

# **BOXGROVE NEIGHBOURHOOD PLAN 2017-2029**

## **Report to Chichester District Council of the Independent Examination**

**By Independent Examiner, Tony Burton CBE BA MPhil (Town Planning) HonFRIBA FRSA**

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**January 2020**

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# 1. Executive Summary

1. I was appointed by Chichester District Council with the support of Boxgrove Parish Council to carry out the independent examination of the Boxgrove Neighbourhood Plan.
2. I undertook the examination by reviewing the Plan documents and written representations, and by making an unaccompanied visit to the Neighbourhood Area.
3. I consider the Plan to be an adequate expression of the community's views and ambitions for Boxgrove. It is based on an effective programme of public consultation which has informed a Vision Statement and Core Objectives for the Neighbourhood Area. These are translated into planning policies dealing with issues distinct to the locality. They are supported by community aspirations beyond the scope of the neighbourhood plan. The Plan is supported by a Consultation Statement, Basic Conditions Statement and Strategic Environmental Assessment. An essential minimum of supporting evidence is provided on most aspects of the Plan and there is good evidence of community support.
4. I have considered the small number of representations made on the submitted Plan and addressed them in this report as appropriate.
5. My report was completed for fact checking in September 2018. It was paused at this point to enable Chichester District Council to undertake an Appropriate Assessment and Strategic Environmental Assessment as a result of new case law. This process took until January 2020 to complete and while necessary it has caused serious delay and understandable frustration. It has also meant the Plan has not been in force during the intervening period. I have made no changes to the report since it was completed in 2018 other than to address this issue and the adoption of relevant planning policy documents.
6. Subject to the recommended modifications set out in this report I conclude that the Boxgrove Neighbourhood Plan meets all the necessary legal requirements, including satisfying the Basic Conditions. I make a small number of additional recommendations.

7. I recommend that the modified Plan should proceed to Referendum and that this should be held within the Neighbourhood Area.

## 2. Introduction

8. This report sets out the findings of my independent examination of the Boxgrove Neighbourhood Plan. The Plan was submitted to Chichester District Council by Boxgrove Parish Council as the Qualifying Body.

9. I was appointed as the independent examiner of the Boxgrove Neighbourhood Plan by Chichester District Council with the agreement of Boxgrove Parish Council. My selection was facilitated by the Neighbourhood Planning Independent Examiner Referral Service.

10. I am independent of both Boxgrove Parish Council and Chichester District Council. I do not have any interest in any land that may be affected by the Plan. I possess the appropriate qualifications and experience to undertake this role.

11. My role is to examine the Neighbourhood Plan and recommend whether it should proceed to referendum. A recommendation to proceed is predicated on the Plan meeting all legal requirements as submitted or in a modified form, and on addressing the required modifications recommended in this report.

12. As part of this process I must consider whether the submitted Plan meets the Basic Conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. To comply with the Basic Conditions, the Plan must:

- have regard to national policies and advice contained in guidance issued by the Secretary of State; and
- contribute to the achievement of sustainable development; and
- be in general conformity with the strategic policies of the development plan in the area; and
- be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations.

13. I am also required to make a number of other checks under paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990.

14. In undertaking this examination I have considered the following documents as the most significant in arriving at my recommendations:

- the submitted Boxgrove Neighbourhood Plan plus its Schedules and Appendices
- the Basic Conditions statement
- the Consultation Statement
- the Strategic Environmental Assessment and Habitat Regulations Assessment reports and responses
- relevant parts of the development plan for the neighbourhood area (Chichester Local Plan: Key Policies 2014-2029 and Local Plan 1999 (for areas within South Downs National Park)) and the South Downs National Park Local Plan and Chichester Site Allocation Development Plan Document which were both adopted during the period of the Examination
- representations made on the submitted neighbourhood plan
- relevant material held on Boxgrove Parish Council and Chichester District Council's websites
- National Planning Policy Framework, March 2012
- Planning Practice Guidance
- relevant Ministerial Statements

15. A revised National Planning Policy Framework was published during the Examination. This states that *"the policies in the previous Framework will apply for the purpose of examining plans, where those plans are submitted on or before 24 January 2019"* (paragraph 214). I have considered the Boxgrove Neighbourhood Plan, which was submitted in December 2017, on this basis.

16. Having considered the documents provided and the representations on the submitted Plan I was satisfied that the examination could be undertaken by written representations without the need for a public hearing.

17. I carried out an unaccompanied visit to the Neighbourhood Area on a wet August weekday. I walked around Boxgrove and parts of Halnaker and visited other parts of the neighbourhood area, including the South Downs National Park. I reviewed each of the proposed Local Green Spaces, Local Open Spaces and housing sites and the north east part of the settlement boundary.

18. It is apparent that the area has a rich and diverse historic and landscape character. Boxgrove is a village with clearly defined differences in the character of the largely detached housing stock reflecting the period of construction. It has a distinct boundary to the built up area and a strong visual and physical relationship to the surrounding farmland. Halnaker is a linear settlement along the line of Stane Street and the rest of the neighbourhood area has a strong rural character with distinct hills and slopes and significant areas of woodland punctuated by farm buildings.

19. Throughout this report my recommended modifications are bulleted. Where modifications to policies are recommended they are highlighted in **bold** print with new wording in “speech marks”. Modifications are also recommended to some parts of the supporting text. A number of modifications are not essential for the Plan to meet the Basic Conditions and these are indicated by [square brackets].

20. Producing the Boxgrove Neighbourhood Plan has clearly involved significant effort by a wide range of people and organisations, led by the Neighbourhood Planning Steering Group established by Boxgrove Parish Council. There is evidence of collaboration with Chichester District Council which will continue to be important in ensuring delivery of the Plan. I should like to congratulate all those who have worked so hard over a long period of time to prepare the Plan and to thank the officers at Chichester District Council and Boxgrove Parish Council who have supported this examination process.

### 3. Compliance with matters other than the Basic Conditions

21. I am required to check compliance of the Plan with a number of matters:

#### Qualifying body

22. I am satisfied that the Plan has been prepared by a suitable Qualifying Body – Boxgrove Parish Council – which being a parish council is the only organisation that can prepare a neighbourhood plan for the area.

#### Neighbourhood Area

23. I am satisfied that the Plan relates to the development and use of land for a designated neighbourhood area and that this does not overlap with any other designated neighbourhood area. The Boxgrove Neighbourhood Area was agreed by Chichester District Council on 4 December 2012 and a map depicting the area is included in the Plan.

#### Land use issues

24. I am satisfied that the Plan relates to relevant land use planning issues. While there are a number of wider considerations raised, the Plan identifies other mechanisms (e.g. “community aspirations”) to take these forward. The planning policies are clearly distinguished in the presentation of the Plan through the use of **bold** text.

#### Plan period

25. I am satisfied the period of the neighbourhood plan is clearly stated as being from 2017 – 2029 on the cover of the Plan. This is expanded on in the Basic Conditions statement as being from 1 January 2017 to 31 March 2029 and it would aid clarity to include these dates in the Plan.

- Include the Plan period of 1 January 2017 to 31 March 2029 in the main body of the Plan (e.g. Foreword)

### Excluded development

26. For the reasons identified in the examination of individual policies I have concluded that Policy EH3 relates to excluded development and so cannot be included in the Plan. Otherwise, I am satisfied that the neighbourhood plan makes no provisions for excluded development (such as national infrastructure, minerals extraction or waste).

## 4. Consultation

27. I have reviewed the Consultation Statement and relevant information provided on the Boxgrove Parish Council website. The Statement is brief but adequately describes the process of community consultation and engagement from the genesis of neighbourhood planning in the area in 2012, through a fallow period in 2013-14, to the intense programme of consultation and plan preparation in 2015-17.

28. Public consultation on the neighbourhood plan was achieved through a range of techniques including surveys, a call for sites, community events and direct engagement with major landowners. The Statement records the consultees specifically invited to comment on the consultation draft plan and this includes relevant statutory organisations. Surveys were hand delivered to all households and businesses were surveyed separately. Both surveys attracted strong responses.

29. The Consultation Statement includes a summary table of the issues raised through consultation and how these have been addressed in finalising the Plan. There is evidence of the Plan being amended in response to consultation feedback.

30. 37 representations have been made on the submitted Plan, including 24 statements of support from individuals and comments from Chichester District Council and South Downs National Park Authority.

31. I am satisfied with the evidence of the public consultation undertaken in preparing the Plan over a long period of time and commend all those who have worked so hard over such a long time to engage and involve people in the future of the area. The Plan has been subject to adequate public consultation at different stages in its development. This has allowed community input to shape the Plan as it has developed and as proposals have been firmed up. The local planning authority has been engaged throughout the process.

## 5. General comments on the Plan's presentation

### Vision and Core Objectives

32. I have reviewed the Vision and the five Core Objectives prepared for the 33 Policies in the Plan. The Vision takes a positive approach and reflects the feedback received through consultation. It is supportive of sustainable development which maintains the rural character of the area.

33. The policies are structured around six Chapters with headings which are similar but not identical to the five Core Objectives (e.g. the fifth Core Objective is "*Business*" and this is reflected in the Chapter heading for policies on "*Employment and Enterprise*"). The policies and objectives are also presented in a different order. The wording and ordering is also similar but different in the structure of the Plan's "*About Boxgrove*" section. This is a potential cause for confusion and it would provide greater clarity if the titles were aligned and consistently ordered.

- [Amend the Plan to use the same wording for each of the Core Objectives and Chapter headings for the Plan's policies, and present them in the same order]
- [Amend the Plan to align the headings used in Section 3.0 with those used in Sections 4.0 and 5.0]

34. There is an additional Chapter with the heading "*A Spatial Plan for the Parish*". This relates to a single policy regarding development outside the Boxgrove settlement boundary. There is a mismatch between the broad heading and the specific policy which is a potential source of confusion.

- [Replace Chapter heading "*A Spatial Plan for the Parish*" with "*Development outside Boxgrove settlement boundary*" or include Policy SB1 in the "*Environment and Heritage*" section of the Plan's policies]

35. There is a further additional Chapter "*The Presumption in Favour of Sustainable Development*" which does not include any policies and which does not add to the Plan.

- [Delete section 5.2 “*The Presumption in Favour of Sustainable Development*”]

36. The policies are clearly distinguished by being presented in **bold** text. I consider this an effective way of distinguishing the policies from the other Plan content.

37. Each policy is supported by a limited amount of text and there is only limited information on the evidence supporting each policy. The lack of evidence is a serious weakness. Many policies include a short “*Justification*” which usually comprises a simple cross-reference to the relevant Objective and an unclear reference to a relevant NPPF section. There is information provided in the Background Evidence online and in the consultation feedback but this is not well related to the Plan’s policies and the documents listed in paragraph 6.1 and 6.2 are not the same as those provided online. The online evidence is also provided in different places. There are also references in section 3 to specific documents in the evidence base referenced by a number. It isn’t immediately clear how this referencing system works.

- Reference and provide a link in the Introduction (paragraph 5.1) to a single consolidated evidence base hosted on Boxgrove Parish Council’s website which includes all the relevant documents in one place (including on housing) and update relevant references throughout the Plan
- [Include text in paragraph 5.1 explaining the way the Justification for each policy is provided, including how references are used for numbered sections of the NPPF]
- [Delete sections 6.1 and 6.2]

#### Other issues

38. The Plan contains Schedules but three short Appendices are provided as separate documents. It will support the Plan’s utility if these were included in the main document.

- [Include Appendices 1, 2 and 3 in the body of the Plan]

39. The Plan's Foreword indicates a Vision for "*a twenty year period and beyond*" whereas the Vision statement is for 2030 and the Plan period runs from 2017 to 2029, periods of 13 and 12 years respectively.

- [Amend Foreword to refer to a Vision to 2030]

40. Paragraph 1.2 refers to Boxgrove Parish Council as a "*relevant body*" whereas the legislation refers to the role of a "*qualifying body*".

- [Replace "*relevant*" with "*qualifying*" in paragraph 1.2]

41. Paragraph 2.1.2 refers to the Chichester Local Plan: Key Policies 2014 – 2029 as the development plan for the neighbourhood area. The development plan for that part of the area which falls within the South Downs National Park also includes the South Downs Local Plan. The South Downs National Park Authority is referred to – wrongly – as a "*secondary*" planning authority. The Plan needs to be updated to reflect adoption of both the South Downs Local Plan and Chichester District Council's Site Allocations Development Plan Document during the period of the Examination.

- Amend paragraph 2.1.2 to delete "*secondary planning authority*" and add "*Authority*" after "*South Downs National Park*"
- Update references to the South Downs Local Plan and Chichester District Council's Site Allocations Development Plan to reflect their adoption

42. The Plan includes a number of maps (A to E) in its Schedules which come from different sources. These are of varying standards and all are of too poor quality to be used for planning purposes. It is not possible to identify boundaries with any certainty. Boxgrove Parish Council has provided me with higher quality maps on request and the maps are all provided through the Parish Online mapping service which offers the facility to make maps publicly available online.

- Replace Maps A to E with higher resolution versions which can be used precisely to identify locations and boundaries and provide a link to where each map can be located online

43. The Plan uses inconsistent heading styles and numbering making it difficult to navigate. Examples are: unnumbered headings in Section 1.0, headings of equal weight but different numbering in Section 2.0 and Section 3, Section 3 starting within Section 2.0 and lacking capitalisation in the heading and “.0”.

- Amend the Plan to provide consistent and clear use of heading styles and numbering throughout

## 6. Compliance with the Basic Conditions

### National planning policy

44. The Plan is required to “*have regard*” to national planning policies and advice. This is addressed in the Basic Conditions statement which relates the Plan’s policies to the National Planning Policy Framework (March 2012).

45. The Basic Conditions statement provides a simple explanation of the compatibility of the Plan’s policies with relevant sections of the National Planning Policy Framework.

Policies EE6 and LC6 do not appear in the analysis although they are relevant to the NPPF’s sections on design and healthy communities respectively.

- [Add Policies EE6 and LC6 to an updated Basic Conditions statement in relation to the NPPF’s sections on design and healthy communities]

46. There are some areas where the drafting of the Plan’s policies needs to be amended in order to meet the National Planning Policy Framework’s requirement for plans to provide a clear framework within which decisions on planning applications can be made. In addition the policies should give a clear indication of how a decision-maker should react to a development proposal (paragraphs 17 and 154). It is also important for the Plan to address the need expressed in Planning Practice Guidance for policies in neighbourhood plans to be drafted with sufficient clarity for a decision-maker to apply them consistently and with confidence when determining planning applications (paragraph 41). Policies should also be concise, precise and supported by appropriate evidence.

47. Generally, the Plan has regard to national planning policies and guidance but there are exceptions set out in my comments below. These cover both conflicts with national planning policy and the need for some policies to be more clearly expressed and/or evidenced. The lack of a strong evidence base is a significant issue for some of the Plan.

48. I am satisfied that the Plan meets this Basic Condition other than where identified in my detailed comments and recommendations on the Plan policies.

### Sustainable development

49. The Plan must “*contribute to the achievement of sustainable development*”. This is addressed in the Basic Conditions statement albeit under the heading of showing conformity with the development plan. The analysis scores the policies against their economic, social or environmental role on a scale of positive, neutral or negative. Policies EH9, GA3, GA4, LC6 and LC7 are omitted from this analysis. It is also notable that no policy is considered to have a negative impact on sustainability. Some of the assessments could be questioned. Nevertheless, my own assessment is that the Plan encourages economic, environmental and social progress and I am satisfied that the Plan meets this Basic Condition. It takes a positive approach to meeting the social and economic development needs of the Neighbourhood Area and respecting the natural and historic environment.

- [Complete the sustainability assessment for Policies EH9, GA3, GA4, LC6 and LC7 in an updated Basic Conditions statement]
- [Provide a separate heading in an updated Basic Condition statement for the assessment of how the Plan contributes to the achievement of sustainable development]

### Development plan

50. The Plan must be “*in general conformity with the strategic policies of the development plan*”. The statement simply asserts this is the case and indicates there is no intention to replicate policies in the development plan. It is unfortunate that no further assessment is provided. On request Chichester District Council has confirmed its view that “*In terms of conformity, it is considered that the policies are in general conformity with the strategic policies in the adopted Local Plan and emerging Site Allocations DPD.*” This is despite some reservations about particular policies and potential areas of duplication. South Downs National Park Authority did not raise any issues about development plan conformity in its representations.

51. There have been no representations on development plan conformity. My own assessment is that the Plan is in general conformity subject to addressing my detailed comments and recommendations on the Plan policies.

#### Strategic Environmental Assessment and Habitats Regulations Assessment

52. The Plan must be informed by a Strategic Environmental Assessment if it is likely to have significant environmental effects and by a Habitats Regulations Assessment if it is likely to lead to negative significant effects on protected European sites.

53. There has been some disagreement over the likely impact of earlier Plan proposals for a site allocation at Halnaker Crossing which Chichester District Council concluded would require a full assessment to be undertaken. This allocation was withdrawn from the Plan and the subsequent Screening Report by Chichester District Council of the pre-submission draft plan published in March 2017 concluded that *“an environmental assessment of the Boxgrove Neighbourhood Plan is not required”*. The Environment Agency, Historic England, Natural England and South Downs National Park Authority agreed with this assessment, including after assessing a later version of the Plan.

54. Subsequent to this assessment and during the Examination Chichester District Council chose to undertake further assessments as a result of changes in the law following various European Court of Justice decisions and the subsequent interpretation of new case law that it is inappropriate to take account of mitigating measures at the screening stage and an Appropriate Assessment should be undertaken. This also meant an SEA of the Plan was necessary. The process of the Examination was paused in September 2018 to allow this work to be completed. This took until January 2020. The additional work comprised:

- SEA Scoping Report (April 2019)
- SEA Scoping Report – representations received (May 2019)
- SEA Draft Environmental Report (July 2019)
- SEA Environmental Report (October 2019)
- SEA Environmental Report – non-technical summary (October 2019)

- Habitats Regulations Assessment Screening Matrix and Appropriate Assessment (agreed 2 April 2019)
- Habitats Regulations Assessment Screening Matrix and Appropriate Assessment – representations received (undated)

55. Chichester District Council determined that the SEA work should follow rather than run in parallel with that required for the purposes of the Habitats Regulations Assessment. This extended the process. All the work was subjected to consultation, including with the statutory conservation bodies and South Downs National Park Authority.

56. The Habitats Regulations Screening Assessment concluded that *“the proposals could lead to likely significant effects in combination with other plans and likely development proposals within 12km of the Singleton and Cocking Tunnels SAC”*. This SAC is significant for bats. As a result an Appropriate Assessment was undertaken which addressed the appropriateness of the mitigation measures proposed in the Plan, including the lack of site allocations in sensitive locations and policies relating to open space and tree/hedgerow protection and controls over external lighting. The Appropriate Assessment states that *“having considered the mitigation measures Chichester District Council concludes that the Boxgrove Neighbourhood Plan will not lead to any significant or adverse effects on the integrity of the Singleton and Cocking Tunnels SAC.”* Natural England agrees with this conclusion and no other substantive responses were received during consultation.

57. Where an Appropriate Assessment is required then an SEA is mandatory. The scoping report identified *“biodiversity, flora and fauna”* as the only issues where significant effects are likely. A single assessment criterion (*“Will the option prevent disturbance of Bat Flight Lines?”*) was identified for the Assessment Framework. This approach was supported during public consultation with only minor changes made to the Framework. The subsequent Environmental Report concluded that: *“A Strategic Environmental Assessment of the policies within Boxgrove Neighbourhood Plan has been undertaken against the SEA framework and the results are presented in this Environmental Report. Since SEA can consider the mitigation measures, the assessment concluded that all the policies, included the allocations under policy H5, will not result in a significant negative impact on the*

*environment.*” This was subject to consultation after which it was concluded “*no amendments to the Environmental Report were required.*” The Plan’s supporting text should be updated to reflect this work:

- [Amend Section 1.4 to briefly describe the SEA and HRA process undertaken for the Plan]

58. The Plan meets this Basic Condition.

#### Other European obligations

59. The Plan must be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations. The Basic Conditions Statement includes a short Equality Impact Assessment undertaken by the Steering Group and this has not identified any issues. I am satisfied that the Plan has appropriate regard to the rights and freedoms guaranteed under the ECHR and complies with the Human Rights Act 1998 and no contrary evidence has been presented. There has been every opportunity for those with an interest in the Plan to make their views known and representations have been handled in an appropriate and transparent manner with changes being made. The Plan meets this Basic Condition.

## 7. Detailed comments on the Plan policies

60. This section of the report reviews and makes recommendations on each of the Plan's policies to ensure that it meets the Basic Conditions. I provide comments on all policies in order to give clarity on whether the Plan meets the Basic Conditions. The final Policy numbers will need to be amended to take account of the recommended changes.

### A Spatial Plan for the Parish

61. **Policy SB1** – This excludes development other than for specified purposes outside a defined settlement boundary.

62. The Boxgrove settlement boundary was established in the Chichester Local Plan – First Review (April 1999). The settlement boundary proposed in Map E differs in two areas, one relating to a recent planning consent off Priors Acre and the other relating to an area including four buildings in the north east section east of Priory Cottage which is included in the Plan's boundary but excluded by the development plan. I note South Downs National Park Authority's concerns about the latter amendment. Bargate Homes is also unhappy with the differences in the settlement boundary. There are other small differences which appear to reflect drafting issues on a low resolution map. An amended boundary reflecting the planning consent is included in Chichester District Council's Site Allocation Development Plan Document which has completed its Examination.

63. Neighbourhood plans have an important role to play in establishing or amending settlement boundaries. Where a boundary is established it is necessary to justify any changes and no justification is provided. The amendment of the settlement boundary following planning consent for development off Priors Acre is sensible and has been accepted at Examination of Chichester District Council's Site Allocation Development Plan Document. There is merit in the proposed amendment to include four buildings east of Priory Cottage within the settlement boundary and align the boundary along the entrance road to The Old Granary but the combination of a lack of justification and uncertain drafting of the proposed boundary brings me to the conclusion that the settlement boundary should

be aligned with that established in the Chichester Local Plan – First Review (April 1999) as amended by the adopted Site Allocations Development Plan Document.

64. Policy SB1 is negatively worded in excluding all development other than that for the purposes specified. This conflicts with the need to “*plan positively*” established in national planning policy (NPPF paragraph 16) and is not consistent with the approach established in Chichester District Council’s Local Plan Policies 45 and 46.

- Amend the settlement boundary shown in Map E to align with that established in the Chichester Local Plan – First Review (April 1999) as amended by the adopted Site Allocations Development Plan Document
- **Amend Policy SB1 to replace “*not be acceptable other than*” with “*will only be supported*” and replace “*or where other policies within this plan indicate otherwise*” with “*where this is consistent with other development plan policies*”**
- Add “Chichester Local Plan Policies 45 and 46 establish the criteria to be met by development outside the settlement boundary.” to the end of paragraph SB1.1
- [Replace Chapter heading “*A Spatial Plan for the Parish*” with “Development outside settlement boundary” or move Policy SB1 into the Environment and Heritage section, with appropriate renumbering of the policies]

## **Environment and Heritage**

65. **Policy EH1** – This establishes a policy approach for protection of trees and hedgerows.

66. Policy EH1 does not meet the Basic Conditions. It presents a negative approach to development that “*will be resisted*” and is also unduly prescriptive in its requirements for what development proposals “*must*” provide. The lack of references to supporting evidence for the importance of trees and hedgerows also supports a less prescriptive approach and it is unreasonable to expect all development of whatever size to include a tree survey and management plan. The Policy seeks to support delivery of a Government target for “*net*

*gain for nature*” but does not provide any reference to where this target is set out (e.g. NPPF paragraphs 9 and 109). The Policy also goes beyond trees and hedgerows to address *“priority habitat”* but does not define this. Priority habitats are already addressed in Chichester Local Plan Policy 49.

- **Amend Policy EH1 to:**
  - **Replace the first paragraph with “Development proposals that result in the loss of or adverse impacts on trees or hedgerows of arboricultural, amenity or historic value should demonstrate that the benefits clearly outweigh the harm or loss.”**
  - **Replace “must” with “should”**
  - **Insert “significantly” between “which” and “affect” in the third paragraph**

67. **Policy EH2** – This establishes requirements for the development of renewable and low carbon energy infrastructure

68. Policy EH2 provides a positive approach and establishes relevant criteria for development. The Policy does not support proposals on *“best and most versatile agricultural land”* on the grounds that this supports both employment and biodiversity. This blanket approach is not consistent with national planning policy (e.g. NPPF paragraph 112) and the opportunities for using existing industrial or farm buildings are addressed in other aspects of the policy. Planning policies are only relevant where a decision on a planning application is needed and so the restriction of Policy EH2 to occasions *“where planning permission is required”* is confusing. As drafted the Policy is also unclear as to whether all of the criteria apply to development proposals.

- **Amend Policy EH2 to:**
  - **Delete “Where planning permission is required”**
  - **Add “and” at the end of criterion d)**
  - **Delete section f)**
- Delete paragraph EH2.2

69. **Policy EH3** – This supports restoration of specified mineral workings.

70. Neighbourhood plans cannot include policies relating to “excluded development” and under section 61K of the Town and Country Planning Act 1990, excluded development includes development that consists of a ‘county matter’ which includes ‘the carrying out of operations in, on, over or under land, or a use of land, where the land was or formed part of a site used or formerly used for the winning and working of minerals and where the operations or use would conflict with or prejudice compliance with a restoration condition or an aftercare condition’.

71. West Sussex County Council (as minerals planning authority) and Chichester District Council have confirmed in their representations that restoration conditions apply to the existing quarry workings and the Policy relates only to land in current use as a quarry. While there is unlikely to be any conflict between the general intention of the Policy and these conditions I conclude that the Policy does relate to excluded development as it may impact on compliance with these conditions and so cannot be included in the Plan. The desire to seek to re-instate historic footpaths may be addressed through other policies.

- **Delete Policy EH3**

72. **Policy EH4** – This seeks to manage development likely to increase flooding.

73. This Policy is generally worded and not prescriptive. It has not been raised in any representations. Policy EH4 meets the Basic Conditions.

74. **Policy EH5** – This seeks to protect agricultural land other than in specified circumstances

75. Policy EH5 is negatively worded and introduces an undefined category of “fertile” agricultural land. It is understood this equates to “best and most versatile” land as defined in national planning policy (NPPF Annex 2). No evidence relating to the incidence of best and most versatile agricultural land is referenced in the supporting text. Policy EH5 is not

consistent with the approach established in Chichester Local Plan Policy 48 and national planning policy (NPPF paragraph 112) to seek development of poorer quality land in advance of considering the use of the best and most versatile land. The criteria are presented as simple bullets rather than being identified by separate letters as in Policy EH2

- **Amend Policy EH5 to**
  - **Replace “fertile” with “best and most versatile”**
  - **Replace “will be resisted unless it can be demonstrated” with “any proposal which would involve its significant loss should demonstrate”**
  - **Add “and” after “harm;” in second criterion**
  - **Add a third criterion “c) Development of poorer quality agricultural land has been fully considered”**
  - **Replace bullets with lettered criteria a) to c)**

76. **Policy EH6** – This seeks to protect landscape character and important views.

77. Policy EH6 presents a sweeping approach to protection of Conservation Areas which is prescriptive in specifying what development “must” provide. It is not consistent with the legal requirement for development in Conservation Areas to “*preserve or enhance*” their character or appearance. It also lacks clarity on both the heritage assets and views to be protected and the attributes and the significances which give rise to their character. Gladman Developments Limited has expressed concern about the lack of clarity in the Policy. There are helpful references to Conservation Area Character Appraisals (which include Townscape Appraisals). Some of the text is italicised for an unclear purpose. Overall, the Policy lacks the clarity and definition necessary to provide a clear framework within which decisions on planning applications can be made. There are also overlaps with Policy EH8 which means that Policy EH6 should address only Conservation Areas.

- **Replace Policy EH6 with the following “Development proposals in Conservation Areas should preserve or enhance their historic, townscape and landscape character, including the attributes of significant views and vistas and heritage assets making a positive contribution to the townscape, as identified in the**

**Conservation Area Character Appraisals and Townscape Appraisals for Boxgrove and Halnaker.”**

- Amend Policy title to “Development in Conservation Areas”
- Include references and links to the Conservation Area Character Appraisals and Townscape Appraisals for Boxgrove and Halnaker in the supporting text and locate the Character and Townscape Appraisals together in the evidence base provided online
- Delete Appendices 2 and 3

78. **Policy EH7** – This seeks to protect dark skies.

79. Policy EH7 takes an overly restrictive approach to development generating light pollution – it *“will not be permitted”* - and seeks specific controls over the time when external lighting can be used. It addresses matters outside planning control, such as street lighting, and introduces a novel community consent mechanism for determining what lighting is required. The Policy helpfully acknowledges recognition since 2016 of the South Downs as an International Dark Sky Reserve. Policy SD8 of the adopted South Downs Local Plan addresses light pollution and dark skies within the National Park and Chichester District Council’s representations encourage consistency with its approach.

- **Replace Policy EH7 with the following “Development proposals should respect the unlit environment of the neighbourhood area, including the special qualities of dark skies in the South Downs National Park, and take all appropriate opportunities to reduce light pollution.”**
- Add “The special qualities of the dark skies in the South Downs National Park are recognised in its International Dark Sky Reserve status as reflected in the South Downs Local Plan.” to the supporting text

80. **Policy EH8** – This encourages development to respect and enhance local landscape character and the historic environment.

81. Policy EH8 prescribes criteria to be met by development and that it “*must*” both respect “*and enhance*” the landscape and heritage. The requirement to “*enhance*” is not consistent with national planning policy and too onerous and broad ranging. There are significant overlaps with Policy EH6 as proposed. The Policy is specific about the heritage assets to be considered but much wider ranging and confusing over its scope in respect of landscape, cultural heritage, beauty and wildlife. The Policy requires all development proposals to demonstrate “*all the following criteria have been met*” but does not provide clear criteria and does not distinguish between those having an impact on the landscape and historic environment and those which do not.

- **Amend Policy EH8 as follows:**
  - **Replace “*New development must respect and enhance*” with “**Development proposals should respect**”**
  - **Replace “*must demonstrate that all the following criteria have been met*” with “**that have an impact on the landscape and historic environment should demonstrate how they**”**
  - **Replace the second bulleted section of the Policy with:**
    - “**protect the setting of designated and non-designated heritage assets**
    - **respect landscape character**
    - **maintain the individual identity of settlements; and/or**
    - **protect the predominantly open and undeveloped character of the area**”
- **Amend Policy title to “Respecting Landscape and the Historic Environment”**

82. **Policy EH9** – This addresses development in that part of the neighbourhood area which falls into the South Downs National Park.

83. Policy EH9 is negatively worded in that development will “*only be permitted*” where it contributes to the special qualities of the South Downs National Park. The Policy has not attracted any comment from the South Downs National Park Authority. Confusingly, the

latter part of the Policy relates to the whole of the neighbourhood area. The Policy refers to the Parish rather than the neighbourhood area.

- **Amend Policy EH9 to:**
  - [Replace “*Parish*” with “neighbourhood area”]
  - Replace “*only be permitted*” with “be supported”
  - [Replace “*SDNP*” with “South Downs National Park”]
  - Delete the second paragraph

84. **Policy EH10** – This supports the provision of new and improved utility infrastructure

85. Policy EH10 is positively worded and encouraging. It meets the Basic Conditions.

### **Employment and Enterprise**

86. **Policy EE1** – This establishes the policy approach to employment and retail development on new, extended and existing sites and to changes of use.

87. Policy EE1 covers both new retail and employment development on existing sites, development which involves the loss of employment uses and mitigation for residential development from new employment and retail development. This broad range of issues is not consistent with the Policy title and results in an unnecessarily complex structure. The Policy and supporting text also refers variously to employment, retail, enterprise, business, and service trade uses without providing any definitions and so there is a lack of clarity over the development which is covered. There is also a lack of evidence of the scale and nature of employment uses in the neighbourhood area.

88. It is recommended that a separate Policy relating to proposals which would result in the loss of employment uses is introduced and to word this policy more positively. For the reasons cited below Policy EE1 should be amalgamated with Policy EE6 to cover new buildings for employment use.

- **Amend Policy EE1 to:**
  - **Insert “for new buildings for employment use or” after “proposals” in the first paragraph**
  - **Delete second paragraph**
  - **Replace “When new development is proposed, appropriate mitigation will be required for both uses” with “Development proposals for employment uses which have a significant adverse impact on residential or public amenity should provide appropriate mitigation.”**
- **Add new Policy EE2 titled “Loss of land and buildings in employment use” - “Development proposals for the redevelopment or change of use of land or buildings in employment use to non-employment use should demonstrate that the existing use is no longer economically viable or compatible with adjoining uses. Evidence should be provided that the site has been actively marketed in accordance with the Chichester Local Plan: Key Policies Appendix E Appropriate Marketing Guidance or any successor guidance.”**
- **Add “Employment uses in these policies are defined as development in Classes A, B and C1 of the Use Classes Order” to the supporting text**
- **Make appropriate consequential amendments to the Policy numbering for this section of the Plan**
- **Change the Policy title of Policy EE1 to “Employment uses”**

89. **Policy EE2** – This sets out policy requirements for tourism related development.

90. The Policy sets out general requirements for development not to have an adverse impact although there is a lack of clarity as to whether it relates only to that part of the neighbourhood area in the South Downs National Park or more broadly throughout the whole neighbourhood area. There is a lack of evidence of the contribution of tourism to the neighbourhood area and the nature and scale of existing development. The policy requirements for applicants to demonstrate that proposals are “sustainable” and to provide “appropriate” level of parking are unclear. The Policy refers to the “built up area boundary” which lacks the definition provided by the “settlement boundary”. It includes grammatical and syntax errors.

- **Amend Policy EE2 to:**
  - **Delete “Policy SD23 of the emerging South Downs Local Plan and”**
  - **Delete “or impacts on” and insert a comma after “amenity”**
  - **Replace the second paragraph with “Development proposals relating to land outside the Boxgrove settlement boundary should be appropriate in terms of form and design and demonstrate they will not have an adverse impact on the rural landscape and will, where appropriate due to their location, contribute positively to the natural beauty, wildlife and cultural heritage of the South Downs National Park.”**
  - **Replace the third paragraph with “Parking provision should be contained within the site where possible.”**

91. **Policy EE3** – This supports improved access to mobile communications

92. Policy EE3 is positively worded. It is overly prescriptive in setting out requirements that “*must*” be met and unclear in its requirement for “*high quality*” communications infrastructure.

- **Amend Policy EE3 to replace “*must*” with “*should*”**
- Add “For the purposes of this Policy high quality communications infrastructure has the same meaning as Super-fast broadband in the Chichester Local Plan - broadband connections of 20 Megabits per second (Mbps) or above.” to the supporting text.

93. **Policy EE4** – This seeks to control the loss of employment uses outside the settlement boundary for agricultural and similar purposes.

94. Policy EE4 duplicates the requirements of Policy EE1 (as amended through the introduction of a new Policy EE2). It should be deleted and the particular needs of these uses recognised in the supporting text for Policy EE2.

- **Delete Policy EE4** and its supporting text
- Add “Employment uses also relates to agricultural, horticultural, equine and viticultural activity” to the supporting text for new Policy EE2

95. **Policy EE5** – This establishes the approach to the use of existing farm buildings

96. Policy EE5 is positively worded and sets reasonable criteria except that it is unduly restrictive to require no adverse impacts from development in these cases. The Policy is unclear as to whether all of the criteria have to be met. The criteria are presented as bullets rather than letters as in other Plan policies.

- **Amend Policy EE5 to**
  - **Replace “an” in the fifth criterion with “any significant”**
  - **Add “and” to the end of the fifth criterion**
  - **Replace bullets with lettered criteria a) to f)**

97. **Policy EE6** – This sets out policy requirements for new and extended commercial buildings.

98. Policy EE6 overlaps significantly with Policy EE1 in respect of extended and altered commercial buildings. It is recommended that Policy EE6 is deleted and addressed through an extended Policy EE1 to include new buildings. This will aid clarity and avoid confusion over the different terminology of “commercial” and “employment” used in the Plan.

- **Delete Policy EE6 and make the changes recommended to Policy EE1**

### **Leisure and Community**

99. **Policy LC1** – This supports residential development within Boxgrove’s settlement boundary for care homes and independent living.

100. Policy LC1 is not supported by evidence of either the demand for residential provision that supports independent living or the existing supply. Nevertheless, it is a positively worded enabling policy that meets the Basic Conditions.

101. **Policy LC2** - This supports development of new or improved medical facilities within Boxgrove’s settlement boundary.

102. Policy LC2 is not supported by evidence of the demand for additional medical facilities although there is a lack of any current supply. Nevertheless, it is a positively worded enabling policy that meets the Basic Conditions.

103. **LC3** – This seeks to protect community assets.

104. Policy LC3 relates only to community assets that have been registered as Assets of Community Value. This is a clear approach and means the Policy currently only applies to a single asset. A separate Policy LC6 addresses the village shop in Boxgrove. Other relevant assets will be considered under Policy 38 of Chichester’s Local Plan for community facilities. The second part of the Policy is negatively worded and to be consistent with other policies it should establish the same requirements for marketing.

- **Amend Policy LC3 to:**
  - **Replace “*will be resisted, unless it can be clearly demonstrated*” with “**should demonstrate**”**
  - **Add “Evidence should be provided that the site has been actively marketed in accordance with the Chichester Local Plan: Key Policies Appendix E Appropriate Marketing Guidance or any successor guidance.” at the end**

105. **Policy LC4** – This designates six areas as Local Green Space and introduces a policy that their development will not be permitted except in very special circumstances.

106. Policy LC4 is supported by a poorly reproduced map at a small scale of the proposed areas and a short Schedule which assesses each area in terms of the criteria for Local Green Spaces set out in National Planning Policy Framework paragraph 76 and provides a short written justification. The proposed Local Green Spaces were included in the consultation draft Plan although no evidence is provided of the level of support for each proposal. Two additional areas are proposed as Local Open Space in Policy LC5 although it is unclear why these are not also proposed as Local Green Space as they are assessed in the same way.

107. The National Planning Policy Framework notes that designation will not be suitable for most green spaces. Once designated Local Green Space has protection equivalent to Green Belt.

108. The limited evidence supporting Policy LC4 is problematic. On request I was supplied with a larger scale map of each site which I used to visit and consider them individually:

1. The Cock-pit, Waterbeach – this small, square sided area of green space lies opposite a busy hotel and has demonstrable historic and cultural interest as the site of a former cock-pit and includes relevant interpretation.
2. Boxgrove School Playing Field – this is a clearly bounded area of open space in the heart of Boxgrove which is demonstrably used for a variety of community events and activities.
3. Boxgrove Recreation Field – this is a significant area of green space within the settlement boundary that is demonstrably well used for sporting and other activities.
4. The Flower Field – this is a large field in agricultural use outside the settlement boundary. There is little to distinguish it from other fields, including that immediately to the south of the public footpath which forms a boundary to the proposed Local Green Space. A sign discourages public access.
5. Boxgrove Common – this is an extensive site of 21 hectares and an active landfill site. Mechanical diggers were working on the site during my visit. Much of the site is well screened from public view and fenced with warning signs.
6. Alms Houses garden and allotments – this is located in the heart of Boxgrove and is demonstrably well used by local residents.

109. On the basis of the evidence provided and my own visit to each of the proposed Local Green Spaces I am satisfied that all but 4 (The Flower Field) and 5 (Boxgrove Common) are appropriate proposals. Flower Field is one of many agricultural fields around Boxgrove and lacks distinction. Boxgrove Common is both an “extensive tract of land” in terms of national planning policy and an active landfill site. It is located away from existing settlements. There is an expectation that the site will be restored for public use after 2021 and parts of it might be considered for Local Green Space designation when the Plan is reviewed.

110. To ensure clarity Policy LC4 should simply designate Local Green Spaces to which national policy will then apply and it need not repeat the rationale for designation.

- **Amend Policy LC4 to read “The areas shown in Schedule A are designated as Local Green Space.”**

- Provide high quality, large scale maps of each of the Local Green Spaces in a revised Schedule A with consequential amendments to delete The Flower Field and Boxgrove Common and provide these online

111. **Policy LC5** – This identifies two areas for designation as Local Open Space and introduces policy restricting their development.

112. Policy LC5 is not supported by evidence of the support for these designations or how they have been identified. The supporting text refers to unreferenced “surveys” and the policy approach is highly restrictive and negatively worded. The Policy is supported by a poorly reproduced map at a small scale of the proposed areas and a short Schedule which classifies each of them according to the Local Green Space criteria in national planning policy. It is unclear why these sites have not been proposed as a Local Green Space. The relationship between the map and schedule is unclear as the sites are not numbered on the map.

113. I visited both sites and it is manifestly clear they are important open spaces. Priory Close Green frontage lies along the main street and makes a very important contribution to the character of Boxgrove as a whole. The small area of land south of 33 Priors Acre provides important space within the more recently developed area of Boxgrove and is of local importance to adjacent residents.

114. On the basis of the evidence provided and my own visit I am satisfied that both sites should be recognised as important Local Open Space in an amended policy in the Plan.

- **Amend Policy LC5 to read “The areas shown in Schedule B are designated as Local Open Space where development proposals should demonstrate that their benefits outweigh any identified harm and there are no reasonable alternative sites available.”**
- Provide high quality, large scale maps of each of the Local Open Spaces in a revised Schedule B

115. **Policy LC6** – This protects the village shop.

116. Policy LC6 refers both to “*a*” and “*the*” village shop. Section 3 of the Plan states that “*The Parish has one shop, located in Boxgrove village.*” Confusingly, this is located in a section titled “*Public Houses*”. Policy LC6 needs to be amended to provide clarity about the village shop. As with Policy LC3 further modifications are needed to word the Policy more positively.

- **Amend Policy LC6 to:**
  - **Replace “*a*” with “*the*” before “*village shop*”**
  - **Replace “*will not be permitted, unless the existing use can be shown to be*” with “*should demonstrate the existing use is*”**
- Add “Boxgrove” before “*Village shop*” in the Policy title
- [Introduce a sub-heading “Village shop” before paragraph 3.6.3]

117. **Policy LC7** – This supports improvements to the facilities at Boxgrove primary school. Policy LC7 is positively worded and meets the Basic Conditions.

## **Housing**

118. **Policy H1** – This sets out design expectations and criteria to be considered in new development proposals.

119. This is a wide ranging policy establishing both general and specific design criteria and specifying that some of these “*must*” and others “*should*” be met. It also establishes demanding requirements to provide certain information as part of development proposals. These requirements would also relate to non-residential development covered in other policies (i.e. Policy EH8). The Policy duplicates other parts of the Plan and includes unnecessary provisions, such as the consideration of photo-voltaics on “*a case by case basis*”. The Policy is not supported by any evidence on a range of issues, including what constitutes “*local design style*” or “*good quality*” grilles or “*energy efficient*”. The Policy contains particularly detailed provision for controlling the structures associated with

servicing new dwellings. In its representations Chichester District Council has also identified that it establishes the standards for bin stores rather than the Highways Authority. Gladman Development Limited has stressed the need for greater flexibility in the policy.

120. While there is strong support for high quality design in national planning policy (e.g. NPPF Section 7) and in Chichester Local Plan Policy 33, Policy H1 lacks clarity and will not provide sufficient certainty for decision makers. It also introduces unduly onerous requirements which are not supported by any evidence and it deals with some issues that are outside planning control. The Policy needs considerable modification if it is to meet the Basic Conditions.

- **Reword Policy H1 as follows “Proposals for residential development should be designed to a high quality, respect local character and contribute positively to the environment. Particular consideration should be given to the following issues:**
  - **Provision of bin stores and recycling facilities in accessible locations out of public view**
  - **Provision of infrastructure and services as inconspicuously as possible.”**
- Add to H1.1 “For the purposes of Policy H1:
  - “Residential development” includes any extensions or external alterations to existing buildings
  - “Infrastructure and services” includes meter boxes, flues and ventilation ducts, guttering and rainwater pipes, satellite dishes, soil and drainage pipes, oil and other fuel tanks, telephone and power lines and renewable energy supplies.”

121. **Policy H2** – This seeks to secure provision of a range of housing types, development to meet “*local needs*” and minimum provision of dwellings meeting Lifetime Home Standards.

122. Policy H2 establishes both a general requirement for a range of house types and a specific need for a minimum of 25% to meet Lifetime Home Standards. It provides no definition of “*local needs*” and is not supported by any specific evidence of the nature and

demand for housing in the area. On request Boxgrove Parish Council justified the 25% threshold on the basis that 27% of the population is 65 or over. This evidence makes no allowance for a housing market that extends beyond the neighbourhood area and there is no evidence of people's expressed wishes for different housing types. The requirement to meet "*local needs*" and the share of new housing meeting Lifetime Home Standards does not meet the Basic Conditions.

- **Amend Policy H2 to read "Development proposals which deliver a range of house types, sizes and tenures will be supported."**

123. **Policy H3** – This establishes policy requirements for the development of windfall sites.

124. Policy H3 introduces a range of criteria that lack clarity, are too onerous or duplicate each other (i.e. viii) and viii)).

125. The deliverability of a small development on a windfall site in terms of its viability after any s106 agreements have been made and the community infrastructure levy has been paid is not a relevant consideration. The Government's Planning Practice Guidance is clear that "*the role for viability assessment is primarily at the plan making stage*" and the scale of development on windfall sites in the neighbourhood area is likely to be very small.

126. The requirement that "*land is demonstrated to be used effectively and comprehensively. Arbitrary subdivision of land or piecemeal development will be considered unacceptable*" lacks clarity and is unduly restrictive.

127. Policy H3 also introduces an unnecessary requirement for development to comply with other relevant policies of the development plan. All planning applications are considered against all policies in the development plan. It is also unclear whether all the criteria apply when considering a development proposal.

- **Amend Policy H3 as follows:**
  - **Replace “shall” with “should” after “Map E)”**
  - **Delete sections i), v), vi) and viii)**
  - **Replace “must” with “should” in section vii)**
  - **Add “where appropriate” to end of section viii)**

128. **Policy H4** – This seeks to secure quality open space associated with new residential development.

129. Policy H4 is enabling in effect and sets out broad expectations. It meets the Basic Conditions.

130. **Policy H5** – This identifies three sites for development and provides an indication of the kind of development to be provided on each site.

131. The Plan provides only limited information on the neighbourhood area’s housing requirements and the need to allocate future sites. Chichester District Council has confirmed that the Local Plan housing requirement has already been exceeded and its representations state *“there is no overriding requirement for the parish to identify further housing allocations.”* The Policy is supported by a poorly reproduced map at a small scale.

132. The small development sites have been selected following a call for sites which identified eleven potential locations. There has been dialogue with landowners and this is recorded in the evidence base. The site analysis report is brief and offers only limited information on whether the site is brownfield, in a Conservation Area, within the Boxgrove settlement boundary and has the support of the landowner and the local community. In some cases a short narrative is provided. No justification is provided for the type of development proposed for each location.

133. The numbering of the sites in Policy H5 and on Map D does not correspond.

134. I visited each of the sites to assess their planning merit.

The Old Granary, Boxgrove – This is sensitively located on the northern edge of Boxgrove adjacent to the Conservation Area and other heritage assets and outside the existing village envelope. A separate Heritage Impact Assessment has been prepared for this site which indicates there is scope for sensitive development. Representations from Chichester District Council emphasise the site’s sensitivity and identify the need for a more clearly worded policy. Historic England has emphasised the importance of the setting for Priory Farmhouse. The site analysis report is equivocal in supporting the allocation and states it “*could be used if the allocation cannot be met any other way.*” Gladman Development Limited is concerned by the lack of evidence supporting this and the other allocations and believes they are best dealt with as windfall sites. Neame Sutton acting on behalf of Mr and Mrs Parry is also concerned at the lack of evidence supporting the allocation. Nevertheless, as Qualifying Body, Boxgrove Parish Council has included the site as an outcome of the Plan preparation process and the allocation of land for development is an important function for neighbourhood plans. There is also well presented evidence that development can be delivered which respects its sensitivity. I recommend that the site is included with a strengthened wording to reflect its sensitivity. I also note the settlement boundary will need to be redrawn in future to accommodate development of the site.

The Old Coal Yard, Halnaker – The site has planning permission for development and construction is underway. It is not appropriate for an allocation in the Plan.

Brambles, Crockerhill – This is proposed for a single dwelling to be occupied by the existing owner. It is a rural location where development would not normally be permitted and there is no evidence supporting its allocation other than the lack of objection from the existing owner. It is not appropriate for an allocation in the Plan.

- **Reword Policy H5 as follows: “The land at The Old Granary, Boxgrove shown in Map C is allocated for residential development. Any development of the site should respond positively to the significance of nearby heritage assets, including**

**the setting of Priory Farmhouse and views into and out of the Conservation Area, and its contribution to landscape and townscape character.”**

- **Delete The Old Coal Yard and Brambles from Policy H5**
- Make consequential changes to Map C and provide a higher quality large scale map of the site
- Retitle Policy as “Residential development of land at The Old Granary, Boxgrove”
- Retain only paragraph H5.3 of the supporting text

### **Getting around**

135. **Policy GA1** – This supports development resulting in improvements to the footpath and cycle network and seeks to protect them from loss.

136. Policy GA1 is not supported by evidence for the use of the local footpath and cycle network. The Policy and the supporting text seeks to do a number of things – support development which improves the existing network, protect the existing network, identify priorities for the use of Community Infrastructure Levy, and open up new permissive paths through negotiation. The Community Infrastructure Levy priorities and plans for new permissive footpaths do not need to be in planning policy and can most clearly be included as community aspirations. The Policy is accompanied by a poor quality Map titled “*Permissive Paths – Policy GA1*” although this is only referenced in relation to the negotiation of access with landowners outside planning policy and no key is provided.

- **Amend Policy GA1 to read “Development proposals that maintain, improve or extend the existing footpath and cycle path network shall be supported.”**
- Replace Map D with a high quality version which can be used to identify the detailed route of paths, title this “Desired path improvements” and provide a key to the information displayed.
- Include details of the Community Infrastructure Levy priorities in the supporting text as follows “Boxgrove Parish Council will use contributions from the community infrastructure levy to enhance the footpath and cycle path network in order to

enable safe and easy pedestrian access to amenities, especially the Village Shop, Village Hall, Playing Field and Church; provide and maintain a safe and suitable cycle path network for both commuting to work (e.g. Chichester) and recreational use as part of a wider network of cycle routes beyond the Parish.”

137. **Policy GA2** – This establishes the policy approach to parking standards.

138. Policy GA2 is prescriptively worded in requiring the maximum level of off-street parking and stating that on-site parking “*must*” be provided. There is an expectation in the supporting text for minimum internal garage sizes although this is not addressed in the Policy. The Policy is not supported by any evidence of the “*significant road traffic and parking issues*” cited in the supporting text and no reference is provided of the “*current standards*” to be met.

- **Replace Policy GA2 with “Development proposals which make best use of on-site parking provision shall be supported.”**
- Replace both instances of “*shall*” with “*should*” in the sixth bullet of paragraph GA2.2

139. **Policy GA3** – This establishes policy requirements for the provision of streets and access to serve new residential development.

140. The Policy lacks sufficient clarity and addresses a mix of matters subject to both planning and highways legislation. It is both prescriptively worded in specifying what “*shall*” be required and unclear in seeking “*appropriate emphasis*”. The Policy contains unreferenced requirements for layout to be in accordance with the principles of “*secure by design*” and “*eyes on the street*”. The Policy is not supported by evidence of how recent residential development has been served or which justifies the approach to street design. As worded the Policy is limited to “*new residential development*” and no explanation is provided as to why it would not relate to other development.

- Amend Policy GA3 to
  - Replace “*shall*” with “*should*” in all instances
  - In the first part replace “*with appropriate emphasis on*” with “*for*” and add “*as appropriate*” at end
  - In the second part replace “*secure*” with “*secured*” and ““*eyes on the street*”” with “*passive surveillance*”
  - Delete the third part
  - Replace the fourth part with “*Boundaries along new and existing access routes which respect local character, including low hedges, walls and fences shall be supported.*”
- Amend the Policy title to “*Access to new development*”
- Add “*Secured by Design* is a UK Police initiative combining the principles of designing out crime with physical security (<http://www.securedbydesign.com/>)” to the supporting text

141. **Policy GA4** – This sets policy requirements to be met by development that increases travel demand.

142. Policy GA4 is unreasonable in introducing requirements, including requiring financial contributions, for any development that leads to an increase in travel demand whatever its size or the significance of its impacts. It also sets out priorities for the use of Community Infrastructure Levy which are a matter for Boxgrove Parish Council and do not need to be included in planning policy. South Downs National Park Authority has also made representations supporting inclusion of the priorities for use of the Community Infrastructure Levy in the supporting text.

- **Amend Policy GA4 as follows “Development proposals with a significant transport impact should demonstrate how these impacts are mitigated, including as appropriate through:**
  - **extension or improvement of walking and cycling routes**
  - **supporting improvements to public and community transport services; and**

- **avoiding loss of existing walking and cycling routes.”**
- Include the second part of Policy GA4 in the supporting text and provide an explanation for the acronym “*IBP*”

## **8. Recommendation and Referendum Area**

143. I am satisfied the Boxgrove Neighbourhood Plan meets the Basic Conditions and other requirements subject to the modifications recommended in this report and that it can proceed to a referendum. I have received no information to suggest other than that I recommend the referendum area matches that of the Neighbourhood Area.