

SOUTHBOURNE PARISH NEIGHBOURHOOD PLAN
SUBMISSION MODIFIED PLAN 2014 - 2029

JANUARY 2023

BASIC CONDITIONS STATEMENT

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

CONTENTS

| | |
|--|-----------|
| 1. INTRODUCTION | 3 |
| 2. BACKGROUND | 5 |
| 3. CONDITION (A): REGARD TO NATIONAL PLANNING POLICY | 8 |
| 4. CONDITION (D): CONTRIBUTING TO ACHIEVING SUSTAINABLE DEVELOPMENT | 16 |
| 5. CONDITION (E): GENERAL CONFORMITY WITH THE DEVELOPMENT PLAN | 18 |
| 6. CONDITION (F): COMPATABILITY WITH EU LEGISLATIONS | 23 |

1.INTRODUCTION

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

1.2 The Southbourne Parish Neighbourhood Plan was made by the District Council on 15 December 2015 ("the Original Plan"). The Modified 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 below. The District Council designated the Area in March 2014 and it remains unmodified.

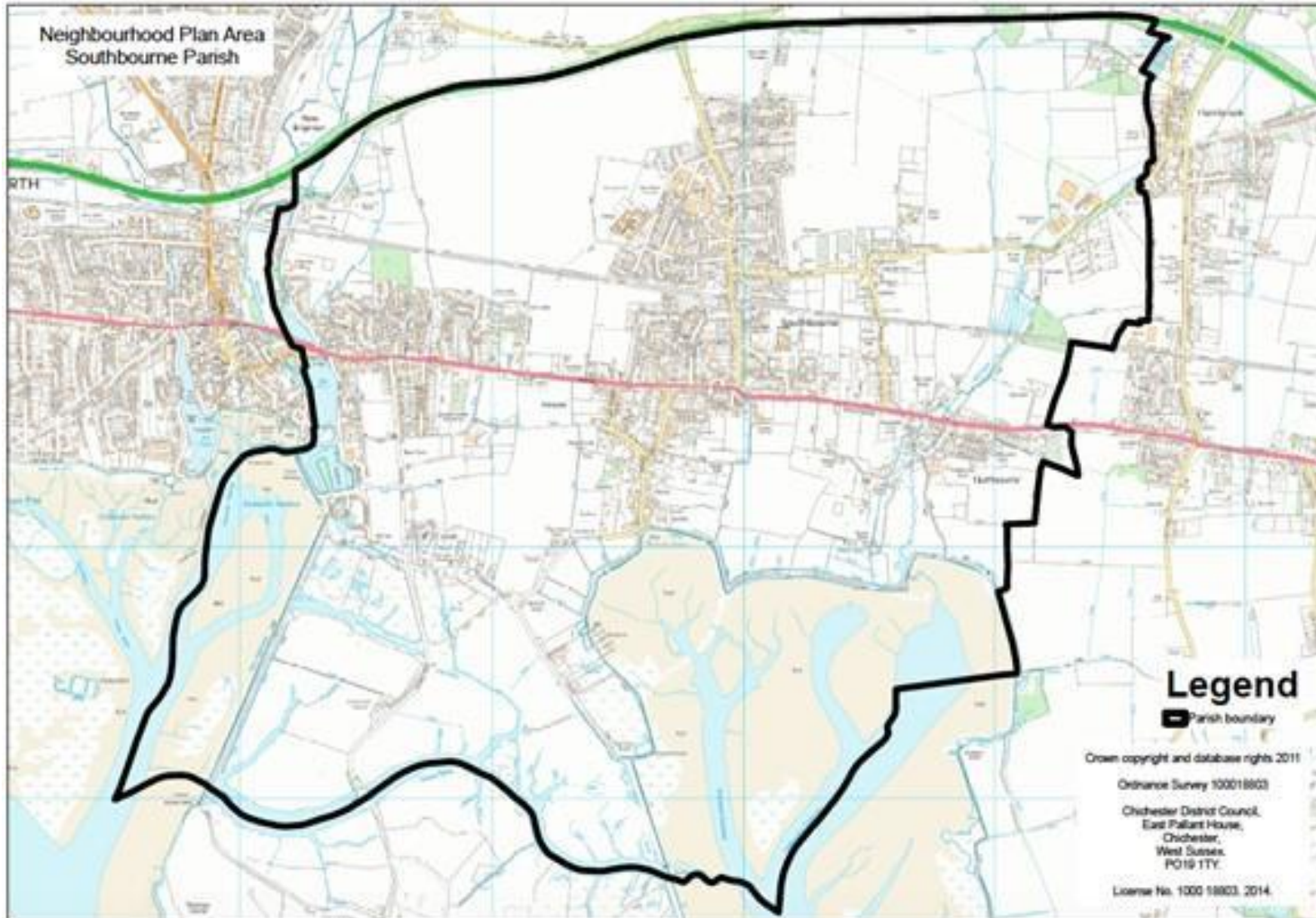
1.3 The policies described in the Modified Plan relate to the development and use of land in the designated Area. They do not relate to 'excluded development', as defined by the Regulations. The plan period of the Modified Plan is from 2014 - 2029, which corresponds with the plan period of the adopted Chichester Local Plan: Key Policies ("the Local Plan").

1.4 The statement addresses each of the 'Basic Conditions', which are relevant to this plan, required of the Regulations and explains how the submitted Modified 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 retained EU obligations.

1.6 A separate Modification Statement has been prepared and appended to the Modified Plan describing the nature of the modifications and concluding that the combination of the proposed modifications will 'change the nature of the plan'.



Plan A: The Southbourne Designated Neighbourhood Area

2.BACKGROUND

2.1 The Southbourne Parish Neighbourhood Plan was made by CDC in 2015 following a successful 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 Parish during the preparation of the emerging Chichester Local Plan Review, which has been significantly delayed. The CDC has not been able to demonstrate a 5 year supply of deliverable housing sites, which has left the Parish vulnerable to speculative development that it considers has undermined the spatial principles of the Original Plan. The Modified Plan therefore intends to influence development in the Parish and protect it from inappropriate development until the emerging Local Plan Review is adopted, in accordance with NPPF §14.

2.2 The Parish Council has carried out its review, engagement, and modification processes in two stages. Firstly, from 2018 to early 2022 it tested the option of using the Modified Plan (SPNP2) to plan for the scale of growth proposed in the emerging Local Plan for the period to 2035. This reached as far as the examination stage but with CDC still testing the housing supply strategy of the delayed Local Plan Review, the Parish Council could not secure the support of the Examiner for that version and the Modified Neighbourhood Plan was withdrawn from the examination.

2.3 As a result, the Parish Council commenced work on this new modified version (SPNP3) in April 2022. This time, the Modified Plan (SPNP3) retains the plan period of the Original Plan to 2029 and contains a smaller number of changes to that Plan. These changes are mostly in the form of a set of new policies to reflect changes in national planning policy by providing more breadth and depth to the original policies, especially in respect of design, heritage, the natural environment and climate change.

2.4 A steering group comprising the residents and Parish Council representatives has been delegated authority by the Parish Council to make day-to-day decisions on the preparation of the Modified Plan. However, as the qualifying body, the Parish Council approved the publication of the Pre-Submission plan in October 2022 and the Submission Plan now. The modifications of the Plan are considered to change the nature of the Made Plan and will therefore require a referendum in accordance with the Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2017/1243.

2.5 The Parish Council has consulted the local community extensively over the duration of the project. It has also sought to work closely with officers of the District Council to collate and examine the evidence base, to design and iterate policy proposals and to define the proper relationship between the Modified Plan and the adopted Chichester Local Plan Key Policies (CLPKP) – see also §2.9. The nature and outcome of these various publicity and consultation exercises are set out in the separate Consultation Statement.

2.6 The Modified Plan now contains a total of 21 land use policies which are defined on the Policies Map where they apply to a specific part of the Area (compared to the 9 policies of the Original Plan). The Plan has deliberately avoided containing policies that duplicate saved development plan policies or national policies that are already used to determine planning applications. The policies are therefore a combination of site-specific allocations or other proposals and of development management matters that seek to refine and/or update existing policies.

2.7 For ease of reference, the schedule of main modifications (of §5.7 in the Modified Plan) is included again here:

| Modified Policy Number & Title | Original Plan Policy Number |
|--|-----------------------------|
| SB1 Development within and outside the Settlement Boundaries | 1 |
| SB2 Land North of Cooks Lane, Southbourne Village | NEW |
| SB3 Local Housing Needs | NEW |
| SB4 Design in Southbourne Parish | 4 |
| SB5 Design and Heritage in Lumley | 4 |
| SB6 Design and Heritage in Hermitage | 4 |
| SB7 Design and Heritage in the Prinsted Conservation Area | 4 |
| SB8 Design and Heritage in Nutbourne West | 4 |
| SB9 Local Heritage Assets | 4 |
| SB10 Employment Land | 5 |
| SB11 Community Facilities and Local Shops | 6 & 9 |
| SB12 Land for Expanding Education and Recreational Uses | 8 |
| SB13 Green and Blue Infrastructure Network | 3 & 7 |
| SB14 Biodiversity | 7 |
| SB15 Trees, Woodland and Hedgerows | 7 |
| SB16 Local Green Spaces | 7 |
| SB17 Achieving Dark Skies | NEW |
| SB18 Special Protection Areas and Ramsar Sites | 7 |
| SB19 Zero Carbon Buildings | NEW |
| SB20 Water Infrastructure and Flood Risk | 4 |
| SB21 Sustainable Travel | NEW |

2.8 The majority of the modifications relate to refining the wording of, and/or 'unpacking', of made policies. For example, in reviewing the effectiveness of the made policies in decision making, the Parish Council concluded that the made design policy (4) was too generic and warranted dividing into a series of settlement-specific design guidelines (now policies SB4 – SB9). In other cases, the Parish Council has reviewed other neighbourhood plans made since 2015 and identified opportunities to include some new policies on matters like zero carbon buildings and dark skies that it considers are just as relevant in this Parish.

2.9 Given the issues raised in the examination of SPNP2 set out in §2.2, the Parish Council has been keen to engage with the District Council to avoid any repetition of those issues. In submitting SPNP3 for examination, the Parish Council understands the following principles have been agreed with the District Council:

- SPNP3 contains modifications that in combination will 'change the nature of the plan', thus requiring it to be subject to a referendum in due course
- SPNP3 provides a positively prepared, up-to-date, non-strategic planning policy framework for decision making in the period until the District Council adopts a new Local Plan
- SPNP3 contains policies and allocations to meet its identified housing requirement
- SPNP3 contains only non-strategic policies or policies that refine adopted strategic policy that are in general conformity with the strategic policies of the adopted CLPKP
- The potential for SPNP3 to have significant environment effects has been avoided or satisfactorily mitigated through its policy choices and wording, as concluded by the submitted Sustainability Appraisal
- The potential for SPNP3 to have Likely Significant Effects on the integrity of 'European Sites' has been avoided or satisfactorily mitigated through its policy choices and wording, as concluded by the submitted Habitats Regulations Assessment

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

3.1 The Modified 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 set out in Table A. In overall terms, there are four NPPF paragraphs that provide general guidance on neighbourhood planning, to which the Modified Plan has directly responded:

General Paragraphs

3.2 The Parish Council believes the Modified Plan “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 Modified Plan 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 Modified Plan 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 Modified Plan has provided its communities with the power to develop a shared vision for the Area that will shape, direct and help to deliver sustainable development, albeit in a modest way, by influencing local planning decisions as part of the statutory development plan. The Modified Plan contains no policies that will result in less development than set out in the strategic policies for the area (§29).

Specific Paragraphs

3.4 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.

Table A: Neighbourhood Plan & NPPF Conformity Summary

| No. | Policy Title | NPPF Ref. | Commentary |
|-----|--|------------------------|---|
| SB1 | Development within and outside the Settlement Boundaries | 16(d), 21 | <p>The convention of settlement boundaries is provided for in strategic policies 2 and 6 of the development plan. The Modified Plan has used this as a 'clear starting point' (§21) for its non-strategic policy. Crucially it seeks to remove the ambiguity of how proposals outside but adjoining a settlement boundary should be considered that has led to the approval of proposals that were clearly contrary to the original spatial policy principles. 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).</p> |
| SB2 | Land North of Cooks Lane, Southbourne Village | 14, 62, 174(d), 179(a) | <p>The policy allocates land for a scheme of 199 homes, which supplement the 350 homes allocated in the made Plan and other schemes granted consent since the making of the Plan in 2015, all of which total almost 600 homes in the plan period to 2029. The developable land is limited to the 'approximate development area' defined by Policies Map Inset.</p> <p>The policy provides net gains for biodiversity (§174d) and '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...' (§179a). 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' (§62). The evidence gathered during the preparation of the Review indicates that there is an imbalance in Southbourne's housing stock.</p> |

| | | | |
|-----|---|---------------|--|
| | | | 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. |
| SB3 | Local Housing Needs | 61, 62 | <p>The 'size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies' (§62). 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 (§61).</p> <p>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 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.</p> |
| SB4 | Design in Southbourne Parish | 127, 130, 176 | <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 (§127). These policies 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 (§176) to establish or maintain a strong sense of place (§130) while not preventing or discouraging appropriate innovation or change.</p> <p>In addition, in respect of Prinsted, the policy also seeks to preserve and enhance the special qualities of the Prinsted Conservation Area</p> |
| SB5 | Design and Heritage in Lumley | 127, 130 | |
| SB6 | Design and Heritage in Hermitage | 127, 130 | |
| SB7 | Design and Heritage in the Prinsted Conservation Area | 127, 130, 176 | |

| | | | |
|------|---------------------------------------|---------------|--|
| SB8 | Design and Heritage in Nutbourne West | 127, 130, 206 | to ensure developments are sympathetic to local character and history (§206). |
| SB9 | Local Heritage Assets | 190, 203 | <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.' (§190).</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 §203.</p> |
| SB10 | Employment Land | 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> |
| SB11 | Community Facilities and Local Shops | 86, 92, 93 | 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 (§86). It aims to achieve healthy, inclusive and safe places which promote social interaction, including opportunities for meetings between people (§92), 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 (§93). |

| | | | |
|------|--|---------------------------------|--|
| SB12 | Land for Expanding Education & Recreational Uses | 95, 179a | <p>This policy retains the Original Plan policy allocating land adjoining the existing secondary school in Southbourne village for an extension to the operational area of the school. The NPPF (§95) is also strongly supportive of school proposals and requires that planning authorities should 'give great weight to the need to... expand... school'. An additional clause provides for the proper consideration of the potential for loss of functionally linked habitat in relation to the nearby SPA/Ramsar site (§179a).</p> |
| SB13 | Green and Blue Infrastructure Network | 92c, 106d, 153, 174d, 175, 179a | <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 (§92c).</p> <p>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 (§106d).</p> <p>The policy establishes a coherent ecological network that is more resilient to current and future pressures (§174d) and takes a strategic approach to maintaining and enhancing networks of habitats and green infrastructure' (§175) by identifying, mapping and safeguarding components of local wildlife-rich habitats and wider ecological networks' (§179a).</p> <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 (§153).</p> |

| | | | |
|------|-------------------------------|--------------|--|
| SB14 | Biodiversity | 174d, 179 | The policy seeks to minimise impacts on and provide net gains for biodiversity' (§174d) and to safeguard components of local wildlife-rich habitats and wider ecological networks that are especially important to its biodiversity value, including the Wildlife Corridors at Lumley and at Ham Brook. The policy documents the natural assets in the Parish and requires enhancements to biodiversity to secure a measurable 'net gain' in biodiversity value (§179). |
| SB15 | Trees, Woodland and Hedgerows | 174b, 180c | The policy recognises the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services (§174b) and seeks to ensure that development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) is refused, "unless there are wholly exceptional reasons, and a suitable compensation strategy exists..." (§180c). The policy identifies the location of ancient woodland, protected trees and historic hedgerows throughout the Parish. |
| SB16 | Local Green Spaces | 99, 102, 103 | The policy designates a number of Local Green Spaces 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 (§102). The policy wording is consistent with that for Green Belts (§103). |
| SB17 | Achieving Dark Skies | 185c | Much of Southbourne parish has relatively dark skies. This new policy therefore seeks to limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation and especially within the Chichester Harbour AONB. (§185c). |

| | | | |
|------|-------------------------------------|------------------------|---|
| SB18 | International Nature Areas | 174b, 180, 182 | <p>The policy seeks to 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 ...” (§174b). It also provides for significant harm to biodiversity resulting from a development where it cannot be avoided or adequately mitigated, or, as a last resort, compensated for. (§180)</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 habitats sites (§182). The policy is intended to draw attention to the critical importance of nutrient neutrality to avoid any adverse impact on the Harbour.</p> |
| SB19 | Zero Carbon Buildings | 56, 152, 155, 157b | <p>This new policy is a local response to a global challenge (§152), the local community being convinced by the international evidence that ensuring zero carbon building performance is required in a variety of ways (§155). All are now considered valid planning matters that can be addressed with the Written Ministerial Statement of 2015 increasingly outdated and superseded with subsequent climate change national policy announcements. Its focus is on using a reasonable, precise and enforceable (alongside existing energy reporting) planning condition (§56) to ensure there is no energy performance gap between what is proposed and what is built once occupied. It is hoped this requirement will act to incentivise the use of genuine zero carbon building schemes (e.g. Passivhaus), which in any event should be considered at the design layout stage to ensure opportunities to meet that standard are not missed (§157b).</p> |
| SB20 | Water Infrastructure and Flood Risk | 16, 28, 152, 153, 154, | <p>This non-strategic policy is proposed to set out more detail for this specific area on the provision of water-related infrastructure (§28). It supports the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change’ (§152). It takes a proactive approach to mitigating and adapting to climate change</p> |

| | | | |
|------|--------------------|---------------|---|
| | | | <p>and supports measures to ensure the future resilience of the Parish and its water and flood infrastructure to climate change impacts (§153). It is especially important here that new development is planned for in ways that avoid increased vulnerability to the range of impacts arising from climate change with care taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure (§154).</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> |
| SB21 | Sustainable Travel | 104, 110, 152 | <p>The policy encourages transport issues to be considered from the earliest stages of plan-making so that the potential impacts of development on transport networks can be addressed (§104). It also requires that safe and suitable access can be achieved for all users (§110). 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 low carbon future (§152). 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> |

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 Modified Plan, as a whole, meets Condition (a).

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

4.1 Given the intended scope of the earlier SPNP2 review, the Parish and District Councils agreed that a Strategic Environmental Assessment (SEA) would be necessary as a matter of principle. The District Council provided formal screening opinion confirming the need for an SEA. The Parish Council proceeded to appoint AECOM to prepare first a scoping report for an SEA in November 2019 for the SPNP2, which was followed by a Pre-submission SEA/SA report and a Submission version.

4.2 Following the withdrawal of the SPNP2, AECOM has prepared an updated Pre-Submission SEA/SA report for SPNP3. The report sets out the sustainability effects of the policies of the Modified Plan. The Report concludes:

“5.48 The assessment has concluded that the submission modified plan is likely to lead to positive effects in relation to the ‘Population and Community’, ‘Health and Wellbeing’, and ‘Transportation’ SA themes. These benefits largely relate to the Neighbourhood Plan’s focus on supporting growth 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 and blue infrastructure networks in the area and its focus on a high-quality public realm and neighbourhood distinctiveness.

5.49 The assessment has also concluded that the submission modified 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 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.

5.50 Additionally, the submission modified 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 SB12, which includes establishing of a ‘Green Ring’ within and surrounding Southbourne, should enhance ecological networks within the Neighbourhood Plan area.

5.51 Regarding the ‘Climate Change’ SA theme, the submission modified 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.

5.52 The submission modified 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."

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

5.1 The SPNP3 has been prepared to ensure its general conformity with the strategic policies of the development plan for the District, that is the Chichester Local Plan Key Policies 2014 – 2029 and the West Sussex Minerals and Waste Plans.

5.2 While it must be in general conformity with the strategic policies of the adopted CLPKP of 2015, it can also reflect the 'reasoning and evidence' of the emerging Chichester Local Plan Review. Parts of its evidence base have been drawn on and supplemented to inform the Modified Plan. However, the emerging proposals, which indicate that Southbourne village may still be a sustainable location for further housing growth and other uses, have not been subject to examination and have therefore been given no further consideration. And as explained in the plan document itself, the examiner of SPNP2, which sought to make provision for 1250 dwellings proposed in the emerging Local Plan Review concluded that to do so would be "inconsistent with the [made] Local Plan and not in general conformity with it'.

5.3 The Parish Council disagreed with that judgement but has therefore no choice in giving the matter no further consideration, although it acknowledges some land interests that supported SPNP2 have been left frustrated at this outcome and have objected to the plan period and absence of new land allocations in the SPNP3. It has instead agreed with the District Council that by SPNP3 confining itself to the Original Plan (and CLPKP) plan period planning for the long term future of the Parish will be left to the emerging Local Plan Review and perhaps a subsequent review of SPNP3 once the Local Plan Review is adopted.

5.4 An assessment of the general conformity of each policy is contained in Table B below.

Table B: Neighbourhood Plan & Development Plan Conformity Summary

| No. | Policy Title & Refs | Commentary |
|-----|--|--|
| SB1 | Development Within and Outside the Settlement Boundary | The modification brings the policy back into line with the way in which CLPKP policies 2 and 45 operate in respect of land outside the defined boundary. Rather than defer on the wording of that policy (which has been deemed out of date) its clause B has brought the wording into this policy so that it can carry the full weight of the development plan. With Original Plan and SPNP3 (and interim planning consents) more than providing for the supply of homes to meet local needs in this Parish (as per CLPKP policies 4, 5 and 20), the re-imposition of the boundary and its status will renew the currency of the plan-led system, which has been undermined in the years since the making of Original Plan, despite its positive approach to planning for housing growth. The Policies Map has been modified so that the boundaries reflect development schemes consented and built since the Original Plan and the boundary of the Cooks Lane site provided for in Policy SB2. |
| SB2 | Land North of Cooks Lane, Southbourne Village | The scheme will make a significant contribution to meeting housing needs in the District. In including the policy, the Parish Council demonstrates their commitment to planning for positive growth in the village whilst recognising the CDC's conclusion that major development in the Parish would not be consistent with the adopted Local Plan. |
| SB3 | Local Housing Needs | 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. 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. |
| SB4 | Design in Southbourne Parish | 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 CLPKP policies 33, 43, 44 and 47 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 |
| SB5 | Design and Heritage in Lumley | |
| SB6 | Design and Heritage in | |

| | | |
|------|---|--|
| | Hermitage | development plan provision in relation to the National Design Guide. |
| SB7 | Design and Heritage in the Prinsted Conservation Area | |
| SB8 | Design and Nutbourne West | |
| SB9 | Local Heritage Assets | The policy supplements CLPKP Policy 47 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. |
| SB10 | Employment Land | The policy supplements CLPKP Policy 23 in supporting 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 policies. The Parish Council shares the District Council's position in CLPKP Policy 30 on tourism that supports the retention of such sites in principle and their loss will only be supported where there is no proven demand for the facility and where, in the first instance, <i>"the focus of consideration of alternative uses should be on employment-led development"</i> in line with the principle underpinning this policy and where the land can no longer make a positive contribution to the local economy. |
| SB11 | Community Facilities and Local Shops | The policy is consistent with Policy 38 that promotes the protection and enhancement of such facilities and gives it local effect by specifically identifying the community facilities in the Neighbourhood Area. 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. |
| SB12 | Land for Expanding Education & Recreational Uses | This policy retains the Original Plan proposal to allocate land adjoining the existing secondary school in Southbourne village for an extension to the operational area of the school. It accords with CLPKP Policy 48 in respect of development in the countryside that serves as a gap preventing the coalescence of settlements, as it is not the intention to amend the defined Southbourne settlement boundary in this location. This is also consistent with CLPKP Policy 38 for community facilities, which states that, <i>"the district planning authority will permit the provision of new or extended community facilities including ... education and community recreation facilities in the rural area where ... the site adjoins a settlement policy area boundary ... and the proposal is of a size, form and appearance consistent with the character and environment of the site, its</i> |

| | | |
|------|-------------------------------------|---|
| | | <i>surroundings and the adjacent settlement."</i> The policy also requires that there is no better location within the settlement boundary for this purpose, which is the case in this parish. With the addition of a new clause to the policy it is also now in conformity with Policy 50 on managing development affecting the Chichester Harbour SPA. |
| SB13 | Green & Blue Infrastructure Network | This policy builds upon the foundations laid by Policy 3 'Green Ring' of the Made Plan and is consistent with the provisions of CLPKP Policy 52 on Green Infrastructure and Policy 54 on Open Space, Sport and Recreation by defining a multifunctional network of green infrastructure assets. It has identified the opportunity to link the wildlife corridor along the Hambrook Chalk Stream consistent with CLPKP paragraph 19.54 ' <i>...opportunities should be taken to link habitats as part of a 'green network' ...to facilitate species movement'</i> ', reflecting criteria 3 and 4 of Policy 52. The Parish Council considers that the policy upholds the general principle of Policy 52; that any degree of conflict is minor; that the policy offers a distinct local approach that does not undermine Policy 52; and that there is a strong rationale and evidence base to justify this approach. |
| SB14 | Biodiversity | The policy requires the impacts on biodiversity to be considered and highlights sites of particular sensitivity consistent with the provisions of CLPKP Policy 49 which seeks to protect and enhance local biodiversity. |
| SB15 | Trees, Woodland and Hedgerows | 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 CLPKP Policy 52 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. |
| SB16 | Local Green Spaces | Whilst the CLPKP does not specifically refer to Local Green Spaces, its Policy 54 seeks to retain, enhance and increase the quality of open space, sport and recreation facilities, and improve access to them. |
| SB17 | Achieving Dark Skies | The policy is consistent with, and refines, CLPKP Policy 40 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'. |

| | | |
|------|-------------------------------------|--|
| SB18 | International Nature Areas | 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). The policy supports CLPKP Policies 44 and 50 in respect of mitigating effects on Habitat Sites and in particular the critical issue of nutrient neutrality. |
| SB19 | Zero Carbon Buildings | The policy framework is consistent with the criteria outlined in CLPKP Policy 40. However, the preparation of these policies was undertaken prior to recent changes in the law and national policy commitments. 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 efficiency terms, the policy is consistent with both the national and local climate emergency target and monitoring regimes. The policy offers a distinct local approach that does not undermine Policy 40 and that there is a strong rationale and evidence base to justify this approach. |
| SB20 | Water Infrastructure and Flood Risk | The policy is consistent with CLPKP Policies 40 and 42 in respect of their 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. The District Council has a 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. |
| SB21 | Sustainable Travel | The policy is consistent with CLPKP Policy 39 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. |

5.5 It is considered that all the policies are in general conformity with the strategic policies of the adopted development plan. None of the policies of the Modified Plan have required a balancing exercise to be undertaken in having regard to general conformity with strategic policy as none are considered to be inconsistent with strategic policy. As a result, the Modified Plan, as a whole, meets Condition (e).

6. CONDITION (F): COMPATABILITY WITH EU LEGISLATIONS

6.1 The District Council provided a screening opinion that has determined that a Strategic Environmental Assessment is not required, following consultation with statutory bodies, as per Regulation 9 of the Environmental Assessments of Plans and Programmes Regulations 2004 (as amended). A copy of the screening opinion is published separately. The Parish Council has therefore 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 Modified Neighbourhood Plan.

6.2 The Parish Council has also met its obligations in relation to the habitat 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 CDC advised that there had been significant changes in circumstances relating to the Special Protection Areas in the District since the Made Plan. As a result, the Parish Council has obtained from AECOM a technical report to inform CDC on how the plan complies with the Conservation of Habitats and Species Regulations 2017 (as amended). The Regulations require CDC as the 'competent authority' to screen for the potential of the modified plan to have 'likely significant effects' (LSE) on the Chichester and Langstone Harbour Special Protection Area (SPA) and the Solent Maritime Special Area of Conservation (SAC). The technical report has also been issued to CDC and Natural England for their comments alongside the draft modified plan and draft SEA report. The report confirms that the Modified Plan will not have any significant effects.

6.3 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 review and considers that it complies with the Human Rights Act. The Modified 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