

15th May 2017

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Dear Ms Whitaker

BOXGROVE NEIGHBOURHOOD PLAN
REGULATION 14 PRE-SUBMISSION DRAFT
REPRESENTATIONS ON BEHALF OF MR AND MRS PARRY, PRIORY COTTAGE, THE STREET, BOXGROVE, PO10 0EE

I write with reference to Boxgrove Parish Council's emerging Neighbourhood Plan, which is currently the subject of public consultation.

1.0 Introduction:

Neame Sutton Limited, Chartered Town Planners, is instructed by Mr and Mrs Parry to submit representations in respect of the Boxgrove Neighbourhood Plan 2015-2031, Regulation 14 Pre-Submission version (April 2017).

2.0 Background:

The Localism Act 2011, introduced neighbourhood planning to give local communities the opportunity to take a more active role in shaping their future by setting out a vision for their community.

In order that they may become part of the Statutory Development Plan, and thus relied upon for the purposes of decision making of planning applications, Neighbourhood Plans must meet a number of basic conditions in order to comply with legislation (paragraph 8 (1)(a) of Schedule 4B to the Town and Country Planning Act specifically refers), tested by an Independent Examiner.

In order to meet the basic conditions, a Neighbourhood Plan must:

- Have regard to national policies;
- Contribute to the achievement of sustainable development;
- Be in general conformity with the strategic policies contained in the development plan; and
- Be compatible with EU obligations and human rights requirements.

It is considered that as currently drafted, the Neighbourhood Plan is not capable of support, as it has failed to meet some of these basic conditions.

3.0 Areas of Concern for the soundness of the Neighbourhood Plan:

(i) Amount of housing proposed:

As a family with growing children my Clients fully acknowledge, and endorse, the need to ensure that communities adequately plan to meet the future needs of its residents, and as such supports the principle of a Boxgrove Neighbourhood Plan.

However, it is equally important to make sure that this is balanced with the need to preserve and enhance the special environmental qualities of the village.

As currently drafted the Boxgrove Neighbourhood Plan goes beyond meeting the future needs of Boxgrove for the period up to 2029 without any reasoned justification.

Policy 5 of the Adopted Chichester Local Plan: Key Policies 2014-2029, states that small scale housing sites will be identified to address the specific needs of local communities, as defined by the District's Strategic Housing Market Assessment (SHMA), and in relation to Boxgrove identifies the need to allocate sufficient site/s to deliver a total of 25 dwellings in the period 2017 to 2029.

This level of development is derived from a detailed assessment of the housing potential and capacity of individual parishes and settlements undertaken by Chichester District Council. This analysis has considered the size and character of individual settlements, levels of local housing need, the availability of everyday services and facilities, and levels of accessibility and public transport. It has also taken account of known development constraints and potential sites in each parish (paragraph 7.25 of the Adopted Local Plan specifically refers).

Furthermore, it reflects the fact that new housing should be directed primarily towards larger, more sustainable settlements. In this respect, Boxgrove is identified as a service village, which is a third tier settlement in the Council's settlement hierarchy after the sub-regional centre of Chichester City and settlement hubs of East Wittering/Bracklesham, Selsey, Southbourne and Tangmere, and is therefore consistent with the aims of achieving sustainable development, as set out in the National Planning Policy Framework (the Framework).

The Neighbourhood Plan acknowledges at Section 3.4 that 22 of its 25 dwelling allocation has been met by the appeal which was allowed at Land off Priors Acre on 26th May 2016 (APP/L3815/W/15/3138439), thus leaving a residual of 3 dwellings to be found.

In addition to the above, planning permission has also been granted (against Officers advice), for one new dwelling and 5 tourist accommodation units (BX/16/01196) at the Old Coal Yard, Halnaker, in November 2016 and therefore contributes towards the overall parish allocation of 25, and thus only leaving 2 dwellings to be allocated for the period up to 2029.

However, given that the Parish Housing Figures are expressed as “*indicative housing numbers*” and that they should be “*regarded as providing a broad indication of the potential scale of housing*” then it could be argued that the needs of Boxgrove until 2029 have been adequately met in full by the development at Priors Acre. This option does not appear to have been fully considered, and as a consequence the Neighbourhood Plan is lacking in any reasoned justification for its approach to allocate additional sites.

(ii) *Incorrect identification of housing allocations as windfalls:*

In addition to the established housing commitments of 23 dwellings, Policy H3 (Windfall Sites), of the Neighbourhood Plan, seeks to encourage residential developments on infill and redevelopment sites within the defined settlement policy boundary (SPB) of Halnaker and Boxgrove. Indeed, this is consistent with the objectives of the Framework and Policy 2 of the Adopted Chichester Local Plan.

The Policy then seeks to allocate 3 additional small sites (less than 6 dwellings), as follows:

Site 7 – Land at The Old Granary – 3-6 single storey dwellings

Site 8 – The Old Coal Yard – 1 dwelling

Site 10 – Brambles – 1 dwelling.

With the exception of Site 8, which is a site with planning permission and therefore a commitment, Sites 7 and 10 cannot be regarded as windfall sites and should therefore be deleted.

It is fully acknowledged that Chichester District Council has stipulated that sites of less than 6 dwellings cannot be counted against parish housing numbers (paragraph 7.28 of the Adopted Local Plan). However, this is on the basis that small windfall sites are those arising from “*change of use, conversions and small infill sites*” (paragraph 7.11 of the Adopted Local Plan) ie, brownfield sites.

By definition, windfall sites are those not previously identified, and those that can come forward during the plan period without revision to the Local Plan. In this respect, Sites 7 and 10 fail the second test, in that they comprise greenfield sites/garden land outside the defined settlement policy boundary and therefore conflict with Local Plan policy. Accordingly, they cannot be considered to meet the basic condition of complying with the strategic objectives of the Local Plan, and as a consequence should be deleted.

(iii) *Seeking to meet future needs beyond 2029:*

In addition to the above, the emerging Neighbourhood Plan has allocated land at Halnaker Crossing for approximately 25 dwellings, under Policy H4, in order to fulfil a “*future general housing allocation request for Chichester District Council*” (paragraph H4.5 specifically refers).

This is unnecessary, and not supported by evidence, on the basis that the needs of Boxgrove up to 2029 have been adequately met by existing commitments, and as a consequence no allocations need to be made. This site should therefore be deleted.

Secondly, this fails to give future generations a choice over where new development should be located.

If, however, it is intended to reflect the fact that Chichester District Council is about to review its Local Plan, and Boxgrove is likely to have to increase its parish housing allocation, then this policy should be expressed as a Reserve Site, to only come forward in such circumstances.

(iv) *Location of proposed housing sites:*

Notwithstanding the above views, the Neighbourhood Plan fails to provide any reasoned justification for the identification of those sites allocated for development.

The only explanation appears at paragraph H3.2, which states that *"residents showed their approval for some small developments within the villages"* and that although they cannot be taken into account in the overall housing numbers *"they cannot be ignored as residents have voiced their approval"*.

It is evident from the Site Assessment and Neighbourhood Plan surveys that the overwhelming majority of residents voted in favour of land at Halnaker Crossing to accommodate the future needs of Boxgrove. However, this site has been omitted on the basis that the Parish Council could not afford/would not risk spending the funds necessary to undertake a Strategic Environmental Assessment (SEA) to support the Neighbourhood Plan. This is not a valid planning reason to omit a site from further consideration.

Consequently, this approach fails to take account of the majority view of the community and as such fails to have regard to the objectives of Neighbourhood Planning, as set out in the Framework at paragraph 184, which states that *"Neighbourhood Planning provides a powerful set of tools for local people to ensure that they get the right types of development for their community"*.

Furthermore, whilst not every Neighbourhood Plan is expected to be accompanied by a SEA, it is however compulsory to provide either a statement of reasons as to why SEA was not required, or an environmental report. Neither of which has been undertaken as part of the Regulation 14 Neighbourhood Plan.

This is of particular relevance given that the Neighbourhood Plan area contains sensitive environmental assets that may be affected by the policies and proposals.

In addition, the Adopted Chichester Local Plan recognises that there are key infrastructure constraints that limit development at Chichester and Tangmere eg, wastewater treatment and need for A27 improvements, and anticipates that post 2019 Tangmere could accommodate an additional 1,000 dwellings.

In order to address these issues, the Neighbourhood Plan should be accompanied by a detailed Site Assessment Report that sets out the methodology undertaken for each site assessment, including the criteria against which each sites has been assessed. It is not clear from the evidence base that this process has been undertaken.

This is a fundamental failing to the due diligent process of preparing a Neighbourhood Plan in a fair and transparent manner, and undermines the soundness of the Boxgrove Neighbourhood Plan.

(v) *Failure to publish key documents:*

The Neighbourhood Plan makes reference (paragraph 1.3 and 1.4), to the fact that both a Consultation Statement and Basic Conditions Statement have been prepared to support the Neighbourhood Plan. However, neither document is available to view alongside the Regulation 14 Neighbourhood Plan and is considered to be a failure of the process, particularly in light of the fact that a SEA has not been undertaken to underpin the Plan.

Furthermore, in the absence of a Consultation Statement, it is not clear the extent to which the local community and those with a land interest in Boxgrove has had in the decision making process to ensure that the Neighbourhood Plan is representative of the communities desires and aspirations. For example, those who voted in favour is expressed in the Site Assessment document, but this is not balanced with those who voted against each option.

These documents should be made publicly available on the Council's website.

(vi) *Drafting errors within the Neighbourhood Plan:*

It is evident from review of the Regulation 14 Neighbourhood Plan that a number of drafting errors have occurred, as follows:

- Within the Contents on page 2 and 3 there is reference at 5.4 to a Site Allocations section. However, this is not present within the report. As a consequence, the proceeding numbering is out of sequence;

- Notwithstanding my Client's assertion that sites 7 and 10 are not necessary to meet future needs and should therefore be deleted, in the event that they remain within the Plan then they should comprise a separate specific Housing Allocation Policy as they do not comprise windfalls so should not be included within Policy H3;
- The Plan should explain more clearly the spatial strategy for the village and would benefit from a specific policy that sets out how the 25 dwellings are to be met;

I trust the above representations are in order. Should you have any queries or require any additional information then please do not hesitate to contact me.

With kind regards

Yours sincerely



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