

Chichester District Council Local Planning Authority

Boxgrove Neighbourhood Plan 2017-2029

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 Boxgrove Neighbourhood Plan has been altered as a result of it and that this plan may now proceed to referendum.

2. Background

- 2.1 The Boxgrove Neighbourhood Plan relates to the area that was designated by Chichester District Council as a neighbourhood plan area on 4 December 2012 and by the South Downs National Park Authority (SDNPA) on 14 March 2013. This area corresponds with the Boxgrove Parish Council boundary that lies within the Chichester District Council and South Downs National Park local planning authority areas. Chichester District Council is the lead local planning authority for neighbourhood planning.
- 2.2 Following the submission of the Boxgrove Neighbourhood Plan to the Council, the plan was publicised and representations were invited. The publicity period ended on 8 June 2018.
- 2.3 Mr Tony Burton was appointed by Chichester District Council, with the consent of Boxgrove Parish Council, to undertake the examination of the Boxgrove Neighbourhood Plan and to prepare a report of the independent examination.
- 2.4 The examiner's report concludes that, subject to making 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 with the consent of Boxgrove Parish Council, has decided to accept the modifications to the draft plan. The SDNPA has been informed and agrees. 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 Boxgrove Parish Council

POLICY	MODIFICATION RECOMMENDED	JUSTIFICATION
All text	To accommodate the changes in the Policies of the Plan, it will be necessary to make consequential changes to the supporting text.	For completeness.
Main body of plan	Include the Plan period of 1 January 2017 to 31 March 2029 in the main body of the Plan (e.g. Foreword)	To meet the Basic Conditions and for clarity
Overall plan	Amend the Plan to use the same wording for each of the Core Objectives and Chapter headings for the Plan's policies, and present them in the same order] Amend the Plan to align the headings used in Section 3.0 with those used in Sections 4.0 and 5.0	For clarity
Chapter headed 'A Spatial Plan for the Parish'	Replace Chapter heading " <i>A Spatial Plan for the Parish</i> " with "Development outside Boxgrove settlement boundary" or include Policy SB1 in the " <i>Environment and Heritage</i> " section of the Plan's policies.	For clarity

Chapter headed 'The Presumption in Favour of Sustainable Development'	Delete section 5.2 " <i>The Presumption in Favour of Sustainable Development</i> "	For clarity
Overall plan and evidence base	Reference and provide a link in the Introduction (paragraph 5.1) to a single consolidated evidence base hosted on Boxgrove Parish Council's website which includes all the relevant documents in one place (including on housing) and update relevant references throughout the Plan.	To meet the Basic Conditions and for clarity
Overall plan and evidence base	Include text in paragraph 5.1 explaining the way the Justification for each policy is provided, including how references are used for numbered sections of the NPPF] Delete sections 6.1 and 6.2	For clarity
Overall plan	Include Appendices 1, 2 and 3 in the body of the Plan	To improve use of the plan and for clarity
Foreword	Amend Foreword to refer to a Vision to 2030	To avoid confusion and provide clarity
Paragraph 1.2	Replace " <i>relevant</i> " with "qualifying" in paragraph 1.2	For accuracy
Paragraph 2.1.2	Amend paragraph 2.1.2 to delete " <i>secondary planning authority</i> " and add "Authority" after "South Downs National Park" Update references to the South Downs Local Plan and Chichester District Council's Site Allocations Development Plan to reflect their adoption	To meet the Basic Conditions
Maps A to E	Replace Maps A to E with higher resolution versions which can be used precisely to identify locations and boundaries and provide a link to where each map can be located online	To meet the Basic Conditions
Style and numbering	Amend the Plan to provide consistent and clear use of heading styles and numbering throughout	To improve use of the plan and for clarity
Basic Conditions Statement	Add Policies EE6 and LC6 to an updated Basic Conditions statement in relation to the NPPF's sections on design and healthy communities	To provide comprehensive evidence and suite of documents
Basic Conditions Statement	Complete the sustainability assessment for Policies EH9, GA3, GA4, LC6 and LC7 in an updated Basic Conditions statement	To provide comprehensive evidence and suite

	Provide a separate heading in an updated Basic Conditions statement for the assessment of how the Plan contributes to the achievement of sustainable development	of documents
Section 1.4	Amend Section 1.4 to briefly describe the SEA and HRA process undertaken for the Plan	To meet the Basic Conditions
Section 5.3 Policy SB1 Settlement Boundary	<p>Amend the settlement boundary shown in Map E to align with that established in the Chichester Local Plan – First Review (April 1999) as amended by the adopted Site Allocations Development Plan Document</p> <p>Amend Policy SB1 to replace “not be acceptable other than” with “will only be supported” and replace “or where other policies within this plan indicate otherwise” with “where this is consistent with other development plan policies”</p> <p>Add “Chichester Local Plan Policies 45 and 46 establish the criteria to be met by development outside the settlement boundary.” to the end of paragraph SB1.1</p> <p>Replace Chapter heading “A Spatial Plan for the Parish” with “Development outside settlement boundary” or move Policy SB1 into the Environment and Heritage section, with appropriate renumbering of the policies</p>	To meet the Basic Conditions and for consistency and clarity
Section 5.4 Policy EH1 Protection of trees and hedgerows	<p>Replace the first paragraph with “Development proposals that result in the loss of or adverse impacts on trees or hedgerows of arboricultural, amenity or historic value should demonstrate that the benefits clearly outweigh the harm or loss.”</p> <p>Replace “must” with “should”</p> <p>Insert “significantly” between “which” and “affect” in the third paragraph</p>	To meet the Basic Conditions
Section 5.4 Policy EH2 Renewable and Low Carbon Energy	<p>Amend Policy EH2 to:</p> <ul style="list-style-type: none"> • Delete “Where planning permission is required” • Add “and” at the end of criterion d) • Delete section f) <p>Delete paragraph EH2.2</p>	To meet the Basic Conditions

<p>Section 5.4 Policy EH3 Reinstatement and restoration of land at Boxgrove and Eartham Quarries</p>	<p>Delete Policy EH3</p>	<p>To meet the Basic Conditions</p>
<p>Section 5.4 Policy EH5 Development on Agricultural Land</p>	<p>Amend Policy EH5 to:</p> <p>Replace “fertile” with “best and most versatile”</p> <p>Replace “will be resisted unless it can be demonstrated” with “any proposal which would involve its significant loss should demonstrate”</p> <p>Add “and” after “harm;” in second criterion</p> <p>Add a third criterion “c) Development of poorer quality agricultural land has been fully considered”</p> <p>Replace bullets with lettered criteria a) to c)</p>	<p>To meet the Basic Conditions</p>
<p>Section 5.4 Policy EH6 Landscape character and important views</p>	<p>Replace Policy EH6 with the following “Development proposals in Conservation Areas should preserve or enhance their historic, townscape and landscape character, including the attributes of significant views and vistas and heritage assets making a positive contribution to the townscape, as identified in the Conservation Area Character Appraisals and Townscape Appraisals for Boxgrove and Halnaker.”</p> <p>Amend Policy title to “Development in Conservation Areas”</p> <p>Include references and links to the Conservation Area Character Appraisals and Townscape Appraisals for Boxgrove and Halnaker in the supporting text and locate the Character and Townscape Appraisals together in the evidence base provided online</p> <p>Delete Appendices 2 and 3</p>	<p>To meet the Basic Conditions</p>
<p>Section 5.4 Policy EH7 Dark Skies</p>	<p>Replace Policy EH7 with the following “Development proposals should respect the unlit environment of the neighbourhood area, including the special qualities of dark skies in the South Downs National Park, and take all appropriate opportunities to reduce light pollution.”</p>	<p>To meet the Basic Conditions</p>

	<p>Add “The special qualities of the dark skies in the South Downs National Park are recognised in its International Dark Sky Reserve status as reflected in the South Downs Local Plan.” to the supporting text</p>	
<p>Section 5.4 Policy EH8 Conserve and Enhance the Landscape and Heritage Environment</p>	<p>Amend Policy EH8 as follows:</p> <p>Replace “<i>New development must respect and enhance</i>” with “Development proposals should respect”</p> <p>Replace “<i>must demonstrate that all the following criteria have been met</i>” with “that have an impact on the landscape and historic environment should demonstrate how they”</p> <p>Replace the second bulleted section of the Policy with:</p> <ul style="list-style-type: none"> • “protect the setting of designated and non-designated heritage assets • respect landscape character • maintain the individual identity of settlements; and/or • protect the predominantly open and undeveloped character of the area” <p>Amend Policy title to “Respecting Landscape and the Historic Environment</p>	<p>To meet the Basic Conditions and for clarity</p>
<p>Section 5.4 Policy EH9 South Downs National Park</p>	<p>Amend Policy EH9 to:</p> <p>Replace “<i>Parish</i>” with “neighbourhood area”</p> <p>Replace “<i>only be permitted</i>” with “be supported”</p> <p>Replace “<i>SDNP</i>” with “South Downs National Park”</p> <p>Delete the second paragraph</p>	<p>To meet the Basic Conditions and for clarity</p>
<p>Section 5.5 Policy EE1 Employment and Enterprise</p>	<p>Amend Policy EE1 to:</p> <p>Insert “for new buildings for employment use or” after “<i>proposals</i>” in the first paragraph</p> <p>Delete second paragraph</p> <p>Replace “<i>When new development is</i></p>	<p>To meet the Basic Conditions</p>

	<p><i>proposed, appropriate mitigation will be required for both uses</i>” with “Development proposals for employment uses which have a significant adverse impact on residential or public amenity should provide appropriate mitigation.”</p> <p>Add new Policy EE2 titled “Loss of land and buildings in employment use” –</p> <p>“Development proposals for the redevelopment or change of use of land or buildings in employment use to non-employment use should demonstrate that the existing use is no longer economically viable or compatible with adjoining uses. Evidence should be provided that the site has been actively marketed in accordance with the Chichester Local Plan: Key Policies Appendix E Appropriate Marketing Guidance or any successor guidance.”</p> <p>Add “Employment uses in these policies are defined as development in Classes A, B and C1 of the Use Classes Order” to the supporting text</p> <p>Make appropriate consequential amendments to the Policy numbering for this section of the Plan</p> <p>Change the Policy title of Policy EE1 to “Employment uses”</p>	
<p>Section 5.5 Policy EE2 Tourism activities</p>	<p>Amend Policy EE2 to:</p> <p>Delete “<i>Policy SD23 of the emerging South Downs Local Plan and</i>”</p> <p>Delete “<i>or impacts on</i>” and insert a comma after “<i>amenity</i>”</p> <p>Replace the second paragraph with “Development proposals relating to land outside the Boxgrove settlement boundary should be appropriate in terms of form and design and demonstrate they will not have an adverse impact on the rural landscape and will, where appropriate due to their location, contribute positively to the natural beauty, wildlife and cultural heritage of the South Downs National Park.”</p> <p>Replace the third paragraph with “Parking provision should be contained within the site where possible.”</p>	<p>To meet the Basic Conditions</p>

<p>Section 5.5 Policy EE3 Communications infrastructure</p>	<p>Amend Policy EE3 to replace “must” with “should”</p> <p>Add “For the purposes of this Policy high quality communications infrastructure has the same meaning as Super-fast broadband in the Chichester Local Plan – broadband connections of 20 Megabits per second (Mbps) or above.” to the supporting text.</p>	<p>To meet the Basic Conditions</p>
<p>Section 5.5 Policy EE4 Agricultural/ Horticultural/ Equine/ Viticultural employment</p>	<p>Delete Policy EE4 and its supporting text</p> <p>Add “Employment uses also relates to agricultural, horticultural, equine and viticultural activity” to the supporting text for new Policy EE2</p>	<p>To meet the Basic Conditions</p>
<p>Section 5.5 Policy EE5 Rural Buildings</p>	<p>Amend Policy EE5 to:</p> <p>Replace “an” in the fifth criterion with “any significant”</p> <p>Add “and” to the end of the fifth criterion</p> <p>Replace bullets with lettered criteria a) to f)</p>	<p>To meet the Basic Conditions</p>
<p>Section 5.5 Policy EE6 Quality of Design of Commercial Buildings</p>	<p>Delete Policy EE6 and make the changes recommended to Policy EE1</p>	<p>To meet the Basic Conditions</p>
<p>Section 5.6 Policy LC3 Protection of assets of community value</p>	<p>Amend Policy LC3 to:</p> <p>Replace “will be resisted, unless it can be clearly demonstrated” with “should demonstrate”</p> <p>Add “Evidence should be provided that the site has been actively marketed in accordance with the Chichester Local Plan: Key Policies Appendix E Appropriate Marketing Guidance or any successor guidance.” at the end</p>	<p>To meet the Basic Conditions and for consistency</p>
<p>Section 5.6 Policy LC4 Designation of local green spaces</p>	<p>Amend Policy LC4 to read “The areas shown in Schedule A are designated as Local Green Space.”</p> <p>Provide high quality, large scale maps of each of the Local Green Spaces in a revised Schedule A with consequential amendments to delete The Flower Field and Boxgrove Common and provide these online</p>	<p>To meet the Basic Conditions</p>

<p>Section 5.6 Policy LC5 Designation of local open spaces</p>	<p>Amend Policy LC5 to read “The areas shown in Schedule B are designated as Local Open Space where development proposals should demonstrate that their benefits outweigh any identified harm and there are no reasonable alternative sites available.”</p> <p>Provide high quality, large scale maps of each of the Local Open Spaces in a revised Schedule B</p>	<p>To meet the Basic Conditions</p>
<p>Section 5.6 Policy LC6 Village shop</p>	<p>Amend Policy LC6 to:</p> <p>Replace “a” with “the” before “village shop”</p> <p>Replace “will not be permitted, unless the existing use can be shown to be” with “should demonstrate the existing use is”</p> <p>Add “Boxgrove” before “Village shop” in the Policy title</p> <p>Introduce a sub-heading “Village shop” before paragraph 3.6.3</p>	<p>To meet the Basic Conditions and for clarity</p>
<p>Section 5.7 Policy H1 Quality of Design</p>	<p>Reword Policy H1 as follows: “Proposals for residential development should be designed to a high quality, respect local character and contribute positively to the environment. Particular consideration should be given to the following issues:</p> <ul style="list-style-type: none"> • Provision of bin stores and recycling facilities in accessible locations out of public view • Provision of infrastructure and services as inconspicuously as possible.” <p>Add to H1.1 “For the purposes of Policy H1:</p> <p>“Residential development” includes any extensions or external alterations to existing buildings</p> <p>“Infrastructure and services” includes meter boxes, flues and ventilation ducts, guttering and rainwater pipes, satellite dishes, soil and drainage pipes, oil and other fuel tanks, telephone and power lines and renewable energy supplies.”</p>	<p>To meet the Basic Conditions</p>
<p>Section 5.7 Policy H2 Housing Mix</p>	<p>Amend Policy H2 to read “Development proposals which deliver a range of house types, sizes and tenures will be supported.”</p>	<p>To meet the Basic Conditions</p>

<p>Section 5.7 Policy H3 Windfall Sites</p>	<p>Amend Policy H3 as follows:</p> <ul style="list-style-type: none"> • Replace “<i>shall</i>” with “should” after “Map E)” • Delete sections i), v), vi) and viii) • Replace “<i>must</i>” with “should” in section vii) • Add “where appropriate” to end of section viii) 	<p>To meet the Basic Conditions</p>
<p>Section 5.7 Policy H5 Small development sites</p>	<p>Reword Policy H5 as follows: “The land at The Old Granary, Boxgrove shown in Map C is allocated for residential development. Any development of the site should respond positively to the significance of nearby heritage assets, including the setting of Priory Farmhouse and views into and out of the Conservation Area, and its contribution to landscape and townscape character.”</p> <p>Delete The Old Coal Yard and Brambles from Policy H5</p> <p>Make consequential changes to Map C and provide a higher quality large scale map of the site</p> <p>Retitle Policy as “Residential development of land at The Old Granary, Boxgrove”</p> <p>Retain only paragraph H5.3 of the supporting text</p>	<p>To meet the Basic Conditions</p>
<p>Section 5.8 Policy GA1 Footpath and cycle path network</p>	<p>Amend Policy GA1 to read “Development proposals that maintain, improve or extend the existing footpath and cycle path network shall be supported.”</p> <p>Replace Map D with a high quality version which can be used to identify the detailed route of paths, title this “Desired path improvements” and provide a key to the information displayed.</p> <p>Include details of the Community Infrastructure Levy priorities in the supporting text s follows “Boxgrove Parish Council will use contributions from the community infrastructure levy to enhance the footpath and cycle path network in order to enable safe and easy pedestrian access to amenities, especially the Village Shop, Village Hall, Playing Field and Church; provide and maintain a safe and suitable cycle path network for both commuting to work (e.g. Chichester) and recreational use as part of a</p>	<p>To meet the Basic Conditions and for clarity</p>

	wider network of cycle routes beyond the Parish.”	
Section 5.8 Policy GA2 Parking in new development	Replace Policy GA2 with “Development proposals which make best use of on-site parking provision shall be supported.” Replace both instances of “ <i>shall</i> ” with “should” in the sixth bullet of paragraph GA2.2	To meet the Basic Conditions
Section 5.8 Policy GA3 Streets and Access ways to serve new residential development	Amend Policy GA3 to: <ul style="list-style-type: none"> • Replace “<i>shall</i>” with “should” in all instances • In the first part replace “<i>with appropriate emphasis on</i>” with “for” and add “as appropriate” at end • In the second part replace “<i>secure</i>” with “secured” and “<i>eyes on the street</i>” with “passive surveillance” • Delete the third part • Replace the fourth part with “Boundaries along new and existing access routes which respect local character, including low hedges, walls and fences shall be supported.” • Amend the Policy title to “Access to new development” • Add “<i>Secured by Design</i> is a UK Police initiative combining the principles of designing out crime with physical security (http://www.securedbydesign.com/)” to the supporting text 	To meet the Basic Conditions and for clarity
Section 5.8 Policy GA4 Promoting sustainable movement	Amend Policy GA4 as follows “Development proposals with a significant transport impact should demonstrate how these impacts are mitigated, including as appropriate through: <ul style="list-style-type: none"> • extension or improvement of walking and cycling routes • supporting improvements to public and community transport services; and • avoiding loss of existing walking and cycling routes.” <p>Include the second part of Policy GA4 in the supporting text and provide an explanation for the acronym “<i>IBP</i>”</p>	To meet the Basic Conditions and for clarity

4. Conclusion

- 4.1 The Authority (Chichester District Council) confirms that the Boxgrove Neighbourhood Plan 2017-2029, 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 Boxgrove Neighbourhood Plan can now proceed to referendum.
- 4.2 It is recommended that the Boxgrove Neighbourhood Plan 2017-2029 should proceed to referendum based on the neighbourhood plan area defined by Chichester District Council on 4 December 2012. However, the poll will not take place until 6 May 2021 by virtue of Regulation 13 of the Local Government and Police and Crime Commissioner (Coronavirus) (Postponement of Elections and Referendums) (England and Wales) Regulations 2020.
- 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.