

# **Bosham Parish Neighbourhood Plan 2014 - 2029**

**Report by Independent Examiner**

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**CHEC Planning Ltd**

**January 2016**

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## Summary and Conclusion

1. The Bosham Parish Neighbourhood Plan 2014 - 2029 has a clear strategy, which includes it being *vital that development does not have any significant adverse impacts on the landscape and views it affords or on the Area of Outstanding Natural Beauty*.
2. I have recommended modification to some of the policies in the Plan. In particular, I have recommended that the housing allocation Policy 2 is deleted. This is primarily because I do not have robust evidence to clearly indicate that the site selection has regard to the statutory duty to ensure that great weight continues to be given to conserving the landscape and scenic beauty of the Area of Outstanding Natural Beauty, which has the highest status of protection.
3. I realise that local people will be disappointed with this recommendation. It is important to note that local people will still be able to get involved with the process of identifying sites to be allocated in a Site Allocation Development Plan Document, which Chichester District Council is to prepare following the adoption of the Local Plan.
4. I have found that there is no robust and credible evidence base to justify the policy approach to affordable housing provision in Policy 3, where it is not in general conformity with strategic Local Plan Policy 34. I have recommended modification to Policy 3 to ensure it is in general conformity with Local Plan Policy 34 in this respect. Modified Policy 3 will provide a practical framework for future housing development requirements in the Parish. I have recommended modifications to other policies in the Plan, many of which are in the interest of clarity.
5. I congratulate local people on their efforts and hard work in the production of this Plan. My recommendations ensure that the Plan meets the Basic Conditions. Subject to my recommendations being accepted, I consider that the Bosham Parish Neighbourhood Plan 2014 - 2029 will provide a strong practical framework against which decisions on development can be made.
6. **Whilst I have set out my reasoning under individual policies, my overall conclusion is that subject to my recommendations, the Plan meets the Basic Conditions. I am pleased to recommend that the Bosham Parish Neighbourhood Plan 2014 - 2029, as modified by my recommendations, should proceed to Referendum.**

## Introduction

7. I was appointed as an independent Examiner for the Bosham Parish Neighbourhood Plan 2014 - 2029 in October 2015.
8. On 18 March 2013 Chichester District Council (CDC) approved that the Bosham Parish Neighbourhood Area be designated in accordance with the Neighbourhood Planning (General) Regulations 2012. The Area covers the whole of the parish of Bosham.

9. The qualifying body is Bosham Parish Council (BPC). The Plan has been prepared by a project team appointed by and reporting to BPC. 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 the criteria and response of screening 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 (the Chichester Local Plan: Key Policies Pre Submission 2014-29).

15. There is a generally accepted HRA methodology for assessing whether there are likely to be significant impacts (screening); if yes, whether these can be mitigated for or compensated for (appropriate assessment) or whether alternative solutions are needed.
16. Later in my Examination Report I recommend the deletion of the housing allocation at Swan Field, for reasons not associated with an HRA. Subject to this modification, on the basis of the particular circumstances of this Neighbourhood Plan, I am satisfied that it is appropriate for this Neighbourhood Plan to rely on the HRA of the Local Plan. Therefore, I consider that this Neighbourhood Plan does not require an assessment for future development under Article 6 or 7 of the Habitats Directive.
17. Taking all of the above, I am satisfied that the Plan is compatible with EU obligations and does not breach the European Convention on Human Rights obligations.

## **Policy Background**

18. *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.
19. Bosham Parish is within the local authority area of Chichester District Council (CDC). The development plan for the Bosham Parish 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 Preparation**

20. 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.
21. The initial consultation process included a public exhibition which took place in February 2013. A further two public exhibitions were held in 2013 outlining the proposed themes and policies for the Plan and inviting residents to comment. A visitor survey was carried out in the summer of 2013. A further three public exhibitions were held in 2014 covering the themes of landscape and ecology, environment and market housing. Developers and

landowners were invited to exhibit housing development proposals. Local businesses took part in a survey to ascertain their views. In addition, two Parish Assemblies were held addressing specific topics.

22. The Consultation period on the pre-submission draft of the Plan ran from 12 November 2014 to 31 December 2014. Approximately 1750 copies of the draft Plan were issued to all household and business addresses within the Parish of Bosham. In addition a further 20 copies were left available in the Bosham Cooperative shop, another 10 at the Fish and Chip Shop and 5 at the Bosham Sailing Club. In addition, the statutory and public bodies were sent copies of the draft Plan.
23. 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 businesses and those with developer interests were able to engage in the production of the Plan. I congratulate them on their efforts.
24. 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 19 responses were received. I am satisfied that all these responses can be assessed without the need for a public hearing.
25. 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.
26. I have requested further background supporting documents, which have been referred to in representations and in the submission Plan. These have provided a useful and easily accessible source of background information. I have sought clarification from CDC and BPC on some aspects in the Plan. I have referred to these where appropriate in my report.

## **The Bosham Parish Neighbourhood Plan 2014 - 2029**

### **Introduction and Background To The Neighbourhood Plan**

27. The Plan area covers the whole Parish of Bosham. Background information in this section includes a Parish history and distinct character areas identified in the Bosham Village Design Statement of 2011. In addition, this section includes parish statistics. As such, this section provides a clear background to the Plan.

## The Neighbourhood Plan and its Vision for Bosham

28. This section lists objectives to seek to *provide a high quality of life for current and future residents of the Parish as well as continuing to meet the needs of its many visitors*. As such, it provides a clear community vision.

## Sustainable growth for the Parish

29. This section seeks to ensure sustainable growth in the Parish. *In Bosham's case this means maintaining and supporting the healthy and competitive local economy, maintaining and growing a strong and vibrant community, and protecting and enhancing its natural and historic environment.*

## Strategy

30. This section summarises the Plan's strategy with regard to impact on the AONB, preserving the Conservation Area, local shops and businesses, direction of development, flooding, walking and cycling links and tourism.

## The Neighbourhood Plan Policies

31. Throughout the Plan there are non-land use aspirations identified. As set out, the Plan provides a clear distinction between land use policy and community aspirations.
32. To have regard to national policy, I recommend modification to Paragraph 5.8 as it does not accurately reflect the status of a Neighbourhood Plan.
33. **Recommendation: in the interest of precision, I recommend 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.**

### **POLICY 1. The Settlement Boundary**

34. Policy 1 defines the settlement boundary, including an extension around an existing built up area to the south of Broadbridge.
35. Policy 2 in the Local Plan is a strategic policy that refers to development within and outside Settlement Boundaries. Whilst it is not necessary to re-iterate Local Plan policy, it is a requirement for a neighbourhood plan policy to be in general conformity with a strategic Local Plan policy.
36. Policy 1 does not clearly define the requirement for *proposals for development of an appropriate size and type for the settlement*. In the

interest of clarity, I recommend modification to Policy 1 to refer to such development being required to respect *the setting, form and character of the settlement* as specified in Local Plan Policy 2.

37. The neighbourhood plan is part of the wider development plan that includes the CDC Local Plan. To provide a practical framework for decision making, in the context of this policy it is appropriate to ensure that sustainable development complies with all relevant policies in the development plan as a whole, rather than just the Neighbourhood Plan.
38. There has been a request to extend the Settlement Boundary to include the existing built up area adjacent to the Bosham Channel. The Parish Council has chosen not to include this area. Policy 1, subject to my proposed modifications, meets the Basic Conditions without such an inclusion.
39. **Recommendation: to meet the Basic Conditions, particularly regarding general conformity with strategic policy, I recommend 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 development plan and complies with all other policy requirements of the development plan; or**

**(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.**

## **POLICY 2. Housing Allocations**

40. Some 84% of the Parish lies within the Chichester Harbour AONB. There is a statutory obligation to ensure that great weight continues to be given to conserving the landscape and scenic beauty in the part of the Parish within the AONB. However, this does not preclude development in the AONB.
41. Paragraph 115 in the NPPF states that *great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads.*

42. CDC Strategic Housing Land Availability Assessment (SHLAA) states at paragraph 3.21 *although the NPPF gives great weight to the conservation of the natural beauty of the landscape and countryside in AONBs within the Chichester Plan Area, some new housing development is likely to be required within the Chichester Harbour AONB boundary.*
43. Regarding the AONB, the Chichester Harbour Area of Outstanding Natural Beauty Management Plan 2014-2019 states that *these guidelines seek to ensure that through the planning process a balance can be achieved between the protection of the landscape, nature conservation and recreation interests and support for the local economy. Where development is likely to have an adverse impact, there may be a requirement to demonstrate which alternatives have been considered and that developing the proposed site outweighs the landscape value of the area.*
44. Paragraph 3.4 in the Neighbourhood Plan, states that *any growth to the west or east of the existing settlements must be resisted. The distinctiveness of the Parish, as well as being part of an historic peninsula within Chichester Harbour, relies upon its separation from neighbouring settlements.*
45. I realise the reasons for local residents' strongly resisting development to the east or west of Broadbridge outside the AONB. Nevertheless, in my opinion the starting point for consideration of the allocation of housing sites has to be the statutory obligation to ensure that great weight continues to be given to conserving the landscape and scenic beauty of the AONB. Whilst the housing sites in Policy 2 have been chosen by local people, and this is the intention of the neighbourhood planning process, there has to be clear planning justification.
46. The Vision for Places in the Local Plan seeks to maintain and enhance the countryside between settlements, to manage the relationship between the South Downs National Park and the AONB. However, there are no strategic gap policies preventing development to the east or west of Broadbridge.
47. I have been provided with a Site Assessments Report prepared as part of the evidence base for the Neighbourhood Plan. This assessment includes a comparison of the land at Swan Field for some 25 houses against the development of Highgrove Farm, outside the AONB, for 150 houses. It concludes that there would be a lower adverse impact if smaller scale development were to take place at Swan Field rather than a major development at Highgrove Farm. In my opinion, this is not an appropriate comparison. There is no strategic requirement for 150 dwellings in Bosham Parish (which I will come to later). To satisfy the requirement in the NPPF for there to be great weight given to conserving landscape and scenic beauty in an AONB, the comparison should be between the impact of an indicative number of 50 dwellings inside or outside the AONB, on the landscape and scenic beauty of the AONB. I had not been provided with such a comparison as part of the evidence base for the Plan.
48. A Landscape and Visual Assessment Report (November 2013) has been submitted as part of the evidence base for the production of this Plan. This

report concludes: *In relation to this study, character areas which have major or substantial sensitivity or value, or both, i.e. negligible to low/medium ratings for landscape capacity indicates that development would have a significant and detrimental effect on the character of the landscape as a whole and, or, on the setting to existing settlement or Area of Outstanding Natural Beauty. Any development in these character areas should only be on a very small scale and proposals would need to demonstrate no adverse impacts on the setting to settlement or the wider landscape. It should be noted that this conclusion would apply even if the low/medium landscape capacity assessment for character area 03 (91) as set out in the Chichester District AONB Landscape Capacity Study were adopted.*

49. I sent a draft of my Examination Report to CDC for fact checking in December 2015. This is a normal procedure and I invited the Parish Council to be included in the fact checking process. I did not invite either party to submit new evidence. Nevertheless, in my draft report I had criticised the evidence base for not providing a comparison between the impact of an indicative number of 50 dwellings inside or outside the AONB, on the landscape and scenic beauty of the AONB. As part of the fact check, the Parish Council submitted such evidence.
50. I realise that I may be criticised for accepting new evidence at a late stage. In this particular instance, I have accepted the new evidence in a Revised Comparison Report, in the interest of fairness, on the basis that the draft report recommended a major modification to the Plan by removing Policy 2 relating to the site allocations.
51. The Revised Comparison Report concludes: *The results of the sensitivity and value profiling which has included the impact on the AONB has identified in descending order the landscape capacity of each site ie the site with the greatest landscape capacity to accept change is ranked 1.*

*1 = Bullock Barns*

*Broadbridge Business Centre*

*3 Old Poultry Shed Dolphin House*

*4 Burnes Shipyard*

*5 = Highgrove Farm*

*Swan Field*

*The top 4 sites would deliver some 25 houses leaving a balance of 25 houses to find from either Highgrove Farm or Swan Field.*

*On the basis of the assessment both Highgrove Farm and Swan Field have a medium landscape capacity to accommodate change without significant effects on overall landscape character although a review of the detailed assessment shows that Highgrove Farm has a slightly higher landscape capacity to accept change. The selection of which site would have preference for development may rest with other environmental and sustainability factors.*

52. I have asked for the Revised Comparison Report to be published at the same time as my Examination Report. I have not sought further consultation with regard to this new evidence, as it has not altered my original conclusion. In these circumstances I do not consider that any party has been unduly compromised or adversely affected by this course of action.
53. The AONB has the highest status of protection in relation to landscape and scenic beauty. In my opinion, from the evidence submitted to support Policy 2 in the Plan, including the Revised Comparison Report, there is no clear robust evidence to justify the approach to housing site selection in relation to the statutory duty to ensure that great weight continues to be given to conserving the landscape and scenic beauty of the AONB. Therefore, I do not consider that the housing allocations within the AONB in Policy 2 accord with the statutory obligation to conserve the landscape and scenic beauty of the AONB, which I must emphasise, have the highest status of protection. On this basis, I recommend the deletion of Policy 2.
54. Alternative housing sites have been promoted through representations to this Plan. They include land at Crede Farm, within the AONB and land at Highgrove Farm, outside the AONB.
55. Land at Crede Farm is being promoted for a development of some 23 dwellings, although an indicative layout accompanying representations shows a layout for 19 properties.
56. Land at Highgrove Farm is to the east of Broadbridge. This site is being promoted for 50/60 dwellings and community facilities, including the provision of land for a new primary school. I understand that this site is available for around 150 dwellings.
57. I appreciate the Plan seeks to resist any growth to the west or east of the existing settlements. A Neighbourhood Plan is not required to allocate sites for housing and I do not intend to recommend where an indicative number of 50 dwellings should be allocated. It is not for me to choose sites for the provision of housing. Indeed one of the purposes of neighbourhood planning is to give local people choice. But within that choice, regard must be paid to national policy. Local people will still be able to get involved with the process of identifying sites to be allocated in a Site Allocation Development Plan Document, which CDC is preparing following the adoption of the Local Plan.
58. Apart from my concern regarding the statutory duty to ensure that great weight continues to be given to conserving the landscape and scenic beauty of the AONB, I have site specific concerns for the site at Swan Field. The map on page 44 in the Plan identifies this site as one of the Historic Sites for Brent Geese or waders. Paragraph 5.16.2 identifies the site as one of the *wetland sites which are used from time to time by waders or Brent Geese*. There is a possibility that this field is used as a supporting habitat for Brent Geese and waders associated with the Chichester and Langstone Harbour Special Protection Area (SPA). As there is a possibility that the proposed development on Swan Field could disturb the supporting habitat for Brent Geese, which is a species of European importance (and possibly the waders

may be species of European importance), this is a matter that I cannot ignore.

59. From the representations before me, I cannot determine whether or not the proposed housing development at Swan Field in Policy 2 would cause unacceptable disturbance to Brent Geese and waders. It is necessary to apply the precautionary principle in this respect. I have recommended the deletion of Policy 2 for other matters. There is no HRA Appropriate Assessment which has specifically addressed the impact of the proposed housing development at Swan Field on Brent Geese and waders. If the Swan Field housing allocation were to remain in the Plan, I would have pursued this matter further to determine whether an HRA Appropriate Assessment would be required in this respect. However, by deleting this housing allocation in Policy 2, I am satisfied that the Plan meets the Basic Conditions in this respect.
60. During my examination, CDC granted planning permission for a hospice on the Oakcroft Nurseries site. Whilst planning permission does not necessarily mean that the site will be developed for a hospice, in the interest of fairness I sought clarification from the Parish Council as to whether it wished me to continue this examination. In an email to CDC dated 2 December 2015 the reply stated *The parish did allow for such an outcome while preparing the NP and thus have made provision in the plan to still meet our 50 house indicative number (providing a higher density of houses, in line with CDC recommendations, on the Bullock Barn/Swan Field without increasing the size of the site; and our policies are broad enough to allow for other sites if required e.g. 10 change of use units in the Broadbridge Industrial Estate).* As I have recommended the deletion of Policy 2, I do not consider I need to make comment on this statement.
61. Whilst I am recommending the deletion of all the housing site allocations it is necessary to address concern that 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.*
62. 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 Bosham Parish in Local Plan Policy 5. For Bosham Parish the indicative number is 50 dwellings. There are no adopted strategic policies upon which to base a more significant growth strategy for Bosham Parish.
63. I have considered holding a hearing with respect to the issues above. It may be necessary to hold a hearing when an Examiner considers it necessary to ensure adequate examination of an issue, or issues, or for a person to have a fair chance to put a case. The fact of the matter is that there is no landscape evaluation to clearly show that the chosen housing sites would

conserve the landscape and scenic beauty of the AONB. My recommendation with regard to Policy 2 would not have been informed or altered by holding a hearing.

64. I realise that to delete the housing allocations will undermine a main part of the strategy for this Plan. It is clear that a lot of hard work has gone into the production of this Neighbourhood Plan. The remaining policies, subject to my proposed modifications, will ensure that in the absence of specific housing site allocations, the Plan can provide a strong practical framework against which decisions on development can be made.
65. I realise that my recommendation to delete Policy 2 will require a re-writing or deletion of Section 5.11 and other modifications to the accompanying text, strategy and maps in the Plan may be required. These are editorial details. It is not for me to re-write the Plan. I will leave this matter to the Parish Council and CDC.
66. **Recommendation: to meet the Basic Conditions, I recommend the deletion of Policy 2.**

### **POLICY 3. Criteria for Housing Development**

67. Paragraph 173 in the NPPF states: *pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.*
68. Policy 3 is divided into sections (A) and (B), where (A) applies to sites allocated in Policy 2 and non-allocated sites and (B) applies to non-allocated sites. As I have recommended the deletion of Policy 2, it follows, in the interest of clarity that the reference to the allocated sites is deleted and all criteria are considered for any non-allocated site. These criteria will provide a policy framework for future residential development within the Parish.
69. The Parish Council in an email dated 12 October 2015 has revised the notes accompanying Policy 3 following the judgment in *West Berkshire District Council and Reading Borough Council v SSCLG*. In the light of this judgment, I consider it appropriate for the revised notes to be considered as part of this examination. My comments below relating to the accompanying notes refer to these amended notes, not those in the submission Plan.

70. Policy 3 Criterion (A) (i) and accompanying notes require the provision of the 'required percentage' of dwellings to be affordable housing. The Local Plan Policy 34 requirement is for 30% affordable housing contributions on sites of 6 or more dwellings. The Local Plan does not distinguish between areas within or outside the AONB in this respect. I consider Local Plan Policy 34 to be a strategic policy as it seeks to deliver homes needed in the area in accordance with the strategic policy requirements in paragraph 156 in the NPPF.
71. The accompanying notes to Policy 3 propose a higher percentage of affordable housing and lower threshold in the AONB. The Basic Condition Statement accompanying the Plan refers to CDC agreeing to 40% affordable housing contributions in the AONB. I sought clarification on this matter from CDC who confirmed in an email dated 3 November 2015 that there is no such agreement.
72. I realise that following the *West Berkshire District Council and Reading Borough Council v SSCLG* ruling, the threshold for affordable housing contributions is not restricted. Nevertheless, I have no clear evidence to justify departing from the thresholds set in the Local Plan.
73. Whilst I note the Plan states that within the AONB the market value of housing is generally higher than elsewhere and that partly as a result the requirement for affordable housing is thus greater, I have no clear robust justifiable evidence to support the approach to requiring a higher percentage of affordable housing and lower threshold in the AONB.
74. Whilst I do not consider the specific wording of criterion (A) (i) requires amendment, I see no robust and credible evidence base to justify the policy approach that is contrary to Local Plan Policy 34. Even though I have taken the *West Berkshire District Council and Reading Borough Council v SSCLG* judgment into consideration, the policy approach in Policy 3 is not in general conformity with strategic policy. In addition, it is necessary to ensure the Plan has regard to paragraph 173 in the NPPF, with regard to the scale of obligations. For these reasons, I recommend modification to the accompanying notes 1 – 3 to Policy 3 to accord with the affordable housing requirements in Local Plan Policy 34.
75. Criterion (A) (ii) does not provide a clear definition of 'suitably-sized' dwellings. CDC has suggested that this criterion be modified to allow for a balanced mix of housing. In the interest of precision, I recommend such a modification.
76. 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 that part of criterion (A) (iii).
77. It is not clear what is meant by *professionally designed footpaths and cycleways* in criterion (A) (v). In the interest of clarity, I recommend the deletion of this part of criterion (A) (v).

78. As regards developer contributions, the Planning Practice Guidance states: *In all cases, including where tariff style charges are sought, the local planning authority must ensure that the obligation meets the relevant tests for planning obligations in that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind.*
79. Developers can only be expected to meet local requirements for increased education facilities, green infrastructure and public open space that arise directly from the development. To have regard to national policy, I recommend modification to criterion (A) (vii) to reflect this requirement. I note that CDC is due to adopt the Community Infrastructure Levy (CIL). Thus, it is appropriate to refer to CIL rather than commuted payments in criterion (A) (vii).
80. Whilst it is necessary for new housing development to comply with Policy 9, a requirement to demonstrate consultation on flooding matters prior to any planning application is an onerous requirement in criterion (A) (viii).
81. I note that the body responsible for requiring SuDS to be implemented is CDC, not West Sussex County Council. While paragraph 188 in the NPPF encourages pre application engagement paragraph 189 states clearly that a local planning authority cannot require that a developer engages with them before submitting a planning application. Likewise, there is no requirement for a developer to consult with the Environment Agency prior to submitting a planning application. To have regard to national policy I recommend the deletion of these requirements in criterion (A) (viii).
82. As I have recommended the deletion of Policy 2, and housing sites that may be allocated in the CDC Site Allocation Development Plan Document may be outside the Settlement Boundary, it follows that specific sites are not referred to in criterion (A) (ix) and section B is deleted.
83. As I have recommended the deletion of Policy 2, it follows that note 4 is deleted.
84. Note 5 refers to heads of terms of planning obligations being agreed prior to a planning application. For the reasons stated above with regard to criterion (A) (viii), this sentence should be deleted from note 5.
85. It is necessary for a neighbourhood plan to provide a practical framework for decision making. For clarification, I asked CDC in an email dated 16 December 2015 about the practical application of the mechanisms suggested in notes 6 and 7 regarding affordable housing provision and CIL.
86. In the email response from CDC dated 17 December 2015, CDC stated that note 6 is inaccurate. *Currently the procedures and mechanisms that CDC operates allow flexibility in terms of the delivery of affordable housing. As worded the text would not allow for this. Consultations and discussions are held with the relevant parish council in terms of such provision in any case and this text would provide unnecessary rigidity in terms of the application of policy.* On this basis, I recommend the deletion of note 6.

87. In the email response from CDC dated 17 December 2015, CDC stated that note 7 is inaccurate. CDC suggested revision to this note is as follows: *The specific requirements of Policy 3(A)(vi) or (vii) for any required mitigation to be provided should be agreed by CDC and/or West Sussex County Council (WSSCC) as highway authority and secured through a s.106 / planning obligation. Alternatively the Parish Council may choose to spend its CIL on a highway project or education (if WSSCC as the highway and education authority agree) or open space or green infrastructure as appropriate.*
88. As the above revision reflects the current procedures and mechanisms, I recommend modification to note 7 as suggested by CDC.
89. **Recommendation: to meet the Basic Conditions, I recommend modification to the notes accompanying Policy 3, (as revised in an email from BPC dated 12 October 2015), as stated in the preceding paragraphs and modification to Policy 3 to read as follows:**

**Housing development must:**

- (i) provide at least the *required percentage* of the total number of dwellings as *affordable housing* (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;**
- (ii) provide a balanced mix of market housing in keeping with, and wherever possible enhancing, the character of adjacent residential areas;**
- (iii) use locally common materials wherever possible and provide for optimum Broadband connectivity;**
- (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;**
- (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 and cyclists;**
- (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;**
- (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;**
- (viii) must comply with all the requirements of BPNP Policy 9 - 'Flooding and Drainage';**

**(ix) must comply with BPNP Policy 6 - Conservation of the Historic Environment, including archaeological investigation of the site prior to development where necessary.**

#### **POLICY 4. Commercial and Economic Development**

90. Policy 4 seeks to retain principal employment sites. It is not clear what is meant in the first sentence by employment land *within the appropriate planning use classes*, or criterion B with regard to conversion of existing units in the Broadbridge Business Centre.
91. Policy 26 in the Local Plan seeks to retain existing employment land. An exception is where it has been demonstrated that the site is no longer required and unlikely to be re-used for employment. Local Plan Policy 26 has regard to paragraph 22 in the NPPF in this respect.
92. Whilst it is not usually necessary to repeat Local Plan policy, to ensure that Policy 4 has regard to national policy, I recommend modification to Policy 4 by deleting the reference to use classes in criterion A and deletion criterion B. The latter to be replaced with an appropriate extract from Local Plan Policy 26.
93. In the interest of clarity, I recommend the following modifications.  
Modification to criterion D (ii) to remove reference to *'appropriate design'* as the policy does not define what is appropriate. Modification to criterion D (ii) by replacing *'improves or enhances'* with *'conserves or enhances'*. As Policy 4 makes reference to a list of principal employment sites, these need to be identified on a Map within the Plan and referred to in Policy 4.
94. **Recommendation: to meet the Basic Conditions I recommend:**  
**inclusion of a Map identifying the principal employment sites; and**  
**modification to Policy 4 to read as follows:**
- (A) The *principal employment sites* 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.**
- (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.**
- (C) Proposals to upgrade, modernise or make more efficient use of space within any of the *principal employment sites* 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.**

**(D) Outside of the *principal employment sites* small-scale commercial development for 'B1' business and light industrial uses will be supported where:**

**(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**

**(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.**

### **POLICY 5. Community Facilities**

95. Policy 5 seeks to retain existing community facilities and supports the provision of new community facilities. This objective has regard to the social role of sustainability where it seeks to support strong, vibrant and healthy communities.
96. Local Plan Policy 38 specifies that where there is no demand for an existing community facility, this has to be proven through the premises having been marketed for a reasonable period of time. In the interest of precision, I recommend the inclusion of such a reference in criterion (A) (i) and the incorporation of criterion (A) (ii) within criterion (A) (i).
97. Reference to '*other general policies*' is misleading in criteria (A) (iii) and (B) as the Plan does not distinguish between general and specific policies.
98. In criterion (B) the extension or relocation of the primary school cannot be '*an exception to*' and '*respect and observe the general principles in*' the other policies in the Plan. This is a contradiction. In the interest of clarity, I recommend modification to criterion (B) to state that such a proposal would be considered favourably, subject to policies in the Plan.
99. Reference specifically to Policy 2 in criterion C is unnecessary as I have recommended deletion of that policy.
100. CDC has raised concern that paragraph 5.13.2 contradicts the CDC Infrastructure Delivery Plan, which identifies the Village Hall for improvement. This is a matter between the Parish and CDC. Whatever the position, in the interest of clarity, the correct situation needs to be accurately reflected in paragraph 5.13.2 and, if appropriate, included in Section 6 on infrastructure requirements, and under a priority level to be determined by the Parish Council. I will leave the detailed editing of the Plan to CDC and BPC on this matter.

101. CDC has raised concern that the issues relating to education provision are not replicated in Section 6 on infrastructure requirements. In the interest of clarity, I recommend the education requirements are included in Section 6 under a priority level to be determined by the Parish Council.
102. **Recommendation: to meet the Basic Conditions, I recommend:**
- 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**
- modification to Policy 5 to read as follows:**
- (A) Any new development leading to the loss of an *existing community facility* (including the primary school, nurseries, village or community halls, other meeting places and pubs) will not be supported unless it can be demonstrated that:**
- (i) there is no longer any need or demand for the *existing community facility*; and the *existing community facility* is no longer economically viable as such, with the premises having been marketed for a reasonable period of time; or**
- (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.**
- (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.**
- (C) Other proposals for new community facilities of an appropriate scale that comply with BPNP policies will be supported.**

## **POLICY 6. Conservation of the Historic Environment**

103. 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 modifications suggested below, Policy 6 has regard to national policy in this respect.
104. The *Planning (Listed Buildings and Conservation Areas) Act 1990* imposes duties requiring special regard to be had to the desirability: firstly at Section 16(2), of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses; and secondly, at Section 72(1), of preserving or enhancing the character or appearance of a Conservation Area. Not all of the Plan area is in the Conservation Area and not all new development would affect heritage assets. Thus, to have regard

to national policy and in the interest of clarity, I recommend modification to the first sentence in Policy 6 to require any new development to ‘*conserve or enhance*’, rather than ‘*conserve and enhance*’ heritage assets.

105. Paragraph 5.14.9 refers to the Conservation Area as being an ‘*important Conservation Area*’. There is no hierarchy of designation of Conservation Areas. Thus, in the interest of clarity, ‘*important*’ should be deleted from this paragraph.
106. In the interest of clarity, criterion (A) (iv) should refer to the full title of the Bosham Conservation Area Character Appraisal and Management Proposals (Review) 2013.
107. Reference to *avoiding any increase in signage and wherever possible reduce signage*, is an aspiration rather than a land use policy. Thus, I recommend deletion of criterion (B) (iii). If the Parish Council wishes, this can be included in the list of aspirations.
108. Criterion (B) (iv) does not specify what is meant by ‘*adequate but appropriate parking*’. In the interest of precision and enforceability, I recommend modification to this criterion, as suggested by CDC, to reflect the highway authority parking standards.
109. In the interest of precision, it is necessary to include a map identifying the areas referred to in criterion (B) (v).
110. **Recommendation: to meet the Basic Conditions , I recommend:**

**The deletion of ‘important’ from paragraph 5.14.9;**

**Inclusion of a Map in the Plan and cross reference to the map showing the areas identified in B (v); and**

**Modification to Policy 6 to read as follows:**

**(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:**

- (i) sites and areas of archaeological importance or potential;**
- (ii) listed buildings;**
- (iii) buildings within the Bosham Conservation Area;**
- (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;**
- (v) historic and cultural landscapes including streams and ancient woodland.**

**(B) New buildings and extensions within the Bosham Conservation Area must:**

- (i) be of a design, and in the use of materials be, in keeping with the local historic built vernacular;
- (ii) maintain and enhance views of the historic waterfront and of listed buildings within the Conservation Area;
- (iii) provide parking in accordance with the West Sussex guidelines and the Car Parking Demand Calculator;
- (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].

#### **POLICY 7. Landscape and the Environment**

- 111. The Landscape and Visual Assessment Report (November 2013) submitted as part of the evidence base for the production of this Plan identifies (in paragraph A15), the principal and most significant views across the area. In the interest of clarity, I recommend the inclusion of this list in an expanded paragraph 5.15.4 and cross reference to this list in Policy 7 (iv). In addition, if possible it would be helpful, but not essential, to include a map identifying these views.
- 112. Policy 7 combines the objectives of Local Plan Policies 43 and 47. Subject to the addition of the list of views, this Policy is in general conformity with strategic Local Plan policies and has regard to national policy where it seeks to take account of the different roles and character of different areas and recognising the intrinsic character and beauty of the countryside.
- 113. **Recommendation: in the interest of clarity, to meet the Basic Conditions, I 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).**

#### **POLICY 8. Ecology, Wildlife and Biodiversity**

- 114. Policy 8 seeks to protect and enhance biodiversity. This policy has regard to core principles in the NPPF, particularly the need to contribute to conserving and enhancing the natural environment. Policy 8 meets the Basic Conditions.

#### **POLICY 9. Flooding and Drainage**

- 115. Policy 9 seeks to ensure that new development does not increase the risk of flooding. The criteria in section (A) are similar to those in Local Plan Policy 42. However, not all of the Parish lies within an area at risk of flood. Thus, for clarity, it is necessary to modify Policy 9 to ensure that section (A) only

refers to areas at risk of flooding. I suggest incorporating the detailed wording in Local Plan Policy 42 in this respect.

116. I note that the body responsible for requiring SuDS to be implemented is CDC, not West Sussex County Council. Thus, in the interest of clarity, I recommend modification to criterion (B) in this regard. In addition, Local Plan Policy 42 prioritises SuDS unless it is proven that SuDS are not appropriate. In order to ensure that sustainable development is not prevented, I recommend the inclusion in criterion (B) of this exception.
117. It must be remembered that development can encompass many forms and some may not require connection to a sewage facility. In the interest of clarity, I recommend modification to criterion (C) to state that such connections are required for new development where appropriate.
118. 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. This includes water efficiency. Therefore, having regard to national policy, I recommend the deletion of criterion (D) with regard to rainwater harvesting.
119. Maps on pages 52 and 53 are overlaid onto the CDC SHLAA base map. This does cause confusion. In the interest of clarity, these maps should be modified to remove the SHLAA base map or these maps should be deleted.
120. **Recommendation: in the interest of clarity, to meet the Basic Conditions, I recommend:**
- Modification to maps on pages 52 and 53 to remove the SHLAA base or deletion of these maps; and**
- modification to Policy 9 to read as follows:**
- (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:**
- (i) meet the sequential and exception test (where required) specified in the NPPF;**
- (ii) include a site-specific flood risk assessment which demonstrates that all elements of the development will be safe without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall;**
- (iii) incorporate specific requirements of the site in the provision of protection, resilience and resistance measures appropriate to the character of the area;**
- (iv) not result in the coastal squeeze of any designated sites or prevent managed realignment designed to protect any designated sites;**

- (v) identify appropriate adaptation and mitigation measures;
- (vi) ensure appropriate flood warning and evacuation plans are in place;
- (vii) include site drainage systems designed to take account of events which exceed the normal design standard; and
- (viii) comply with (B), (C) and (D) below.

**(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.**

**(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.**

#### **POLICY 10. Transport and Highways**

- 121. Policy 10 seeks to maximise highway safety and minimise an increase in traffic. It is not reasonable to expect the provision of highway infrastructure beyond that directly arising from a development. Similarly, it is not reasonable or appropriate for all new development to make specific provision for the maintenance, upgrading or the creation of footpaths and cycleways. Criterion 4 in Local Plan Policy 39 encourages the use of sustainable transport modes, rather than a requirement for their specific provision for all development. Therefore, I recommend the deletion of criterion (iii).
- 122. In the interest of clarity, I recommend modification to criterion (ii) to ensure that this refers to improvements required arising from the development.
- 123. It has been suggested that this Neighbourhood Plan allocates land for a car park in the shopping area in Broadbridge, to relieve parking problems. Whilst such a proposal may ease parking problems in the area, it is not for me to impose such a suggestion.
- 124. **Recommendation: to meet the Basic Conditions, I recommend modification to Policy 10 to read as follows:**

**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:**

**(i) be located and designed to minimise additional traffic generation and movement; and**

**(ii) provide any necessary improvements to site access and the highway network arising from the development either directly or by financial contributions.**

## **Infrastructure**

125. I have made comment on the infrastructure matters under Policy 5.

## **Referendum and the Bosham Parish Neighbourhood Plan Area**

126. 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.

127. **I am pleased to recommend that the Bosham Parish Neighbourhood Plan 2014 - 2029 as modified by my recommendations should proceed to Referendum.**

128. I am required to consider whether or not the Referendum Area should extend beyond the Bosham Parish Neighbourhood Plan Area. I see no reason to alter or extend the Neighbourhood Plan Area for the purpose of holding a referendum.

**Janet Cheesley**

**Date 29 January 2016**

## 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 Planning Practice Guidance (2014)  
Chichester Local Plan: Key Policies 2014-2029 adopted on 14 July 2015  
Report On The Examination Into The Chichester Local Plan May 2015  
Regulation 16 Representations including copies of supporting documents referred to in the representation on behalf of Barratt David Wilson (Southampton) Ltd  
Strategic Housing Land Availability Assessment (May 2014)  
Chichester Harbour Area of Outstanding Natural Beauty Management Plan 2014-2019  
Chichester District AONB Landscape Capacity Study (2009)  
Supporting Documentation:  
Bosham Parish Neighbourhood Plan 2014-2029 Consultation Statement  
Bosham Parish Neighbourhood Plan 2014-2029 Basic Conditions Statement  
All supporting evidence base documents on the Parish Council web site including:  
Bosham Village Design Statement 2011  
The Bosham Conservation Area Character Appraisal and Management Proposals (Review) 2013  
Bosham Parish Neighbourhood Plan Landscape and Visual Assessment Report November 2013