

# Southbourne Parish Modified Neighbourhood Plan 2014- 2029

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## Submission Version

A Report to Chichester District Council on the Examination of the  
Southbourne Parish Modified Neighbourhood Plan

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24<sup>th</sup> October 2023

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## Executive Summary

My examination has concluded that the Southbourne Parish Modified Neighbourhood Plan should be allowed to proceed to referendum, subject to the Plan being amended in line with my recommended amendments, which are required to ensure the plan meets the basic conditions. The most significant required changes are –

- Treating the Cooks Lane site as a planning commitment, rather than a planning allocation.
- The housing need policy to specifically refer to the need for one and two bed units, rather than three bed units.
- The separation of the impact of a scheme design on the AONB, from the impact of views from the South Downs National Park.
- Retitling the Employment Land policy to Employment Land within Settlement Boundaries and removing requirements for development to meet employment density standards.
- Inserting a marketing requirement into the policy which deals with the loss of community facilities.
- Amending the Policies Maps to provide clarity as to the extent of the wildlife corridors and clarifying what types of schemes, of 2 ha or more, that are required to include woodland planting.
- Removing the requirement that landscaping schemes must accompany a planning application.
- Deleting site 16 from the list of local green spaces.
- Removing the technical requirements related to the performance of new buildings.
- Restricting the sustainable travel policy to major schemes only.

**The modified plan does need to be the subject of a new referendum.**

## Introduction

1. Neighbourhood planning is a process, introduced by the Localism Act 2011, which allows local communities to create the policies which will shape the places where they live and work. The Neighbourhood Plan provides the community with the opportunity to allocate land for particular purposes and to prepare the policies which will be used in the determination of planning applications in their area. Once a neighbourhood plan is made, it will form part of the statutory development plan alongside the adopted Chichester Local Plan Key Policies 2014 - 2029. Decision makers are required to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.
2. On 15<sup>th</sup> December 2015, the Southbourne Parish Neighbourhood Plan 2014-2029 was made by Chichester District Council, following a positive vote at a referendum.
3. The Neighbourhood Planning Act 2017 introduced the ability for policies, in a made neighbourhood plan, to be modified. Amendments to the 2012 Neighbourhood Planning Regulations, were introduced to cover such modifications, by the Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2017
4. The Parish Council had proposed an earlier modification to the Plan, in 2021, which proposed the allocation of a large housing site, for 1250 dwellings, to the east of the village, reflecting proposals emerging from early versions of the new Chichester Local Plan 2021- 2039 . When that plan was taken to examination, the independent examiner, Christopher Lockhart – Mummery KC concluded that the proposed housing allocation did not meet the basic conditions as it was out of alignment with the adopted local plan and was too early for reliance to be placed on policies in the new draft local plan. Southbourne Parish Council upon receipt of his examination report resolved to withdraw that modified neighbourhood plan
5. This examination relates to a new version of the neighbourhood plan, which will, if successful at examination and referendum, replace the existing made plan. I am treating this new plan as a modified neighbourhood plan, rather than focused modifications to specific policies. I believe that this comes within the definition of being a proposal for the modification of a neighbourhood plan as set out in Section 1(2) of Schedule A2 of the Planning and Compulsory Purchase Act 2004.
6. This report is the outcome of that examination of the proposed modifications to the made Southbourne Parish Neighbourhood Plan 2014-2029. Unlike the original plan, the legislation requires me to determine initially whether the changes contained in the modification proposals are so significant as to change the nature of the plan and would therefore need to be subject to a referendum.

7. I came to an early conclusion that the scope of the proposed modifications, in the context of the neighbourhood plan as a whole and having made my site visit, are significant and substantial and would change the nature of the made plan. This is in line with the conclusions that had already been reached independently by both the Parish Council and the District Council, and which had been set out in their Modification Statements.
8. I relayed this conclusion and my reasons in a document sent to the Parish Council and the District Council, entitled Initial Comments of the Independent Examiner, dated 28<sup>th</sup> July 2023. The consequence of that conclusion is that, if I conclude that the modifications can be made, either with or without any recommended changes, then the modifications must be subject to referendum.

## **The Examiner's Role**

9. I was initially approached by Chichester District Council, with the agreement of Southbourne Parish Council, in May 2023, to conduct this examination.
10. In order for me to be appointed to this role, I am required to be appropriately experienced and qualified. I have over 45 years' experience as a planning practitioner, primarily working in local government, which included 8 years as a Head of Planning at a large unitary authority on the south coast, but latterly as an independent planning consultant and director of John Slater Planning Ltd. I am a Chartered Town Planner and a member of the Royal Town Planning Institute. I am independent of Chichester District Council and Southbourne Parish Council and I can confirm that I have no interest in any land that is affected by the Neighbourhood Plan.
11. Having reached the conclusion that the changes from the original plan are substantial and significant, I am required to make one of three possible recommendations:
  - That the new modified plan should be allowed to proceed to referendum.
  - That the new modified plan should be allowed to proceed to referendum, if modified in line with any changes which I have specified in this report.
  - That the modified plan should not proceed to referendum.
12. I am required to give reasons for my recommendations and also provide a summary of my main conclusions.
13. My recommendations must only be necessary to ensure that the modified neighbourhood plan meets the basic conditions, which I will set out in a later section of this report, and also those changes are necessary to ensure the plan is compatible with Convention rights, or for the correction of errors.
14. In examining the modifications, the Independent Examiner is also expected to address the following questions:
  - Do the policies in the modified plan relate to the development and use of land for a Designated Neighbourhood Plan area in accordance with Section 38A of the Planning and Compulsory Purchase Act 2004?

- Does the modified Neighbourhood Plan meet the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 - namely that it specifies the period within which it is to have effect? It must not relate to matters which are referred to as “excluded development” and also that it must not cover more than one Neighbourhood Plan area.
15. I am able to confirm that the modified Plan only relates to the development and use of land, covering the area designated by Chichester District Council, for the Southbourne Parish Neighbourhood Plan, on 13<sup>th</sup> February 2015.
  16. I can also confirm that it does not change the period over which the neighbourhood plan has effect, namely the period from 2014 up to 2029. I can confirm that the modified plan does not cover any “excluded development”.
  17. There are no other neighbourhood plans covering the area covered by the neighbourhood area designation when the new plan supersedes the made neighbourhood plan.
  18. I am satisfied that Southbourne Parish Council as a parish council can act as a qualifying body under the terms of the legislation.

## **The Examination Process**

19. At the start of the examination process, I needed to be satisfied that all the legal requirements, particularly those steps specifically required for modifications to already made plans, had been properly carried out. In this respect, I am satisfied the Parish Council did make a statement, at the pre submission consultation stage that, in its view, the proposed modifications did change the nature of the neighbourhood plan.
20. Upon receipt of the submission documents, I undertook an unaccompanied site visit to Southbourne. That took place on 25<sup>th</sup> July 2023. I spent, in total, two and half hours touring the parish, visiting each of its settlements, Southbourne village, Hermitage, Thornham, Lumley, Nutbourne West and Prinsted.
21. I particularly enjoyed a walk along the sea wall at Prinsted, where I saw Chichester Harbour, although the tide was out. I visited each of the local green spaces, as well as the proposed site allocation at Cooks Lane. I noted the sites that were the subject of Regulation 16 representations. I also crossed the parish boundary into the adjoining villages / town to the north, east and west.
22. Upon my return, I set out a number of questions and comments in a document entitled Initial Comments of the Independent Examiner dated 28<sup>th</sup> July 2023.
23. In that document, I also confirmed that I would be carrying out this examination without the need to hold a public hearing.
24. I received separate responses, from Southbourne Parish Council on 17<sup>th</sup> August 2023 and from Chichester District Council on 18<sup>th</sup> August 2023.
25. On 12<sup>th</sup> September 2023 I noticed a discrepancy between the width of the Lumley Wildlife Corridor as shown by the District Council as an overlap map comparing

the proposed strategic wildlife corridor proposed in the emerging local plan and that being shown by the Parish Council which I had requested in my Initial Comments. It appeared that the area being shown as the Parish Council's proposed corridor was actually larger than shown in the submitted Policies Inset Map 2.

26. Over the next week or so, there was an exchange of emails and one telephone conversation between myself and a member of the Steering Group, clarifying the amendments that I wished to see, so that a clear boundary line to be known as the Lumley Wildlife Corridor rather than the "fuzzy line" covered the same areas as had been the subject of public consultation. I received a plan on 26<sup>th</sup> September 2023, that I will refer to in my recommendations on Policy SB 13.

## **The Consultation Process**

27. Following the decision of the Parish Council, taken on 13<sup>th</sup> April 2022, to withdraw the previous version of the modified neighbourhood plan, the Parish Council immediately restated its desire to update the made neighbourhood plan, based on the community support for the policies which had been set out in the second version of the plan, which had not been considered by the previous examiner, when he had decided that that modified plan should not proceed to referendum.
28. A letter was distributed to every household setting out the Parish Council's intention to produce, what is described as Neighbourhood Plan 3, stating that it no longer intended to allocate more land for housing beyond the development allowed on appeal at Cooks Lane.
29. The Parish Council shortly afterwards consulted on a new Pre-Submission version of the modified plan, which was subject to a six-week consultation running from the 1st November 2022 to 16<sup>th</sup> of December 2022. During the consultation, 4 open meetings were held across the parish, which in total were attended by 134 persons.
30. This Regulation 14 consultation produced 128 responses, including 112 from residents, six from developers, nine from statutory consultees and one from a local community organisation. The Consultation Statement includes an analysis of the comments made and sets out in section 4.22 the changes made to the plan as a result of the consultation responses. Individual responses to the comments made are set out in Appendices 14 and 15 of the Consultation Statement.
31. I am satisfied that the extent of the consultation on the proposed modifications was a proportionate exercise and views of residents and other stakeholders was actively sought.

## Regulation 16 Consultation

32. I have had regard, in carrying out this examination, to all the comments made during the period of final consultation which took place over a 6-week period, between 2<sup>nd</sup> March 2023 and 14<sup>th</sup> April 2023. This consultation was organised by Chichester District Council, prior to the plan being passed to me for its examination. That stage is known as the Regulation 16 Consultation.
33. In total, 21 responses were received; 5 comments from local residents including 3 from members of the Neighbourhood Plan Steering Group, Historic England, National Highways, Southern Water, Network Rail, Chichester Harbour Conservancy, Chichester District Council, Environment Agency and West Sussex County Council. In terms of landowners' interests, comments were submitted by Barton Wilmore on behalf of Wates Developments and Seaward Properties, Andrew Black Consulting on behalf of Obsidian Strategic, Reside Developments Ltd, Henry Adams on behalf of West Sussex County Council Estates, LRM Planning on behalf of Hallam Land Management Ltd, Lichfields on behalf of the Church Commissioners for England, Nova Planning on behalf of Metis Homes Ltd.
34. I will refer to the comments where it is relevant to my consideration of a policy or issue.

## The Basic Conditions

35. A Neighbourhood Plan examination process is different to a Local Plan examination, in that the test is not one of "soundness". The Neighbourhood Plan is tested against what is known as the Basic Conditions which are set down in legislation. It will be against these criteria that my examination must focus.
36. The five questions, which seek to establish that the Neighbourhood Plan meets the basic conditions test, are: -
- Is it appropriate to make the modified Plan having regard to the national policies and advice contained in the guidance issued by the Secretary of State?
  - Will the making of the modified Plan contribute to the achievement of sustainable development?
  - Will the making of the modified Plan be in general conformity with the strategic policies set out in the Development Plan for the area?
  - Will the making of the modified Plan breach or be otherwise incompatible with EU obligations or human rights legislation?



- Will the making of the modified Plan breach the requirements of Regulation 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017?

## Compliance with the Development Plan

37. For the purpose of the basic conditions, the relevant strategic policies are found in the Chichester Local Plan: Key Policies 2014-2029. That forms the development plan alongside the West Sussex Joint Minerals Local Plan 2018 (Partial Review March 2021), which is not relevant to a neighbourhood plan examination as it covers “excluded development”.
38. Policy 2 identifies Southbourne as one of the district’s settlement hubs. Southbourne is one of the areas which are identified for medium scale extensions to the settlement. Hambrook /Nutbourne and Hermitage are classed as service villages, to be the focus of new development and facilities, through small-scale housing development and local community facilities and small-scale employment, leisure and tourist proposals.
39. Policy 4 sets out a requirement for 7,388 homes in the plan period 2012 to 2029, of which 300 were identified for Southbourne Village. Policy 5 sets out an indicative requirement of 50 homes for the parish beyond Southbourne Village. Policy 20 allocates land for 300 homes described as the Southbourne Strategic Development which is shown on the Plan’s Key Diagram and includes changes to the settlement boundary.
40. Policy 40 sets requirements covering sustainable design and construction. Policy 43 sets out criteria for the control of development within the Chichester Harbour Area of Outstanding Natural Beauty. Policy for the control of development in the countryside is set by Policy 45 whilst Policy 46 addresses the conversion of existing buildings in the countryside.
41. Policy 48 sets policy covering the natural environment, Policy 49 addresses biodiversity and Policy 50 specifically sets requirements for protecting birds from disturbance within the Special Protection Area. Policy 52 covers green infrastructure.
42. When the Local Plan was adopted in 2015, it was a requirement of the Local Plan Inspector that there would be a review of the local plan carried out within 5 years. That was begun but is still not completed.
43. However, work is now underway on a new Chichester Local Plan 2021-2039. The Proposed Submission version of the plan has been published but the local plan has not been submitted and a local plan examination has not been set up. There is a high degree of uncertainty as to the amount of development that the district can accommodate especially when compared to the housing expectations set by the Government’s Standard Methodology, especially associated with the capacity of the A27 around Chichester.
44. This modified neighbourhood plan has been produced to be in accordance with the strategic policies of the adopted local plan, in line with the requirements for

meeting the basic conditions. The Parish Council has indicated its intention to review the modified plan, once the new strategic policy is established through the new Local Plan. This new plan may revisit the need for additional housing allocations, based on the agreed housing figures for the parish, which can only be confirmed after its scrutiny at the Local Plan examination. There have been representations suggesting levels of housing are too low and others that the expectations are too high for the parish.

45. My overall conclusion is that the proposed modified neighbourhood plan is in general conformity with the strategic policies in the adopted local plan.

### **Compliance with European and Human Rights Legislation**

46. When the second version of the modified neighbourhood plan, now withdrawn, was being prepared, it was the subject of a full Sustainability Appraisal (incorporating Strategic Environmental Assessment, SEA) which examined the implications of that plan's proposed East of Southbourne allocation.
47. With the withdrawal of that plan, the Sustainability Appraisal was updated (in July 2022) to reflect the latest version of the plan. I am satisfied the appropriate consultation took place in respect of the SA/SEA which was consulted upon as part of the Plan's Regulation 14 consultation. I am equally satisfied that the assessment follows the required methodology including consideration of reasonable alternatives, in terms of the development strategies, covering both housing numbers and their distribution.
48. The submission was accompanied by a Habitat Regulation Assessment prepared by AECOM, also dated July 2022. This assessed the potential of the plan to have an adverse impact on the integrity of the Solent Maritime SAC and the Chichester and Langstone Harbour SPA/RAMSAR. It concluded that the allocation proposed in Policy SB 2, whilst increasing the volume of treated sewage entering the Solent and the SPA/Ramsar does not require any mitigation measures and will not have an adverse effects on the integrity of the European protected sites.
49. The assessment notes that the allocation of a greenfield site through Policy SB11- west of Bourne Community College, reduces the availability of habitat for Brent Geese, but the importance of that site is relatively low and it is only a small area. Accordingly, the report concluded the adverse events on the Chichester and Langstone Harbours SPA/RAMSAR can be excluded.
50. The District Council as competent authority under the Conservation of Habitat and Species Regulations 2017 concluded, with mitigation set out in the document, that the plan will not have any adverse effect on the integrity of European protected sites. This determination was dated 12<sup>th</sup> April 2023.
51. I am satisfied that the modified plan is consistent with the European Convention and there is no conflict with European legislation. I am also satisfied that the plan has no implications in terms of the Human Rights Act.

## The Modified Neighbourhood Plan- An Overview

52. This part of Chichester District is one of the main areas where the housing growth which is required to meet the needs of both the present and future generations, can be accommodated, being sandwiched between the South Downs National Park and Chichester Harbour, an Area of Outstanding Natural Beauty, as well as being a site of international importance for birds. The string of villages along the A259 is served by a railway line with a number of stations and a good frequency of trains.
53. The preparation of this modification to the first neighbourhood plan has been running alongside the extensive work being undertaken by the Chichester planners on their new local plan, which will extend the plan period from 2029 to 2039.
54. In its last iteration, what was described as Neighbourhood Plan 2, the Parish Council was taking the initiative, by seeking to allocate land for over 1000 houses on the east side of Southbourne Village. That allocation was promulgated on the basis of a level of housing growth, being set in early iterations of the emerging local plan. I was not surprised to read that the previous examiner had concluded that, at that point (February 2022), the proposals were too far in advance of the draft local plan which had not been even tested at the examination. I believe it was only at the Preferred Approach Stage.
55. The legislation covering neighbourhood planning states that the making of neighbourhood plans should have regard to the strategic policies in the adopted local plan rather than any emerging local plan. I noted that a number of the Regulation 16 representations did not seem to appreciate the relevance of the basic condition. They were pointing to the need for the plan to have regard to proposals in the emerging local plan, claiming that it was at an advanced stage of preparation with many of the policies still the subject of outstanding objections.
56. The parish has delivered the amount of housing which it is required to deliver in terms of the adopted Chichester Local Plan: Key Policies and it does not need to identify new housing sites to meet the local plan's expectations. A number of the major landowners have submitted representations which promote their sites which lie to the north, south, east and west of Southbourne village. A number of these proposals are the subject to current planning applications and at least one site has been granted planning permission on appeal during the period of this examination.
57. However, I have not felt it necessary to examine in detail the merits of these proposals, as they are not being promoted by the community at this stage. The correct arena, in my opinion, is for such sites to be examined through the local plan process, which can make informed decisions alongside its Sustainability Appraisal to establish the most sustainable locations for this new large housing area. Alternatively, the Parish Council could grasp the initiative by allocating additional sites through a further version of a neighbourhood plan, once there is clarity as to the amount of housing development which is expected to be delivered in Southbourne Parish, for the extra decade of the plan up to 2039.

58. It is important to appreciate that this version of the neighbourhood plan will become superseded by the new local plan, particularly in respect of housing growth and other strategic policy areas. This is explicitly recognised by the Parish Council, as it readily accepts that this plan is essentially an interim plan, which provides policies which have the support of local residents for the interim period until the new strategic policy framework is established, which will be following the report of the Local Plan Inspector.
59. This new modified plan places renewed emphasis on design, heritage and the natural environment, as well as seeking to address climate change. Generally, I am satisfied that the policies when taken as a whole will deliver sustainable development if modified in accordance with my recommendations.
60. My recommendations have concentrated on the wording of the actual policies against which planning applications will be considered. It is beyond my remit as examiner, to recommend all editorial changes to the supporting text comprehensively. These changes are likely as a result of my recommendations, so that the plan will still be read as a coherent planning document.
61. Following the publication of this report, I would urge the Southbourne Parish Neighbourhood Plan Steering Group and Chichester planners to work closely together to incorporate the appropriate changes which will ensure that the text of the Referendum Version of the modified neighbourhood plan matches the policy, once amended in line with my recommendations.

## **Neighbourhood Plan Policies**

### **Policy SB1: Development Within and Outside of the Settlement Boundary**

62. This policy, to a large extent, replicates Policy 2 of the adopted local plan. That policies section on settlement boundaries, suggests that neighbourhood plans will be expected to review policies on settlement boundaries, reflecting the following principles, namely respecting the setting, form and character of the settlements, avoiding actual or perceived coalescence of settlements and ensuring good accessibility to local services and facilities. This neighbourhood plan policy follows the approach set out in that policy and in many respects merely repeats them, although it does not, as some consultees have commented, refer to the need to avoid the coalescence of the settlements.
63. The boundaries of the three settlements now sensibly incorporate recently completed schemes. The settlement boundary also includes the site allocated in Policy SB2, where the principle of residential use has been established by a planning appeal decision. I do not consider that the neighbourhood plan, which is being prepared in advance of the resolution of objections to proposals in the emerging Local Plan, needs to extend settlement boundaries further as the housing requirements of the current development plan have been met.

64. By placing importance on new development being targeted to within the settlement boundaries, the policy will be performing a role of preventing coalescence of settlements, although I accept that the gap between Southbourne and Nutbourne is very narrow. I therefore do not feel the need to incorporate the need to avoid coalescence within the modified policy.
65. I did raise with the Parish Council, in my Initial Comments, the possibility of introducing an extension of the settlement boundary to land around the buildings at the Community College site to allow some flexibility if the College were to extend its building footprint. Such an expansion could be required as a result of new development that comes forward, reflecting the housing growth likely to be envisaged in the forthcoming local plan.
66. The Parish Council responded by saying that it was not minded to support a change of the parish's settlement boundary at this stage. I am satisfied that it is not necessary for me to recommend such a change to meet the basic conditions, although I suspect a more comprehensive review of the settlement boundary will be needed, following the review of this neighbourhood plan once the new local plan has been adopted.
67. I consider the policy as submitted meets the basic conditions

### **Policy SB2: Land North of Cooks Lane, Southbourne village**

68. It is very unusual for a neighbourhood plan to allocate a site which already has planning permission and where work is underway. The normal expectation is that a housing allocation will inform the consideration of a planning permission, rather than introducing a proposed allocation which reflects a permission that has already been granted. This is a point that has been raised in a number of Reg 16 comments.
69. On my site visit, I noted that construction work was well underway on this site and I raised my reservations with the Parish Council. Its response recognised the unusual position the plan finds itself in but the Parish Council pointed out that the long-time scales involved in the neighbourhood plan preparation process meant that events had effectively overtaken the plan-making process. However it did refer to the fact that the developer's proposals could change as the scheme progresses which could generate a need for the submission and consideration of a new planning application, in which case, the policy could usefully play a role.
70. If the development had been completed, then I would be recommending that the policy be withdrawn. Whilst I am satisfied with the Parish Council's rationale for keeping a policy, I consider that its status should recognise the development as an existing commitment rather than a new housing allocation. I will propose a form of wording that would support any possible alternative proposals that emerge which can then be assessed against the expectations set out in the policy, although I accept that is likely to be a remote possibility.
71. In terms of the detailed requirements, the figure for percentage of net biodiversity gain should be set at 10% rather than 12% to bring the policy into line with the

new requirements established by the Environment Act 2021. Similarly some of the requirements set out in the policy may not be appropriate depending upon the specific nature of the planning application's proposals e.g. financial contributions expected should only address any additional impacts arising from the new proposal compared to the consented scheme.

#### ***Recommendations***

***Replace “allocates” with “recognises as a planning commitment”.***

***At the start of the second sentence insert “Alternative”***

***After “provided” in the second sentence, insert “the following provisions are met, so long as they can be justified having regard to the approved development for the site”.***

***In the 6<sup>th</sup> bullet point replace “12%” with “10%”***

### **Policy SB3: Local Housing Needs**

72. My only comment is to recommend the inclusion of one bed as well as two bed dwellings based on the evidence of housing needs for those on the housing register with a link with Southbourne. This change has been agreed by the Parish Council in its response to my Initial Comments as it is now acknowledged that there is less need for three-bedroom properties. Beyond that change, I have no comments to make on this policy.

#### ***Recommendation***

***In Clause B, replace “2 or 3” with “1 or 2”***

### **Policy SB4: Design in Southbourne Parish**

73. This is intended to be an overarching design policy covering the whole parish which, in certain areas, will be supplemented by the provisions set out in Policies SB5 – SB8. I will clarify that relationship in my recommendation.

74. There is a degree of ambiguity in the wording of Clause C. Specifically whether the policy's resistance to buildings over two storeys in height, relates only to the areas within the AONB and its setting. It states that they will only be acceptable if they can demonstrate they will not be visible from the harbour and the coastal path, nor the South Downs National Park. I initially read this as applying only to sites within the AONB and its setting, however the Parish Council's response to my Initial Comments, seems to be suggesting a more flexible interpretation, as it says “virtually all buildings will be seen from the National Park, so it is quality that counts”.

75. So it appears that the issue is not necessarily a question of visibility which is a binary assessment- whether it is visible or it is not - but rather it is seeking a more qualitative assessment, namely whether the design harms the views from the AONB and from the National Park. I will accordingly recommend splitting Clause C into two separate elements; development within the AONB and its setting and a separate clause addressing views from the National Park. As a principle, I feel that placing a height limit to 2 storeys within the AONB is justifiable although I

consider that accommodation within the roofspace would not change the overall scale of the buildings and this is something that has been acknowledged by the Parish Council.

### ***Recommendations***

***At the end of Clause B, insert “Development within the Lumley, Hermitage, Prinsted Conservation Area and Nutbourne West Character Areas will be expected to also comply with the relevant policy for that character area as set out in Policies SB5-8”***

***In Clause C After “AONB Management Plan” insert “and proposals which harm that character will not be permitted”***

***Delete all text after “coastal path.” and insert “Rooms within an existing roof space are not considered to increase the building’s storey height”.***

***Insert a new Clause D “Proposals within the parish which cause significant harm to long views from the South Down National Park will not be permitted.”***

### **Policy SB5: Design and Heritage in Lumley**

76. I note that paragraph 5.29 acknowledges that “not every characteristic will be relevant to a planning application within the character area”. I will introduce a caveat into the policy stating that the criteria are only material when dealing with matters which are relevant to the proposal under consideration.

#### ***Recommendation***

***At the end of the first paragraph, insert “where relevant to the proposal:”***

### **Policy SB6: Design and Heritage in Hermitage**

77. I have no comments other than to introduce the above caveat.

#### ***Recommendation***

***At the end of the first paragraph, insert “where relevant to the proposal:”***

### **Policy SB7: Design and Heritage in the Prinsted Conservation Area**

78. I have no comments to make on this policy.

### **Policy SB8: Design and Heritage in Nutbourne West**

79. I have no comment other than to introduce the same caveats as recommended for inclusion in Policies SB5 and SB6.

#### ***Recommendation***

***At the end of the first paragraph, insert “where relevant to the proposal:”***

## Policy SB9: Local Heritage Assets

80. It is legitimate for a neighbourhood plan to seek to designate “non-designated heritage assets”. It would assist the decision maker if the policy itself lists the assets as non-designated heritage assets, so there is clarity as to the status, as set out in the NPPF.
81. Applications which then affect the assets are rightly required to be considered against the impact on their significance but Appendix C points the reader to a separate evidence document which can only be found by interrogating the neighbourhood plan’s database (and as long as that website is maintained). In order to improve the clarity of a policy, I believe the significance should be recorded and that should form part of the neighbourhood plan itself and I will recommend that the evidence be incorporated as an Appendix to the neighbourhood plan.

### *Recommendations*

**Replace the first sentence with “The Neighbourhood Plan identifies the following as local heritage assets, to be designated as non-designated heritage assets:**

1. ***The Stables, Eames Farm, Thorney Road, PO10 8DE***
2. ***Postbox in Wall, Wayside, 139 Main Road, Southbourne, PO10 8EZ***
3. ***Two Milestones, Main Road, Southbourne, - west PO10 8EZ and east PO18 8RL***
4. ***Nutbourne Tidal Mill (remains), Farm Lane, Nutbourne, PO10 8SA***
5. ***The Forge, 250 Main Road, Southbourne, PO10 8JJ***
6. ***Fraryhurst (now Prinsted Care Home). Prinsted Lane, Prinsted, PO10 8HR***
7. ***Gingerbread Cottage, 147 Stein Road, Southbourne, PO10 8PN***
8. ***War Memorials, St John the Evangelist, Main Road, Southbourne, PO10 8LB***
9. ***The Green Ring Gateway and Seating, Parham Place, Main Road, Southbourne, PO10 8FS***
10. ***Padwick House and Padwick Villas, (nos. 237,239,241,243) Main Road, Southbourne, PO10 8JD***
11. ***Signalman’s Cottage (now named Gate House), Inlands Road, Nutbourne, PO18 8RJ***
12. ***Slipper Tidal Gates and Sluice, Slipper Road, PO10 8XD***



13. ***New Building in Signal Box style, Stein Road, Southbourne, PO10 8LW***
14. ***Signalman's Cottage, 61 Stein Road, Southbourne, PO10 8LB***
15. ***Southbourne Free Church, 21 The Drive, Southbourne, PO10 8JP***
16. ***Tuppenny Barn, Main Road, Southbourne, PO10 8EZ***
17. ***Mission Hall (Tin Tabernacle), Thorney Road, PO10 8BL***
18. ***Slipper Mill, (now nos 1,2,3,4) Slipper Road, PO10 8XD***
19. ***Nos 322 (Rose Cottage) & 320 (Laburnham Cottage) Main Road, Southbourne, PO10 8JN***
20. ***Eagle House, Main Road, Nutbourne, PO18 8RY***
21. ***Prinsted Oyster Beds, Prinsted Basin, Prinsted, PO10 8HS***
22. ***Long Acre, Prinsted Lane, Prinsted, PO10 8HR***
23. ***Freeland, Prinsted Lane, Prinsted, PO10 8HT***

***In the second sentence after "Local Heritage Asset "as described in Appendix C"***

***Insert the evidence report showing the significance of each of the local heritage assets as Appendix C.***

## **Policy SB 10: Employment Land**

82. This policy was the subject of questions which I set out in my Initial Comments, as to how the policy related to employment land which lies outside the settlement boundaries. The Parish Council confirmed that the policy was intentionally silent on the areas beyond the settlement boundary and it said that it would expect proposals to be judged against any relevant local plan policy. I accept that response but in which case, I will recommend that the intention of the policy be made more explicit, by retitling the policy "Employment Land within Settlement Boundaries".
83. I do remain concerned about the inclusion within Clause B relating to the need to achieve a minimum employment density. I have carefully noted the justification set out in paragraph 5.49 of the supporting text but I find the evidence unconvincing. The planning system is aimed at regulating the use of land and it collectively groups together uses of a similar nature e.g. residential, industrial uses or storage and distribution uses. It is not a mechanism that can ordinarily control the precise nature of companies which will utilise the buildings so long as that occupation falls within the permitted use class. As such, I do not consider

that a requirement to meet a particular employment density i.e. controlling the likely employees per net internal unit of floorspace, is a practical basis for decision-making. It would not be enforceable or it may be open to challenge. I appreciate the Parish Council's desire to maximise employment potential by making efficient use of a scarce resource, but I believe it goes beyond the remit of a planning policy which is controlling the land use rather than regulating which companies can occupy which premises and for that control to be exercised on the basis of how many people the company employs. I consider that this is not compatible with the Secretary of State's policy set out in paragraphs 81 - 83 of the NPPF, nor is it compatible with Policy E2 of the adopted Chichester Local Plan.

84. I believe that the District Council's proposed changes to the policy wording will improve the clarity of the policy.

***Recommendations***

***Retitle policy as "Employment Land within Settlement Boundaries".***

***In Clause B, delete" all text between "supported" and "and they accord".***

### **Policy SB11: Community Facilities and Local Shops**

85. The District Council pointed out in its Regulation 16 comments that Clause B only refers to the test that "all reasonable steps have been taken to retain its present use using community value as a viable concern". Paragraph 5.55 of the supporting text states that the "General Requirements of Marketing" defined in the adopted local plan will apply. I will be more explicit and recommend the inclusion of the marketing requirements within the policy itself.

86. The final element of the policy requires that the expansion of retail facilities must be accompanied by adequate parking. The plan does not specify what should be considered "adequate parking". There could be a position where the expansion of a shop could be associated with an enlarged storage area which may not actually generate any need for extra parking as the sale area will remain the same. I will place the onus on parking being provided in accordance with highway standards in respect of the enlarged premises. That will ensure that where a site already has parking provision above highway standards, unnecessary additional parking will not be required.

***Recommendations***

***At the end of Clause B insert at the end "including compliance with the General Requirements of Marketing as set out in Appendix E of the Local Plan"***

***At the end of the first sentence of Clause C insert "and car parking in accordance with the adopted car parking standards is available"***

***Delete the last sentence of the policy.***

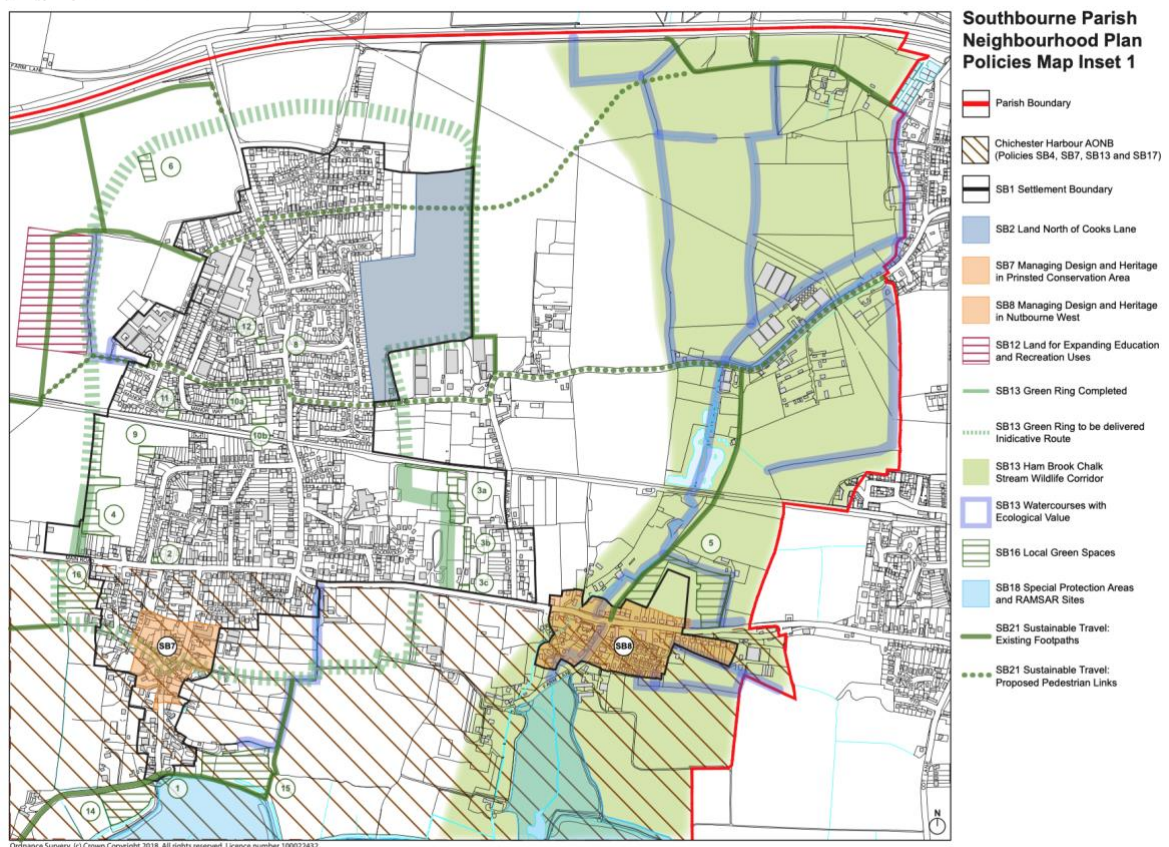
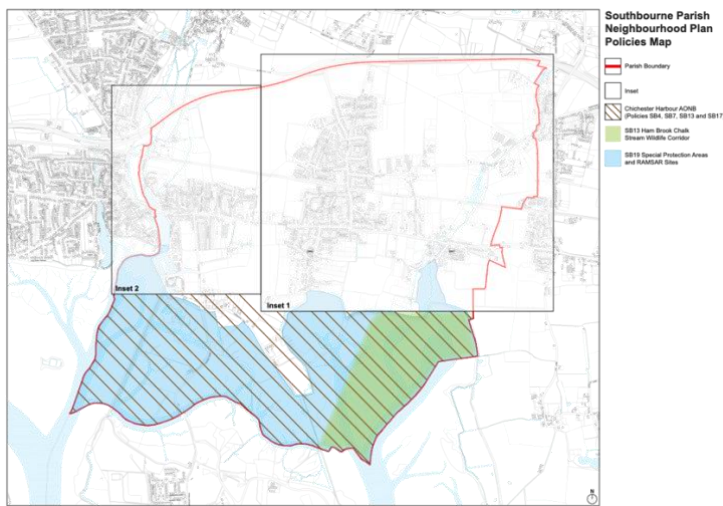
## **Policy SP 12: Land for Expanding Education and Recreational Use**

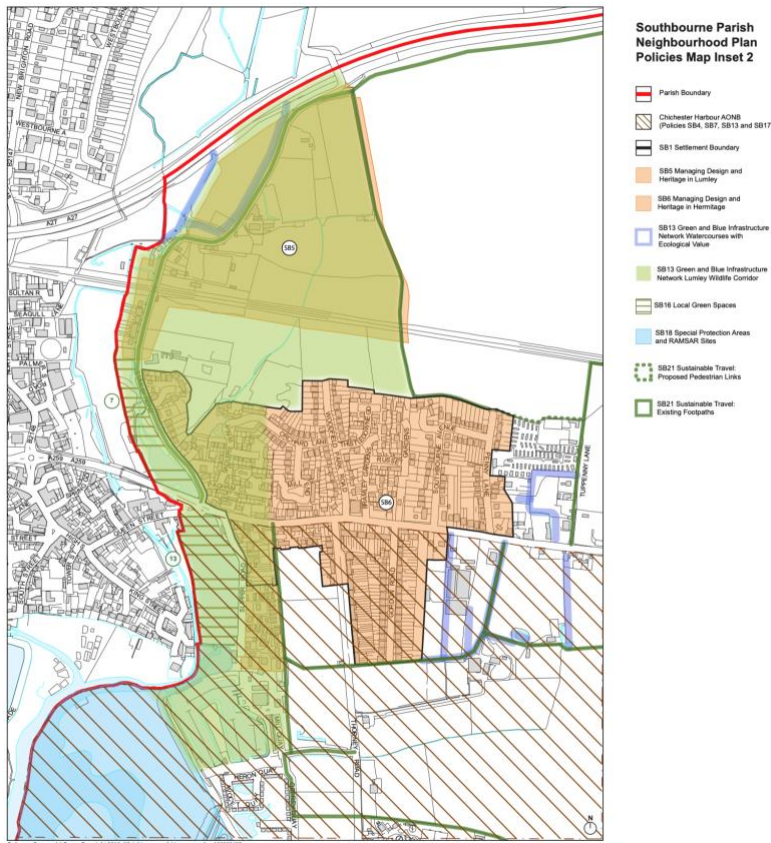
87. This policy relates to an area of open land to the west of Bourne Community College. It is restricted to the provision of outdoor education and/or community outdoor sport and recreation as set out in the Use Classes F1a) and F2c) and any ancillary buildings related to the recreation use.
88. This land is being proposed as part of the emerging local plan's 'Broad Location of Development' for comprehensive development in Southbourne Parish. I do not consider its inclusion in the neighbourhood plan frustrates the comprehensive masterplanning of the area when the new local plan is eventually adopted. I note the policy takes forward the same area as set in Policy 8 of the made neighbourhood plan, although with some additional elements.
89. The Church Commissioners have disputed whether the land in question falls within West Sussex County Council's ownership. The Parish Council has responded by saying it is satisfied that the allocation only relates to county owned land and it appears from my interpretation of Inset Map1 of the Policies Map that the allocation does only relate to the area that Lichfields, representing the Church Commissioners, seem to suggest is within WSCC ownership.

## **Policy SB13: Green and Blue Infrastructure Network**

90. The NPPF recognises, in paragraph 179, that plans should "identify, map and safeguard components of local wildlife rich habitats and wider ecological networks... wildlife corridors and stepping stones that connect them". The principle of identifying these networks, which run through the parish is an approach that I would fully support.
91. However the areas that the Parish Council is proposing to designate are longer and wider than currently being proposed by the District Council in the latest published version of the Local Plan and I need to be convinced that the increased area is justified by evidence. I therefore raised this question in my Initial Comments and sought justification for the extent of the network as is being proposed. I am pleased to say that I received a comprehensive note covering just this issue. That information has satisfied me that the Parish Council has provided evidence to support the larger area. For example, the inclusion of the culvert under the A27 is justified in terms of protecting the integrity of the ecological network and there has also been information provided, identifying priority habitats such as for water voles and Beckstein bats. I am therefore satisfied that the plan has justified seeking to protect a wider area than currently proposed by the local plan, which itself has not been the subject of examination. It may well be that the District Council reflects on the additional evidence presented by the Parish Council and it may wish to revisit its proposals.
92. Reconciling different maps has proved somewhat challenging. I had been concerned that the way the boundaries of the wildlife corridors had been defined

on the Policies Map, which used a “fuzzy line”, could pose problems at a development management stage, in deciding whether a site was affected by this policy. I therefore sought a revised map with a clean line. Upon closer examination, it appeared that the Parish Council was at that stage seeking to extend the Lumley corridor to include land which was not identified in the Policies Maps which were the subject of consultation at Regulation 16. After an exchange of emails and a telephone call, I finally received a clean Policies Map showing the extent of the corridors, consistent with what the Parish Council had previously published.





93. It appears that there is a degree of confusion between Plan D which shows a wider area and the Policies Maps at the rear of the document, which are specifically referred to in the policy. I will be recommending that Plan D be omitted from the document as it only causes confusion as to the extent of the Lumley Wildlife Corridor.
94. I did raise with the Parish Council the fact that the wildlife corridors include residential areas. Whilst I accept the rationale offered by the Parish Council that they should be included for purposes of achieving connectivity, I do feel that these particular residential areas are unlikely to be different from other residential areas either side of the A27 which do not lie within wildlife corridors.
95. Paragraph 5.63 of the supporting text includes the wording “The Policy Map shows the full extent of the Network, which allows applicants to determine if their proposals should take this policy into account”. I will therefore be recommending that the onus in Clause B should be that the policy should only be applied where it is appropriate to do so in terms of ensuring the connectivity of the wildlife corridor. I also concede that the District Council’s proposed strategic wildlife corridors also include residential areas.
96. I have no concerns regarding the elements of the policy relating to the Green Ring, which I consider to be an exemplary locally distinctive policy, which is being taken forward from the first version of the neighbourhood plan. I was very pleased to see this has been accommodated in recently completed residential developments and is already providing great connectivity within the built-up area. I commend the Parish Council for its foresight in promoting this piece of green infrastructure.

97. The final element of the policy relates to development schemes with a gross area of 2 ha or more, which are required to incorporate woodlands and wetlands. I did question whether it is right to impose this as a requirement in respect of all developments and I gave an example in my Initial Comments document of a proposal for a solar farm. In response the Parish Council clarified that its intention was to apply the policy to housing, commercial, business and service development. I will recommend an appropriate modification to clarify this.
98. Beyond these changes I am satisfied that the policy meets basic conditions.

#### ***Recommendations***

***Insert the above modified Policies Map at the rear of the plan.***

***Delete Plan D***

***In Clause B, after “required” insert “where relevant,” and after “biodiversity value” insert “and wildlife connectivity”***

***In Clause E after “development schemes” insert “for housing, commercial, business and service development”***

### **Policy SB 14: Biodiversity**

99. I have no comments to make on this policy which reflects national policy.

### **Policy SB 15: Trees, Woodlands and Hedgerows**

100. The only element of the policy which is not appropriate for a neighbourhood plan to include is that set out in Clause D which is requiring the submission of landscaping and other planting schemes, where it is appropriate for the development and setting. As a principle, the information which is required to accompany a planning application is a separate matter which is prescribed by the District Council’s Local Validation Checklist prepared under the auspices of the Town and Country Planning (Development Management Procedures) Order 2015. It would not necessarily be a proportionate requirement to require the preparation of a detailed planting and landscaping scheme before the principle of a development has been established.

#### ***Recommendation***

***Delete Clause D***

### **Policy SB16: Local Green Space**

101. As with the designation of non-designated heritage assets, I consider that the local green spaces should actually be listed in the policy.
102. I have carefully considered the list of proposed green spaces as described in the supporting evidence paper. As with Policy SB9, I will recommend that the description of the spaces should be attached to the plan, possibly as an Appendix. This could summarise the assessment of their value which are set out in the Supporting Evidence SB16.EV1.

103. I am satisfied that with one exception, the local green spaces meet the requirements as set out in paragraph 102 of the NPPF, including land upon which the memorial clump of beech trees stand in the agricultural field to the north of the Southbourne Village, west of Stein Road.
104. The only space which I do not believe has been demonstrated as special to the local community is the field west of the western arm of Prinsted Lane. The land is effectively screened from public view and there is no public access to this parcel of land, which is used for horse grazing. Whilst it is suggested that it was used as the Southbourne football field in the 1940s, I cannot see how the community would place particular local significance so as to justify its designation as a Local Green Space. The major part of this land is already protected from inappropriate development by being located outside the settlement boundary. I note that the land owner, WSCC have also objected to its designation.
105. On that basis I recommend that site 16 (as described in Appendix D) be deleted from the list.

### ***Recommendations***

***In Clause A insert “following” before “land” and replace “listed” with “as described”***

***At the end of Clause A, insert***

***“1. Prinsted Foreshore***

***2. Land on NE corner of Garsons Road/A259 junction***

***3. Priors Orchard open spaces (a, b and c)***

***4. Southbourne Fields open space***

***5. Meadow View open space***

***6. Clump of beech trees in field west of Stein Road***

***7. Peter Pond and Brook Meadow land east of county boundary***

***8. Land on NW corner of Stein Road and Hartland Court***

***9. Garsons Road allotments between numbers 48 and 50***

***10. Flanders Close allotments (a and b)***

***11. Manor Way allotments between numbers 47 and 49***

***12. Smallcutts Avenue allotments between numbers 25 and 27, and 40 and***

***13. Slipper Mill Pond***

***14. Field SW of Prinsted Foreshore, south of lane***

***15. Field NE of Prinsted Foreshore”***

### **Policy SB17: Achieving Dark Skies**

106. I do not consider that it is an appropriate expectation that all development should be expected to prevent light pollution. I think this would be an unrealistic expectation in terms of minor types of development such as domestic extensions/ conservatories and changes of use, for example. I believe that the expectations as they relate to major development schemes is a reasonable threshold.
107. I also do not consider that it is an achievable objective to require all installations to be energy-efficient, when that is not prescribed.

### ***Recommendations***

***In Clause A after “All” insert “major” and replace “employing energy efficient forms of lighting that also reduce” with “reducing”***

***In Clause B replace “all” with “10 or more residential units or over 1000 m<sup>2</sup> for other”***

## **Policy SB18: International Nature Sites**

108. I have no comments to make on this policy.

## **Policy SB19: Zero Carbon Buildings**

109. The Secretary of State in a Written Ministerial Statement to the House of Commons dated 25<sup>th</sup> March 2015 stated that neighbourhood plans should not set “any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings.” I consider that the first element of the policy, which sets out to minimise the amount of energy needed to heat and cool buildings from landform, layout, building orientation and massing are legitimate neighbourhood plan expectations as they relate to the layout and design of the development. However, reference to “zero carbon ready by design” does not have the necessary clarity to allow a decision maker to assess whether it is being complied with.

110. I consider that Clause B, which requires buildings, apart from those designed to meet the requirements of Clause C, is ambiguous, in terms of being able to demonstrate whether they perform as predicted but it does not establish a baseline as to how they are expected to perform. I consider that this is a matter that is best covered by Part L of the Building Regulations. Furthermore it is my opinion that it remains contrary to the aforementioned Secretary of State policy, which I do not consider has been superseded in terms of neighbourhood plans as opposed to local plans. I also conclude that Clause C, which sets a space heating demand performance standard is also contrary to the Written Ministerial Statement.

111. Finally I do not believe that a neighbourhood plan policy can set out that a planning application must be accompanied by a Whole Life-cycle Carbon Emission Assessment, as again that is a matter for the Local Validation Checklist and is not something that can be achieved by a neighbourhood plan policy.

### ***Recommendations***

***In Clause A delete “be zero carbon ready by design”***

***Delete Clauses B, C and D***

## **Policy SB20: Water Infrastructure and Flood Risk**

112. The above mentioned Written Ministerial Statement states that technical standards covering water efficiency should be interpreted by reference to the



nearest equivalent new national technical standard and such a requirement can only be considered by decision makers where there is a relevant local plan policy. However Policy 40 of the adopted local plan only requires that *consideration* of meeting a standard of 110litres per person per day should be considered. As such it does not impose that requirement. I therefore conclude that Clause (ii) does not therefore meet basic conditions in view of its conflict with Secretary of State policy.

113. I consider that Southern Water’s detailed comments regarding the capacity of waste water *conveyance* and treatment *capacity* is a useful clarification which will improve the utility of the policy at the development management stage. I will also add the suggested criteria v) as recommended by the Parish Council

114. Clause D refers to low-lying areas around Chichester Harbour outside settlement boundaries which are being safeguarded for climate change adaptations. The comments by the Parish Council referred me to advice from the Chichester Harbour Conservancy. I believe, for clarity, that the most up-to-date map should be incorporated into the neighbourhood plan’s Policy Map to identify the land expected to be protected for salt marsh restoration purposes.

#### **Recommendations**

***In Clause A (i) after “waste water” insert “conveyance” and after “treatment” insert “capacity”***

***Omit Clause A (ii)***

***Add new criteria (v) “Surface water should be managed as close to source as possible, following the drainage hierarchy and will not be permitted to drain to the foul or combined sewer system.”***

***In Clause D, after “Chichester Harbour” insert “as shown on the Policies Maps or on a separate map”***

### **Policy SB 21: Sustainable Travel**

115. For the sake of clarity, I propose to replace reference to “major developments” with “schemes of 10 or more residential units or over 1000 m<sup>2</sup> for other developments”. This is the definition taken from the Town and Country Planning (Development Management Procedures) Order 2015. Beyond that I have no other comments to make on the policy.

#### **Recommendation**

***In Clause A, replace “major development” with “residential development of 10 units or more or over 1000sqm for other development”***

### **The Referendum Area**

116. If I am to recommend that the modified Plan progresses to its referendum stage, I am required to confirm whether the referendum should cover a larger area than the area covered by the Neighbourhood Plan. In this instance, I can confirm that the area of the Southbourne Parish Neighbourhood Plan as designated by

Chichester District Council on 13th February 2015 is the appropriate area for the referendum to be held and the area for the referendum does not need to be extended.

## Summary

117. I congratulate Southbourne Parish Council on maintaining its desire to continue to update its neighbourhood plan following the set back of Southbourne Parish Neighbourhood Plan 2.
118. This examination now marks a major milestone in the community's plan making. I suspect that this plan will only be a stop gap measure as the Parish Council recognises the need for the plan to be updated to reflect the outcome of the new Local Plan. If the community is to continue to want to shape the new housing development, which will inevitably be advanced, then it needs to engage positively with the Local Plan process so as to be able to influence the way that the new strategic policies will impact the villages, so that it achieves positive results, as it has so effectively done in the past with the Green Ring. The alternative will be the continuation of planning by appeal.
119. To conclude, I can confirm that the proposed modified neighbourhood plan, if amended in line with my recommendations, meets all the statutory requirements including the basic conditions test and that it is appropriate for the modified plan to proceed to referendum

JOHN SLATER BA(Hons), DMS, MRTPI  
John Slater Planning Ltd  
24th October 2023