

## **Boxgrove Neighbourhood Development Plan Submission (Regulation 16)**

### **Chichester District Council Response – July 2018**

The Parish Council and Neighbourhood Plan Working Group should be commended for the significant hard work that has been put in to this plan to date. The Council recognises there have been a number of challenges for the NP Group to address as work has progressed to this stage. This response provides both general and specific comments with regard to the submitted Boxgrove Neighbourhood Development Plan (NDP).

#### **General:**

The Plan itself provides a helpful overview of Boxgrove Parish, however, the structure of the plan may benefit from some improvements in terms of layout and presentation. It also includes some typos; these should be corrected in the final version.

Overall, the aim of the policies reflect the needs of the parish, however some are too detailed for the purpose of the NDP, others are not positively written and in certain cases may not be regarded as relevant (e.g. comments on policy EH3 below). The plan needs to recognise what it can realistically achieve. Policies EH2, EH7, EH8, H1 and EE3 are a few examples of policies that may prove difficult to use during decision-making, because either they form a duplication of what is provided by a Local Plan document or, they are too onerous.

There is a need for the plan to be consistent in terms of its presentation; for example currently some policies, when listing criteria, use bullet points (Policy EE5), roman numerals (Policy H3) or numbers (Policy H1). Again, there is use of bold italics in the policies whereas others are simply in bold. Further, the Maps presented as appendices to the NDP lack visual clarity and it is difficult to identify place and road names (e.g. Maps A, B, C, D and E).

#### **The NDP document:**

Section 2.1.2 on Page 10 also needs amending to include references to the South Downs National Park Authority and that currently the development plan includes the saved policies from the Chichester Local Plan – First Review (April 1999) for the SDNPA area.

The fifth paragraph on page 5, states that '*The Plan gives local people the power to decide where new housing should go and how the village could change. Without the Plan CDC would make these decisions on behalf of the people of Boxgrove*'. The neighbourhood plan provides an opportunity for local people to make decisions about where new development, such as housing, should go. Where the justification provided is so that an adjacent property owner can downsize (Para H5.4) this is not sufficient justification to allocate land for housing. The Parish has met the majority of its indicative housing numbers through the approval of development of 22 homes at Priors Acre. Any additional housing would be of benefit however it needs to be demonstrated that it is in the interests of the community as a whole.

The last sentence in the penultimate paragraph states that '*Once approved, the Neighbourhood Plan will form part of the Chichester District Council Development Plan*'. Perhaps the wording 'Chichester District Council' be replaced by 'statutory' to ensure that terminology is correct.

Just a minor point, but the final paragraph refers to the consultation statement; this should be removed. This is because the consultation statement does not form part of the Neighbourhood Plan document. It supports it for the purposes of plan-making only.

Page 20: Section 3.7 Community Facilities and Wellbeing

The NP is to be commended for its identification of community facilities, reference to the asset register, reference to the Community Infrastructure Levy (CIL) and how the Parish wishes to spend the allocation. For consistency the NP should include Boxgrove Village Hall as it does other community buildings.

Page 24: Vision Statement

States that 'In 2030 Boxgrove Parish will continue to be an attractive place to live and work...'. The NDP covers the period to 2029, so this date should be reflected here, rather than 2030.

Para 4.2 Core Objectives

States '...issues that are not relevant to the NP will be dealt with via a Community Action Plan'. It is not clear where this future Community Action Plan is. It is potentially confusing for the reader when identifying issues relevant only to a Community Action Plan using the letters 'CA'. If issues are not directly relevant to the neighbourhood plan, then it is suggested that they are removed. If considered necessary and/or relevant, all issues to be covered by the Community Action Plan could be listed in an Appendix. The text suggests that a 'basic list is in the Evidence Base' however when the evidence base is opened online, there is no list, or any reference to the Community Action Plan.

Page 24: Section 4.2 Core Objectives - 3 Community

The text states to 'create new and improve and maintain Parish facilities by retaining the facility of a village shop and pub'. The NP goes on to set out the wish to enhance and extend existing play and exercise facilities, provide opportunities for activities and support services but does not refer to protecting, supporting, extending, improving the village hall and the services it provides or the St Blaise Centre.

Page 27: Presumption in favour of sustainable development

The 13<sup>th</sup> bullet point is not relevant as it relates to mineral development which is a county matter and 'excluded development' as defined by Section 61K of the Localism Act 2011. It is therefore beyond the scope of Neighbourhood Plan provisions and reference to it should be removed.

Page 28: Policy SB1 – Settlement boundary

The map showing the settlement boundary at Boxgrove (Map E) has not been updated in accordance with the amended settlement boundary identified in the emerging Site Allocations Development Plan Document (DPD) (Inspector's report expected in July 2018). The amended site boundary in the Site Allocations DPD reflects the inclusion of land off Priors Acre which has been permitted through an appeal decision (APP/L3815/W/15/3138439) dated 26 May 2016. The Inspector's decision (para 6) acknowledges that 'There is no capacity within the development boundary of Boxgrove for significantly more housing so the boundary will need to be redrawn'. It also reiterates that the Chichester Local Plan: Key Policies (CLPKP) (Policy 2) requires settlement boundaries to be reviewed through DPDs and Neighbourhood Plans.

This policy is not positively written. The wording should encourage the granting of planning permission for development outside the settlement boundary only where a set of criteria are met. These criteria should reflect, but not duplicate, those of Policies 45 and 46 of the CLPKP, possibly even cross-refer to them.

Page 29: Policy EH2 Renewable and Low Carbon Energy

The policy is too detailed for the purposes of a neighbourhood plan and appears to go beyond the remit of planning control. Paragraph EH2.2 is not directly relevant to the policy.

Page 30: Policy EH3: Reinstatement and restoration of land at Boxgrove and Eartham Quarries

All planning permissions relating to Boxgrove and Eartham Quarries will/do require the approval of a restoration and aftercare scheme through which the restoration principle is established. This policy should avoid duplication of restoration principles established by policies contained in the West Sussex Minerals Local Plan (adopted or emerging), particularly where minerals (and waste) are county matters, nor must it consider restoration for particular sites which are already the subject of an approved restoration scheme. As a consultee, the Parish Council is consulted on all planning applications affecting these sites and therefore will have the opportunity to comment on any future restoration and aftercare schemes

It is unclear as to whether or not this policy is intended to safeguard historic footpaths (and woodland) generally in the parish and to ensure that any future development (quarries or not) ensures that the historic route of footpaths is safeguarded. Further, it is noted that policy GA1 considers the footpath and cycle network, so if the intention of the policy is to protect historic public footpaths then the key issues raised by this policy would be better placed in Policy GA1.

Page 29: Policy EH5 Development on Agricultural Land

There is no description of which grades are included in 'best and most versatile land' and where they exist within the Parish. A definition should be included of what constitutes 'other land-based rural business'.

Page 31: Policy EH6 Landscape Character and important views

There is a lack of evidence regarding 'important views' and no map identifying clearly the 'important views' that are considered relevant to the NP is included. The policy overall lacks distinction. Reference to the Boxgrove Conservation Area and Halnaker Conservation Area as well as any key landscape features which have been identified by the relevant Landscape Character Assessment should be included to ensure that there is a steer for the policy and that it ties in with relevant and existing evidence relating to conservation areas and landscape character.

The policy refers to Appendix 2 and 3 but it is not clear what this is intended to include as there is no Appendix 2 or 3 to the Neighbourhood Plan. It also lists a number of key heritage assets, but does not identify any specific views that may be affected or how they could be protected.

Page 32: Policy EH7 Dark Skies

Street lighting may be required for highway safety and/or crime/security reasons. Specific requirements regarding lighting may be the subject of planning conditions where it is considered on a case by case basis for individual planning applications. Policy SD9 of the emerging South Downs National Park Local Plan considers Dark Skies therefore this policy needs to ensure it does not duplicate that policy. Reference to it would be acceptable.

Page 32: Policy EH8 Conserve and Enhance the Heritage Environment

This policy appears to cover a similar topic area to Policy EH6. To conserve and enhance a heritage asset, consideration should also be given to views as part of an assessment of impact upon 'setting'. It is also questioned as to why natural beauty and wildlife is covered by this policy, when the main focus is the heritage environment.

Last bullet point – it is unclear what is meant by 'existing designed or natural landscapes'. Landscape is covered by Policy EH6 and should not be included by this policy too.

Page 32: Policy EH9 South Downs National Park

The 'part of the parish lying within the South Downs National Park' is the northern section of the parish. It is suggested this is made clearer. The supporting text does not cross refer to the map shown on page 8 of the NDP. This policy should also cross refer to the objectives set out by the South Downs National Park Management Plan and emerging Local Plan and Core Policy SD1: Sustainable Development in the South Downs National Park, however it does not.

Page 34: Policy EE1 Support existing employment and retail

The parish lies in a rural area and does not have significant employment or retail development, although it is noted that there may be some small-scale enterprise. The second paragraph of this policy is not positively written (through the use of 'will not be permitted'). The policy refers to Appendix E of the Chichester Local Plan which allows for sites to be tested in terms of marketing/viability however it is considered that the second paragraph is not necessary.

Page 35: Policy EE2 Tourism activities

There is no evidence to support how important tourism is to the parish or what the established sources of tourism are. Goodwood motor circuit and race course is nearby, so the parish is highly likely to have some Bed and Breakfast establishments that rely on the associated events. This would also be applicable to any events associated with the Tinwood Estate Vineyard (e.g. glamping). Boxgrove Priory is also of tourism interest. These sources of tourism are not mentioned by the policy or its supporting text. There is also no cross reference to Policy 30 (Built Tourist and Leisure Development) of the adopted Chichester Local Plan.

Page 35: Policy EE3 Communications Infrastructure

As noted at Regulation 14, the policy appears to support approval for all communications masts. It is unclear as to whether or not this is the intention of this policy.

Page 36: Policy EE4 Agricultural/Horticultural/Equine/Viticultural employment

The policy as currently worded is inflexible and negative; suggest the inclusion of criteria (for example in relation possibly to marketing, viability etc – referring to Appendix E of the Chichester Local Plan) and to avoid the use of 'will not be permitted unless'. The supporting text does not make clear what or where such development takes place within the parish. This policy alludes to this type of employment being more significant than the employment considered by Policy EE1. Again, if this addresses the same issue, then there is no need for two separate policies for employment. The parish is rural and therefore it is highly likely that businesses and enterprise will be of a rural nature. Overall, it is recommended that a 'rural enterprise' policy would be more suitable for the purposes of the plan rather than two separate employment policies which are too general and do not address key issues affecting the community.

Page 37: Policy LC1 Support Independent Living

The definition of 'independent living' needs to be clear. Also, the plan does not discuss the existing situation in terms of care homes and there is no evidence to support this policy.

#### Page 38: Policy LC4 Designation of local green spaces

The areas of Local Green Space (as recognised by paragraphs 76 and 77 of the NPPF) designated and shown on Map A are not named and the visual presentation of the boundaries of the sites needs to be improved to enable the designation to be applied accurately. The Local Green Spaces that the policy aims to protect have not been listed and there is no justification given as to why they are demonstrably special to the local community (i.e. Boxgrove Quarry and the reinstatement of historic footpaths), tranquillity or richness of its wildlife. The ratings listed at Schedule A are also confusing and could be presented in a better way.

#### Page 38/39: Policy LC5 Designation of local open spaces

The areas listed in Schedule B and shown on Map B are identified for protection under this policy. The map provided is poor and the sites are not labelled. The policy and/or supporting text does not make any cross reference to Policy 54 of the Chichester Local Plan which considers Open Space, Sport and Recreation. Policy 54 refers to the Chichester Open Space Study which provides details of open space requirements for Boxgrove parish. Reference is made to surveys in the supporting text, but these are not named/dated and no reference is made to them being in the evidence base. The use of 'will not be permitted' is also not a positive way of wording the policy. The policy should cross refer to the relevant policies in the Chichester Local Plan to ensure consistency.

#### Page 39: Policy LC6 Village Shop

The use of the phrase 'will not be permitted' does not represent positive wording in a policy.

#### Page 39/40: Policy H1 Quality of Design

This policy is too detailed for the purpose of the neighbourhood plan and risks duplicating Policy 33 of the Chichester Local Plan. This policy should cross refer to the relevant policies of the Chichester Local Plan to ensure consistency. Some of the criteria may also not be achievable (for example, criterion 2, 6 and 9). As it stands, the policy wording would be difficult to deliver and enforce.

Further, point number 1 refers to bin stores and recycling facilities. If it relates to waste collection, then this is a District matter in any case and the Waste Storage and Collection Guidance published by Chichester District Council would be the relevant document to refer to.

Overall, it is considered that the policy seeks too much detail that goes beyond the scope of planning control.

#### Page 41: Policy H2 Housing Mix

The adopted Chichester Local Plan (Policy 5) identifies an indicative housing number of 25 to Boxgrove Parish. This housing number has by and large been met through the granting of permission (by appeal) of land off Priors Acre, for 22 houses and when coupled with the identification of other small housing sites (Map C, Policy H5).

#### Page 41: Policy H3 Windfall Sites

This policy refers to the settlement boundary shown on Map E. This boundary is incorrect as it does not include the approved housing development at Priors Acre. For consistency, the first part of the policy should refer to criteria rather than 'the following factors' to be consistent with other policies in the plan.

Criterion vi) is questioned because deliverability can depend on a number of factors, including viability and availability. Criterion viii) should also be amended to state that 'proposed sites should be subject to archaeological and environmental surveys before being developed **where it has been considered/assessed as appropriate**'.

#### Page 42: Small development sites:

##### Site 7 Land at The Old Granary

There is no overriding requirement for the parish to identify any further housing allocations. This is a sensitive site in close proximity to various recognised heritage assets. However, it is noted that a detailed heritage impact assessment has been compiled in relation to the proposal for this site. Any such policy for this site should use the findings of the heritage impact assessment to inform a more detailed and robust policy that would seek to enhance and not detract from the significance of the identified heritage assets in this sensitive location.

##### Site 8 The Old Coal Yard, Halnaker

This site has planning permission and therefore there is no reason to include this proposal. This site should therefore be removed from the plan.

##### Site 10 – Brambles at Crockerhill

There does not appear to be any justification for this proposal for a single dwelling in the countryside other than the 'owner of the adjoining house' wanting to downsize. This is not in the interests of the wider community and should be removed from the plan. This evidence alone is not sufficient to include such a site in the plan.

#### Page 43: Policy GA1 Footpath and cycle path network

The second paragraph makes reference to CIL contributions. This is out of place in this section of the plan and should either be placed in the supporting text or into a policy of its own in section 5.6 of the Plan 'Leisure and Community'.

The 'Permissive Paths' shown on Map D are not identified on a key (e.g. footpaths, bridleways, byways) without which, it is not clear what the status of existing access to the countryside is (for example, to encourage cycling in the parish, it would be useful to know where the bridleways and byways are, because cyclists are not permitted to use footpaths). Proposed permissive paths are shown, but it is unclear as to whether or not they have been adopted. This Map should either be removed or improved.

#### Page 44: Policy GA2 Parking in new development

Para GA2.1 states that 'the Parish suffers from significant road traffic and parking issues' however there is no evidence submitted to support this statement. It is questioned as to whether or not this policy is necessary because on-street parking is enforceable by the police and not the planning authority. Further, if it is considered necessary, then it is suggested that simply refers to Policy 39 of the Chichester Local Plan (Transport, Accessibility and Parking). This includes reference to West Sussex County Council's parking calculator and guidance.

#### Page 45: Policy GA3 Streets and Access Ways to serve new residential development

The final section of the policy provides useful guidance to materials and design features however and could be carried through in the plan (possibly as a vision or objective rather than a policy).

### **Exercise of Delegated Authority - Head of Planning Services**

I hereby exercise my delegated power in accordance with Chichester District Council's Constitution:

'to make formal comments on a draft Neighbourhood Plan at Pre-Submission stage and Submission stage'

AND DETERMINE THAT, the above comments are the formal response made by Chichester District Council on the **submission stage** of the **Boxgrove Neighbourhood Development Plan** in relation to comments made under Regulation 14 of the Neighbourhood Planning (General) Regulations 2012 (as amended by The Neighbourhood Planning (General) (Amendment) Regulations 2015).

Signed:

A handwritten signature in black ink that reads "Andrew Frost". The signature is written in a cursive style with a horizontal line under the letter "t" in "Frost".

**Director Planning and Environment**

Date: 9 July 2018