

Birdham Neighbourhood Plan Regulation 16 Consultation Responses

Summary of representations received by Chichester District Council (CDC) as part of Regulation 16 publication and submitted to the independent examiner pursuant to paragraph 9 of Schedule 4B to the 1990 Act

Parish Name: Birdham Parish Council

Consultation Date: 11 December 2014 to 12 February 2015

Please note: CDC comments are submitted as a separate document (reference 018)

All the original representation documents are included, in full, as part of the examination pack. The table below may be a summary of the representations received so may not always be a verbatim report.

Name and Reference	Date received	Method of submission	Summary of representation
Christopher Mead-Briggs (001)	02.02.15	Email	<p><u>Paragraph 3 - Support with modifications</u> As part of the preparation of the West Itchenor Village Design Statement an agreement was obtained from Birdham Parish Council to the inclusion of the “Zone of influence”. This allows West Itchenor Parish Council to respond to planning applications within the zone guided by the content of the revised Village Design Statement. Refers to the “Zone of Influence” on page 32, last paragraph. More appropriate to make mention of the agreement earlier, Chapter 3 in a new paragraph 3.8. A map of the zone could be added to Chapter 7. <u>Improvements/modifications</u> Suggests wording for new paragraph and plan to be included in Chapter 7. Concerns regarding Policy 22. Additional sentences should be added as appear in policy 15.</p>
English Heritage (002)	11.02.15	Email	<p><u>Paragraph 3.1 – Support</u> Suggest that specific mention could be made that the list of buildings and sites of architectural significance, local distinctiveness and character and historic importance is set out in Policy 1, although we also suggest that it might be preferable to set these out in an appendix to the Plan rather than in the Policy, as an appendix might be easier to update. We would also like to see more detail of the archaeological interest of the parish, with a reference to the Chichester Historic Environment Record. Reference could also be made to the Sussex Historic Landscape Character Assessment.</p>

			<p>We find the description of the history and character of the various areas in the parish particularly interesting as English Heritage considers that Neighbourhood Development Plans should be underpinned by a thorough understanding of the character and special qualities of the Plan area. A characterisation study can help inform locations and detailed design of proposed new development, identify possible townscape improvements and establish a baseline against which to measure change. We promote the use of characterisation toolkits such as “Placecheck”, “Understanding Place” or the Oxford Toolkit. It would be helpful to show these areas on a map in the Plan. (See also our comments on Policy 4).</p> <p><u>Improvements/modifications</u> Include a reference to the list of buildings and sites of architectural significance, local distinctiveness and character and historic importance set out in Policy 1 (or in an appendix) in this paragraph.</p> <p>Include more detail on the archaeological interest of the parish with a reference to the Chichester Historic Environment Record.</p> <p>Include a reference to the Sussex Historic Landscape Character Assessment.</p> <p><u>Paragraph 3.8 – Support</u> Welcomes the identification of “rich heritage” as one of the strengths of the Parish in the SWOT analysis.</p> <p><u>Paragraph 4.1 – Have comments</u> English Heritage is disappointed that the Vision Statement contains no specific reference to the historic environment of the parish being conserved and enhanced. This is surprising given that the Summary of the Plan states that “Heritage is a fundamental quality of the Parish” and that the SWOT analysis identifies “rich heritage” as one of the Parish’s strengths.</p> <p><u>Improvements/modifications</u> Proposed additional wording to the Vision.</p>
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Environment Agency (003)	03.02.15	Email	<p>Recognise that housing allocations are proposed but note that they have already gained planning permission. We make no further comments.</p> <p>Support the inclusion of policies in relation to biodiversity and habitat improvement as well as those in relation to drainage. Would however like to make the following comments;</p> <p><u>Policy 18</u> Policy 18 makes a requirement for anyone proposing development in Flood Zone 1 to submit a Flood Risk Assessment. This is a much stricter requirement than that under the NPPF and it is not clear what the purpose of this will be. It is recognised that there are specific issues within the parish in relation to surface water flood risk and the policy also makes reference to the “wet spots” identified in the map in Appendix 7.3. The policy may be clearer if the requirement for an FRA outside of Flood Zones 2 and 3 is directed solely to those areas not the entire area of Flood Zone 1. On a practical note consideration should also be given as to who would review those Flood Risk Assessments as part of the determination of any planning application.</p> <p><u>Policy 21 – Wastewater disposal</u> We support the intention of this policy. However, we note there is specific reference made to on-site wastewater treatment within the policy text. We expect developments discharging domestic sewage to connect to the public foul sewer where it is reasonable to do so. The Environmental Permitting Regulations 2010 also specify that a small sewage discharge to water or groundwater is only exempt from the requirement for a permit if it “cannot reasonably, at the time it is first made, be made to the foul sewer”. This requirement is in addition to the environmental considerations of an individual discharge.</p>

Homes & Communities Agency (004)	16.12.14	Email	The Agency does not have any asset holdings within this area and therefore our comments and involvement is limited. However, the Agency supports the principles contained within Neighbourhood Plans in relation to the creation of successful places by increasing the supply of housing and jobs and ensuring that these meet the needs of the local community and provision of a high quality sustainable community.
Itchenor Society (005)	02.02.15	Email	Comments as per Christopher Mead-Briggs (001) received 02/02/2015.
Natural England (006)	11.02.15	Email	Minor comments: <ul style="list-style-type: none"> • “and stepping stones” should be inserted following “corridors” in Policy 3 • I assume the term public right of way in Policy 4, includes all routes and spaces (such as greens, common land etc.) • It would be helpful if policies made reference the interim and emerging Local Plan policies relating to the mitigation of recreational disturbance on European designated habitats, where appropriate.
SGN Gas (007)	07.01.15	Email	<p>Have assessed the impact of the proposed future development period 2014-2029 (Strategic Land Allocations Assessment) for a number of sites (refer to main rep document). Conclude that on a whole, SGN Gas infrastructure at the locations would not be significantly impacted by the level of projected development.</p> <p>While information obtained through the provision of Local Authority Development Plans is important to our analysis, it only acts to identify potential development areas. Our principle statutory obligations relevant to the development of our gas network, arise from the Gas Act 1986 (as amended). (Extract provided - refer to main rep document.) Would not develop firm extension or reinforcement proposals until we are in receipt of confirmed developer requests.</p> <p>Reference to requirements and processes should alterations be required to existing assets.</p> <p>Reference to renewable technologies and highlighting the benefits of locating these facilities near existing gas infrastructure.</p>

West Itchenor Parish Council (008)	11.02.15	Email	<p>The Parish Council is pleased to note that some of its recommendations have been incorporated.</p> <p>An error has been noted in Appendix 1. Broken Stone and Hammonds Farm appear to have been incorrectly categorised as Grade I when they are actually Grade II listed buildings.</p>
Sport England (009)	16.12.15	Email	<p>General references to advice included such as NPPF and other documents/guidance.</p>
West Sussex County Council (Highways) (010)	09.02.15	Email	<p>Policies 9 & 10: In both policies, it is specified that mitigation measures are proposed to be funded 'via developer contributions'. This could be restrictive, as it would preclude the delivery of developer led infrastructure projects. Please consider amending these policies to allow for both approaches.</p> <p>Policy 16: This policy aims to set a minimum car parking standard for new residential development. Please note, in some cases this policy could lead to an oversupply particularly with parking provision for flats. It is suggested that the policy is less prescriptive to ensure that there is more flexibility over how the spaces are provided. Please refer to the County Council's Guidance on Car Parking in Residential Developments and the Car Parking Demand Calculator.</p>
Anna Pockney (011)	09.02.15	Email	<p>Proposes a suitable site, Land at Martins Cottage for consideration. Refer to main rep document for full details.</p>
Southern Water (012)	11.02.15	Email	<p>We can find no policies to support the delivery of new or improved infrastructure, which is required to serve new development identified in the Neighbourhood Development Plan (NDP). Without this policy provision, the NDP does not meet the basic conditions necessary for a NDP, namely to have regard to national policies and contribute to the achievement of sustainable development.</p> <p>The adopted Birdham NDP and adopted Chichester Local Plan will inform Southern Water's investment planning. Reference to investment proposals and the provision of new or improved infrastructure. Accordingly, we seek policy provision to support new or improved utility infrastructure should this be required and be in line with the main intention of the NPPF.</p> <p>The assessment contained in the Basic Conditions Statement (accompanying the submission version of the Birdham NDP) does not recognise paragraphs 17 and 157 of the</p>

			NPPF. Our proposed policy provision would address this omission and enable the basic conditions necessary for a NDP to be met. Refer to main rep document.
CBRE Ltd obo Premier Marinas (013)	11.02.15	Email	<p><u>Policy 15</u> Welcomes inclusion of a reference to NPPF para 55. Make reference to bullet 3 of this para. Consider that reference to '<i>agricultural/ horticultural/business purposes or to provide dwellings for agricultural workers</i>' does not reflect this and is confusing when read in conjunction with paragraph 55 of the NPPF. Paragraph 55 of the NPPF does not restrict development in this manner and therefore such a reference should be removed. In scenarios of housing shortfall and sustained under-delivery, managing development within areas outside of the Settlement Boundary Area (SBA) could be crucial to delivering housing.</p> <p>Policy 15 with reference to NPPF paragraph 55, should provide the baseline for further policies in the Neighbourhood Plan, with regard to areas outside of the SBA.</p> <p><u>Policy 12</u> Reference to housing target within the emerging Local Plan. Neighbourhood plan identifies consents for 79 dwellings and states no requirement for additional housing development. This represents a misapplication of the principles of the Local Plan. Reference to the emerging Local Plan updated housing target, OAN and NPPF.</p> <p>The Plan should recognise the need to provide more than enough, not just enough housing supply and should be flexible to allow for additional supply to come forward to meet need.</p> <p>Given an identified housing delivery shortfall, there should be a robust methodology in place to consider allocation further sites or identifying reserve sites.</p> <p>Reference to Neighbourhood Plan Steering Group and review of the plan. There should be a robust assertion as to the circumstances under which a review would be required, to allow flexible response to current conditions. A Local Plan review may be required within the plan period. The mechanism should be in place for the Neighbourhood Plan to respond to this.</p> <p>Reference to response provided to representations made, seeking a 'small sites policy'. Does not appear to be a robust judgement based on the evidence of the emerging District wide-plan. Plan should be written with the needs of the area across the whole plan period in</p>

			<p>mind, and should have proper justification.</p> <p><u>Policy 13</u> It is proposed that a trigger point be inserted for when a boundary review may be required and a mechanism put in place to review the plan.</p> <p><u>Policy 14</u> Reference to district constraints, windfall sites and that historically a significant proportion of housing has come forward on windfall sites. Should be recognised that this may occur at suitable locations outside of the settlement boundary area.</p> <p><u>Policy 16</u> The requirement for at least 2 cars per unit is too onerous and not realistic for smaller units. Seek flexibility of provision in relation to unit size. Policy does not promote sustainable modes of transport. Consideration on a case by case basis. Not considered that the evidence base is robust to justify the approach of the policy.</p> <p><u>Policy 22</u> This policy should recognise employment sites and businesses which are located outside of the settlement boundary area.</p> <p><u>Policy 23</u> It should be recognised that, whilst the existing local economy has certain characteristics, business needs change and adapt, and as such, the policy should contain a level of flexibility to reflect this and bring the policy in line with the NPPF.</p> <p>Marina activities and use can also attract other non-marine related industries and businesses. Similarly not all marine related businesses require a waterside location, reducing demand on such locations. The Policy should include flexibility to allow for alternative business to make efficient use of land.</p> <p><u>Policy 5</u> Seeks an acceptance within the policy that signage relating to economic development is essential. Policy more restrictive than the NPPF. Further flexibility should be added.</p>
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			<p><u>Minor Amendments and Clarifications</u> Premier Marinas suggests that the furthering of marine businesses and Chichester Marina as a key local employer should be included in the 'Opportunities' section on page 14, in line with the business policies proposed.</p>
Paul Knappett (014)	12.02.15	Email	<p>Questions whether Birdham village needs a neighbourhood plan. Reference to AONB and its protection as well as other Plan and Statement options for development. Questions whether Birdham residents were made aware of these facts.</p> <p>Questions whether younger residents were involved in the shaping of the plans.</p> <p>Reference to Dawlish Parish Neighbourhood Plan Examiner's report and whether this is relevant to the Chichester District emerging Local Plan.</p> <p>Concerns regarding resident's questionnaire and business questionnaire.</p> <p><u>Improvement/modifications</u> This neighbourhood plan is greatly flawed and cannot and should not be saved. Should have first had a referendum to decide if they want a neighbourhood plan. If "the majority of the village" did, then a questionnaire should be sent to everyone on electoral roll within the parish. If return rate over 51% then plan should be drafted then have a referendum whether to adopt it.</p>
Susan & Derrick Pope (015)	12.02.15	Email	<p><u>Policy 4 (p.22) – Support with modifications</u> The last bullet point does not appear accurate as the views northward are not from Shipton Green Lane.</p> <p><u>Improvements/modifications</u> Proposed amendment to wording of last bullet point as referenced above.</p> <p><u>Policy 9 (p.29) – Support with modifications</u> There is no statement in the supporting text to the effect that where significant effects cannot be mitigated, permission will be refused. There is nothing to reflect the concern about avoiding visual urbanisation of roads in order to protect the rural character of the area.</p>

		<p><u>Improvements/modifications</u> Proposed wording to the end of policy 9. Proposed paragraph to the supporting text for policy 9.</p> <p><u>Policy 15 (p.31) – Support with modifications</u> Remain concerned about the re-use of buildings within the AONB and would like to see the supporting paragraphs to policy 15 being more explicit as to the Neighbourhood Plan stance.</p> <p><u>Improvements/modifications</u> Supporting paragraphs relating to Policy 15 be extended to include proposed additional comments.</p> <p><u>Policy 22 (p.37) – Support with modifications</u> Consider that other planning considerations should apply, such as those set out in Policy 15.</p> <p>It appears inconsistent that the conversion of buildings in rural areas should not be subject to the same safeguards as the re-use of buildings under the Rural Area Policy. Clarification as to which policy applies when.</p> <p><u>Improvements/modifications</u> Policy 22 amended to make clear that support will be given to such development subject to proposed criterion.</p> <p>Clarification regarding any potential conflict of Policy 22 with Policy 15 where the proposals are outside the settlement boundary area.</p> <p><u>Appendix 7.1 (p.43, para.7) – Support with modifications</u> Incorrect listing of Holt Place</p> <p><u>Improvements/modifications</u> Remove Holt Place from the list of Grade I listed properties.</p>
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<p>MCC Planning obo local resident/landowner (016)</p>	<p>12.02.15</p>	<p>Email</p>	<p><u>Policy 4 – Support with modifications/Have comments</u> There may be sites that may be suitable for delivering housing towards the OAN but this policy may unnecessarily prevent these sites from being brought forward in the future. Therefore the policy should include the direction the viewer is facing i.e. if facing towards the settlement the viewer would expect to see views of dwellings within the settlement.</p> <p><u>Improvements/modifications</u> The policy should include “When facing away from the existing settlement.”</p> <p><u>Policy 12 – Oppose/Have comments</u> Reference to Local Plan, its housing numbers and current status. The Neighbourhood Plan should seek to consider all possible development sites and consider each on its own merits to determine whether the Parish can deliver additional sites.</p> <p>The Plan makes allowances for possible windfall sites, however windfall is not guaranteed. This means that the Neighbourhood Plan does not guarantee any development within the latter part of the plan period to sustainably accommodate any additional housing requirements.</p> <p>Providing windfall sites alone will result in an increase in population without the necessity for these developments to contribute directly to the Parish infrastructure and local amenities.</p> <p>The Neighbourhood Plan group did not undertake a ‘call for sites’.</p> <p>Reference to questionnaire submitted for local community to identify sites. Maps that were issued had some field boundary lines removed. Meant that two smaller parcels of land may not have been perceived correctly and therefore discounted on the basis of incorrect information. Neighbourhood Group contacted who decided that it was unlikely that residents took field boundaries into account. Of the opinion that the local community should have been notified.</p> <p>Neighbourhood Plan has not been prepared positively and should take a more flexible approach to its housing policies.</p>
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			<p><u>Improvements/modifications</u> Take a more flexible approach to housing policies. Carry out a call for sites exercise.</p>
Mr and Mrs de Chair (017)	12.02.15	Email	<p><u>Policy 4 (p.22) Para 5.2 – Have comments</u> Reference to available views from Alandale Road. Plans already discussed with CDC with a view to possibly granting outline consent. Wording of the policy tends to be misleading, since it could be interpreted wrongly to indicate that there are more ‘open views’ than in fact exist.</p> <p><u>Improvements/modifications</u> Suggested amendment to policy wording.</p> <p><u>Policy 15, para 5.5 – Have comments</u> In circumstances where land previously had been used for horticulture, e.g. was classified as Nursery, but subsequently became re-classified as Residential, the wording of the proposed Policy as currently drafted makes no reference to the possibility of consent being supported for individual houses in previously rural areas outside the Settlement Boundary area even though the neighbourhood plan indicates support in principle for such small-scale development.</p> <p><u>Improvements/modifications</u> Proposed extension to the wording.</p> <p><u>Policy 16, Para 5.5 – Have comments</u> <u>Improvements/modifications</u> Should refer also to Policy 15.</p>
Chichester District Council	12.02.15		<p><i>See separate document</i></p>