

Chichester District Council Local Planning Authority

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

2. Background

- 2.1 The Birdham Neighbourhood Development Plan relates to the area that was designated by Chichester District Council as a neighbourhood area on 4 December 2012. This area is coterminous with the Birdham Parish Council boundary that lies within the Chichester District Council local planning authority area.
- 2.2 Following the submission of the Birdham Neighbourhood Plan to the Council, the plan was publicised and representations were invited. The publicity period ended on 12 February 2015.
- 2.3 Ms Janet Cheesley was appointed by Chichester District Council, with the consent of Birdham Parish Council, to undertake the examination of the Birdham Neighbourhood Development 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 Birdham 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 Birdham Parish Council

POLICY	MODIFICATION RECOMMENDED	JUSTIFICATION
All text	Modification to the text throughout the Plan to reflect the current development plan situation and for existing references to the emerging Local Plan to be replaced with references to the adopted Local Plan as appropriate.	For precision and to meet the Basic Conditions.
Policy 1: Heritage Assets and Their Setting and Appendix 7.1	Recommend that the listing in Appendix 7.1 is checked and corrections made where appropriate and modification to the first sentence of Policy 1 to read as follows: Any development must conserve or enhance the heritage assets of the Parish and their setting, including maintaining settlement separation.	To meet the Basic Conditions.
Policy 2: Archaeological Sites	Modification to Policy 2 to read as follows: Non householder development on previously undeveloped land must allow for the investigation and the preservation of archaeological remains and protect recognised sites of archaeological importance,	To meet the Basic Conditions.

	where appropriate.	
Policy 3: Habitat Sites	<p>Recommend the following:</p> <p>the inclusion of a key with the Green Infrastructure/Ecology Network Map;</p> <p>the deletion of this last sentence in the second paragraph of the supporting text - ‘This approach is in line with English Nature’s Green Infrastructure Guidance’;</p> <p>and</p> <p>modification to the first paragraph in Policy 3 to read as follows:</p> <p>Development must avoid harming existing ecological assets i.e. the habitats and dependent local biodiversity, with the recognised wildlife corridors and stepping stones (including those identified in the Green Infrastructure/Ecology Network Map) in accordance with Local Plan Policies 49 and 52.</p>	To meet the Basic Conditions and for clarity.
Policy 4: Landscape Character and Important Views	<p>Recommend:</p> <p>the deletion of the second sentence ‘any development that intrudes into the landscape character must be appropriate’;</p> <p>the last bullet point to be deleted and replaced with –‘views north from B2179 between Bell Lane and Shipton Green Lane’; and</p> <p>the inclusion of a map within this section of the Plan showing the particular areas identified in Policy 4, and a cross reference to this map in Policy 4.</p>	In the interests of precision and to meet the Basic Conditions.
Policy 5: Light Pollution	Recommend the deletion of the last sentence in the third supporting paragraph accompanying Policy 5.	In the interests of clarity.
Policy 7: Integration & Sense of Community	<p>Modification to Policy 7 to read as follows:</p> <p>New residential development must be designed to integrate well into the existing community and should provide</p>	To meet the Basic Conditions.

	<p>good pedestrian routes, preferably from more than one access. Consideration must be given to connectivity and permeability as expressed in Policy 11. Site layouts must be designed to provide safe routes to schools and other local amenities, giving consideration to footpaths and other off-site schemes, where appropriate. Any leisure provision within or associated with a residential development must be designed to encourage use by both future residents of the development and existing local residents.</p>	
Policy 9: Traffic Impact	<p>Modification to Policy 9 to read as follows: Any new development within the Parish with a significant traffic impact will only be supported if that impact can be mitigated via developer contributions to measures agreed with the highway authority. Traffic impact includes effects of adverse road safety, congestion and pollution on both the main roads and rural lanes.</p>	To meet the Basic Conditions.
Policy 10: Footpaths and Cycle paths	<p>Modification to Policy 10 to read as follows: Any development must protect the existing cycle and pedestrian network. New development with significant traffic impact will be expected to contribute, via developer contributions, to the enhancement of the footpath and cycle network within the Parish in order to:</p> <ul style="list-style-type: none"> - enable safe and easy pedestrian access to amenities, especially the Village Store & Post Office, Village Hall, Playing Field and Church. - provide and maintain a safe and suitable cycle path network for both commuting to work (e.g. Chichester) and recreational use as part of a wider network of cycle routes beyond the Parish. 	To meet the Basic Conditions.
Policy 11: Village Severance	<p>Modification to Policy 11 to read as follows: ensuring roads and paths are connected and permeable to offer safe pedestrian and cycle access and the avoidance of cul-de-sac developments.</p>	To meet the Basic Conditions.

Policy 12: Housing Development	Recommend updating of the planning position for the allocated sites where appropriate in Policy 12.	To meet the Basic Conditions.
Policy 13: Settlement Boundary	Modification to Policy 13 to read as follows: The Settlement Boundary Area (SBA) for Birdham has been reviewed and the revised boundary is shown on the map below. Within the SBA, development that complies with other policies in this plan will be permitted. Outside of the SBA is deemed to be rural.	In the interests of precision, to meet the Basic Conditions.
Policy 14: Windfall Sites	Modification to Policy 14 to read as follows: The Neighbourhood Plan will support proposals for ‘windfall’ development, defined as schemes of 5 or fewer dwellings, within the Settlement Boundary Area, provided: - the quantum of dwellings and their site coverage will not be an overdevelopment of the site in relation to the characteristics of neighbouring sites in respect of built form, massing and building line - the scheme meets the requirements of the Chichester Harbour Conservancy Management Plan where applicable - the development preserves open views in accordance with Policy 4 - the development protects the residential amenity of neighbours - the scheme will not adversely affect any Heritage assets as set out in Heritage Policies 1 & 2 - that the scheme will not result in the loss of valuable trees, hedges or other natural features that form part of the character of the Parish and the Biodiversity is maintained or enhanced in line with Environment Policies 4 & 6 - the development is well integrated with the existing village and enhances the facilities in line with Community & Leisure Policies 7 & 8.	To meet the Basic Conditions.
Policy 15: Rural Area	Modification to the first paragraph of Policy 15 to read as follows: Development within the rural area will be in accordance with the NPPF	In the interests of clarity and precision, to meet the Basic Conditions.

	<p>paragraph 55, Local Plan Policy 45 and the General Permitted Development Order. The re-use of farm and rural buildings outside the Settlement Boundary for agricultural/ horticultural/ business purposes or to provide dwellings for agricultural workers, which is not allowed under the General Development Order, will be supported subject to the following criteria:</p>	
<p>Policy 16: Housing Density and Design</p>	<p>Modification to the first paragraph of Policy 16 to read as follows: Any residential development as described in Policies 12 & 14 will be supported provided:</p> <ul style="list-style-type: none"> - it is of a density that reflects Birdham’s character as a rural village settlement rather than an urban one giving an impression of space, with uniform houses and plots being avoided - the design of housing (including outside of the Chichester Harbour AONB) must comply with the Chichester Harbour Conservancy ‘Design Guidelines for New Dwellings and Extensions’ where applicable and adopt the principles as set out in Building for Life 12 - the design and materials are in keeping with the individual character and local distinctiveness of the Parish through building styles, which should be diverse and make a valuable contribution to the rural character of the village. - a satisfactory road access - off street car parking in accordance with current parking standards unless there is justified evidence to indicate otherwise - the disposal of Surface Water and Wastewater is in line with Drainage Policies 18-21. - landscaping complies with the Chichester Harbour Conservancy Design Guidelines where applicable. <p>Any development within Birdham Parish that is adjacent or close to other Parishes must give consideration to their design statements, character appraisals or management proposals.</p>	<p>To meet the Basic Conditions.</p>

<p>Policy 17: Housing Need</p>	<p>Recommend: modification to the accompanying text by the deletion of the first sentence regarding 30% affordable housing provision and the updating of the number of affordable homes to be provided from current planning permissions;</p> <p>and</p> <p>modification to Policy 17 to read as follows: Any development must contain a mix of housing sizes and types to suit the demographic characteristics and requirements of the Parish, and social and affordable housing must be allocated in accordance with the Chichester District Council Allocations Scheme.</p>	<p>In the interests of clarity, to meet the Basic Conditions.</p>
<p>Policy 18: Flood Risk Assessment</p>	<p>Modification to the Policy 18 to read as follows: Inappropriate development in areas of flood risk zones 2 & 3 as identified by the Environment Agency flood risk maps should be avoided in accordance with the NPPF. Development in areas within Flood Zone 1, which have critical drainage problems, (as notified to Chichester District Council by the Environment Agency), should be subject to a site-specific Flood Risk Assessment. Where appropriate, Exception Tests must be applied, taking into account the effect of extreme weather conditions and any adverse impact on neighbouring areas. Measures must also be taken to ensure that local flooding does not take place due to a rise in the water table.</p>	<p>To meet the Basic Conditions.</p>
<p>Policy 21: Wastewater Disposal</p>	<p>Modification to the Policy 21 to read as follows:</p> <p>Any development will be permitted only if the sewer network can accommodate the additional demand for sewerage disposal either in its existing form or through planned improvements to the system in advance of the construction of the development. Planning proposals will not be supported unless it can be</p>	<p>To meet the Basic Conditions.</p>

	<p>shown by rigorous analysis that there is sufficient capacity in the local sewerage system and that any new connections will not increase the risk of system back up/flooding.</p> <p>On individual sites, planning permission will be granted provided the necessary wastewater infrastructure is either available or can be provided prior to the first occupation of the development. The planning authority will consult Southern Water on major applications and planning conditions will be imposed, if necessary to ensure that, in advance of any construction work:</p> <ul style="list-style-type: none"> - Sidlesham Waste Water Treatment Works has sufficient headroom capacity judged on the basis of national industry-wide standards - a connection is provided to the existing local sewerage network at the nearest point of adequate capacity, or if a connection cannot be reasonably made, developers will need to provide alternative and proven methods of treating and disposing of wastewater that meet Environment Agency requirements and water quality objectives - the whole route to the Waste Water Treatment Works has adequate capacity and the risk of flooding is not increased in wet weather conditions - a management plan is provided for future maintenance of any on-site wastewater treatment systems - discharge into Pagham harbour and the rifes at Medmerry meet Environment Agency requirements so that they do not endanger the ecology. 	
<p>Policy 22: Development for Business Use</p>	<p>Modification to the second paragraph of Policy 22 to read as follows: Support will also be given for small-scale development of buildings for business use within the Settlement Boundary Area, provided they conform to the CHC Design Guidelines where applicable and are in character with the existing or neighbouring buildings. Small-scale conversions or extensions to buildings, e.g. for home workers, must demonstrate that they are required for business use.</p>	<p>In the interests of clarity, to meet the Basic Conditions.</p>

<p>Policy 23: Retention of Businesses</p>	<p>Modification to the second paragraph of Policy 23 to read as follows: Support will be given to the retention of the Village Shop and Post Office (A1 shop unit) against any proposals for redevelopment or change of use in accordance with Local Plan Policy 38. Proposals that adversely affect businesses related to the marine heritage of Birdham (i.e. Birdham Pool & Chichester Marina) will be discouraged.</p> <p>Support will be given to the retention of all business related to tourism, marine, horticulture and agriculture against any proposals for redevelopment or for a change of use in accordance with Local Plan Policies 3 and 26. Accordingly, proposals for development must not have a significantly adverse impact on the tourism, marine, farming and horticultural businesses.</p>	<p>To meet the Basic Conditions.</p>
<p>Policy 24: Broadband and Telecommunications</p>	<p>Modification to Policy 24 to read as follows: Support will be given to proposals to provide access to a super-fast broadband service and improve the mobile telecommunication network that will serve businesses and other properties within the Parish. This may require above ground network installations, which must be sympathetically located and designed to integrate into the landscape in accordance with Policy 4.</p>	<p>In the interest of precision, to meet the Basic Conditions.</p>

4. Conclusion

- 4.1 The Authority (Chichester District Council) confirms that the Birdham 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 Birdham Parish Neighbourhood Plan can now proceed to referendum.
- 4.2 It is recommended that the Birdham Parish Neighbourhood Development Plan 2014-2029 should proceed to referendum based on the neighbourhood area defined by Chichester District Council on 4 December 2012.
- 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.