

## SOUTHBOURNE PARISH NEIGHBOURHOOD PLAN REVIEW 2019-2037

### AGENDA FOR HEARING on 14 JANUARY 2022

#### INTRODUCTION

##### **1. Purposes of the Hearing**

- a. The principal purpose of the Hearing derives from the most significant, and most controversial, of the proposed contents of the Plan, proposed Policy SB2: Land East of Southbourne Village ("SB2").
- b. In accordance with the statutory provisions, I have caused the Hearing to be convened so that I may be provided with further material to enable me to undertake adequate examination of the issues raised by SB2, and also to ensure that those promoting SB2, and those objecting to it, may have a fair chance to put their cases.
- c. There are other issues and matters, apart from SB2, that I would find it helpful to explore at the Hearing, referred to below.
- d. The essential issue, at all stages, is whether the Plan complies with the basic conditions and other statutory requirements. This is not an examination of a local plan, where the examiner has to consider whether the plan is sound. I can only consider issues within a much more confined scope.
- e. I emphasise that I have carefully studied all the representations made under regulation 16 of the relevant Regulations, and will take them all into account. This equally applies to the responses to the focussed consultation on suggested amendments to the Plan, whereby three policies of the made Plan 2014-2029 should be incorporated in the present draft Plan as Policies SB23-25.

##### **2. Procedural aspects.**

- a. At the date of this Agenda, the intention is that the Hearing should be held in the Southbourne Village Hall. This will depend on any announcements and advice in the near future on Covid restrictions. If it proves to be not possible and appropriate to hold the Hearing in the Village Hall, it will be held virtually. A number of neighbourhood plan examinations (and many planning inquiries) have been successfully conducted in this way. The website should be monitored regularly for further announcements.
- b. In accordance with the statutory provisions, a limited number of persons/bodies have been invited to speak. They are:
  - i. The Parish Council
  - ii. Chichester District Council as local planning authority.
  - iii. Representatives of the promoters of SB2.
  - iv. Two representatives of those local residents who object to SB2.
  - v. A representative of the Church Commissioners for England who advocate a site in place of SB2.
- c. The purpose of the Hearing is for me to hear oral representations. I do not propose to receive any further documentation (subject to paragraph 3(r) below, and a specific opportunity for the SB2 promoters to comment by 6 January 2022 on waste water capacity matters).
- d. I have indicated to LRM Planning (for Hallam) and Andrew Black (for Obsidian) that they may be able to help me on specific points arising.
- e. I will lead the discussion. I am likely to hear representations in the order set out above. I will undertake questioning of the spokespeople concerned. No other person may undertake questioning.

- f. I do not at this stage prescribe time limits for representations. All contributions must be concise and not repetitive. I will aim to conclude the Hearing at 4pm. There will be a 10 minute break in the morning, and a 45 minute lunch break.
- g. The Hearing must at all stages be conducted by all those involved in a polite and respectful manner. There will be no interruptions of any speaker.

### **3. My provisional concerns as to SB2.**

- a. I emphasise that the concerns I set out below are provisional only. I have an open mind on all aspects, and have reached no decisions. The purpose of the Hearing is to enable to reach the most informed decisions.
- b. I turn first to **Basic Condition (e)**, whether the Plan taken as a whole is in general conformity with the strategic policies (taken as a whole) of the adopted Chichester Local Plan 2014-2029 (“the LP”). Section 5 of the LP sets out the Development and Settlement Hierarchy for the District. Policy 2 provide that new development in settlement hubs such as Southbourne is to meet “identified local needs” in the form of “medium-scale extensions”. Policy 20 sets out provision for Southbourne. Consistent with the “local needs” strategy of Policy 2, it provides that land will be allocated in the Southbourne Neighbourhood Plan for 300 homes. I understand that the made NP duly made provision for 350 dwellings, and that those dwellings have been committed and are either developed or under construction.
- c. In my view, the above policies of the LP are the relevant strategic policies against which the current draft Plan is to be assessed. Those strategic policies provide, in Southbourne, for medium scale extensions of the settlement to provide for modest identified local needs, some 300 homes.

- d. CDC issued for consultation in December 2018 the emerging Chichester Local Plan Review Preferred Approach (“the LPR”). I refer to the present status of the LPR below.
- e. Policy S3 sets out the Development Strategy, and Policy S4 the strategy for meeting housing needs. In accordance with HEDNA, provision is to be made for 12,350 additional dwellings over the LPR period. Policy S5 sets out Parish Housing Requirements. That for Southbourne is nil. Policy AL13 sets out provision for Southbourne. Its “share” of the District-wide requirement is a minimum of 1,250 dwellings. This figure was confirmed to the PC by CDC on 26 November 2020 as the working assumption for the housing requirement for the PC.
- f. SB2 is intended to deliver this provision, by way of significant extensions beyond the existing settlement boundary. It would lead to an increase of at least 50% in Southbourne households (5.31). Paragraph 5.23 describes it in these terms: *“This allocation will result in a step change for the village not dissimilar to the transition of a large village to a small town”*. The scale and nature of the development are illustrated in Inset 1 of the Policies Map and Appendix B, the Masterplan Briefing Report.
- g. Not surprisingly, the implications of SB2 permeate significant other aspects of the Plan, as indicated (by way of example only) in the Policies Map, SB4, SB5, SB6, SB13 and accompanying maps.
- h. Topic 1: Have I misunderstood any of the factual content as summarised above? Is the Plan, incorporating SB2, in general conformity with the strategic policies of the LP?**
- i. While Basic Condition (e) relates to the (adopted) LP, PPG contemplates that regard may be had to the reasoning and evidence in the emerging LP process. In the present case, it is plain that draft Policy AL13 of the LPR (the allocation of a

minimum of 1,250 dwellings to Southbourne) has directed and purports to underpin SB2. However, the LPR has not developed beyond the Regulation 18 version of December 2018. Further, any significant development in the area of the LPR is bedevilled by the congestion problems on the A27 Chichester Bypass. This matter led to the decisions of CDC on 29 July 2021. The effect of those decisions is that the amount and distribution of housing development in the District are, in effect, up in the air for the time being.

j. In addition, waste water arising from any development on the SB2 allocation would require to be treated at the Thornham Waste Water Treatment Works (TW). In the context of the LPR, a Statement of Common Ground and a Thornham Position Statement have been issued in November 2021, agreed by Southern Water, Environment Agency and CDC. These documents make it clear that there is a need for significant additional capacity at the TW, requiring significant infrastructure improvements. The Position Statement states *“There is at present no certainty of a deliverable solution for the Thornham catchment and any solution will take time to deliver”*.

**k. Topic 2: Have I misunderstood the above circumstances? Can any weight be afforded to an LPR allocation of 1,250 dwellings at Southbourne? Can there be any certainty that SB2 can be delivered or how many houses it will provide in the plan period? Is a strategic matter of this nature more appropriate to be resolved through the LPR process? Where does that leave SB2?**

l. I turn to consider **Basic Condition (a)**, whether it is appropriate to make the Plan in the light of national policy and guidance.

m. The NPPF and PPG make it clear that it is the essence of neighbourhood plans that they enable the local community, for example, “to choose where they want new homes....”. It is against this context that the Consultation Statement declares (6.5)

that *“Most important....the policies enjoy the support of the majority of the local community....accurately reflects the wishes of Southbourne residents...”*.

- n. However, at the December 2019 consultation, where the key issue was whether the village should expand to the east or west (of Stein Road), of the 226 questionnaires, 51%, ie 115, voted for east. 115 people amount to 1.8% of the 2011 census population of Southbourne.
- o. Topic 3: Have I misunderstood the above circumstances? If not, far from a majority of the community supporting SB2, a miniscule proportion did. Can it be said that the local community chose where they want new homes?**
- p. In the language of PPG (10-003-20180724), SB2 is a “...key site on which the delivery of the plan relies”. It would seem to be a site where a level of detailed assessment of viability would be required, to have confidence that the allocation is deliverable. As I read the material (including a two-page statement dated 1 August 2019), SB2 is not supported by any site-specific viability evidence. This would seem to be particularly important when SB2 requires, at an early stage of development, the provision of and/or contribution to a new road and cycle bridge over the railway (and see below). I have seen no indication of ability to overcome the usual difficulties in terms of consents and payments required by Network Rail.
- q. Topic 4: Have I misunderstood the above circumstances? Is it appropriate to make the SB2 allocation in the absence of specific viability evidence to support it?**
- r. I am confused over the topic of how much of the (at least) 1,250 dwellings can be satisfactorily developed without a new vehicular railway bridge. The promoters’ traffic statement suggests 400 dwellings to the north and 400 to the south. David King and colleagues (Rep 076 page 13) understand from the Stantec report that the threshold is 902 dwellings (with 750 to the south). CDC’s Response document suggests that there is no need for a crossing.

- s. **Topic 5: What is the position in this respect? Could a very short note be provided either setting out agreement between the PC/CDC/the SB2 promoters, or the summary position of each?**
- t. **Topic 6: If I were to conclude that SB2 does not comply with the basic conditions and should not survive, where should that leave the Plan? In view of the way that SB2 permeates so much of the Plan, would it “make sense” without it?**

**4. Other matters**

- a. The relationship between the smaller “omission” sites and the basic conditions. If they remain omitted, which basic condition—if any—is breached?
- b. Local Green Spaces 5, 7, and 17. Do they comply with NPPF requirements?
- c. The viability of the Climate Change policies, in particular SB20.

**AGENDA**

- 1. Introduction by Examiner**
- 2. Matters relating to SB2, Topics 1-6**
- 3. Other matters as above.**
- 4. Any other matters.**

**Christopher Lockhart-Mummery QC**

**Examiner**

**December 2021**