

30th October 2017

FAO: Imogen Whitaker

BY EMAIL ONLY to:

boxgrovenp@gmail.com

boxgrovepci@gamil.com



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 (dated 18th September 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) *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.

It is noted that since the first iteration of the Regulation 14 Pre-Submission Neighbourhood Plan was published in May 2017, a Heritage Impact Assessment has been retrospectively carried out by Whaleback (August 2017) to now support the proposed allocation of 3-6 dwellings on land west of The Old Granary.

The Heritage Report examines the setting of the site within its context and this is graphically illustrated on the Site Setting Map on page 6. However, this map has omitted those trees along the site frontage onto The Street and also those trees along the access road to the Old Granary, which it is argued contribute to the sites character and appearance and this part of Boxgrove as you enter the village. Accordingly, they too should be identified as important tree groups on the map.

Furthermore, the Report at page 21 seeks to assess the impact of the proposed development, as far as it can, acknowledging that the development "has not yet been designed so the effects cannot be assessed".

However, the diagram on page 21 shows a proposed layout with 2 single storey buildings arranged as an agricultural yard situated to the rear of the site and a 2 storey dwelling sited on The Street's frontage.

The inclusion of a 2 storey dwelling sited on The Street's frontage is contrary to Policy H3 which seeks to allocate the site for a "courtyard of 3-6 single storey residences with gardens and screened parking."

The 2 storey dwelling does not therefore form part of the proposals for the site and should therefore be deleted. Indeed, my Clients have been consistently advised by the Parish Council's advisor that any development that takes place on this site will be restricted to single storey.

(iv) 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.

It is noted that the Regulation 14 Neighbourhod Plan stipulates that these will be made available at the Regulation 15 stage. Having enquired about their availability, the Parish Council has taken the view that these cannot be published until the process of engagement is complete and the documents finalised. However, these documents could, and should be, made publicly available on the Council's website in draft form, and could simply be updated as the Neighbourhood Plan emerges

(v) *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



AMANDA SUTTON

DIRECTOR

amanda.sutton@neamesutton.co.uk