

## Matthew Burle

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**From:** Valerie Dobson  
**Sent:** 13 April 2023 12:05  
**To:** Neighbourhood Planning  
**Subject:** Southbourne Modified NP - CDC Response and Modification Statement - Regulation 16  
**Attachments:** Final CDC Response SBourne Modified NP Reg 16 April 2023.pdf; CDC Modification Statement Southbourne Modifed NP.pdf

Attached copies of CDC response to regulation 16 consultation and Modification Statement .



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## **Southbourne Modified Neighbourhood Plan Submission Modified Plan 2014 to 2029 January 2023 – Consultation on Submission Plan (March 2023) (Regulation 16)**

### **Chichester District Council Response**

#### General:

The Parish Council (PC) and Neighbourhood Plan Working Group are to be commended on their wish to produce a modified version of the existing 'made' Southbourne Parish Neighbourhood Plan following the withdrawal of the previous draft plan earlier this year. The previous extensive evidence, background work and documentation has helped inform this modified version of the 'made' plan and is clearly presented on the PC website. The Parish Council's determination and commitment to this work on behalf of the local community is recognised by Chichester District Council (CDC) as their work continues to provide an exemplary example of community-led planning.

The draft Southbourne Modified Neighbourhood Plan Submission Modified Plan 2014- 2029 January 2023 (NP) is well written, clear and the policies are in general focused and precise. The layout and presentation of maps complements the document, however, where it is considered there are opportunities for improvements and clarity then suggestions are made below.

The Basic Conditions Statement at para 2.9 also provides a list of principles the Parish Council understand have been agreed with CDC. Where views may vary, CDC has included comments under the various policies below. At this time the Habitats Regulations Assessment (HRA) Screening Matrix and Appropriate Assessment Statement for the submitted version of the Southbourne Modified Neighbourhood Plan 2014-2029 Submission Modified Plan (January 2023) remains outstanding. Once complete the Statement will be published and submitted to the examiner.

#### Page 11 para 3.3:

Reference is made here (and elsewhere in the draft NP submitted documents) to advice provided by CDC on the inclusion of the site at Cooks Lane as an allocation in the modified NP. This is an option CDC suggested could be considered when the PC was looking at drafting a modified version of the 'made' plan. However, various parishes have taken different approaches to addressing such sites where permission has already been granted. For example, Westbourne PC included a policy for a site as an allocation in that situation, whereas Chidham and Hambrook PC adjusted the settlement boundary and did not allocate such sites. Consequently, any final decision on the approach to be taken has been for the PC in consultation with its planning advisors and for an examiner to consider in due course.

CDC understands the wishes and aims of the PC to secure some form of protection for the parish from speculative development prior to the new Local Plan coming in to force and being adopted. Although CDC appreciates the concerns of the PC and the local community, the modified neighbourhood plan, and the allocation of an already committed site, will only

be tested in relation to that aspect of protection once it has moved successfully through the process and is then considered at a planning application appeal by an Inspector in relation to the relevant legislation and tests.

### **Page 23 Policy SB2 Land North of Cooks Lane, Southbourne Village**

See comment above in relation to the approach of the inclusion of this site as an allocation.

As a suggested update to the text in para 5.14 – the reserved matters application (22/00157) was approved on 31 August 2022.

There may be a typo in bullet point 6 in the reference to 12% in relation to biodiversity, should this read 10% rather than 12%.

Whilst the split of 70% open market and 30% affordable is in line with current policy, the further breakdown of the affordable percentage into 70% affordable rent and 30% intermediate no longer meets current policy. Instead, recommend the 30% of affordable housing should be split as follows, in accordance with the CDC's most up to date HEDNA (2022):

25% First Homes

35% Social Rent

22% Affordable Rent

18% Shared Ownership

Although this does not apply to the current planning consent which remains extant, should this consent lapse, the above policy will need to be implemented and consequently it is recommended Policy SB2 is amended to reflect this.

### **Page 25 Policy SB3 Local Housing Needs**

Support the guiding principles of the policy to ensure a wide range of dwelling sizes and tenures are provided to meet local need. Based on the latest evidence there is a high level of need for 1 bedroom, rented dwellings (56% of those on the housing register with a connection to Southbourne) and therefore suggest that a reference to this need is included within the policy.

### **Page 37 Policy SB10 Employment Land**

Support parts A and B. However, there is no protection for existing employment sites within this policy to prevent them from being redeveloped into a non-commercial use, although this is covered by adopted Local Plan Policy 26. We would recommend reference to LP Policy 26 is included to ensure the security of employment sites.

Part A – suggest amend wording to read ‘...without causing significant harm to **neighbouring uses** ~~local amenities~~’ to provide protection to nearby uses and as it is not clear what is meant by ‘local amenities’ this should be removed.

Part B – it is not considered necessary to include the figures relating to jobs per square metre as this does not enable flexibility in applying the policy.

### **Page 39 Policy SB11 Community Facilities and Local Shops**

The policy would benefit from a reference to appropriate marketing guidance in the adopted Local Plan Appendix E where loss of local community facilities and shops is proposed.

## **Page 41 Policy SB12 Land for expanding Education and Recreational Uses**

It is noted the allocation lies partly within an area currently being proposed by CDC as part of the longer term development of Southbourne through the new Local Plan. This approach has now been published formally as [Policy A13](#) Southbourne Broad Location for Development as the regulation 19 version (publication version) of the new Local Plan, with consultation having ended on 17 March 2023. The [map](#) showing the proposed area has also been published alongside.

Whilst it is not considered the proposal would necessarily undermine any longer term plans, CDC would be looking to West Sussex County Council to support the allocation as proposed both as landowner and service provider.

Is the word 'and' necessary at the end of criterion 3 of the policy, should it be deleted or be at the end of criterion 4?

## **Page 43 Policy SB13 Green and Blue Infrastructure Network**

The continuation and completion of the Green Ring is supported as an example of positive plan making. The draft policy builds on that concept and extends it more widely through the parish to establish a green and blue infrastructure network recognising the value and importance of this to the local community.

Question what is meant by 'gross development site area of more than 2 ha', this needs to be clear, is the intention that this refers to the application site area?

It is difficult to read the detail of the map to apply this to applications, a GIS version would provide greater clarity. Any improvements to make the map clearer and easier to apply would be welcome.

(See also comments below re. Policy SB14 Biodiversity).

## **Page 46 Policy SB14 Biodiversity**

Para 5.72 – the NP wildlife corridor is included as part of a wider green and blue infrastructure policy (Policy SB13). Reference is made in the NP text here to wildlife corridors proposed by CDC; these have now been published formally as the regulation 19 version (publication version) of the new Local Plan, with consultation having ended on 17 March 2023. The various strategic wildlife corridors are identified as part of a new emerging strategic local plan policy, [Policy NE4](#), along with the various [maps](#) showing the proposed strategic wildlife corridor boundaries.

It is acknowledged the Parish Council has made reference to this in the NP consultation statement:

*Policy SB13 is considered non-strategic in so far as this Parish area is concerned. It has been defined and mapped using CDC data and the results of the Parish Council surveys that have been verified and included in the Sussex Biodiversity Record 2022. In the unlikely event the new Local Plan is adopted with a different boundary then that will supersede the proposed boundary. RECOMMEND – no change.*

It is accepted the strategic Local Plan policy will be subject to testing through examination prior to the adoption of any relevant policies. However, bearing in mind the stage the new Local Plan has now reached, CDC must draw attention to the difference between the NP and new LP identified corridors/boundaries which, as a consequence, may impact upon

development proposals in the area differently over potentially a short period of time subject to the dates of potentially the NP being made and the new LP being adopted.

### **Page 51 Policy SB16 Local Green Spaces**

The PC has included the reference numbers of these sites on the Inset Map but it would also help if this was reflected in the key and/or with a link to the list of sites for ease of use.

### **Page 54 Policy SB18 Special Protection Areas and Ramsar Sites**

If the intention is for the policy to cover other future species/habitats that are at a European level of protection and may appear, the title may benefit from being wider to include any other HRA issues for example.

### **Page 52 Policy SB17 Achieving Dark Skies**

Part B – last sentence - add the words 'if required' to provide flexibility to the policy to read '.....an appropriate lighting scheme will be secured, **if required**, by planning condition.'

### **Page 56 Policy SB19 Zero Carbon Buildings**

The ambition of this policy is commendable but would urge caution in relation to how far the policy may build on adopted Local Plan Policy 40 Sustainable Design and Construction rather than seeking to achieve higher standards that will need to be tested through emerging policies (in terms of viability and examination) in the forthcoming new Local Plan.

Adopted LP Policy 40 Sustainable Design and Construction says "*Where appropriate, the proposals apply sound sustainable design, good environmental practices, sustainable building techniques and technology, including the use of materials that reduce the embodied carbon of construction and the use of re-used or recycled materials;*" and therefore it could be considered that Part D is seeking to implement Policy 40 in a more specific way as draft NP Policy SB19 does not specify a level of embodied carbon above which applications will be refused. However, in practical terms this is a considerable 'ask' for smaller developments to quantify although data is increasingly available for a wide range of standard building materials.

Part A – requires all development to be 'zero carbon ready by design'. Any proposals will need to be tested for viability. It is also not clear how this requirement will be tested/assessed for compliance by Development Management officers.

The requirements of other policies in the LP may also affect orientation and layout of housing developments which may mean the aim of this policy cannot always be achieved to its maximum. Suggest wording could reflect what the policy strives to achieve with evidence submitted with a planning application to indicate what the developer has done to consider this issue in their design. It is also not clear how outline and reserve matter applications would be addressed – layout is more likely to be considered at reserve matter stage, but overall numbers and the information required by this policy would be better considered at outline application stage and then also carried over to reserve matter stage which could then be a different housebuilder.

Parts B – it is not clear what is meant here by the wording in line 3 '*..... tested to ensure the buildings will perform as predicted.*' Also question if the provision of a Post Occupancy Evaluation Report as indicated for LPA assessment would pass the tests for a condition or that expertise is within the LPA.

Part C – again not clear what is meant by ‘*where feasible*’, is the intention this should apply when viable?

Part D - Whole Life Cycle Carbon Emission Assessment would need to be added to the local list of validation requirements with evidence of why this was required.

### **Page 59 Policy SB20 Water Infrastructure and Flood Risk**

Part A – it should be noted that Southern Water has two years to complete the upgrade work.

Part D – it is not clear where or how extensive these low-lying areas are or on what basis they are being identified; they are not defined on a policies map with evidence to justify their location and boundaries.

### **Page 62 – Sustainable Travel**

Para 5.105 makes reference to the ambition for a footbridge over the railway line although it is not clear how this would be delivered or implemented. Whilst CDC recognises the Parish’s long term wish to encourage links north/south it is questioned how this may be more than aspirational at this stage.

### **Page 67 and 68 Policies Map Insets 1 and 2**

Suggest the inclusion of the reference numbers of the local green space sites are reflected in the key and/or with a link to the list of sites for ease of use. GIS versions of the maps would also be helpful for future use.

### **Page 70 Appendix A – Modification Proposal Statement**

See separate CDC Modification Statement document.

### **Page 75 Appendix C**

Suggest adding link from the text to the relevant supporting evidence document.

### **Page 76 Appendix D**

As for Appendix C, suggest adding link from the text to the relevant supporting evidence document.

## **Exercise of Delegated Authority – Director of Planning and Environment**

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 **Southbourne Modified Neighbourhood Plan Submission Modified Plan 2014 to 2029 January 2023** in relation to comments made under Regulation 16 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 Hunt". The signature is written in a cursive style with a horizontal line under the name.

**Director of Planning and Environment**

Date: 12 April 2023

# Southbourne Modified Neighbourhood Plan Submission Modified Plan 2014-2029 January 2023

## Submission Version

### Chichester District Council Modification Statement under Regulation 17e)(ii) of the Neighbourhood Planning (General) Regulations 2012 (as amended) – August 2021

There are 3 types of modification which can be made to a neighbourhood plan or order. The process will depend on the degree of change which the modification involves:

1. Minor (non-material) modifications. **OR**
2. Material modifications which do not change the nature of the plan or order would require examination but not a referendum. **OR**
3. Material modifications which do change the nature of the plan or order would require examination and a referendum.

The submission version of the Southbourne Modified Neighbourhood Plan Submission Modified Plan 2014-2029 January 2023 sets out in Appendix A – Modification Proposal Statement that the Parish Council proposes to modify and update a series of policies in the 'Made Plan' to cover the same plan period of 2014-2029. The revised list of policies with the previous 'Made Plan' policy references are included in the table at Appendix A paragraph 3.1 along with new policies clearly identified as:

- Policy SB2 Land north of Cooks Lane, Southbourne Village
- Policy SB3 Local Housing Needs
- Policy SB17 Achieving Dark Skies
- Policy SB19 Zero Carbon Buildings
- Policy SB21 Sustainable Travel

In addition, 'Made' Policy 4 Design has been expanded to present a number of policies aimed at specific areas of the parish. Similarly, 'Made' Policies 3 The Green Ring and 7 Environment have been divided into distinct parts in new policies covering a wider range of green infrastructure matters:

- Policy SB13 Green and Blue Infrastructure Network
- Policy SB14 Biodiversity
- Policy SB15 Trees, Woodland and Hedgerows
- Policy SB16 Local Green Spaces
- Policy SB18 Special Protection Areas and RAMSAR Sites

Consequently, when taken together it is considered that in combination the policy modifications have the potential to change the nature of the plan.

In terms of the Modification status as per the Modification Statement under Regulation 17e)(ii) of the Neighbourhood Planning (General) Regulations 2012 (as amended) of the Plan, the Council therefore concludes the submitted Southbourne Modified Neighbourhood Plan Submission Modified Plan 2014-2029 January 2023 constitutes **material modifications which are significant or substantial enough as to change the nature of the Neighbourhood Development Plan and therefore the Plan would require an Examination and a Referendum.**