

Chichester District Council



Chichester District Council Local Planning Authority

Bosham Parish Neighbourhood Plan 2014-2029

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

2. Background

- 2.1 The Bosham Parish Neighbourhood Development Plan relates to the area that was designated by Chichester District Council as a neighbourhood area on 18 March 2013. This area is coterminous with the Bosham Parish Council boundary that lies within the Chichester District Council local planning authority area.
- 2.2 Following the submission of the Bosham Parish Neighbourhood Plan to the Council, the plan was publicised and representations were invited. The publicity period ended on 9 October 2015.
- 2.3 Ms Janet Cheesley was appointed by Chichester District Council, with the consent of Bosham Parish Council, to undertake the examination of the Bosham Parish 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 in consent with Bosham Parish Council, has decided to accept the modifications to the draft plan. 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 with Bosham Parish Council

POLICY	MODIFICATION RECOMMENDED	JUSTIFICATION
Paragraph 5.8	Modification to paragraph 5.8 to read as follows: The BPNP planning policies should be taken into account by developers, decision-makers and stakeholders alike with regard to what is acceptable development within the Parish.	In the interests of precision
Policy 1. The Settlement Boundary	Modification to Policy 1 to read as follows: (A) Within the Settlement Boundary there is a presumption in favour of sustainable development that will apply to proposals for developments that respect the setting, form and character of the settlement of Bosham/ Broadbridge and which comply with the requirements of the other policies of the development plan. (B) Outside of the Settlement Boundary development will not be permitted unless: (i) it is specifically and expressly supported by another policy of the	To meet the Basic Conditions, particularly regarding general conformity with strategic policy.

	<p>development plan and complies with all other policy requirements of the development plan; or</p> <p>(ii) it is sustainable development that significantly contributes to the strategic aims, and complies with all other policy requirements of the development plan but which is of a type that could not reasonably be located within the Settlement Boundary.</p>	
Policy 2. Housing Allocations	Recommend the deletion of Policy 2 and subsequent resultant editing.	To meet the Basic Conditions
Policy 3. Criteria for Housing Development	<p>Modification to the notes accompanying Policy 3, (as revised in an email from BPC dated 12 October 2015), as stated in the preceding paragraphs (Examiner's report paras 74-88) and modification to Policy 3 to read as follows:</p> <p>Housing development must:</p> <p>(i) provide at least the <i>required percentage</i> of the total number of dwellings as <i>affordable housing</i> (as defined in the NPPF) with a mix of tenure types designed to meet the housing needs of individuals, couples and, or, families on the CDC Housing Register with a proven local connection to the Parish of Bosham;</p> <p>(ii) provide a balanced mix of market housing in keeping with, and wherever possible enhancing, the character of adjacent residential areas;</p> <p>(iii) use locally common materials wherever possible and provide for optimum Broadband connectivity;</p> <p>(iv) be designed within a layout that observes high standards of spatial design including green spaces and gardens which make and maintain provision for locally naturalised flora, fauna and wildlife; provision for locally naturalised flora, fauna and wildlife;</p> <p>(v) be designed to minimise any increase in the generation of vehicular traffic and provide safe and convenient access and links to all local services for pedestrians</p>	To meet the Basic Conditions.

	<p>and cyclists;</p> <p>(vi) demonstrate that the local road network can safely accommodate the development and that there is safe vehicular access to the site; any highways improvements necessary to make the development acceptable in terms of pedestrian or vehicular safety, traffic management or the mitigation of potential congestion must be provided either as part of the development itself or by a highways agreement and/or by planning obligations;</p> <p>(vii) must make suitable provision appropriate in scale and extent to meet local requirements arising from the development, whether on-site or via the Community Infrastructure Levy (CIL), for increased education facilities, for green infrastructure and for public open space;</p> <p>(viii) must comply with all the requirements of BPNP Policy 9 - 'Flooding and Drainage';</p> <p>(ix) must comply with BPNP Policy 6 - Conservation of the Historic Environment, including archaeological investigation of the site prior to development where necessary.</p>	
Policy 4. Commercial and Economic Development	<p>Recommend:</p> <p>inclusion of a Map identifying the principal employment sites; and</p> <p>modification to Policy 4 to read as follows:</p> <p>(A) The <i>principal employment sites</i> in the Parish, those at Southfield Industrial Park and Broadbridge Business Centre (Delling Lane); Brooks Green Farm (north of the railway line); Church Farm Business Parks (Old Park Lane) and Highgrove and Ham Farms (Main Road) as shown on Map [xx] should be maintained as employment land.</p> <p>(B) An exception to (A) above, is where it has been demonstrated (in terms of the evidence requirements accompanying Local Plan Policy 26) that the site is no longer required and is unlikely to be re-used or redeveloped for employment purposes.</p>	To meet the Basic Conditions.

	<p>(C) Proposals to upgrade, modernise or make more efficient use of space within any of the <i>principal employment sites</i> under (A) will be supported provided the development is entirely contained within the existing site and involves no material adverse effect on neighbouring residential amenity or on wildlife, landscape or the historic environment.</p> <p>(D) Outside of the <i>principal employment sites</i> small-scale commercial development for 'B1' business and light industrial uses will be supported where:</p> <p>(i) the development is within the Settlement Boundary and of a scale and design that does not conflict with, or adversely affect the residential amenity of, nearby dwellings; or</p> <p>(ii) it involves the redevelopment of existing industrial or agricultural buildings and is of a design which conserves or enhances the landscape impact of the existing development without increasing its overall scale and which involves no material adverse effect on any neighbouring residential amenity or on wildlife, landscape or the historic environment.</p>	
Policy 5. Community Facilities	<p>Recommend:</p> <p>Inclusion of references to the Village Hall (subject to clarification of the requirements for the Village Hall) and education provision within Section 6 Infrastructure, and elsewhere in the text of the Plan as appropriate; and</p> <p>modification to Policy 5 to read as follows:</p> <p>(A) Any new development leading to the loss of an <i>existing community facility</i> (including the primary school, nurseries, village or community halls, other meeting places and pubs) will not be supported unless it can be demonstrated that:</p> <p>(i) there is no longer any need or demand for the <i>existing community facility</i>; and the <i>existing community facility</i> is no longer</p>	To meet the Basic Conditions.

	<p>economically viable as such, with the premises having been marketed for a reasonable period of time; or</p> <p>(ii) the proposal makes alternative provision for the relocation of the existing community facility to an equally or more appropriate and accessible location within the Parish which complies with the policies of the BPNP.</p> <p>(B) Any proposal for the extension of Bosham Primary School or its relocation to an alternative site nearby will be considered favourably, subject to compliance with policies of the BPNP.</p> <p>(C) Other proposals for new community facilities of an appropriate scale that comply with BPNP policies will be supported.</p>	
<p>Policy 6. Conservation of the Historic Environment</p>	<p>Recommend:</p> <p>The deletion of ‘important’ from paragraph 5.14.9;</p> <p>Inclusion of a Map in the Plan and cross reference to the map showing the areas identified in B (v); and</p> <p>Modification to Policy 6 to read as follows:</p> <p>(A) Any new development must recognise, respect, conserve or enhance and seek to better reveal the local distinctiveness and character of the historic environment and its designated and non-designated heritage assets and the setting of those assets including:</p> <p>(i) sites and areas of archaeological importance or potential;</p> <p>(ii) listed buildings;</p> <p>(iii) buildings within the Bosham Conservation Area;</p> <p>(iv) other historic or locally significant buildings or structures including locally listed and positive buildings as defined in the Bosham Conservation Area Character Appraisal and Management Proposals (Review) 2013;</p>	<p>To meet the Basic Conditions.</p>

	<p>(v) historic and cultural landscapes including streams and ancient woodland.</p> <p>(B) New buildings and extensions within the Bosham Conservation Area must:</p> <p>(i) be of a design, and in the use of materials be, in keeping with the local historic built vernacular;</p> <p>(ii) maintain and enhance views of the historic waterfront and of listed buildings within the Conservation Area;</p> <p>(iii) provide parking in accordance with the West Sussex guidelines and the Car Parking Demand Calculator;</p> <p>(iv) respect and maintain the historic layout and setting of the High Street, the Churchyard, Quay Meadow and the Trippet footpath, as identified on Map [xx].</p>	
Policy 7. Landscape and the Environment	<p>Recommend modification to paragraph 5.15.4 to include the list of the principal and most significant views across the area identified in paragraph A15 in The Landscape and Visual Assessment Report (November 2013) and cross reference to this list in Policy 7 criterion (iv).</p>	In the interest of clarity, to meet the Basic Conditions.
Policy 9. Flooding and Drainage	<p>Recommend:</p> <p>Modification to maps on pages 52 and 53 to remove the SHLAA base or deletion of these maps; and</p> <p>modification to Policy 9, including deletion of criteria (D), to read as follows:</p> <p>(A) Flood risk and the effects of flooding will be taken into account in the determination of all development proposals. New development in areas at risk of flooding as identified by the Environment Agency flood risk maps must:</p> <p>(i) meet the sequential and exception test (where required) specified in the NPPF;</p> <p>(ii) include a site-specific flood risk assessment which demonstrates that all elements of the development will be safe</p>	In the interest of clarity, to meet the Basic Conditions.

	<p>without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall;</p> <p>(iii) incorporate specific requirements of the site in the provision of protection, resilience and resistance measures appropriate to the character of the area;</p> <p>(iv) not result in the coastal squeeze of any designated sites or prevent managed realignment designed to protect any designated sites;</p> <p>(v) identify appropriate adaptation and mitigation measures;</p> <p>(vi) ensure appropriate flood warning and evacuation plans are in place;</p> <p>(vii) include site drainage systems designed to take account of events which exceed the normal design standard; and</p> <p>(viii) comply with (B) and (C) below.</p> <p>(B) All new build development (excluding minor extensions) must include a suitable sustainable drainage system (SuDS) disposing of rainwater into the ground (unless it is proven that SuDS are not appropriate) (and not the sewer) including arrangements for the whole life management and maintenance, the detail of which must be approved in writing by Chichester District Council before any planning permission will be granted.</p> <p>(C) All new development, where appropriate, must provide a connection to the nearest point of adequate capacity in the existing sewerage network to ensure that the additional net flow is capable of being managed in balancing arrangements. Full details of these arrangements including connection to the sewerage network must be approved in writing by Southern Water and the Environment Agency before any planning permission will be granted.</p>	
Policy 10. Transport	Recommend modification to Policy 10, including deletion of criteria (iii), to read as follows:	To meet the Basic Conditions.

	<p>With particular regard to the rural highway network of the Parish and the pressing need to maximise highway safety and minimise any increase in vehicular traffic all development must:</p> <p>(i) be located and designed to minimise additional traffic generation and movement; and</p> <p>(ii) provide any necessary improvements to site access and the highway network arising from the development either directly or by financial contributions.</p>	
--	--	--

4. Conclusion

- 4.1 The Authority (Chichester District Council) confirms that the Bosham Parish Neighbourhood Development Plan 2014-2029, 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 Bosham Parish Neighbourhood Plan can now proceed to referendum.
- 4.2 It is recommended that the Bosham Parish Neighbourhood Development Plan 2014-2029 should proceed to referendum based on the neighbourhood area defined by Chichester District Council on 18 March 2013.
- 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.