

## Becca Stokes

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**From:** Steve Lawrence <steve.lawrence@conservancy.co.uk>  
**Sent:** 09 October 2015 12:03  
**To:** Neighbourhood Planning  
**Cc:** Bosham Parish Council; Richard Austin; Richard Craven; Rosie Spanner; Linda Park  
**Subject:** Chichester Harbour Conservancy response to Submission Version Neighbourhood Plan  
**Attachments:** Member delegated report on Submission Version Bosham Neighbourhood Plan ....pdf

Dear Valerie,

Members of the Conservancy's Planning Consultative Committee have been consulted as to their views on my attached Officer report, under the partially delegated protocol.

The responses received endorse the enboldened and italicised recommendations within the report. Some additional comments have also been made by Members. Can these also be passed to the examiner for their consideration.

Those additional views are –

“Looks good only thought is where you talk of North A259 in the context of development should you emphasis the this is the only part of the village outside the AONB. It is disappointing they they are prioritising protection of the strategic gap (as it used to be called) over the AONB.”

“I totally agree with all your comments. The “presumption in favour of sustainable development” is quoted from the National Planning Policy Framework but I didn't find the quotations from the Conservation section. My impression is that in several places the weight of consideration given to the AONB does not reflect NPPF 115: “Great weight should be given to conserving landscape and scenic beauty in ... Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty.” This, then applies to 84% of the Neighbourhood Plan Area according to the BPNP.”

“I am in agreement with the comments made. Ideally I would like to see the comment under Policy 3 iv stronger so that rather than “promoting” native species we should be “expecting” plantings to be of natives, indeed of appropriate natives i.e. ones that have meaning in the local landscape and the ones that give it distinctive character. As I mentioned earlier today these plantings may well be there long after the developments they screen have been replaced.

Under Policy 7 an observation is that although poor agricultural land might be preferred for development over good, but these would also be the places to make green open space as poor sites make much better herb-rich grasslands, better for wildlife and needing less management by mowing etc. Flower rich grasslands are much more threatened than ancient woodland these days and in shorter supply, they can also be created more easily where suitable sites come available.”

Yours sincerely

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My ref: SRL/Bosham NP/Submission Version

5 October 2015

Members of Planning Consultative Committee  
Chichester Harbour Conservancy

Dear Member

**Summary of Conservancy's planning officer views on submission version of Bosham Neighbourhood Plan, which need to be sent to sent to Parish Clerk by 12 noon, Friday 9 October 2015**

**RECOMMENDATION**

Officers are recommending that the ***bold and italicised text*** which follows, should be forwarded as the Conservancy's further comments on the Neighbourhood Plan (NP).

Italicised text which is not bold, is taken verbatim from the Submission version of the NP.

**General overview**

The Conservancy's previous Officer delegated comments on the Pre-submission version are set out as **Appendix A** to this report. **Those shown *italicised* in Appendix A, have not really been addressed by the Parish Council and should be re-stated.**

Policies have been re-ordered, re-written and some (tourism) absorbed into the Commercial & Economic Development Policy.

In general terms, links to local and national policy and existing guidance are summarised after each Policy.

Previous Census figures have been dramatically corrected in some cases. Population/households has dropped from 4,256 to 2,900 / 1,833 to 1,328 respectively for example, having obvious implications for development demanded by residents to meet their needs up to 2029.

Much of the evidence base material has been removed to a stand alone 'Consultation Statement' supporting the NP.

General strategy to retain separate identity and not coalesce east or west with others remains and the status of the AONB is given greater emphasis in the strategy.

A prescriptive requirement for on-site sewage works has been tempered to being certain a technical solution and adequate capacity exist before permission is to be granted.

**Policy 1 – The Settlement Boundary**

Strategy now more closely aligned with Chichester Local Plan (CLP) Policy 2 and Bosham's place in the identified settlement hierarchy –

- 1. Respecting the setting, form and character of the settlement;*
- 2. Avoiding actual or perceived coalescence of settlements; and*
- 3. Ensuring good accessibility to local services and facilities*



## Policy 2 – Housing allocations

**Whereas Map 1 now omits Swan Field and Oakcroft Nursery as extensions to the settlement boundary, Map 2 still shows them as housing allocations. Either this is a drafting error, or the Parish is arguing they are rural exception sites. This needs to be clarified. The planning application for a Hospice at Oakcroft is acknowledged, yet the Parish still want to allocate the land for housing.**

Mention is made of the District allowing sites under 6 dwellings to be counted towards the 50 dwelling allocation for Bosham up to 2029, yet then says such 'windfalls' are excluded by the EIP Inspector making her minor modification 18 to the Local Plan.

**No further consideration that housing be placed north of the railway station and combined with new parking for the station has been given.**

## Policy 3 – Criteria for housing development

Housing is to be directed to the defined Settlement Policy areas, where -

*Housing on the allocated sites must –*

*(i) provide at least the required percentage of the total number of dwellings as affordable housing (as defined in the NPPF) with a mix of tenure types designed to meet the housing needs of individuals, couples and, or, families on the CDC Housing Register with a proven local connection to the Parish of Bosham; (NB CLP34 does now say any net increase in dwellings)*

*(ii) provide a varied mix of suitably-sized market housing in keeping with, and wherever possible enhancing, the character of adjacent residential areas; words 'wherever possible' could be deleted, otherwise most developers will say it's not possible or required.*

*(iii) comply with the highest standards of design and sustainability by achieving as a minimum, Level 5 of the Code for Sustainable Homes or equivalent Building Regulations standards whichever is the most up to date, use locally common materials wherever possible and provide for optimum Broadband connectivity; Code for Sustainable homes no longer exists so will have to find some other form of words.*

*(iv) be designed within a layout that observes high standards of spatial design including green spaces and gardens which make and maintain provision for locally naturalised flora, fauna and wildlife; cannot expect the developer to provide wildlife! Better to just say promote use of native species planting, with best potential to attract wildlife.*

*(v) be designed to minimise any increase in the generation of vehicular traffic and provide safe and convenient access and links to all local services for pedestrians and cyclists by way of professionally designed footpaths and cycleways; not sure what this means. Do they want 'skinny streets' with tightly defined geometry? Surely main requirement is to provide for safe access at an appropriate speed (covered in criterion (vi) below), favouring the pedestrian and cyclist over the motorist.*

*(vi) demonstrate that the local road network can safely accommodate the development and that there is safe vehicular access to the site; any highways improvements necessary to make the development acceptable in terms of pedestrian or vehicular safety, traffic management or the mitigation of potential congestion must be provided either as part of the development itself or by a highways agreement and/or by planning obligations;*

*(vii) must make suitable provision appropriate in scale and extent to meet all local requirements, whether on-site or via commuted payments, for increased education facilities, for green infrastructure and for public open space; not sure this is compliant with CLP9*

**(e. g. Does any net gain in dwellings have to make a contribution to education? and need to mention CIL, which is due to be introduced by CDC in the future.**

*(viii) must comply with all the requirements of BPNP Policy 9 - 'Flooding and Drainage' and demonstrate that prior to any planning application purposeful consultations with the Environment Agency and the West Sussex County Council (as the Sustainable Drainage Systems Approving Body) have taken place; **what about Southern Water?***

In addition, development on Bullock Barns and Burnes Shipyard must investigate archaeology.

*"(B) Proposals for residential or housing development of sites not allocated under Policy 2(A) may be permitted provided that the development proposed;*

*(i) is either within the Settlement Boundary (defined under Policy 1) or is covered by Policy 4(B) or is for the small-scale redevelopment (to create no more than 6 dwellings) of previously developed land outside the AONB; and,*

*(ii) meets all the requirements of (A) above."*

***Policy 3B is too permissive outside settlement boundaries as does not stipulate either rural exception sites or for agricultural workers needing to live in the countryside as a first consideration and just implies general needs housing may be acceptable.***

***Query accuracy of Notes 1 and 2 to Policy 3. CLP34 says any net gain in housing must contribute towards affordable housing and does not distinguish between whether a site is within or outside of an AONB. Note implies that in Bosham village or the AONB, 40% affordable must be provided, not 30% under CLP34.***

#### **Policy 4 – Commercial and economic development**

***Reference is made to retaining Broadbridge Business Centre in employment use, yet this has sadly been undermined by a recent prior approval. The Policy also then goes on to say the Parish will be flexible on this site, so there seems little point in seeking to safeguard it. Indeed, the whole raft of prior approval flexibilities introduced for farm buildings (albeit their conversion to up to 3 dwellings is NOT permitted in AONB's) is not acknowledged and ought to be.***

Evidence on economic activity, previously in a table from the 2011 Census, is now referred to in a paragraph of text. 36 local businesses were consulted in preparing the plan, with most of the 21% in AONB, seeing that designation as a positive thing for their business.

#### **Policy 5 – Community facilities**

The possibility of relocating the Primary School is still talked about (albeit relevant at Officers at West Sussex County Council have previously said to Steve Lawrence they have no plans in this respect. The location talked about is currently open countryside, albeit recognised on the District Council's SHLAA map as having potential to accommodate some housing.

#### **Policy 6 – Heritage**

More specific reference has been made to distinctive historic features within the Parish such as the stream corridors and ancient woodland. This is good because the distinctiveness of the Parish is being set out. There is also continued reference to specific features within the Conservation Area, whose character and setting need to be safeguarded.

#### **Policy 7 – Landscape and the Environment**

It is now clear that poorer quality agricultural land must be first considered before looking to develop the best quality agricultural land and a map has been added showing the various classifications of soil quality.

***Some text has been added to distinguish between 'open' and 'discreet' views, but none of the open views have been identified on a map base.*** The intention to prevent coalescence is restated though.

### **Policy 8 – Ecology, wildlife and biodiversity**

The Parish is now relying fully on the Conservancy's Management Plan, in terms of the various ecological designations (including ancient woodland) and how these are to be managed/protected and the test of development being based on exceptional need in the public interest has been added. ***Applicant's also need to commission a report from a suitably qualified ecologist to support their applications, setting out the likely ecological impact (and presumably how this could be mitigated).***

Specific mention is given to the notable roadside verges in Smugglers Lane and the hedgerow network in general throughout the Parish as important wildlife corridors to be protected. Again, this is good because it identified distinctive features within the Parish.

### **Policy 9 – Flooding and drainage**

*"(C) All new development must provide a connection to the nearest point of adequate capacity in the existing sewerage network to ensure that the additional net flow is capable of being managed in balancing arrangements. Full details of these arrangements including connection to the sewerage network must be approved in writing by Southern Water and the Environment Agency before any planning permission will be granted."*

#### ***"5.17.11 Aspirations***

*1. Southern Water, the agency responsible for the local system, must be lobbied to produce plans to upgrade the capacity of the Stumps End pumping station and pipework leading to the Harts Farm plant, so as to reduce the amount of untreated sewage being regularly discharged into the northern part of the Harbour."*

*"5.18.2 Two 20mph limit areas are planned. The first is to the north of the A259 including all roads from the level crossing southwards. Secondly, south of the A259 to include all of Walton Lane and Delling Lane from north of Green Lane and southwards to include the whole of the rest of the village except Taylors Lane. These planned improvements are very much welcomed and seen as necessary irrespective of any future development."*

***As written, the first part of the Policy says all development must be subject to the sequential test (i.e. consider least flood risk areas first), whereas in fact this stipulation only applies to Flood Risk areas 3.***

A lot of descriptive text about Bosham's drainage and how it functions has been removed from the document, but two paragraphs giving evidence on drainage have been added.

An emphasis on the developer carrying out capacity calculations is stressed and Southern Water now seem to be agreeing that additional headroom capacity would be required to support new development.

### **Policy 10 – Transport and Highways**

Reconfiguration of the main car park is still talked about, but all reference to increasing the number of spaces from 250 to 400 has been omitted (presumably because the 'stress' caused by tourism does not want to be encouraged to increase, but merely managed by the Parish).

Much of earlier text has now been re-written as aspirations, such as minimizing traffic from new housing development.

An update is that the introduction of 20 mph zones is intended, principally to improve the safety of children walking to school and this is welcomed by the Parish.

Yours sincerely

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**NB – please send your comments by noon, Friday 9 October 2015 by email**

**Summary of Conservancy's comments on pre-submission version of Bosham Neighbourhood Plan, sent to Parish Clerk 13 February 2015**

*Particular concern for Swan Field and Oakcroft nursery having been identified for significant new housing, as both within AONB, with Swan field having greater landscape impact;*

Commended level of research and community participation;

Statements on controlling future levels of visitors perhaps a little aspirational and beyond plan's control;

General comment that Policy numbering should be separated from paragraph numbering;

More work required to set out distinctiveness of Bosham and what developers ought to design for;

If matter not controllable under Planning Act, then little point in having a land use policy seeking to control it;

Policy 34 seeking a higher % of affordable housing than the Chichester Local Plan unlikely to be tenable, unless compelling evidence given. The Secretary of State for Communities and Local Government has just been given leave to Appeal the High Court ruling quashing the 28.11.14 Ministerial statement that sites of 10 or less dwellings should not be expected to contribute towards affordable housing. A further judgement could have implications for this Policy;

*Definition of 'local people' in glossary of terms needed to ensure new housing genuinely goes to those resident in village;*

If seeking to restrict development in certain areas, better to shade on Proposals Map and link to Policy 45 in Chichester Local Plan;

Housing requirements from the local plan need to be recognised as minima in the NP;

Oakcroft nursery site does not call for on-site sewage treatment - is that an omission?;

SHLAA comments and Brent Geese/Waders constraints to putting forward housing sites;

*Suggestion that land looked at north of railway as an alternative. Suggested re-draw of land north of railway as settlement boundary extension;*

Need to be careful of using phrase 'permitted development', as very specific meaning under Planning Act;

Avoid phrases like 'in keeping with' - too vague and reference to 'settlements' perhaps better expressed as character areas identified in the VDS;

Very prescriptive wording about repairing walls where works may not actually need planning permission;

*Important views in and out of NP area need better definition and illustration on Proposals Map;*

Parking standards need to be compliant with local plan, unless accident hot spots justify otherwise;



Seems to be some overlap with VDS, so may be better to have VDS as Appendix to NP and thereby slim down NP text;

*Culverting - policy against, or at least compensatory de-culverting?;*

Need to clarify 'exceptional circumstances' where that is stated;

Policy on signage would do better to identify from an audit where existing has 'cluttered' environment and positive programme to reverse;

Policy relating to main village car park really about management issues, not development requiring planning permission, but if a diagram is to show intended reorganised layout then better to acknowledge existing pedestrian desire lines;

*Proper EIP wording of local plan AONB policy needs to be used in text;*

For development in the countryside, 'very small scale' needs defining and cross referenced to local plan policy 45;

Protection of best quality agricultural land could better be illustrated using map showing land classifications;

Requirement for development being served by own onsite sewage treatment works needs to be tempered by scale of development being sought;

Cannot expect sewage works outside the NP area and their improvement to be bound by NP policies;

Would be useful to show current map of EA flood zones and refer to website in terms of up to date mapping thereafter;

No need to repeat NPPF verbatim, just refer to relevant paragraphs;

Aspirations for public transport need realistic targets in terms what S.106 money might be spent on to encourage greater usage;

*Same goes for intended new footpaths - show them on the Proposals Map and explain how to be delivered;*

Traffic statements supporting applications should be proportionate to scale of development being sought;

Need best practice on cycle parking and whether should be covered with appropriate locations pinpointed on the 'ideas' map;

If land is to be safeguarded for a particular purpose or new development, then it should be shown on the Proposals Map and clearly justified;

*No harm in clarifying what is meant by the word 'quality' in terms of design of new housing layouts - good to have concept diagrams to guide developers.*