

SOUTHBOURNE NEIGHBOURHOOD PLAN REVIEW  
2019 – 2037

FEBRUARY 2021

BASIC CONDITIONS STATEMENT

Published by Southbourne Parish Council under the Neighbourhood Planning (General) Regulations  
2012 (as amended)

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## 1.INTRODUCTION

1.1 This statement has been prepared by Southbourne Parish Council ("the Parish Council") to accompany its submission of the Southbourne Parish Neighbourhood Plan Review ("the Review") to the local planning authority, Chichester District Council ("the District Council"), under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (as amended) ("the Regulations").

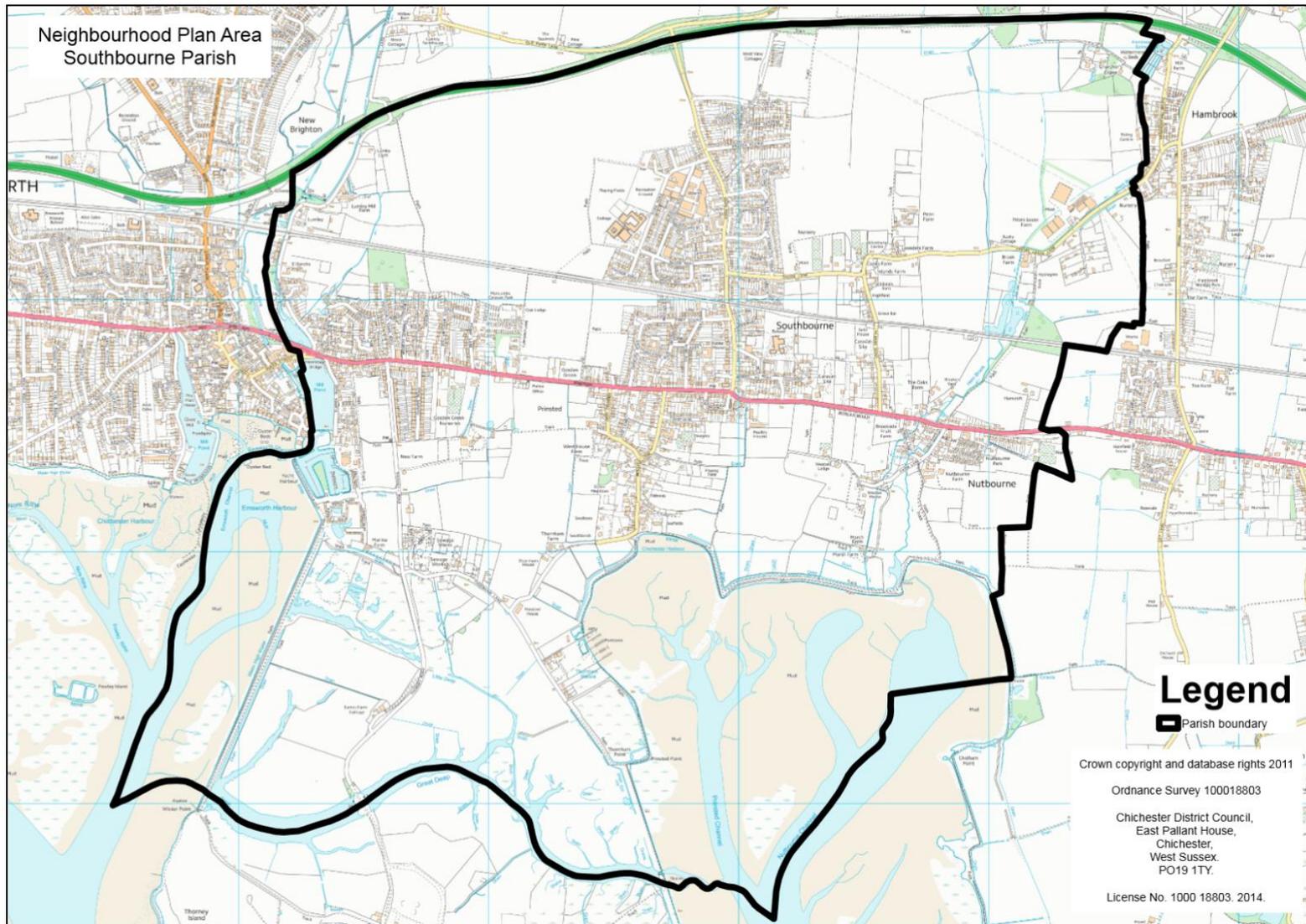
1.2 The Neighbourhood Plan has been prepared by the Parish Council, the 'Qualifying Body', for the Neighbourhood Area ("the Area"), which coincides with the boundary of the Parish of Southbourne shown on Plan A overleaf. The District Council designated the Area in March 2014.

1.3 The policies described in the Neighbourhood Plan relate to the development and use of land in the designated Area. They do not relate to 'excluded development', as defined by the Regulations. The plan period of the Neighbourhood Plan is from 1 April 2019 to 31 March 2037, which corresponds with the plan period of the emerging Chichester Local Plan.

1.4 The statement addresses each of the four 'Basic Conditions', which are relevant to this plan, required by the Regulations and explains how the submitted Neighbourhood Plan meets the requirements of paragraph 8 of Schedule 4B to the 1990 Town & Country Planning Act.

1.5 The Regulations state that a Neighbourhood Plan will be considered to have met the Conditions if:

- a) Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the Neighbourhood Development Plan,
- b) (Not relevant for this Neighbourhood Plan),
- c) (Not relevant for this Neighbourhood Plan),
- d) The making of the Neighbourhood Development Plan contributes to the achievement of sustainable development,
- e) The making of the Neighbourhood Development Plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area),
- f) The making of the Neighbourhood Development Plan does not breach, and is otherwise compatible with EU obligations.



Plan A: Southbourne Designated Neighbourhood Area

1.6 The responsibility for determining if a Neighbourhood Plan has had regard to national policy and is in general conformity with strategic policy rests with a combination of the qualifying body, the local planning authority and the independent examiner (Planning Practice Guidance §41-070 and §410-074). Case law, established in the Tattenhall Neighbourhood Plan in 2014 (see §82 of EWHC 1470) but endorsed by the Courts on a number of occasions since, makes clear that:

*“... the only statutory requirement imposed by Condition (e) is that the Neighbourhood Plan as a whole should be in general conformity with the adopted Development Plan as a whole ... any tension between one policy in the Neighbourhood Plan and one element of the ... Local Plan (is) not a matter for the Examiner to determine.”* (our emphasis)

1.7 The case acknowledged that there will often be tensions between different strategic policies when considered against the non-strategic policies of a specific local area covered by a Neighbourhood Plan. It sensibly concluded that such tensions can only be resolved by the qualifying body using its planning judgement to strike an appropriate balance across the plan as a whole. The examination tests the extent to which the qualifying body has exercised its judgement in a reasonable way. The fact that the local planning authority, in its representations on the plan, has indicated in one or two cases it might strike the balance differently, is not a relevant consideration.

1.8 It is noted that the case law has not yet explicitly established the same principle for Condition (a) in respect of the regard to national policy, but it seems reasonable to expect the Courts would reach the same conclusion, given there will also be a range of national policies influencing plan making, and that those policies may also be in tension. It is therefore expected that the examination of this Condition will take the same approach as Condition (e).

1.9 For these reasons, sections 3 and 5 of this Basic Conditions Statement highlight which policies of the Neighbourhood Plan are considered to meet Conditions (a) and/or (e) and, if any, those that do not. Where they do not, the Statement indicates how the qualifying body has reached a view in those cases “where different parts of national policy need to be balanced” (PPG §070) and how it has taken into account the criteria of §074 on general conformity. Finally, it explains how the Neighbourhood Plan as a whole meets Conditions (a) and (e).

1.10 The Parish Council is also mindful of the ‘Planning for the Future’ White Paper published by the Government in August 2020. The Paper proposes to make significant changes to both the development plan and management systems and indicates that there is a future for neighbourhood planning in that system, but the precise role that plans will play is not yet clear. The expectation is that the new system will be in place in late 2021 after the examination of this Neighbourhood Plan. The Parish Council is also mindful of ‘Powering our net zero future’ White Paper published in December 2020. This reiterated the commitment in the Planning White Paper to facilitate “ambitious improvements in the energy efficiency standards for buildings” to deliver ‘zero carbon ready’ homes in line with the Planning White Paper proposal 18. Further Government announcements in relation to the Future Homes Standard in

January 2021 are explained in the Introductory section to the climate change policies in the Submission Plan. These announcements included the Governments' confirmation that that they do not intend to amend the Planning and Energy Act 2008 and that as a result the setting of energy efficiency standards at the Local Plan or Neighbourhood Plan scale is permissible (see Submission Plan Footnote 15).

1.11 However, the new planning system will still require local communities to engage in shaping how their settlements will develop and in ensuring their heritage and landscapes are given proper protection. It will also enable communities to define local design standards, and the Neighbourhood Plan contains proposals in all of these respects. It may be that how those proposals are implemented may change and this will be taken into account in a further review of the made Neighbourhood Plan.

## **2.BACKGROUND**

2.1 The Southbourne Neighbourhood Plan was made in 2015. The Plan was well supported by the local community and achieved a high majority vote in favour at its referendum. The decision to review the made Plan was made by the Parish Council in 2018. The key driver of this decision was a sense of wanting to plan positively for the future of the Parish, in anticipation of the review of the adopted Chichester Local Plan Key Policies 2014 - 2029. It was also keen to improve the effectiveness of some policies of the made Plan to improve the way in which future development proposals, however modest, are managed.

2.2 The Parish Council is aware of the Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2017 allow for made Plans to be modified without the need for a referendum, provided the modifications will not 'change the nature of the Plan'. It anticipated that the new policy proposals were likely to be such that they would change the nature of the plan and, in any event, it would want to give the community the opportunity to vote on the proposals at a referendum. In which case, rather than follow the modification route, the Parish Council decided to undertake the Review in the form of a partial replacement of the made Plan comprising a number of new policies. Three made policies have been retained in a modified form and will continue to be used in determining applications for the made plan period to 2029 until and unless replaced or deleted in due course.

2.3 A Steering Group was formed comprising residents and Parish Council representatives. The group has been given delegated authority by the Parish Council to make day-to-day decisions on the preparation of the Review. However, as the 'Qualifying Body', the Parish Council approved the publication of the Pre-Submission Review in August 2020 and the Submission version now.

2.4 The Review contains 22 land use policies, which, where appropriate, are defined on the Policies Map where they apply to a specific part of the Area. The Review has deliberately avoided containing policies that duplicate saved or forthcoming development plan policies or national policies that are already or will be used to determine planning applications. The policies combine a site allocation and other proposals, and development management matters that seek to refine and/or update existing policies.

2.5 The Parish Council has consulted local communities extensively over the duration of the project. It has also worked closely with officers of the District Council since the start of the project to collate and examine the evidence base, to design and iterate policy proposals and to define the proper relationship between the Neighbourhood Plan Review, the adopted Chichester Local Plan Key Policies (CLPKP) and the Chichester Local Plan Review Preferred Approach (LPRPA). The outcome of that work is the Submission version of the Review.

2.6 It is vital that both the qualifying body and the examiner are left in no doubt of the position of the local planning authority. But it is also important that the examiner's position is also properly understood, most especially if the examiner intends to come to a different planning judgement to that shared by the local planning authority and the qualifying body. In this regard, the Parish Council notes the advice to examiners in §2.9.6 of the NPIERS 'Guidance to service users and examiners' (2018) in respect of the standard of proof that the examiner must apply in reaching a planning judgement and in its §2.14.1 in respect of the requirement for accuracy, clarity and simplicity.

### **3. CONDITION (A): REGARD TO NATIONAL PLANNING POLICY**

3.1 The Neighbourhood Plan has been prepared with full regard to national policies as set out in the National Planning Policy Framework (NPPF) and is mindful of the Planning Practice Guidance (PPG) in respect of formulating Neighbourhood Plans. As demonstrated in Table A, this plan has taken the opportunity to revise development plan policies to reflect the amendments to the Use Classes Order introduced in September 2020 as they apply to this Area (PPG 13-009c). In overall terms, there are six NPPF paragraphs that provide general guidance on neighbourhood planning, to which the Neighbourhood Plan has directly responded:

#### General Paragraphs

3.2 The Parish Council believes the Review “support(s) the delivery of strategic policies contained in local plans ... and ... shape(s) and direct(s) development that is outside of these strategic policies” (§13). It considers the Review contains only non-strategic policy proposals or proposals that refine strategic policy to fit the circumstances of the Area without undermining the purpose and intent of those strategic policies (§18). It considers that the Review sets out more “detailed policies for specific areas” including “the provision of infrastructure and community facilities at a local level, establishing design principles, conserving and enhancing the natural and historic environment and setting out other development management policies” (§28).

3.3 The Parish Council considers that its Review has provided its communities the power to develop a shared vision for the Area that will shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. The Neighbourhood Plan contains one site allocation that will result in a level of development set out in the strategic policies for the area as proposed in the LPRPA (§29) and confirmed to the qualifying body in November 2020. In this regard, the NPPF provisions of meeting local housing needs as per §66 is therefore relevant to this Neighbourhood Plan. The Review is underpinned by relevant and up-to-date evidence. This is considered to be adequate and proportionate, focused tightly on supporting and justifying the policies concerned (§31).

3.4 The principle of a Neighbourhood Plan being brought forward before an up-to-date Local Plan is in place is established in Planning Practice Guidance (ID: 41-009-20190509). It requires the qualifying body and the local planning authority to discuss and agree the relationship between the policies in the emerging Neighbourhood Plan, the emerging Local Plan and the adopted development plan. In line with the PPG, regular meetings have been held with Chichester District Council (CDC).

## Specific Paragraphs

3.5 Each policy engages one or more specific paragraphs of the NPPF. Those that are considered to be of the most relevance and substance are identified in Table A below.

3.6 The land interest was invited to submit relevant information for the Parish Council to gauge the capacity and suitability of the allocated site. There has been no need to significantly modify the submitted information. In which case, the Parish Council expects each policy will be welcomed and supported by the land interest, thus demonstrating that the policy provisions are viable in principle at this plan-making stage (§57).

<b>Table A: Neighbourhood Plan &amp; NPPF Conformity Summary</b>			
<b>No.</b>	<b>Policy Title</b>	<b>NPPF Ref.</b>	<b>Commentary</b>
SB1	Development within the Settlement Boundaries	16(d), 21	The convention of settlement boundaries is provided for in strategic policies 2 and 6 of the development plan. The Neighbourhood Plan has used this as a 'clear starting point' (§21) for its non-strategic policy. The policy updates the settlement boundaries to accommodate the allocations in the made Plan for the purposes of applying strategic policy 2 to retain the clarity as to where those policies apply (§16d).
SB2	Land East of Southbourne Village	61, 66, 81, 91, 92, 94, 96, 102, 104, 122, 128, 129, 148, 149, 150, 153, 155, 170, 174, 177, 184	<p>In light of the LPR currently being prepared by Chichester District Council, 'the neighbourhood planning body' requested an 'indicative figure' from the Local Planning Authority. The District Council confirmed that the 'indicative housing figure' for the neighbourhood area is 1250 (§66).</p> <p>The policy allocates land for a comprehensive green infrastructure led, zero carbon mixed use scheme (§91, 92, 94, 96, 148, 149) with the developable land being limited to the 'approximate development area' defined by Policies Map Inset 1 to deliver the indicative housing requirement. The District Council has confirmed that the 'indicative figure' could be subject to change as the LPR technical evidence develops.</p>

			<p><i>'Planning policies ... should support development that makes efficient use of land' and it should do so by taking into account 'the desirability of maintaining an area's prevailing character and setting' (§122). Similarly, 'planning policies ... should ensure that developments ... are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).'</i>' (§127).</p> <p>The site lies within the setting of the Chichester Harbour AONB, and distant views from the South Downs National Park. Two listed buildings are located on Priors Leaze Lane (Thatchways and Loveders Farmhouse). Therefore, the policy should 'protect and enhance valued landscapes' (§171) and consider that heritage assets are 'an irreplaceable resource and should be conserved in a manner appropriate to their significance...' (§184).</p> <p>The policy provides net gains for biodiversity (§170d), 'safeguards components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity...' (§174a) and 'directs development away from areas at highest flood risk' (§155). The policy includes a number of mitigating requirements in accordance with these NPPF measures.</p> <p>Furthermore, the 'size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies' (§61). The evidence gathered during the preparation of the Review indicates that there is an imbalance in Southbourne's housing stock. The policy places special emphasis on community led housing and self-build and custom build housing giving effect to the direction of §61 and recent updates to Planning Practice Guidance.</p> <p><i>'Planning policies should ... positively and proactively encourage(s) sustainable economic growth' and 'allow for new and flexible</i></p>
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			<p><i>working practices</i>' (§81). Within the 'community hub' the policy requires a proportion of 'flexible workspace'.</p> <p>The mix of uses required by the policy 'optimises the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space)' (§127e) as well as ensuring that its design is 'sympathetic to the surrounding built environment and landscape setting' (§127c).</p> <p>The policy requires climate change issues to be considered from the earliest stages of plan making. The policy supports this through an early intervention in the masterplanning process to...<i>"shape places in ways that contribute to radical reductions in greenhouse gas emissions"</i> (§148)... <i>'take a proactive approach to mitigating and adapting to climate change.'</i> (§149)...<i>'avoid increased vulnerability to the range of impacts arising from climate change'</i> (§150) and to...<i>'take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption'</i> (§153b). The policy seeks to achieve this by requiring applicants to demonstrate how opportunities to radically reduce building energy consumption can be achieved by addressing these matters at masterplanning stage.</p> <p>Transport issues should also be considered from the earliest stages of plan-making so that <i>'... the potential impacts of development on transport networks can be addressed'</i> (§102). <i>'Planning policies should ... provide for high quality walking and cycling networks'</i> (§104). The policy therefore also includes measures that will deliver these outcomes to be agreed with the highways authority.</p> <p>The policy requires early discussion between applicants and the local community to evolve designs and to take account of community views and that that proposals are made with the benefit of having access to, and making proper use of, processes for assessing and improving the design of development, most importantly through workshops to engage the local community (£128 &amp; §129).</p>
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			<p>The government attaches importance to meeting 'housing requirements'. It has been necessary to limit the developable area and lower the average density on the site to maintain the valued landscape, conserve heritage assets, minimise coalescence, safeguard biodiversity and deliver a 'net gain', and provide for nutrient neutrality mitigation.</p> <p>However, by demonstrating that the site can deliver a suitable scheme it is considered that, on balance, this allocation, with its specific mitigation measures set out as requirements has had proper regard to the NPPF as a whole, and will deliver sustainable development.</p>
SB3	Protecting and Supporting Community Facilities and Local Shops	85, 91, 92	<p>The policy acknowledges the role that community and retail services play at the heart of local communities, by taking a positive approach to their protection, growth, management and adaptation (§85). It aims to achieve healthy, inclusive and safe places which promote social interaction, including opportunities for meetings between people (§91), to enhance the sustainability of the local community and to guard against the unnecessary loss of valued facilities and services, especially as this would reduce the community's ability to meet its day-to-day needs (§92).</p>
SB4	Meeting Local Housing Needs	59, 61,	<p>The 'size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies' (§61). The Housing Needs Survey (April 2020) indicates a clear need for smaller 2 and 3 bed homes and accessible purpose designed downsizer homes and extra care dwellings (§59)</p> <p>The approach to affordable housing reflects that of the LPRPA (DM2) but encouragement is given to landowners to consider community-led development as a means by which local needs housing may be delivered, which falls within the definition of affordable housing (NPPF Annex 2d). It is unfortunate that this cannot be made an explicit requirement in the policy (as the NPPF falls short of enabling such an approach), but there continues to be community support for such provision in Southbourne. The community have also expressed a view</p>

			that a proportion of new homes whether 'first homes', discounted market sales housing and/or other products such as self-build/custom build should enable newly forming households or young families who have a local connection to the designated area to secure their first home.
SB5	Self-Build Custom Build Housing	61	The policy supports the provision of community self-build and custom build housing (SBCB) to contribute toward meeting the need for lower cost housing that reflects the needs of those living in Southbourne Parish now and in the future. The housing needs of people wishing to build their own homes is one of the types of housing need which §61 and footnote 26 seek to address.
SB6	Using Scarce Employment Land Efficiently	81, 82	<p>The policy encourages the regeneration and intensification of existing employment land to seek its more efficient use, particularly on land at the existing employment site at Clovelly Road/Park Road (§82), but also on other brownfield land.</p> <p>The policy reflects the provisions of §81 in directing economic growth to sites inside the built up area boundary as a sustainable location as there is no identified need to meet business needs beyond the built up area boundary.</p>
SB7	Managing Design in Southbourne Parish	125, 127, 170	<p>Neighbourhood plans can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development (§125). The policy seeks to ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting of the Chichester Harbour AONB (§170) to establish or maintain a strong sense of place (§127) while not preventing or discouraging appropriate innovation or change.</p> <p>In addition, in respect of Prinsted, the policy also seeks to sustain and enhance the special qualities of the Prinsted Conservation Area to ensure developments are sympathetic to local character and history (§185).</p>
SB8	Managing Design and Heritage in Lumley	125, 127, 170	
SB9	Managing Design and Heritage in Hermitage	125, 127, 170	
SB10	Managing Design and Heritage in Prinsted Conservation Area	125, 127, 170, 185	
SB11	Managing Design and Heritage in Nutbourne West	125, 127, 170	

SB12	Local Heritage Assets	185, 197	<p>'Plans should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats.' (§185).</p> <p>The process for identifying buildings or structures as buildings of architectural or historic interest in the District is normally through the District Council's 'Local Buildings List'. However, currently this only includes buildings with a historic or architectural association with the City of Chichester rather than surrounding Parishes.</p> <p>The policy therefore seeks to identify buildings or structures with local heritage value in the Parish for inclusion in the Districts Local List in due course, and for the application of the provisions of §197.</p>
SB13	Green Infrastructure Network	91, 104, 149, 170, 171, 174	<p>The policy aims to contribute to achieving healthy, inclusive and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion through the provision of safe and accessible green infrastructure and by encouraging the active and continual use of public areas and walking and cycling (§91).</p> <p><i>'Planning policies should... provide for high quality walking and cycling networks'</i> (§104). The Parish benefits from an extensive network of public rights of way and other informal walking, cycling and bridleway routes. The policy seeks to protect those routes from unnecessary loss or obstruction and to encourage proposals to respond positively to opportunities to improve route connectivity and to create new pedestrian, cycle and bridleway links.</p> <p><i>'Plans should...establish a coherent ecological network that is more resilient to current and future pressures (§170)...take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure'</i> (§171)...<i>'identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks'</i> (§174).</p>

			The network includes the 'Green Ring' previously supported through the made Plan which also provides a local contribution to ensure the future resilience of the local community to climate change impacts by providing space for physical protection measures (§149).
SB14	Biodiversity	170, 174, 175	<p><i>'Plans should...minimise impacts on and provide net gains in biodiversity (§170) and should...'safeguard components of local wildlife-rich habitats and wider ecological networks' (§174) that are especially important to its biodiversity value, including the Ham Brook Wildlife Corridor.</i></p> <p>The policy documents the natural assets in the Parish and requires enhancements to biodiversity to secure a measurable 'net gain' in biodiversity value (§175).</p>
SB15	Trees, Woodland and Hedgerows	170, 175	<p><i>Planning policies should '...recognise the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services...(§170)...Development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons, and a suitable compensation strategy exists...' (§175)</i></p> <p>The policy identifies the location of ancient woodland, protected trees and historic hedgerows throughout the Parish.</p>
SB16	Local Green Spaces	99 - 101	The policy designates a number of Local Green Space that the community has identified as being of particular importance to them. It is consistent with the local planning of sustainable development and complements investment in sufficient homes, jobs and other essential services, as none of the spaces has been earmarked for development (§99). In each case, the green space is in reasonably close proximity to the community it serves; is demonstrably special to a local community and holds a particular local significance and is local in character and not an extensive tract of land (§100). The policy wording is consistent with those for Green Belts (§101).

SB17	Achieving Dark Skies	180	Much of Southbourne parish has relatively dark skies. The policy therefore seeks to ' <i>... limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation</i> ' and especially within the Chichester Harbour AONB.' (§180c).
SB18	Sustainable Accessibility and Mobility	102, 108, 148	<p>The NPPF expects '<i>...transport issues should be considered from the earliest stages of plan-making so that ... the potential impacts of development on transport networks can be addressed</i>' (§102) and that '<i>...safe and suitable access...can be achieved for all users</i>' (§108). Transport is also a significant contributor to greenhouse gas emissions, and why all steps need to be taken to provide opportunities to substitute trips, encourage modal shift and the take up of electric vehicles to support the transition to a zero carbon future (§148)</p> <p>The policy places emphasis on reducing the need to travel, promoting alternative modes of travel for all users, and improving permeability given the severance currently presented by the railway line.</p>
SB19	Nitrates and European Designated Sites	170, 175, 177	<p><i>'Planning policies ... should contribute to and enhance the natural and local environment by ... protecting and enhancing ... sites of biodiversity or geological value ... in a manner commensurate with their statutory status or identified quality in the development plan ... recognising ... the wider benefits from natural capital and ecosystem services ...'</i> (§170). '<i>...if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.</i>' (§175)</p> <p>The policy does this by seeking to support the existing development plan (Policy 50) in relation to avoiding/ mitigating effects on the Chichester and Langstone Harbours SPA and SAC designated European Site (§177). The policy is intended to draw attention to the critical importance of nutrient neutrality to avoid any adverse impact on the Harbour.</p>

SB20	Mitigating Climate Change: New Buildings	8, 148, 149, 150, 153	<p>A quarter of UK carbon emissions derive from housing. Despite good intentions to reduce this, many new and refurbished homes have been found to use significantly more energy than designed for; called the 'performance gap'. Without suitable systems for standard setting, predicting, measuring, feedback and learning from the outcomes, this poor performance will continue.</p> <p>The policy requires climate change issues to be considered from the earliest stages of plan making to contribute to the Government's legislative framework (The Climate Change Act 2008), Parliament's and the District Council's declarations of 'climate emergency', and recent announcements on the timeframe for the delivery of 'zero carbon' buildings which will fall within the first five year period of this Plan Review.</p> <p>The policy supports this by requiring an early intervention in the masterplanning process to..."shape places in ways that contribute to radical reductions in greenhouse gas emissions' (§148)... 'take a proactive approach to mitigating and adapting to climate change.' (§149)... 'avoid increased vulnerability to the range of impact arising from climate change' (§150) and to...'take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption' (§153b).</p> <p>The policy seeks to achieve this by requiring applicants to demonstrate how opportunities to 'radically' reduce building energy consumption can be achieved by addressing these matters initially at masterplanning stage and by demonstrating compliance through 'Post Occupancy Evaluation' where the compliance route chosen is likely to lead to a 'performance gap' and/or require retrofitting in the future, passing the cost onto future generations.</p> <p>It is expected that the policy will be welcomed by the District Council as it fits with their own climate emergency target and monitoring regime. It is also expected to be welcomed by the SME building sector who wish to increase their share of the local house building</p>

			market, which is also an objective of the NPPF. The policy will make it easier and cheaper for them to submit planning applications and the S106 contribution will be lower. In allowing for higher plot densities to be achieved, the policy will increase the attractiveness of using Passivhaus buildings. In which case, land and property owners will have a greater choice of building specification and of which developer to sell to or to partner with, and so the policy is considered viable.
SB21	Mitigating Climate Change: Carbon Sinking	148, 149, 150	<p>'The planning system should support the transition to a low carbon future in a changing climate...'it should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience' (§148)...'Plans should take a proactive approach to mitigating and adapting to climate change'...'Policies should support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts' (§149)...'New development should be planned for in ways that: a) avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure;' (§150)</p> <p>This policy requires that, where practical, proposals of more than 2 Ha incorporate woodland planting to sequester carbon to achieve a zero carbon balance for the development. Or where impractical contribute to the Parish 'carbon sink fund' which will invest in those elements of the Green Infrastructure Network that will function as a carbon sink.</p>
SB22	Adapting to Climate Change: Water Infrastructure and Flood Risk	28, 148, 149, 150	<p>'Non-strategic policies should be used by ... communities to set out more detailed policies for specific areas ... This can include ... the provision of infrastructure' (§28)</p> <p>'The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change' (§148)...'Plans should take a proactive approach to</p>

			<p>mitigating and adapting to climate change'...'Policies should support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts' (§149)...'New development should be planned for in ways that: a) avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure;' (§150)</p> <p>Given the characteristics of the parish, the policy provisions add local emphasis to those of national and strategic policy and are intended to draw attention to this key matter and are not therefore an unnecessary duplication (§16).</p>
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3.5 It is considered that all of the policies have had full regard to national policy, with no incidence of two or more national policies being in tension, nor of the Parish Council having to strike a balance between them. As a result, the Neighbourhood Plan, as a whole, meets Condition (a).

## 4. CONDITION (D): CONTRIBUTING TO ACHIEVING SUSTAINABLE DEVELOPMENT

4.1 It was agreed with the District Council that a Strategic Environmental Assessment (SEA) would be necessary in accordance with the Environmental Assessment of Plans & Programmes Regulations 2004. The Parish Council is mindful of the EU Directive/Regulations and of the obligations of the Plan to meet the Basic Conditions (in terms of demonstrating it will 'contribute to the achievement of sustainable development'). It has therefore followed the statutory SEA process and it has chosen to undertake this as part of a wider Sustainability Appraisal (SA). The SA ensures that the Plan will meet the 'basic conditions' in respect of showing how the policies contribute to the achievement of sustainable development and of complying with the EU Directives 42/2001 and the 2004 Environmental Assessment of Plans and Programmes Regulations (see Section 6).

4.2 The Final SA Report confirms:

*"5.68 The assessment has concluded that the submission version of the Southbourne Neighbourhood Plan is likely to lead to significant long-term positive effects in relation to the 'Population and Community' and 'Health and Wellbeing' SA themes. These benefits largely relate to the Neighbourhood Plan's focus on providing new housing to meet local needs in accessible locations, the protection of existing (and provision of new) community facilities, its focus on sustainable transport use, its support for community vitality, the protection and enhancement of green infrastructure networks in the area and its focus on a high quality public realm and neighbourhood distinctiveness.*

*5.69 The assessment has also concluded that the Neighbourhood Plan will lead to positive effects in relation to the 'Landscape' and 'Historic Environment' SA themes. These benefits largely relate to the Neighbourhood Plan's emphasis on protecting and enhancing the special qualities of the parish, supporting the quality of the public realm, and through incorporating high-quality and sensitive design through new development proposals. It is important to acknowledge that the proposed site allocation does have the potential to negatively impact on the setting of nearby heritage assets in the absence of sensitive design. However, it is anticipated that the mitigation measures proposed through Neighbourhood Plan policies should facilitate the implementation of high-quality design techniques which respect and enhance the setting of heritage assets.*

*5.70 Additionally, the Neighbourhood Plan will bring positive effects in relation to the 'Biodiversity and Geodiversity' SA theme through safeguarding habitats and delivering net gains through proposals. However, given the approaches taken forward through the Neighbourhood Plan will help limit potential effects from new development areas rather than secure significant enhancements, these impacts are less likely to comprise significant positive effects overall. Nevertheless, the provision of the Green and Blue Infrastructure Network through Policy SB13, which includes establishing of a 'Green Ring' within and surrounding Southbourne, should enhance ecological networks within the Neighbourhood Plan area.*

*5.71 Regarding the 'Climate Change' SA theme, the Neighbourhood Plan will potentially lead to positive effects through supporting development proposals in accessible locations within proximity to services and facilities, promoting sustainable transport use, locating development in areas which have a low flood risk potential, and delivering energy efficient housing. However, this is dependent on the extent to which development proposals incorporate these mitigation and adaptation measures through design.*

*5.72 The Neighbourhood Plan will also initiate several beneficial approaches for the 'Land, Soil and Water Resources' and 'Air Quality' SA themes through the implementation of objectives which seek to limit pollution and improve the environmental quality of the parish. However, the Neighbourhood Plan will facilitate a significant proportion of new development on greenfield land which has a likelihood of containing areas comprising the 'best and most versatile' agricultural land. This has the potential to lead to the permanent loss of productive agricultural land in the Neighbourhood Plan area, which cannot be mitigated. Nevertheless, the reuse of previously developed land in some areas of the proposed site allocation on 'Land East of Southbourne Village' will promote the most efficient use of land in these locations."*

## **5.CONDITION (E): GENERAL CONFORMITY WITH THE STRATEGIC POLICIES OF THE DEVELOPMENT PLAN**

5.1 The Neighbourhood Plan has been prepared to ensure its general conformity with the development plan for the District, that is the Chichester Local Plan Key Policies 2014 – 2029, which the District Council considers to be of a strategic nature (as per Planning Practice Guidance (§41-076).

5.2 In accordance with Planning Practice Guidance (§ 41-009), this Statement does not seek to demonstrate general conformity with the policies of any emerging Development Plan Documents, i.e. the LPRPA. However, it is noted that the evidence base for emerging Development Plan Documents is important to informing this neighbourhood plan and conformity with emerging policies is crucial for the long-term success of this Review given that in the event of any future conflict the most recent policy will take precedence.

5.2 Policy S2 of the LPRPA continues to define Southbourne as a settlement hub in the settlement hierarchy of the District. The Parish Council considers the Review, as is highlighted below, to be in general conformity with all the relevant policies of the Chichester Local Plan Key Policies, but also anticipates the emerging development strategy (S3) of the LPRPA and Policy AL13 (Southbourne Parish) in particular. Developments not currently foreseen within the Parish will, of course, in the meantime be subject to the District Council's planning policies and restrictions, and the policies of the made Neighbourhood Plan, which are not repeated unnecessarily. Similarly, where Southbourne policies clearly reflect the intention and aims of Local Plan policies, no further explanation is considered necessary.

5.4 An assessment of the general conformity of each policy, and its relationship with emerging policy where relevant, is contained in Table B/C below.

**Table C: Neighbourhood Plan & Development Plan Conformity Summary**

No.	Policy Title & Refs	Commentary
SB1	Development within the Settlement Boundaries	<p>Chichester Local Plan Key Policies (CLPKP) Policies 2, 4, 5, 6, 20, 45 Local Plan Review Preferred Approach (LPRPA) Policies S2, S3, S24</p> <p>Policy SB1 does not attempt to revise the ways in which development plan policies apply to the built up or countryside areas. The policy replaces Policy 1 'Spatial Strategy' of the 'made' Neighbourhood Plan and directs future development in the parish to the established settlements of Southbourne/ Prinsted, Nutbourne West and Hermitage/Lumley/Thornham. The policy is also consistent with the general approach outlined in CLPKP Policy 2 which requires development to avoid actual or perceived coalescence of settlements and Policy 45 in respect of development in the countryside.</p> <p>The policy makes amendments to the Southbourne/Prinsted settlement boundary to include the permitted land East of Breach Avenue and North of Cooks Lane (see Submission Plan Appendix A Site Completions / Commitments Map). It also makes amendments to the boundary defined by Policy 1 to correct minor errors, thereby updating the boundaries shown on the Local Plan Policies Map.</p> <p>To be consistent with the approach recommended by the District Council at Regulation 14 stage, the policy does not accommodate the allocation of Policy SB2 in the Review within the settlement boundary.</p>
SB2	Land East of Southbourne Village	<p>CLPKP Policies 2, 6, 7, 8, 9, LPRPA Policies S2, S3, S12, S20, S32, AL13 and Infrastructure Delivery Plan</p> <p>The development strategy and settlement hierarchy of the District is defined in CLPKP Policy 2 which identifies Southbourne as a settlement hub. The spatial strategy and settlement hierarchy in Policies S2 and S3 of the LPRKP remain largely unchanged and the allocation meets the criteria set out in S2 and S3 which confirm at paragraph 4.8 that '...the identification of sites and phasing of delivery will be determined by local communities through neighbourhood planning in consultation with the (District) Council. This approach is reflected in Policy AL13.</p> <p>There is therefore considered to be consistency between the adopted and emerging plans and</p>

		<p>the 'reasoning and evidence' of the LPRPA. The 'indicative housing number' provided by the District Council supports the level of development proposed in policy SB2.</p> <p>In addition, the Local Plan and Neighbourhood Plan sharing evidence and progressing alongside each other to achieve sustainable development is entirely consistent with Planning Practice Guidance (PPG ID:41-009-20190509).</p> <p>The policy is consistent with Policies AL13 and S12 to ensure that the new physical, economic, social, environmental and green infrastructure is provided to support the development, and infrastructure provision is coordinated to ensure that growth is supported by the timely provision of adequate infrastructure which offers a good range of everyday facilities including a new primary school and multifunctional community hub. It is also consistent with Policy 7 (Masterplanning Strategic Development) in requiring a comprehensive masterplanning process to be undertaken involving the active participation of the community. This expectation is similarly expressed in Policy S32 of the LPRPA. In terms of Viability and to reflect PPG Section ID10, the land promoters have confirmed in their Viability Statement that following initial modelling they expect to deliver the scheme in a policy compliant way.</p> <p>The policy seeks to protect and enhance the environmental assets and is consistent with each of the non-strategic environmental policies contained in the CLPKP and LPRPA and in some cases supplements them to draw specific attention to key mitigation measures. None of the policies has had to be compromised in any significant way, although the Sustainability Appraisal accepts that there will remain a degree of residual landscape harm that is inevitable in allocating a large greenfield site on the edge of the village.</p> <p>The Policy cross-references with various other policies in the Submission Plan (e.g. the housing and environmental policies that follow). The consistency with the policies in the development plan are considered in those policies to avoid repetition here.</p>
SB3	Protecting and Supporting Community Facilities and Local Shops	<p>CLPKP Policy 38 LPRPA Policy DM7</p> <p>The policy is consistent with Policy 38 (Local and Community Facilities) that promotes the protection and enhancement of such facilities and gives it local effect by specifically identifying the community facilities in the Neighbourhood Area.</p>

		The policy identifies those community facilities in the Parish and is consistent with the policies in its requirements of development proposals. It adds further provisions to protect and ensure longer-term viability of those facilities and supports their expansion.
SB4	Meeting Local Housing Needs	CLPKP Policy 3 LPRPA Policy S6, DM2,  In respect of housing types, the evidence gathered during the preparation of the Review indicates that there is an imbalance in Southbourne's housing stock. While the CLPKP does not specifically mention community-led and self-build and custom build housing, these are housing types which since adoption of the CLPKP have been given additional emphasis by Government through the NPPF, and reflected in Policy DM2 of the LPRPA which states at paragraph 4.39 that...
SB5	Self-Build Custom Build Housing	<i>'...The Council expects that affordable housing should be provided or managed by Registered Providers (RP), and preferably by one of its development partners or an incorporated Community Led Housing group. However, in exceptional circumstances, the Council may use its discretion to allow other 'Approved Bodies' to deliver affordable housing units. This will, at all times, be strictly in line with the NPPF'.</i>  There is no reason to suggest that the above principle should not extend to neighbourhood plans providing for development which may come forward. The policy does not exclude the provision of larger dwellings and therefore continues to seek a mix of dwelling types and sizes. The evidence shows that there is a lack of smaller dwellings in the Parish and the policy seeks to secure their delivery to address this imbalance.  In respect of meeting the needs of older residents and Self-Build and Custom Build Housing, paragraph 7.23 of the LPRPA states <i>'...the Council will also encourage development proposals which seek to meet the housing need of older people and the need for Self-Build housing across all tenures.'</i>  Policy DM2 however, does not define the proportion of downsizer or self-build/custom build dwellings, that should be part of the mix, as long as <i>'...it addresses need and demand'</i> . Furthermore, at strategic development locations (or sites over 200 dwellings), DM2 anticipates specialised housing, including 'extra care' housing should be considered.  As per PPG ID: 41-074-20140306, the Parish Council considers that the policy upholds the general principle of Policy 3 which was adopted in 2015 and emerging Policy S6 and DM2; that any

		degree of conflict is minor; that the policy offers a distinct local approach that does not undermine Policy 3 nor S6 and DM2; and that there is a strong rationale and evidence base to justify this approach.
SB6	Using Scarce Employment Land Efficiently	CLPKP Policy 3 LPRPA Policy S8, DM14  The policy seeks to support the efficient use of existing employment land through intensification to bring forward new employment opportunities on existing employment land to meet the needs of modern businesses consistent with the provisions of the adopted and emerging policies. It also seeks to safeguard tourism and camping facilities consistent with DM14.
SB7	Managing Design in Southbourne Parish	CLPKP Policy 33, 47 LPRPA S20, Chichester DC Design Protocol, Prinsted Conservation Area Appraisal and Chichester Harbour AONB Joint SPD  These policies seek to influence the appropriate design of new or refurbished buildings to reflect the dominant characteristics of specific parts of the Parish and the heritage policies in respect of the Prinsted Conservation Area. They therefore reflect the purpose of Policy 33, 47 and S20 in encouraging proposals that respect and enhance local character and supplement the provisions of the three design guidance documents listed. There is currently no current development plan provision in relation to the National Design Guide.
SB8	Managing Design and Heritage in Lumley	
SB9	Managing Design and Heritage in Hermitage	
SB10	Managing Design and Heritage in Prinsted Conservation Area	
SB11	Managing Design and Heritage in Nutbourne West	
SB12	Local Heritage Assets	CLPKP 47 LPRPA Policy S22  The policy supplements Policy 47 and S22 in proposing 23 'buildings of local importance' to supplement the District Council's 'Local List' which is currently confined to the identification of non-designated heritage assets located within the City of Chichester.
SB13	Green Infrastructure Network	CLPKP Policy 52 LPRPA Policy S29, S30, DM29  The policy is consistent, and refines, these policies to acknowledge the extent of the existing Green Infrastructure Network in the Parish. It has identified the opportunity to link the wildlife corridor along the Hambrook Chalk Stream consistent with CLPKP paragraph 19.54

		<p>'...opportunities should be taken to link habitats as part of a 'green network' ...to facilitate species movement', reflecting criteria 3 and 4 of Policy 52.</p> <p>As per PPG ID: 41-074-20140306, the Parish Council considers that the policy upholds the general principle of Policy 52 which was adopted in 2015 and emerging Policy S30; that any degree of conflict is minor; that the policy offers a distinct local approach that does not undermine Policy 52 nor S30; and that there is a strong rationale and evidence base to justify this approach.</p>
SB14	Biodiversity	<p>CLPKP Policy 49 LPRPA Policy S26, DM29</p> <p>The policy requires the impacts on biodiversity to be considered and highlights sites of particular sensitivity consistent with the provisions of Policy 48 and policies S26 and DM29 which together seek to protect and enhance local biodiversity.</p>
SB15	Trees, Woodland and Hedgerows	<p>CLPKP Policy 52 LPRPA Policy DM31</p> <p>Well-designed and managed assets, particularly those that engage local communities and which relate to landscape character, can enhance local sense of place and foster community spirit. The Policy is consistent with and complements the policies in the adopted and emerging plans while recognising that they are an essential component of the network of assets that contribute to both the local green infrastructure network and key to addressing the ecological emergency.</p>
SB16	Local Green Spaces	<p>CLPKP Policy 54 LPRPA Policy S29, DM34</p> <p>Whilst the CLPKP does not specifically refer to Local Green Spaces, Policy 54 seeks to retain, enhance and increase the quality of open space, sport and recreation facilities, and improve access to them. Similarly, Policy S29 seeks to ensure development reinforces the role of green infrastructure and DM34 seeks to...'retain, enhance and improve access and increase the quantity and quality of public open space'.</p> <p>While references to Local Green Spaces remain absent, the policy is considered to be consistent with the broad aims of the adopted and emerging plans and apply a local approach.</p>

SB17	Achieving Dark Skies	<p>CLPKP Policy 40 LPRPA Policy DM16</p> <p>The policy is consistent with, and refines, Local Plan policy in identifying the existing status of dark skies in the Parish that form an essential part of its distinctive character. Part of the Parish lies within the Chichester Harbour AONB, and the Conservancy are part of the national network of 'Dark Skies Discovery Sites'.</p>
SB18	Sustainable Accessibility and Mobility	<p>CLPKP Policy 39 LPRPA Policy DM8, DM23</p> <p>The policy is consistent with the provisions of the adopted Local Plan policies in respect of the importance of creating a supportive environment that encourages and promotes active and inclusive travel to key destinations and supports sustainable transport measures at Southbourne Railway Station.</p>
SB19	Nitrates and European Designated Sites	<p>CLPKP Policies 44, 50 LPRPA Policies S31</p> <p>Chichester Harbour is an internationally recognised site of nature conservation importance, subject to a strong level of environmental protection under UK legislation. The Harbour is designated as a Ramsar site, Special Protection Area (SPA), Site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC)</p> <p>The policy supports the provisions of these adopted and emerging policies in respect of mitigating effects on European Sites and in particular the critical issue of nutrient neutrality in respect of Policy SB2.</p>
SB20	Mitigating Climate Change: New Buildings	<p>CLPKP Policy 40 LPRPA Policy DM16</p> <p>The policy framework is consistent with the criteria outlined in Policy 40 and Policy DM16 of the CLPKP. However, the preparation of these policies was undertaken prior to recent changes in the law and national policy commitments as outlined in the introduction to policy SB20.</p> <p>In the absence of any currently adopted or emerging policy which reflects the national legislative and policy framework, and the extensive evidence that new buildings underperform in energy</p>

		<p>efficiency terms, it is anticipated that the policy will be welcomed by the District Council as it is consistent with both the national and local climate emergency target and monitoring regimes. It is also consistent with recent Government announcements (January 2021) that they do not intend to amend the Planning and Energy Act 2008 and, that as a result the setting of energy efficiency standards at the Local Plan or Neighbourhood Plan scale is permissible.</p> <p>As per PPG ID: 41-074-20140306, the Parish Council considers that the policy upholds the general principle of Policy 40 which was adopted in 2015; that the degree of conflict is minor; that the policy offers a distinct local approach that does not undermine Policy 40 nor emerging policy DM16; and that there is a strong rationale and evidence base to justify this approach.</p>
SB21	Mitigating Climate Change: Carbon Sinking	<p>CLPKP Policy 52 LPRPA Policy DM32</p> <p>This policy requires that, where practical, proposals of more than 2 Ha incorporate woodland planting to sequester carbon to achieve a zero carbon balance for the development. Where this is impractical, a contribution is made to the Parish 'carbon sink fund' which will invest in those elements of the Green Infrastructure Network that will function as a carbon sink.</p> <p>While references to carbon sequestration are absent from policies in the adopted or emerging local plan, the supporting text to both Policy 52 and DM32 acknowledge the 'environmental services' provided by Green Infrastructure in terms of carbon storage.</p>
SB22	Adapting to Climate Change: Water Infrastructure and Flood Risk	<p>CLPKP Policy 40, 42 LPRPA Policies S27</p> <p>The policy is consistent with the provisions of these adopted and emerging strategic policies in respect of its requirements of water infrastructure and flood risk, and the need to take account of climate change (sea level rise). It draws attention to locally significant flooding risk by sewer and fluvial/surface water flood risk and the significance of the Lumley and Ham Brook Chalk Streams.</p> <p>The District Council confirms in Policy 42, its duty to ensure the protection and improvement in quality of the water environment, within the overall objective of the Water Framework Directive to achieve "good ecological status" in all water-bodies (including surface, ground and coastal waters) and not allow any deterioration from their current status.</p>

5.5 It is considered that all of the policies are in general conformity with the strategic policies of the adopted and emerging development plan, with no incidence of two or more strategic policies being in tension, nor of the Parish Council having to strike a balance between them. As a result, the Neighbourhood Plan, as a whole, meets Condition (e).

## **6.CONDITION (F): COMPATABILITY WITH EU LEGISLATIONS**

6.1 The District Council determined that a Strategic Environmental Assessment, in accordance with Regulation 9 of the Environmental Assessments of Plans and Programmes Regulations 2004, was required.

6.2 As set out in Section 4 the Parish Council has met its obligations in relation to the EU Directive 2001/42 in respect of assessing the potential for significant environmental effects of the policies of the Neighbourhood Plan. The Final SA/SEA Report is published as a separate document for submission and examination.

6.3 The Parish Council has also met its obligations in relation to the habitats provisions of EU Directive 92/43/EEC (and the associated Conservation of Natural Habitats and Wild Flora and Conservation of Habitats and Species Regulations 2017 (as amended)). In this regard, the Parish Council has provided the District Council with all the necessary information it required for the purposes of determining whether an Appropriate Assessment was required or to carry out the Appropriate Assessment if one was required. The District Council's Habitats Regulations Appropriate Assessment concludes that the making of the Neighbourhood Plan is not likely to have a significant effect on the integrity of the Chichester & Langstone Harbours SPA/Ramsar or Solent Maritime SAC (as defined in the 2017 Regulations) either alone or in combination with other plans or projects.

6.4 The Parish Council has been mindful of the fundamental rights and freedoms guaranteed under the European Convention on Human Rights in process of preparing the Neighbourhood Plan and considers that it complies with the Human Rights Act. The Neighbourhood Plan has been subject to extensive engagement with those people local to the area who could be affected by its policies and their views have been taken into account in finalising the Plan.

6.5 In respect of Directive 2008/98/EC – the Waste Framework Directive – the Neighbourhood Plan does not include any policies in relation to the management of waste. On that basis, this Directive is not considered relevant to the Neighbourhood Plan and therefore could not be breached.

6.6 In respect of Directive 2008/50/EC – the Air Quality Directive – the Neighbourhood Plan includes some policies relevant to Air Quality. These policies are tested in accordance with national policy and guidance relevant to their content. The policies are not considered to breach the requirements of the Air Quality Directive.