

# **Chidham & Hambrook Neighbourhood Plan 2015**

**Report by Independent Examiner**

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**CHEC Planning Ltd**

**December 2015**

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## Summary and Conclusion

1. The Chidham & Hambrook Neighbourhood Plan 2015 does not allocate sites for housing development above those already granted planning permission. It does provide housing policy guidance in terms of design guidance and restricts further housing development to affordable housing on rural exception sites and windfall sites of 10 dwellings or less. Subject to the modifications I have recommended, I consider this approach contributes towards the achievement of sustainable development.
2. I have recommended modification to some of the policies in the Plan, many are for clarification purposes. In particular, I have recommended the amalgamation of Policies DS1 and DS2 into one new modified policy, in the interest of precision.
3. I have recommended the deletion of Policies H3, DS4 and AP2, for the reasons stated in detail in my report.
4. I have recommended the deletion of the Local Green Space designations on sites R1a: Land to the north of the Taylor Wimpey development in Broad Road and R1b: Land to the south of the development on the area known as Wakefords Field, Broad Road. This is because I have not been provided with justifiable evidence to clearly indicate that these sites in their present state are currently special to the local community and hold a particular local significance. When the open spaces have been laid out, they may well meet the criteria in the National Planning Policy Framework for designation as Local Green Space. Until such time as they are laid out; they do not.
5. My recommendations ensure that the Plan meets the Basic Conditions. Subject to my recommendations being accepted, I consider that the Chidham & Hambrook Neighbourhood Plan 2015 will provide a strong practical framework against which decisions on development can be made.
6. **I am pleased to recommend that the Chidham & Hambrook Neighbourhood Plan 2015, as modified by my recommendations, should proceed to Referendum.**

## Introduction

7. I was appointed as an independent Examiner for the Chidham & Hambrook Neighbourhood Plan 2015 in October 2015.
8. On 3 December 2013 Chichester District Council (CDC) approved that the Chidham & Hambrook Neighbourhood Area be designated in accordance with the Neighbourhood Planning (General) Regulations 2012. The Area covers the whole of the parish of Chidham & Hambrook.
9. The qualifying body is Chidham & Hambrook Parish Council. The Plan has been prepared by local residents and the Chidham & Hambrook Parish Council. The Plan covers the period to 2029.

## Legislative Background

10. As an independent Examiner, I am required to determine, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, whether:
  - the policies in the Plan relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act (PCPA) 2004;
  - the Plan meets the requirements of Section 38B of the 2004 PCPA where the plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one Neighbourhood Area; and
  - that the Plan has been prepared for an area that has been designated under the Localism Act 2011 and has been developed and submitted for examination by a qualifying body.
11. Subject to the modifications I have recommended in this report, I am content that these requirements have been satisfied.
12. I am obliged to determine whether the plan complies with the Basic Conditions. These are that the Plan is required to:
  - have regard to national policies and advice contained in guidance issued by the Secretary of State;
  - contribute to the achievement of sustainable development;
  - be in general conformity with the strategic policies contained in the Development Plan for the area; and
  - not breach, and is otherwise compatible with, EU obligations and human rights requirements.
13. CDC has issued a Strategic Environmental Assessment Opinion Screening Determination, within which it has stated that the Plan does not require a full Strategic Environmental Assessment due to there being no adverse comments from the statutory bodies and the reasons set out in the accompanying Screening Report. Based on this screening opinion, I consider that the Plan does not require a full Strategic Environmental Assessment.
14. The Basic Conditions Statement explains that a Habitats Regulations Assessment (HRA); under the Conservation of Habitats and Species Regulations 2010 (as amended) was not considered to be required due to the scope of development proposed by the Plan being within the parameters assessed by the HRA for the higher tier plan (at that time this was the Chichester Local Plan: Key Policies Pre Submission 2014-29).
15. On the basis of these particular circumstances in the context of the level of development proposed in this Neighbourhood Plan, I consider that this

Neighbourhood Plan does not require an assessment for future development under Article 6 or 7 of the Habitats Directive.

16. I am satisfied that the Plan is compatible with EU obligations and does not breach the European Convention on Human Rights obligations.

## Policy Background

17. *The National Planning Policy Framework 2012 (NPPF)* sets out the Government's planning policies for England and how these are expected to be applied. *The Planning Practice Guidance* provides Government guidance on planning policy.
18. Chidham & Hambrook Parish is within the local authority area of Chichester District Council (CDC). The development plan for the Chidham & Hambrook Neighbourhood Plan Area comprises the *Chichester Local Plan Key Policies 2014-2029* adopted on 14 July 2015. This Local Plan contains strategic policies including those regarding the natural environment and housing provision. The Neighbourhood Plan has been advancing in parallel with the Local Plan.
19. There are references in the Neighbourhood Plan to previously saved policies from the *Chichester District Local Plan First Review* (adopted in April 1999). In the interest of precision, the current adopted Local Plan should be referred to throughout.
20. **Recommendation: in the interest of precision, to meet the Basic Conditions, I recommend modification to the text throughout the Plan, where necessary, to reflect the current development plan situation.**
21. It is necessary for Neighbourhood Plans to provide *a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency* as stated in the core planning principles in paragraph 17 in the NPPF. I do refer to clarity with regard to a number of recommendations to modifications to the Plan. Where I do so, I have in mind the need to provide a practical framework in accordance with the core principles in the NPPF, thus ensuring that the Plan has regard to national policy in this respect.

## The Neighbourhood Plan Preparation

22. I am required under The Localism Act 2011 to check the consultation process that has led to the production of the Plan. The requirements are set out in Regulation 14 in The Neighbourhood Planning (General) Regulations 2012.
23. The initial consultation process included the setting up by Chidham & Hambrook Parish Council of the Chidham & Hambrook Working Group in October 2013 to consult on, and prepare, the Plan. A questionnaire was

delivered to 850 households. By the end of February 2014, the responses had been analysed. Special Interest Groups were invited to a consultation event held on 25th March 2014.

24. An initial draft of the Plan was prepared in July 2014 and presented to the community of the Chidham & Hambrook Plan Area that same month. The event was advertised on the Chidham & Hambrook Website, in the local Village Magazine, the Hambrook District Residents Association Newsletter and posters on the Parish Council's notice boards and shop windows. Copies of the Draft Plan were sent to Statutory Bodies. The Consultation period on the pre-submission draft of the Plan ran from 24 July to 8 September 2014.
25. During the collation of comments received on the pre-submission Draft Plan, it had become necessary for further consultation on the Land Use Policies. A flyer was sent to every home within the Plan area and the Statutory Bodies seeking comments regarding the extension to the existing settlement areas accommodating the new development for the area. The original settlement area map was revised, adding the four new areas. This map along with the explanation for including these sites was posted to all households within the plan area and emailed to the Statutory Bodies in March 2015.
26. I am satisfied that the pre-submission consultation and publicity has met the requirements of Regulation 14 in The Neighbourhood Planning (General) Regulations 2012. The consultation and publicity went well beyond the requirements and it is clear that the qualifying body went to considerable lengths to ensure that local residents and defined Special Interest Groups were able to engage in the production of the Plan. I congratulate them on their hard work and efforts.
27. CDC publicised the submission Plan for comment during the publicity period between 27 August 2015 and 9 October 2015 in line with Regulation 16 in The Neighbourhood Planning (General) Regulations 2012. A total of 12 responses were received. I am satisfied that all these responses can be assessed without the need for a public hearing.
28. Some responses suggest additions and amendments to policies. My remit is to determine whether the Plan meets the Basic Conditions. Where I find that policies do meet the Basic Conditions, it is not necessary for me to consider if further suggested additions or amendments are required. Whilst I have not made reference to all the responses in my report, I have taken them into consideration.

## **The Chidham & Hambrook Neighbourhood Plan**

### **Background To The Neighbourhood Plan**

29. The Plan area covers the whole Parish of Chidham & Hambrook. The background section includes a Community Consultation Report,

summarising the community questionnaire findings. As such, this section provides a clear background to the Plan.

30. CDC has pointed out the need for minor grammatical amendments, in paragraph 4 on page 5 and has suggested a more accurate title to Map 1. In the interest of making sure the Plan is easy to read, I suggest that these minor amendments are incorporated into the final document.

## Land Use Policies

### POLICY LP1

31. Concern has been raised regarding the Local Plan not meeting Objectively Assessed Needs (OAN) for housing. The Inspector examining the Local Plan stated: *I conclude that the Plan should be adopted now, subject to a commitment to a review to be completed within five years. This will ensure that housing delivery after the first five years of the Plan period can be updated to take account of emerging evidence on highway infrastructure and rigorous testing of the impacts of providing housing up to the OAN or any updated OAN.*
32. In the light of the conclusions on the OAN and housing land supply made by the Local Plan Inspector, she retained the indicative parish housing number for Chidham & Hambrook Parish in Local Plan Policy 5. For Chidham & Hambrook the indicative number is 25 dwellings.
33. Paragraph 44 in the Neighbourhood Plan states that planning permission has already been granted for 86 new homes in the Parish since January 2014. Thus, the housing sites with planning permission significantly exceed the indicative numerical requirements of Local Plan Policy 5.
34. I have considered detailed representations from interested parties seeking further residential development in the Parish, including representations on behalf of Taylor Wimpey and Sunley Estates Ltd. At the time of writing this report, the sites they are promoting for development are pending determination through the planning appeal process.
35. Representations on behalf of Sunley Estates Ltd have requested that the Plan is held in abeyance pending the outcome of the current Planning Appeal on land they are promoting for development to the east of Broad Road. The Plan is not reliant on the development of that land to meet the strategic indicative housing requirements in Local Plan Policy 5. There are no adopted strategic policies upon which to base a more significant growth strategy in the Plan. Therefore, I do not consider it necessary to hold the Plan, or my examination of the Plan, in abeyance. In addition, I note that the Plan is proposed to be reviewed every five years. Thus, should a review of the Local Plan increase the housing requirement for the Parish, this can be considered as part of a Neighbourhood Plan review.

36. Turning to detailed wording, paragraph 39 in the Plan states: *Justification for additional development will only be considered within the NP period if the local environmental, economic and sustainability criteria can be met.* Later in the Plan, Paragraph 94 states: *additional development will need to demonstrate a special need before consideration.* However, neither of these contradictory statements is included as specific policy requirements in Policy LP1 or in the other Neighbourhood Plan policies. In the interest of precision and enforceability, I recommend the deletion of both of these statements and the inclusion of ‘in accordance with development plan policies’ at the end of Policy LP1. In particular, this will ensure that great weight continues to be given to conserving the landscape and scenic beauty in the part of the Parish within the AONB, which has the highest status of protection in relation to landscape and scenic beauty.
37. The windfall allowance identified in Table 7.1 in the Local Plan and as part of the housing provision in Policy 4 for the whole Local Plan Area includes trajectory windfall allowances on the basis that windfall housing sites are defined as small developments of less than 6 dwellings. Policy LP1 in this Neighbourhood Plan defines windfall sites as being sites of 10 dwellings or fewer.
38. National policy emphasises that development means growth. The NPPF defines windfall sites as *sites which have not been specifically identified as available in the Local Plan process. They normally comprise previously-developed sites that have unexpectedly become available.*
39. The Local Plan housing requirement for the Parish has been significantly exceeded. In these particular circumstances, whilst the definition of windfall does not accord with that in the Local Plan, I consider that Policy LP1, subject to my proposed amendment above, would be in general conformity with Local Plan strategic housing policies and have regard to national policy in the NPPF, particularly where it seeks to widen the choice of high quality homes.
40. I consider that Policy LP1 has sought to provide for sustainable growth, with the aim of ensuring housing is provided to meet, and indeed significantly exceed, the strategic policy requirement. This approach will contribute towards the achievement of sustainable development.
41. The recent residential development at Lion Park is not shown on Map 2. For clarity, I recommend that Map 2 is modified to include this development.
42. **Recommendation: In the interest of precision and enforceability, to meet the Basic Conditions, I recommend:**
- the deletion of the last sentences in paragraphs 39 and 94;**
- modification to Map 2 identifying the recent residential development at Lion Park; and**
- modification to Policy LP1 to read as follows:**



**Development of the following will be supported:  
Affordable units on rural exception sites where this can be demonstrated to meet local needs.**

**Development of 10 units or fewer on windfall sites. The number and variety of such windfall sites makes it too prescriptive to identify them individually and the preferred approach is to assess the suitability of each site at the time the development proposal is made in accordance with development plan policies.**

## **Environmental Management Policies**

### **POLICY EM1**

43. The NPPF seeks to avoid inappropriate development in areas at risk of flooding by directing development away from areas of high risk. The Planning Practice Guidance states that *the aim should be to keep development out of medium and high flood risk areas (Flood Zones 2 and 3) and other areas affected by other sources of flooding where possible.* Sequential tests and exceptions tests and site-specific flood risk assessments may be required for proposed development in these flood zones in accordance with the NPPF and the Planning Practice Guidance.
44. I have sought clarification from CDC as to whether all of the Parish lies within Flood Zones 2 and 3 and have received confirmation that it does not.
45. The first paragraph of Policy EM1 does not correctly interpret the NPPF. Those areas outside Flood Zones 2 and 3 are classified as being within Flood Zone 1. Within Flood Zone 1, the NPPF specifies that site-specific flood risk assessments are only usually required for development proposals of one hectare or greater, unless on a smaller site *which has critical drainage problems (as notified to the local planning authority by the Environment Agency) and where proposed development or a change of use to a more vulnerable class may be subject to other sources of flooding.*
46. From the evidence before me, I am not able to determine whether these exceptions are relevant to any part of the Plan area within Flood Zone 1. My suggested modification to the first paragraph in Policy EM1 would allow for such an eventuality and be in accordance with the NPPF.
47. In the interest of precision, the second paragraph should specifically refer to requirements for new housing development and criterion d) should refer to *Environment Agency Practice Note GP3 Groundwater Protection: Principles and Practice.*
48. As there may be other solutions, rather than SuDS, in the interest of precision, I recommend the inclusion of the possibility of mitigation measures in the last sentence.
49. **Recommendation: to meet the Basic Conditions, I recommend modification to Policy EM1 to read as follows:**

If required in accordance with the NPPF, new housing development will need to demonstrate it has a site-specific flood risk Assessment, which shows that the risk of flooding from all sources both on and off the site is minimised and managed effectively.

All new housing development will be required to ensure that, as a minimum, there is no net increase in surface water run-off. Priority should be given to incorporating Sustainable Drainage Systems (SuDS) to manage surface water drainage, unless it is proven that SuDS are not appropriate.

Unless any of the measures below can be demonstrated to be unnecessary, applicants should show how their proposals:

- a) Are supported, where required, by a sequential, risk-based approach to the location of the development, in order to avoid possible flood risk to people and property; as well as setting out measures to manage any residual future risk.
- b) Incorporate reduced vulnerability to the impacts of climate change.
- c) Incorporate proportionate and appropriate pollution control measures to prevent adverse impacts on the water environments.
- d) Are in line with Environment Agency Practice Note GP3 'Groundwater Protection: Principles and Practice'; include SuDS as the first method of surface water disposal.
- e) Connection to the surface water sewer should only be used as a last option.

Where SuDS are provided, arrangements must be put in place for their whole life management and maintenance. Where either SuDS are not feasible / appropriate or if the development will exacerbate existing drainage issues elsewhere within the Plan Area, financial contributions or mitigation may be required from development on sites where measures to address flood risk or to improve the environmental quality of watercourses have been identified, such as appropriate off-site drainage and water run-off management.

## **POLICY EM2**

50. Chichester Harbour Conservancy has suggested modification to the title of this section to refer to *nature conservation designations*, rather than *conservation areas*, which are usually used to describe historic environments. In the interest of clarity, I recommend modification to refer to nature conservation designated areas. Such amendment is also required to paragraph 51. In the interest of clarity, Policy EM2 should refer to *new housing development* and reference should be made to Local Plan Policy 50. In addition, CDC has suggested revised wording to define specific candidate area designations. In the interest of precision, to meet the Basic Conditions, I recommend the modifications suggested above.

51. Paragraph 52 refers to the protection of areas adjacent to those with statutory protection. This is not specifically referred to in Policy EM2, thus I recommend deletion of this sentence. If such areas have biodiversity value, Policy EM2, as modified, would ensure appropriate protection.
52. As *other areas of special environmental or ecological value* are not clearly defined in Policy EM2, in the interest of clarity I recommend the deletion of this reference. It should be replaced with a requirement for the protection and enhancement of other areas of ecology and biodiversity, in accordance with Policy 49 in the Local Plan.
53. Subject to my proposed amendments, Policy EM2 has regard to national policy to conserve and enhance biodiversity and is in general conformity with Local Plan Policies 49 and 50 in this respect.

54. **Recommendation: To meet the Basic Conditions, I recommend the following:**

**modification to the title to read: Protection of Chichester Harbour, nature conservation designated areas and related areas of special environmental value;**

**modification to paragraph 51 to refer to ‘natural conservation designated areas’ rather than ‘conservation areas’;**

**deletion of the second sentence in paragraph 52; and**

**modification to Policy EM2 to read as follows:**

**All new housing developments in the Parish will potentially have impacts on the Special Protection Areas of Chichester Harbour and should conform to the Chichester Local Plan: Key Policy 50, in respect of recreational disturbance and the Solent Recreation Mitigation Project. New housing development within the Plan Area will be refused unless it can be demonstrated that any proposal will conserve and enhance the designated or candidate special protection areas, designated or candidate Special Areas of Conservation, Sites of Special Scientific Interest (SSSI) and other areas of ecology and biodiversity in accordance with Chichester Local Plan: Key Policy 49.**

### **POLICY EM3**

55. CDC has suggested minor editing corrections to this Policy, and reference to new housing development. I consider the suggested amendments are necessary in the interest of clarity.
56. A large part of the Plan area lies within the Chichester Harbour Area of Outstanding Natural Beauty (AONB). Paragraph 115 in the NPPF states that *great weight should be given to conserving the landscape and scenic beauty* of such areas. I recommend modification to Policy EM3 to refer to *conserve* rather than *protect* and to specifically refer to conserving the

landscape and scenic beauty of the AONB. This would have regard to national policy.

57. Historic England has suggested reference to the historic environment in Policy EM3. I consider such matters are sufficiently covered in Policy AP1.

58. **Recommendation: to meet the Basic Conditions and correct grammatical errors, I recommend modification to Policy EM3 to read as follows:**

**Any new housing development proposal must show that it will conserve and enhance the landscape and natural environment of the Plan area. In particular it should conserve the landscape and scenic beauty of the AONB, conserve trees/woods/orchards, green corridors, natural streams and ponds and any areas of habitat supporting a high level of biodiversity.**

**Any proposal for the development of new habitat to mitigate the proposed loss of existing mature habitat must show how the mitigation, and a net environmental gain within an appropriate and acceptable timeframe, will be achieved.**

**Applicants should show how they will provide wildlife habitat resources and green spaces within any new housing development.**

## **Community Development Policies**

### **POLICY CDP 1**

59. The Planning Practice Guidance states that Regulation 123(2) in The Community Infrastructure Levy Regulations 2010, as amended by The Community Infrastructure Levy (Amendment) Regulations 2014, *prevents section 106 planning obligations being used in relation to those things that are intended to be funded through the Levy by the charging authority.*

60. *While Parish, Town and Community Councils are not required to spend their neighbourhood funding in accordance with the charging authority's priorities, we expect Parish, Town and Community Councils to work closely with the charging authority to agree priorities for spending the neighbourhood funding element.*

61. *Parish, Town and Community Councils should consider publishing their priorities for spending the neighbourhood funding element, highlighting those that align with the charging authority. Where a neighbourhood plan has been made, it should be used to identify these priorities.*

62. At the time of writing my report, CDC did not have a CIL charging schedule. If the Plan is made, and when CIL charging comes into force, the Parish Council will in the future be entitled to 25% of CIL monies raised within the Plan area and there needs to be prioritising of how these receipts should be applied to community facilities within the Parish. Whilst there is a list of

aspirations, the Plan does not identify whether the deliverability of identified projects has been considered in detail. In particular, I note representations made on behalf of Sunley Estates Ltd with regard to the provision of a recreation ground in this respect.

63. I am not satisfied that the mechanisms are in place to deliver the proposed community facilities. Therefore, I recommend the list in paragraph 100 is modified to explain the proposed deliverability of identified projects and prioritise the projects. In accordance with the Planning Practice Guidance, the Parish Council is required to work closely with CDC to agree priorities for spending the neighbourhood funding element of CIL. I will leave the revised wording of paragraph 100 to these parties.
64. The transitional period under the Community Infrastructure Levy (CIL) Regulation 123(3) in The Community Infrastructure Levy Regulations 2010 (as amended), after which Section 106 planning obligations designed to collect pooled contributions, may not lawfully be used to fund infrastructure which could be funded from CIL, ended on 6 April 2015. Only very limited pooled contributions (in respect of up to five separate planning obligations that relate to planning permissions granted for development within the area of the charging authority) are now permitted towards infrastructure which could be funded from CIL. If the five-obligation limit has already been exhausted, further obligations will be considered to amount to a tariff which should be implemented through CIL. Whilst this does not preclude contributions via Section 106 agreements, due to this restriction on the use of Section 106 contributions, to have regard to national policy, I recommend deletion of the last two sentences in Policy CDP 1.
65. To have regard to the NPPF, contributions should not make development unviable. Therefore, I recommend modification to the first paragraph in Policy CDP 1 to include reference to contributions being subject to the guidance set out in the National Planning Policy Framework, including the ability for development to be delivered viably.
66. Representations on behalf of Sunley Estates Ltd have suggested that Policy CDP 1 be modified to specifically refer to the possibility of on-site provision of community facilities. As the second sentence in Policy CDP 1 refers to the possibility of provision via a Section 106 agreement, I consider Policy CDP 1 allows for on-site provision. Thus, I do not consider it necessary to modify Policy CDP 1 in this respect.
67. Policy CDP 1 refers to a list of aspirations in paragraph 102. This list is actually found in paragraph 100 and indeed that paragraph number may alter as part of my suggested modifications to the Plan. In the interest of precision, the correct paragraph number should be referred to.
68. The Settlement Area is not the same as the Plan Area. To avoid confusion, in the interest of clarity, I recommend deletion of reference to the Settlement Area Map 2 in Policy CDP 1.
69. **Recommendation, to meet the Basic Conditions, I recommend:**

**modification to paragraph 100 to explain the proposed deliverability of identified projects and prioritise the projects; and**

**modification to Policy CDP 1 to read as follows:**

**Planning applications for new developments within the Plan Area must demonstrate that they can contribute towards the delivery of community development. This may be through contributions via a Section 106 agreement or through payment of any future Community Infrastructure Levy (CIL), where applicable, subject to the guidance set out in the National Planning Policy Framework, including the ability for development to be delivered viably.**

**Contributions secured as a result of new development within the Plan Area shall be prioritised towards the delivery of community objectives in the priority list of aspirations in paragraph [xx] of this document, wherever possible.**

## **POLICY CDP 2**

70. The NPPF explains that the Government is committed to securing economic growth. Policy CDP 2 has regard to this commitment. For clarity, I recommend modification to the wording of the first bullet point to ensure that it refers to development being in keeping with the scale of development in the rest of the village.
71. Reference to the Lion Park development in paragraph 58 mentions ‘the plan’. I assume this is a reference to the plan for development of that site. In the interest of clarity, I recommend modification to this text to avoid confusion.
72. Representations on behalf of Taylor Wimpey has requested further detail in paragraph 58 regarding existing employment and has requested reference to paragraph 22 in the NPPF with regard to long term protection of employment sites. To meet the Basic Conditions, I do not consider it necessary to expand details in paragraph 58, nor do I consider it necessary to refer to paragraph 22 in the NPPF in this particular instance, as Policy CDP 2 is concerned with the provision of future employment sites, rather than the protection of existing ones.
73. **Recommendation: in the interest of clarity, to meet the Basic Conditions, I recommend:**

**modification of the last sentence of paragraph 58 to read as follows:**

**The recent Lion Park development has provision for a number of small commercial units and planning permission was granted for the development taking this into account.**



**modification to the first bullet point in Policy CDP 2 to read as follows:**

**The scale of the development should be in keeping with the scale of development in the rest of the village and other businesses elsewhere within the Plan Area.**

## **Housing**

### **POLICY H1**

74. The title to this section is 'Local occupancy conditions of affordable housing'. The paragraphs accompanying Policy H1 make it clear that Policy H1 is concerned with affordable housing. However, Policy H1, as written, is not concerned with local occupancy conditions or restricted to affordable housing.
75. In the interest of clarity, I recommend modification to Policy H1, to ensure that it specifically refers to local occupancy conditions for affordable housing.
76. Paragraph 60 refers to the requirement for a 30% allowance of affordable housing on sites of more than 5 dwellings. However, this is not written as a policy requirement in Policy H1 and is not in general conformity with Local Plan Policy 34. Thus, in the interest of clarity, I recommend deletion of this reference in the text and the second sentence in paragraph 60 should be modified to refer to any affordable housing.
77. **Recommendation: to meet the Basic Conditions, I recommend:**

**Modification to paragraph 60 to read as follows:**

**Any affordable housing will be provided for individuals in need with preferably a local connection and in perpetuity as agreed with the Parish Council.**

**modification to Policy H1 to read as follows:**

**In the event of applications for new housing within the Plan Area (including affordable housing), the needs and access of local people to a range of housing will be reinforced wherever appropriate through the inclusion of a local occupancy clause for any affordable housing.**

### **POLICY H2**

78. Paragraph 50 in the NPPF seeks the provision of a '*mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community*'. Policy H2 has regard to this requirement. In the interest of clarity, I propose modification to the second sentence to clarify that it relates to residential development.

79. **Recommendation: to meet the Basic Conditions, I recommend modification to Policy H2 to read as follows:**

**Where appropriate, proposals for new residential development should seek to demonstrate that the types of dwellings proposed respond to local requirements in terms of type and size. As such, any new proposed residential development will be expected to comprise of an appropriate variety of dwelling sizes and types in accordance with the Strategic Housing Market Assessment. The emphasis will be on dwellings to include adequate private external amenity space.**

### **POLICY H3**

80. This policy overlaps with Policy CDP 1 regarding the provision of community development. The accompanying paragraphs 65 and 66 refer to flooding, which is covered in Policy EM1. In the interest of clarity, I recommend deletion of Policy H3 and accompanying paragraphs. Should the Parish Council wish to incorporate appropriate sections of paragraphs 65 and 66 into the accompanying paragraphs to Policies CDP 1 and EM1, this would meet the Basic Conditions. I will leave this to the Parish Council to decide.
81. **Recommendation: to meet the Basic Conditions, in the interest of precision and enforceability, I recommend the deletion of Policy H3.**

### **Design Standard**

#### **POLICY DS1 and Policy DS2**

82. These two policies set design standards for new development. In the interest of precision, I recommend modification to the second bullet point in Policy DS1 by reference to the need to ensure adequate provision of infrastructure. The fourth bullet point is not necessary as this is covered in Policies H1, H2 and CDP 1.
83. In the interest of clarity, I recommend modification to the fifth bullet point in Policy DS1 as suggested by CDC replacing *blends in with rural aspect* with *takes account of the character and appearance of the rural area*. Likewise, the rural aspect on the last bullet point should be similarly altered. The eighth bullet point refers to preventing coalescence with Southbourne and Bosham, both lying outside the Parish. As the Plan has no influence over planning matters in adjoining parishes, I recommend deletion of this bullet point.
84. Policy DS2 seeks to ensure high quality design. Chichester Harbour Conservancy has requested that the full reference to their design guidance is included in the second bullet point. In the interest of precision, I agree that this should be included. In the interest of clarity, I recommend deletion of the fourth bullet point in Policy DS2, as sustainable drainage is already mentioned in detail in Policy EM1.



85. In the Written Ministerial Statement of 25 March 2015 the Government announced that it is not now appropriate to refer to the performance of new dwellings in neighbourhood plans. Therefore, I recommend deletion of bullet point five in Policy DS2, with regard to low carbon emissions.
86. The separation of design standards into two Policies DS1 and DS2 does not clearly identify the design criteria against which all new development proposal should be assessed. In the interest of clarity and subject to modifications recommended above, I consider it necessary to combine these two policies into a new Policy DS1.
87. Subject to my suggested modifications, the new amalgamated Policy DS1 and DS2 would ensure high quality design, which is a core principle in the NPPF. As such, it would have regard to national policy.
88. **Recommendation: to meet the Basic Conditions, I recommend modification to Policies DS1 and DS2 to read as follows in one new Policy DS1:**

**Where appropriate, proposals for new development will be assessed against the following criteria. (Note, criteria 1-8 do not apply to extensions or modifications to existing buildings):**

- 1) the development scheme must demonstrate how it will integrate in to the existing surroundings;**
- 2) It must ensure adequate provision of infrastructure;**
- 3) Access to public transport will need to be clearly identified within the scheme;**
- 4) The scheme will need to demonstrate it meets the requirements of all the policies of this plan and takes account of the character and appearance of the rural area and historical environment of the area;**
- 5) Establishes a strong sense of place;**
- 6) Creates a safe and accessible environment where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion;**
- 7) The development design should demonstrate a good street layout with adequate parking and low vehicle speed and good access for emergency vehicles and refuse collection;**
- 8) The development should have well defined public and private spaces and maintain the local rural character and appearance of the area with trees and hedges rather than fences;**
- 9) responding to the semi-rural nature of the parish, and reflecting the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;**

- 10) using good quality materials that complement the existing palette of materials used within the parish (see also design guidance in AONB Design Guidelines for New Dwellings and Extensions on the Chichester Harbour Conservancy web site [www.conservancy.co.uk](http://www.conservancy.co.uk) for material recommendations within the Chidham Peninsula);
- 11) being visually attractive through good architecture and appropriate landscaping;
- 12) making provision for adequate external amenity space including refuse and recycling storage and car and bicycle parking to ensure a well-managed and high quality streetscape;
- 13) restricting houses to 2 storeys unless there is a strong justification; and
- 14) avoiding apparent excessive bulk of houses by careful design of roof elevations.

### **POLICY DS3**

- 89. This policy seeks to provide adequate off-street parking. The West Sussex Car Parking Demand Calculator allows for on-street parking. Therefore, for the first sentence not to appear contradictory, I recommend modification to indicate that *parking provision*, rather than *off-road parking provision*, should be in accordance with this Calculator.
- 90. The second sentence in Policy DS3 is not clear. I recommend modification to state that wherever possible, development proposals should include provision for adequate off-road vehicle parking spaces to facilitate unimpeded road access for other road users, including motor vehicles and pedestrians.
- 91. The last sentence in Policy DS3 refers to the SPA. As Map 2 refers to settlement boundaries rather than SPA, in the interest of clarity, I recommend modification to refer to 'settlement boundaries'.
- 92. **Recommendation: to meet the Basic Conditions, I recommend modification to Policy DS3 to read as follows:**

**All new housing developments are expected, unless it can be demonstrated otherwise, to include parking provisions in accordance with the West Sussex guidelines for Car Parking in Residential Developments and the Car Parking Demand Calculator. Wherever possible, development proposals should include provision for adequate off-road vehicle parking spaces to facilitate unimpeded road access for other road users, including motor vehicles and pedestrians. Proposals that do not demonstrate adequate off-road parking will not be supported in instances where the Local Planning Authority identifies that additional on-street parking will be detrimental to highways safety or impede access for public transport, emergency**

**vehicles or any other service vehicles. This policy applies to all proposals within the Settlement Boundaries as well as the wider Plan area.**

#### **POLICY DS4**

93. In the Written Ministerial Statement of 25 March 2015 the Government announced that it is not now appropriate to refer to the Code for Sustainable Homes in neighbourhood plans. Thus, to have regard to national policy, I recommend deletion of Policy DS4 and accompanying text.
94. **Recommendation: to meet the Basic Conditions, I recommend deletion of Policy DS4 and accompanying text.**

#### **POLICY DS5**

95. I suggest a minor modification to Policy DS5, removing the comma after 'landscaping'. This is not a requirement to meet the Basic Conditions. Policy DS5 is in general conformity with strategic policies in the Local Plan and contributes to the achievement of sustainable development.
96. Paragraph 79 refers to Local Green Space and is repeated in paragraph 82 accompanying the Local Green Space Policy R1. In the interest of clarity, paragraph 79 should be replaced with a paragraph explaining the purpose of Policy DS5 is to safeguard existing trees. I will leave the precise wording to the Parish Council.
97. Suggestions have been made to widen this policy to incorporate all development, rather than just residential development and to include the protection of other on-site habitats. Neighbourhood Plans are not required to include policies on all matters of land use planning. Whilst such suggested additions would be welcome to ensure further protection of the natural environment, in their absence, development proposals are required to accord with Local Plan Policies. In this instance, Local Plan Policy 49 is of particular relevance.
98. **Recommendation: in the interest of clarity, to meet the Basic Conditions I recommend:**  
**deletion of paragraph 79 and replacement with a paragraph explaining the purpose of Policy DS5 is to safeguard existing trees.**

## Recreation

### POLICY R1

99. Paragraph 77 in the NPPF states that: *The Local Green Space designation will not be appropriate for most green areas or open space. The designation should only be used:*

*where the green space is in reasonably close proximity to the community it serves;*

*where the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and*

*where the green area concerned is local in character and is not an extensive tract of land.*

100. I have visited each of the proposed Local Green Space sites. It is clear that the proposed Local Green Spaces at Maybush Copse and The Dell meet the criteria for Local Green Space designation. The other sites identified are R1a: Land to the north of the Taylor Wimpey development in Broad Road and R1b: Land to the south of the development on the area known as Wakefords Field, Broad Road.
101. The proposed Local Green Spaces R1a and R1b are currently fields and I understand that it is the intention that these areas will be laid out to provide open spaces in association with neighbouring residential development. At the present time, I have not been provided with justifiable evidence to clearly indicate that these sites in their present state are currently special to the local community and hold a particular local significance. When the open spaces have been laid out, they may well meet the criteria for designation as Local Green Space. Until such time as they are laid out; they do not.
102. The NPPF states that Local Green Spaces should only be designated when a plan is prepared or reviewed. Sites R1a and R1b can be assessed against the criteria in the NPPF in a review of the Plan once the sites are developed. Therefore, I recommend the deletion of these two sites from Policy R1 and Map 4.
103. Paragraph 81 does not describe the purpose of Policy R1. Instead it identifies a shortfall in recreation provision. In the interest of clarity, I recommend the deletion of paragraph 81 and replacement with a description of the purpose of the Local Green Space designations. I will leave the precise wording to the Parish Council.
104. In the interest of clarity, the boundaries of Maybush Copse and The Dell should be identified on a map to replace Map 4, at a more detailed scale.
105. **Recommendation: to meet the Basic Conditions I recommend:**

**The deletion of paragraph 81 and replacement with an explanation of the purpose of the Local Green Space designations;**

**replacement of Map 4 with a detailed map identifying the boundaries of Maybush Copse and The Dell; and**

**modification to Policy R1 to read as follows:**

**(See Map 4 Green Spaces)**

**Subject to the provisions for Local Green Spaces contained within the NPPF paragraphs 76 and 77, the following land has been identified and will be designated as ‘Local Green Space’ for the use of the community:**

**R1a: Maybush Copse.**

**R1b: The Dell.**

## **POLICY R2**

106. Paragraph 75 in the NPPF states: *Planning policies should protect and enhance public rights of way and access. Local authorities should seek opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.*
107. Policy R2 has regard to national policy as it seeks to protect and enhance existing public rights of way and means of public access.
108. I have noticed minor grammatical errors in paragraph 84.

## **POLICY R3**

109. Policy R3 supports the identification of sites for allotments and community gardens. In order for this to be a land use policy, as required in the Regulations, I recommend that the policy is modified to support ‘the provision of’, rather than ‘the identification of’, such sites.
110. There is a minor grammatical error in paragraph 85.
111. **Recommendation: to meet the Basic Conditions, I recommend modification to Policy R3 to read as follows:**

**The Plan supports the provision of suitable sites for allotments and/or community gardens. Such sites should be located close to the main body of the community and provide easy access by a variety of means of travel.**

## Assets

### POLICY AP1

112. The National Planning Policy Framework advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Subject to modification recommended below, Policy AP1 has regard to national policy.
113. English Heritage is now Historic England and should be referred to as such in paragraph 87. This is a minor editorial matter.
114. Historic England has stated that there are 22, not 20, listed buildings in the Parish and one is Grade II\*. In the interest of clarity, I recommend modification to the last sentence in Policy AP1 to reflect this. In addition, as this sentence is a statement, rather than a land use policy intention, I recommend that it is included in the preceding paragraph 87, rather than within Policy AP1.
115. **Recommendation: to meet the Basic Conditions I recommend:  
the last sentence in Policy AP1 is included in paragraph 87 and refers to 22 listed buildings; and  
modification to Policy AP1 to read as follows:  
The significance of designated Heritage Assets within the Parish must be recognised and given the requisite level of protection.**

### POLICY AP2

116. This is not a land use policy. Thus, to meet the Basic Conditions, I recommend the deletion of this policy.
117. CDC is obliged to hold a Register of Assets of Community Value. In order for the identified buildings to be included in the Register, it is necessary that these buildings are nominated for inclusion and that CDC accepts the nominations.
118. I sought clarification from CDC as to whether any of the community assets listed under this policy is on the CDC Register and CDC confirmed that they were not. If the Parish Council wishes to retain reference to these properties and an indication that they will be nominated for inclusion in the CDC Register, I suggest such a reference is included in the Monitoring and Delivery Section.
119. The index and paragraph 89 refer to Policy AP3. I assume that policy was in a previous draft of the Plan. The reference should be deleted from the index. This is a minor editorial matter.

120. **Recommendation: to meet the Basic Conditions, as this is not a land use policy, I recommend the deletion of Policy AP2 and accompanying text from the Land Use Policies Section.**

**If the Parish Council wishes to indicate that the properties listed in paragraph 90 will be nominated for inclusion in the CDC Register of Assets of Community Value, this can be referred to in the Monitoring and Delivery Section of the Plan.**

### **Monitoring and Delivery and Appendices**

121. I note that it is the intention to review the Plan every five years. Any suggested modifications to these sections have been included in relevant policy comments above.

### **Referendum and the Chidham & Hambrook Neighbourhood Plan Area**

122. I am required to make one of the following recommendations:
- the Plan should proceed to Referendum, on the basis that it meets all legal requirements; or
  - the Plan as modified by my recommendations should proceed to Referendum; or
  - the Plan does not proceed to Referendum, on the basis that it does not meet the relevant legal requirements.
123. **I am pleased to recommend that the Chidham & Hambrook Neighbourhood Plan 2015, as modified by my recommendations, should proceed to Referendum.**
124. I am required to consider whether or not the Referendum Area should extend beyond the Chidham & Hambrook Neighbourhood Plan Area. I see no reason to alter or extend the Neighbourhood Plan Area for the purpose of holding a referendum.

### **Minor Modifications**

125. The Plan is a well-written document, which is easy to read. Where I have found minor grammatical or editorial errors, I have identified them above.

**Janet Cheesley**

**Date** 15 December 2015

## Appendix 1 Background Documents

The background documents include

The National Planning Policy Framework (2012)  
The Planning and Compulsory Purchase Act 2004  
The Localism Act (2011)  
The Neighbourhood Planning Regulations (2012)  
The Neighbourhood Planning (General) (Amendment) Regulations 2015  
The Planning Practice Guidance (2014)

Chichester Local Plan: Key Policies 2014-2029 adopted on 14 July 2015  
Report On The Examination Into Chichester Local Plan May  
2015

Supporting Documentation:

Chidham & Hambrook Neighbourhood Plan Consultation Statement  
(Submission July 2015)  
Chidham & Hambrook Parish Neighbourhood Development Plan Basic  
Conditions Statement (Submission July 2015)  
Summary of Regulation 14 responses  
Chidham & Hambrook Neighbourhood Plan Strategic Environmental  
Assessment Opinion Screening Determination under Regulation 9 and  
Schedule 1 of the Environmental Assessment of Plans and Programmes  
Regulations 2004 dated 17 December 2014

Regulation 16 Representations received from:

Highways England  
Historic England  
Marine Management Organisation  
Portsmouth Water  
Sport England  
Waverley Borough Council  
Chichester Harbour Conservancy  
Boyer on behalf of Taylor Wimpey  
SPP on behalf of Sunley Estates Ltd  
Natural England  
A Shepherd  
Chichester District Council