p><i>Development proposals for new business-related development will be supported, provided:</i></p> <ul style="list-style-type: none"> <i>i. they do not adversely impact neighbouring residential properties; and</i> <i>ii. they do not lead to the loss of existing community facilities;</i> <i>iii. they do not adversely affect transport and other infrastructure.</i> <p><i>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.</i></p> <p><i>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.</i></p> <p><i>In assessing viability, developers should prepare and submit:</i></p> <ul style="list-style-type: none"> <i>a) a marketing report; and</i> <i>b) a viability assessment;</i> <p><i>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.</i></p>	<p>To meet the Basic Conditions.</p>

<p>Policy 6:</p>	<p>Recommend amendments to Policy 6 as below:</p> <p>Policy 6: Village Centre & Local Shops</p> <p><i>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.</i></p> <p><i>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).</i></p> <p><i>In assessing viability, developers should prepare and submit:</i></p> <p><i>a) a marketing report; and</i></p> <p><i>b) a viability assessment</i></p> <p><i>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.</i></p>	<p>To meet the Basic Conditions.</p>
<p>Policy 7</p>	<p>Recommend amendments to Policy 7 as below:</p> <p>Policy 7: Environment</p> <p><i>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.</i></p>	<p>To meet the Basic Conditions.</p>

	<p><i>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.</i></p>	
<p>Policy 9</p>	<p>Recommend that Policy 9 be deleted and moved to be include the objective as an aspiration (as set out under Chapter 5. Implementation below) and Plan Inset A and para 4.26 amended as below:</p> <p><i>Policy 9: Transport</i></p> <p><i>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.</i></p> <p><i>Reasonable financial contributions will be sought from development proposals to support the enhancement of bus service provision within the Parish.</i></p> <p>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.</p> <p>In the explanatory text, at 4.26, I recommend that this should be amended as follows:</p> <p><i>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</i></p>	<p>To meet the Basic Conditions.</p>

	<i>the A259 as shown on the concept plan E above, reflecting the ambition in Proposal 3.</i>	
Chapter 5. Implementation Para 5.2	<p>Add text to expressly confirm that the proposals are not policies and carry no weight for decision making in the Plan area.</p> <p>Add text after first sentence of para 5.2 as follows: 'It is important to note that the following Proposals are identified as aspirational. The proposals are not policies and therefore, for the purposes of development management, carry no weight for decision making in the Plan area.'</p>	To avoid the potential for doubt or confusion and confirm that the proposals carry no weight for decision making in the Plan area.
Chapter 5. Implementation	<p>The proposals should not be in bold type but could be expressed as follows:</p> <p><i>Proposal 1: Cycle Routes</i></p> <p><i>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.</i></p> <p><i>Proposal 2: Financial Contributions from Development</i></p> <p><i>The 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.</i></p> <p><i>The Parish Council especially wishes to see sufficient financial contributions made by</i></p>	To meet the Basic Conditions and help distinguish the policies from the proposals.

	<p><i>developers to fund the Green Ring (of Policy 3), community facilities, local schools, health and utility services.</i></p> <p><i>Proposal 3: Transport</i></p> <p><i>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 a crossing of the railway line. The Parish Council also proposes to identify a corridor of land to the north of this railway crossing connecting to the existing highway network and identify the means of delivery.</i></p> <p><i>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.</i></p>	
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4. Conclusion

- 4.1 The Authority (Chichester District Council) confirms that the Southbourne Parish Neighbourhood Development Plan 2014-2029, as revised, meets the basic conditions mentioned in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act and complies with the provisions made by or under Sections 38A and 38B of the Planning and Compulsory Purchase Act 2004. The Southbourne Parish Neighbourhood Plan can now proceed to referendum.
- 4.2 It is recommended that the Southbourne Parish Neighbourhood Development Plan 2014-2029 should proceed to referendum based on the neighbourhood area defined by Chichester District Council on 20 March 2013.
- 4.3 This decision has been made according to the advice contained in the above report in response to the recommendations of the examiner made in a report under paragraph 10 of Schedule 4B to the 1990 Act (as applied by Section 38A of the 2004 Act) in relation to the Neighbourhood Development Plan.