

Bognor Regis Town Council

Bognor Regis Neighbourhood Development Plan

A Report to Arun District Council of the Independent
Examination of the Bognor Regis Neighbourhood Development
Plan

Independent Examiner Christopher Edward Collison

Christopher Edward Collison

BA (Hons) MBA MRTPI MIED MCMi IHBC

Planning and Management Ltd

collisonchris@aol.com

9 June 2015

Contents

| | Page |
|---|-----------|
| Neighbourhood Planning | 3 |
| Independent Examination | 3 |
| Basic Conditions and other statutory requirements | 5 |
| Documents | 7 |
| Consultation | 8 |
| The Neighbourhood Plan taken as a whole | 11 |
| The Neighbourhood Plan policies | 20 |
| 1: Delivery of the Vision | |
| 2: Promoting the Seaside Identity | |
| 3: Old Town Restaurant and Cultural Quarter | |
| 4: Reducing Underuse of Property in the Town Centre | |
| 5: Preferred Retail Uses in the Primary Retail Area | |
| 6: Key Gateways And Promotion of Sustainable Travel | |
| 7: Promotion of tourism and Beach Service Points | |
| 8. Pre- Application Consultation | |
| 8a. Design Excellence | |
| 8b. Car Parking | |
| 8c-8J Key Priority Sites | |
| 9. Local Green Space Designations | |
| Summary and Referendum | 44 |
| Annex: Minor corrections to the Neighbourhood Plan | 48 |

Neighbourhood Planning

1. The Localism Act 2011 empowers local communities to take responsibility for the preparation of elements of planning policy for their area through a neighbourhood development plan. The National Planning Policy Framework (the Framework) states that “*neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need.*”¹
2. Following satisfactory completion of the necessary preparation process neighbourhood development plans have statutory weight. Decision-makers are obliged to make decisions on planning applications for the area that are in line with the neighbourhood development plan, unless material considerations indicate otherwise.
3. The Bognor Regis Neighbourhood Development Plan (the Neighbourhood Plan) has been prepared by Bognor Regis Town Council (the Town Council), a qualifying body able to lead the preparation of a neighbourhood plan.² Work on the production of the plan has been progressed through a Steering Group (the Steering Group) comprising members of the Town Council and co-opted members from stakeholder and community groups. The Steering Group has developed the Neighbourhood Plan for the Town Council to consider.
4. The submission draft of the Neighbourhood Plan, along with the Consultation Statement and the Basic Conditions Statement, has been approved by the Town Council for submission of the plan and accompanying documents to Arun District Council, which occurred March 2015.

Independent Examination

5. This report sets out the findings of the independent examination into the Neighbourhood Plan.³ The report makes recommendations to Arun District Council including a recommendation as to whether or not the Neighbourhood Plan should proceed to a local referendum. Arun District Council will decide what action to take in response to the recommendations in this report.

¹ Paragraph 183 National Planning Policy Framework (2012)

² Section 61F(1) Town and Country Planning Act 1990 as read with section 38C(2)(a) Planning and Compulsory Purchase Act 2004

³ Paragraph 10 Schedule 4B Town and Country Planning Act 1990

6. Arun District Council will decide whether the Neighbourhood Plan should proceed to referendum, and if so whether the referendum area should be extended, and what modifications, if any, should be made to the submission version plan. Should the Neighbourhood Plan proceed to local referendum and achieve more than half of votes cast in favour, then the Neighbourhood Plan will be 'made' by Arun District Council. If 'made' the Neighbourhood Plan will come into force and subsequently be used in the determination of planning applications and decisions on planning appeals in the plan area.
7. I have been appointed by Arun District Council with the consent of the Town Council, to undertake the examination of the Neighbourhood Plan and prepare this report of the independent examination. I am independent of the Town Council and Arun District Council. I do not have any interest in any land that may be affected by the Neighbourhood Plan and I hold appropriate qualifications and have appropriate experience. I am a Member of the Royal Town Planning Institute; a Member of the Institute of Economic Development; a Member of the Chartered Management Institute; and a Member of the Institute of Historic Building Conservation. I have more than thirty-five years professional planning experience and have held national positions and local authority Chief Planning Officer posts.
8. As independent examiner I am required to produce this report and must recommend either:
 - that the Neighbourhood Plan is submitted to a referendum, or
 - that modifications are made and that the modified Neighbourhood Plan is submitted to a referendum, or
 - that the Neighbourhood Plan does not proceed to a referendum on the basis it does not meet the necessary legal requirements.
9. I make my recommendation in this respect and in respect to any extension to the referendum area,⁴ in the concluding section of this report. It is a requirement that my report must give reasons for each of its recommendations and contain a summary of its main findings.⁵
10. The general rule is that examination of the issues is undertaken by the examiner through consideration of written representations.⁶

⁴ Paragraph 8(1)(d) Schedule 4B Town and Country Planning Act 1990

⁵ Paragraph 10(6) Schedule 4B Town and Country Planning Act 1990

⁶ Paragraph 9(1) Schedule 4B Town and Country Planning Act 1990

11. The examiner has the ability to call a hearing for the purposes of receiving oral representations about a particular issue in any case where the examiner considers that the consideration of oral representations is necessary to ensure adequate examination of the issue, or a person has a fair chance to put a case. All parties have had opportunity to state their case. As I did not consider a hearing necessary I proceeded on the basis of written representations.

Basic conditions and other statutory requirements

12. An independent examiner must consider whether a neighbourhood plan meets the “Basic Conditions”.⁷ A neighbourhood plan meets the basic conditions if:

- having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan,
- the making of the neighbourhood plan contributes to the achievement of sustainable development,
- the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area),
- the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations, and
- the making of the neighbourhood plan is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects.⁸

13. An independent examiner must also consider whether a neighbourhood plan is compatible with the Convention rights.⁹ All of these matters are considered in the later sections of this report titled ‘The Neighbourhood Plan taken as a whole’ and ‘The Neighbourhood Plan policies’.

14. In addition to the basic conditions and Convention rights, I am also required to consider whether the neighbourhood plan complies with the provisions made by or under sections 38A and 38B of the Planning and

⁷ Paragraph 8(2) Schedule 4B Town and Country Planning Act 1990

⁸ Prescribed for the purposes of paragraph 8(2) (g) of Schedule 4B to the 1990 Act by Regulation 32 The Neighbourhood Planning (General) Regulations 2012 and defined in the Conservation of Habitats and Species Regulations 2010 and the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007

⁹ The Convention rights has the same meaning as in the Human Rights Act 1998

Compulsory Purchase Act 2004.¹⁰ I am satisfied the Neighbourhood Plan has been prepared in accordance with the requirements of those sections, in particular in respect to the Neighbourhood Planning (General) Regulations 2012 which are made pursuant to the powers given in those sections.

15. The Neighbourhood Plan relates to the area that was designated by Arun District Council as a neighbourhood area on 10 December 2012. The plan area is described in the Submission Version of the Neighbourhood Plan as the four wards of Bognor Regis (Orchard, Hotham, Pevensy and Marine). An aerial photograph of the plan area is also included in the Submission Version plan. The Neighbourhood Plan does not relate to more than one neighbourhood area,¹¹ and no other neighbourhood development plan has been made for the neighbourhood area.¹² All requirements relating to the plan area have been met.
16. I am also required to check whether the Neighbourhood Plan sets out policies for the development and use of land in the whole or part of a designated neighbourhood area;¹³ and the Neighbourhood Plan does not include provision about excluded development.¹⁴ Subject to recommended modifications relating to matters of process included as part of policies referred to below I am able to confirm that I am satisfied that each of these requirements has been met.
17. A neighbourhood plan must also meet the requirement to specify the period to which it has effect.¹⁵ The front cover of the Submission Version clearly shows the plan period to be 2015 – 2030.
18. The role of an independent examiner of a neighbourhood plan is defined. I am not examining the test of soundness provided for in respect of examination of Local Plans.¹⁶ It is not within my role to examine or produce an alternative plan, or a potentially more sustainable plan. I have been appointed to examine whether the submitted Neighbourhood Plan meets the basic conditions and Convention rights, and the other statutory requirements.

¹⁰ In sections 38A and 38B themselves; in Schedule 4B to the 1990 Act (introduced by section 38A(3)); and in the 2012 Regulations (made under sections 38A(7) and 38B(4)).

¹¹ Section 38B(1)(c) Planning and Compulsory Purchase Act 2004

¹² Section 38B(2) Planning and Compulsory Purchase Act 2004

¹³ Section 38A(2) Planning and Compulsory Purchase Act 2004 See recommended modification regarding Policy 11

¹⁴ Principally minerals, waste disposal, and nationally significant infrastructure projects - Section 38B(1)(b) Planning and Compulsory Purchase Act 2004

¹⁵ Section 38B(1)(a) Planning and Compulsory Purchase Act 2004

¹⁶ Under section 20 of the Planning and Compulsory Purchase Act 2004 and in respect of which guidance is given in paragraph 182 of the Framework

19. A neighbourhood plan can be narrow or broad in scope. There is no requirement for a neighbourhood plan to be holistic, or to include particular types of policies, and there is no requirement for a neighbourhood plan to be formulated as, or perform the role of, a comprehensive local plan. The nature of neighbourhood plans varies according to local requirements.
20. Neighbourhood plans are developed by local people in the localities they understand and as a result each plan will have its own character. It is not within my role to re-interpret, restructure, or re-write a plan to conform to a standard approach or terminology. Indeed it is important that neighbourhood plans are a reflection of thinking and aspiration within the local community. They should be a local product and have particular meaning and significance to people living and working in the area, as well as to visitors.
21. Apart from the correction of minor errors (presented at the Annex to this report) I have only recommended modifications to the Neighbourhood Plan (presented in bold type) where I consider they need to be made so that the plan meets the basic conditions and the other requirements I have identified.¹⁷

Documents

22. I have given consideration to each of the following documents in so far as they have assisted me in considering whether the Neighbourhood Plan meets the basic conditions and other requirements:
- Bognor Regis 2015-2030 Neighbourhood Development Plan Submission Document March 2015
 - Bognor Regis Neighbourhood Plan Basic Conditions Statement March 2015
 - Neighbourhood Plan for Bognor Regis Consultation Statement March 2015
 - Bognor Regis Neighbourhood Plan State of the Parish report January 2015
 - Bognor Regis neighbourhood planning report Prince's Foundation March 2013
 - Bognor Regis Masterplan 2003
 - Bognor Regis Characterisation Study Integrated Urbanism August 2014
 - Bognor Regis Neighbourhood Development Plan Strategic Environmental Assessment Screening Determination Arun District Council March 2015

¹⁷ See 10(1) and 10(3) of Schedule 4B to the Town and Country Planning Act 1990

- Representations received during the Regulation 16 publicity period including the Arun District Council response
- Adopted Arun District Local Plan 2003 (saved policies)
- Arun District Local Plan 2011-2031 submitted 30 January 2015 for independent examination to the Secretary of State Communities and Local Government
- National Planning Policy Framework (27 March 2012) [*In this report referred to as the Framework*]
- Technical Guidance to the National Planning Policy Framework (27 March 2012) [*In this report referred to as the Technical Guidance*]
- Department for Communities and Local Government Permitted development for householders technical guidance (April 2014) [*In this report referred to as the Permitted Development Guidance*]
- Department for Communities and Local Government Planning Practice Guidance web-based resource (first fully launched 6 March 2014) [*In this report referred to as the Guidance*]
- The Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2014
- The Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2015
- Town and Country Planning Act 1990 (as amended)
- Planning and Compulsory Purchase Act 2004 (as amended)
- Localism Act 2011
- Neighbourhood Planning (General) Regulations 2012 [*In this report referred to as the Regulations*]

Consultation

23. Early awareness raising and publicity was achieved in spring 2012 through a logo and strap line design exercise with students of Regis School. Information flyers and questionnaires were distributed across the town with translations available in Polish, Lithuanian and Russian. Responses surfaced aspects of the area people liked and things that people would like improving.

24. A public meeting and drop in days were held in June and July 2012 followed by the establishment of the Neighbourhood Plan Steering Group in September 2012. The Steering Group included Town Councillors; representatives of Resident Associations; The Civic Society; Local History Society; The Business Interchange; Chamber of Commerce; surrounding Parish Councils; community groups; churches, and members of the public. Focus groups were set up in October and November 2012 to consider issues raised by the community.

25. A Scoping Workshop was followed by successful engagement with year 7 and year 10 pupils of Regis School; a Valentine's Day 'Love Bognor Regis' town centre event generating over 80 comments; a public exhibition; events assisted by and involving Cubs; and a Seafront Action Plan workshop attended by over 30 local stakeholders.
26. A theme based approach during 2014 involved public drop in days and an open evening leading to preparation of the draft plan. The pre-submission consultation period ran from 12 November to 24 December 2014. Statutory bodies were consulted and copies of the plan were available on-line and at various locations around the town. Publicity included use of a website; an advert in the Bognor Regis Observer, Bognor View and Bognor Today; display stands in the Library, Picturedrome, Regis Centre and Town Hall; as well as promotional events and drop in days.
27. The pre-submission consultation generated a range of responses from statutory and other responses including individuals. The Consultation Statement includes a 25 page table setting out comments received and a summary of the response and how these have been taken into consideration. The approach adopted fully satisfies the requirements set out in the Regulations.
28. The Submission Plan has been the subject of a Regulation 16 publicity period between 1 April and 13 May 2015. A total of nine representations were properly submitted during the publicity period, all of which I have taken into consideration in preparing this report, even though they may not be referred to in whole, or in part. The representations of the Marine Management Organisation and the Forestry Commission confirmed no comment. The representation of Arun District Council includes repeat of a number of comments previously submitted in respect of the pre-submission version of the Neighbourhood Plan which were considered by the District Council to remain relevant. The majority of the District Council representations focus on the Neighbourhood Plan policies and are considered later in my report.
29. In addition to a representation in respect of the Local Green Space policy which I consider later, Southern Water has suggested inclusion of an additional policy relating to infrastructure provision. There is no requirement for a neighbourhood plan to include any particular type of policy. Whilst I would have no objection to inclusion of a policy as suggested I have not recommended a modification of the plan in this respect as such modification would not be necessary in order to meet the basic conditions or other requirements. I have reached the same

conclusion in respect of another representation that encourages greater emphasis on inclusion of food growing areas in residential developments.

30. The Environment Agency supports the commitment of the plan to low carbon, reclamation and re-use of materials and the use of SUDS, but also comment *“We note that in Section 4.2 pages 27 - 52, the Neighbourhood Plan appears to identify priority sites and the policies for these sites including sites suggested for residential use. As detailed in our response to the pre-submission consultation, you will be aware that some areas of Bognor Regis are within a flood zone including potentially some of the sites detailed in the Neighbourhood Plan Submission document. In accordance with national planning policy (Paragraphs 100-104 of the NPPF), the Sequential Test should be undertaken to ensure development is directed to the areas of lowest flood risk. This should be informed by the Environment Agency’s flood map for planning and Arun District Council’s Strategic Flood Risk Assessment (SFRA). We would have concerns if development is allocated in this high risk flood zone without the Sequential Test being undertaken. It is important that the Plan also considers whether the flood risk issues associated with these sites can be safely managed to ensure development can come forward.”*
31. The concern of the Environment Agency is phrased in terms of allocation of development. The Neighbourhood Plan indicates preferred uses for sites and establishes development principles; it does not however, include any allocations of land for development. There is no requirement for a neighbourhood plan to include allocations. If the emerging Local Plan ultimately allocates sites for development within the Neighbourhood Plan area these will be subject, as appropriate, to assessment in accordance with the sequential test and exception test set out in the Framework. Applicants need not apply the sequential test for individual developments on sites allocated in development plans following application of the sequential test. In the absence of such allocation, application of the sequential test is necessary. Bognor Regis is a coastal town where coastal specific policies can apply. I note the Marine Management Organisation has no comments in respect of the Neighbourhood Plan.
32. A representation on behalf of Bourne Leisure Ltd endorses the recognition of the importance of the Butlins Resort in contribution to the local economy and enhancing the tourism attraction of the town, but emphasises how any emerging tourism-related policies in the Neighbourhood Plan must recognise the need for retaining flexibility, so that policies can facilitate the implementation of future plans for development needed to adapt and respond to changes in visitor demand. The representation states the need for further tourist investment particularly in relation to creating further hotel

accommodation and associated facilities along the seafront. This representation also includes points in respect of policies 7, 8 and 8d which I consider later in my report.

33. A further representation includes considerable comment on matters that are beyond my role to consider whether the Neighbourhood Plan meets the basic conditions and other requirements. The observations include for example, requests for additional analysis of, past local economic performance, and traffic and parking demand and provision, as well as suggestions for additional policy elements. I do not consider any further analysis has been necessary to support the plan preparation process and it is not within my role to recommend additional policy components. As the representation also includes comments on specific policies I have, where appropriate, considered these later in my report.

34. Natural England state *“The plan seems mainly to focus on regeneration and refurbishment, rather than new development, and the plan area is generally surrounded by urban development on three sides and the sea on the fourth. As a result, the potential for impact (positive and negative) on the natural environment is limited and I have few comments. The plan is also quite strategic, with relatively little detail of the proposed schemes. Clearly schemes that retain, rework or provide open space have the potential to enhance local biodiversity and improve the connectivity of the urban network of habitats, particularly corridors and stepping stone. We welcome the comments on wildlife corridors (and related matters) page 50.”* Natural England also commented on the Habitats Regulations screening and on specific policies. Those representations are considered in this report at the appropriate section.

35. It is evident that consultation has exceeded the requirements of the Regulations achieving widespread engagement with a full range of stakeholders who have clearly influenced the development of the Neighbourhood Plan. The limited input at Regulation 16 stage indicates satisfaction with the way pre-submission consultation has been undertaken and responded to.

The Neighbourhood Plan taken as a whole

36. This section of my report considers whether the Neighbourhood Plan taken as a whole meets EU obligations, habitats and human rights requirements; has regard to national policies and advice contained in guidance issued by the Secretary of State; whether the plan contributes to

the achievement of sustainable development; and whether the plan is in general conformity with the strategic policies contained in the development plan for the area. Each of the plan policies is considered in turn in the section of my report that follows this.

Consideration of Convention rights; and whether the making of the Neighbourhood Plan does not breach, and is otherwise compatible with, EU obligations; and the making of the Neighbourhood Plan is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects

37. I have given consideration to the European Convention on Human Rights and in particular to Article 8 (privacy); Article 14 (discrimination); and Article 1 of the first Protocol (property).¹⁸ I have seen nothing in the submission version of the Neighbourhood Plan that indicates any breach of the Convention. Although no equalities impact assessment has been undertaken the submission draft of the Neighbourhood Plan would appear to have neutral or positive impacts on groups with protected characteristics.
38. The objective of EU Directive 2001/42¹⁹ is *“to provide for a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes with a view to promoting sustainable development, by ensuring that, in accordance with this Directive, an environmental assessment is carried out of certain plans and programmes which are likely to have significant effects on the environment.”* The Neighbourhood Plan falls within the definition of ‘plans and programmes’²⁰ as the Local Planning Authority is obliged to ‘make’ the plan following a positive referendum result.²¹
39. Arun District Council issued a Screening Opinion on 16 March 2015 determining that the Neighbourhood Plan would not require a Strategic Environmental Assessment. Arun District Council has confirmed to me that a first consultation directly relating to the SEA Screening sent on 12 November 2014 included necessary consultation with the relevant environmental bodies. It has also been confirmed by the District Council that a second consultation was sent to all three statutory agencies on 5 February 2015. The Screening Opinion concluded that the Neighbourhood

¹⁸ The Human Rights Act 1998 which came into force in the UK in 2000 had the effect of codifying the protections in the European Convention on Human Rights into UK law.

¹⁹ Transposed into UK law through the Environmental Assessment of Plans and Programmes Regulations 2004

²⁰ Defined in Article 2(a) of Directive 2001/42

²¹ Judgement of the Court of Justice of the European Union (Fourth Chamber) 22 March 2012

Plan will not require an environmental assessment for the following reasons:

- The environmental characteristics of the town have been recognised;
- The content of the Plan does not propose anything above the allocation outlined in the emerging Local Plan which has been assessed by the appraisal work informing it; and
- There will be no significant environmental effects to result from the proposals proposed in the Plan.

40. The Guidance states it is the responsibility of the local planning authority to ensure that all the regulations appropriate to the nature and scope of a draft neighbourhood plan submitted to it have been met in order for the draft neighbourhood plan to progress. The local planning authority must decide whether the draft neighbourhood plan is compatible with EU obligations (including obligations under the Strategic Environmental Assessment Directive):

- when it takes the decision on whether the neighbourhood plan should proceed to referendum; and
- when it takes the decision on whether or not to make the neighbourhood plan (which brings it into legal force)

41. The Basic Conditions Statement confirms that the Neighbourhood Area is not in close proximity to any European designated nature sites, so does not require an Appropriate Assessment under the EU Habitats Regulations. The District Council has confirmed to me that Natural England was consulted in this respect. Part of the Regulation 16 submission of Natural England refers to Habitats Screening as follows *“The two low carbon residential led mixed use developments (8e and 8h), appear to fall just in Zone B of Policy ENV DM2 - Pagham Harbour. Provided development accords with that policy, likely significant effect will be mitigated. Specific reference (to Policy DM2) in Policy 8e and 8h and general reference (to Policy DM2) in the NP, would provide clarity for the consideration of any proposals, including “windfalls”. Under these circumstances further work on a HRA is not necessary.”*

42. Pagham Harbour is a particularly important estuarine site for summer breeding and wintering ground for wildfowl. Pagham Harbour is a Ramsar site (site code UK 11052)²² protected in policy terms as a European site.²³ Pagham Harbour is also a Special Protection Area (SPAs) (site code UK

²² Ramsar Convention 1971 ratified into UK law 1976

²³ As legislated in ‘Conservation of Habitats and Species Regulations’ (2010)

9012041) within the European Union wide network of nature protection areas known as 'Natura 2000'. SPAs are areas identified as being of international importance for the breeding, feeding, wintering or the migration of rare and vulnerable species of birds found within European Union countries. Pagham Harbour is also a nationally designated site being a Site of Special Scientific Interest (SSSI) (site code 1000243) and is designated a Marine Conservation Zone (MCZ) under the Marine and Coastal Access Act 2009. Pagham Harbour is also designated as a locally important site being a Local Nature Reserve (site code 1009061) and a regionally important geological and geomorphological site (site code 1475608). The emerging Local Plan recognises that in terms of human population growth in the area, key vulnerabilities are associated with recreational pressure which includes disturbance to wintering and breeding birds by people and their dogs. The emerging Local Plan includes a specific policy designed to protect Pagham Harbour from adverse impact arising from development.

43. The policy referred to in the English Nature representation is Policy ENV DM2 Pagham Harbour, included in the emerging Local Plan 2011-2031. That policy as currently drafted includes provision in respect of development within Zone A (<400m), development within Zone B (400m-5km), and large scale developments taking place outside Zone B and close to its boundary to be considered on a case by case basis to determine any potential effects on Pagham Harbour, and the need for any avoidance or mitigation measures.
44. The Arun District Local Plan 2011-2031 and supporting documents were submitted on 30 January 2015 for independent examination to the Secretary of State for Communities and Local Government. The Local Plan remains subject to change before adoption. Whilst there is no requirement for the Neighbourhood Plan to be in general conformity with the strategic policies of the emerging Local Plan, it is, given the representation of English Nature, necessary, to include in the Neighbourhood Plan appropriate references to the need for mitigation in respect of likely significant effect on the protected features of Pagham Harbour. I recommend appropriate modification of the Neighbourhood Plan in this respect. I have not seen anything that suggests the Neighbourhood Plan will have a significant effect on a European offshore marine site.
45. Although not raising issues relating to EU obligations it is appropriate to note the Neighbourhood Plan makes satisfactory reference to and makes provision in respect of Bognor Reef and Bognor Foreshore which are also important natural environment features being a nationally designated Site

of Special Scientific Interest, and a Site of Nature Conservation Importance respectively.

Recommended modification 1:

That general reference, and specific reference in policies 8e and 8h, is made to the need for mitigation of likely significant effect on Pagham Harbour arising from development proposals

46. There are a number of other EU obligations that can be relevant to land use planning including the Water Framework Directive, the Waste Framework Directive, and the Air Quality Directive but none appear to be relevant in respect of this independent examination.

47. I conclude that the Neighbourhood Plan:

- is compatible with the Convention rights
- does not breach, and is otherwise compatible with, EU obligations, and
- is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects.

Consideration whether having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the Neighbourhood Plan; and whether the making of the Neighbourhood Plan contributes to the achievement of sustainable development

48. I refer initially to the basic condition “*having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan*”. The requirement to determine whether it is appropriate that the plan is made includes the words “*having regard to*”. This is not the same as compliance, nor is it the same as part of the test of soundness provided for in respect of examinations of Local Plans²⁴ which requires plans to be “*consistent with national policy*”.

49. Lord Goldsmith has provided guidance²⁵ that “*have regard to*” means “*such matters should be considered.*” The Guidance assists in understanding

²⁴ Under section 20 of the Planning and Compulsory Purchase Act 2004 and in respect of which guidance is given in paragraph 182 of the Framework

²⁵ the Attorney General, (Her Majesty’s Principal Secretary of State for Justice) Lord Goldsmith, at a meeting of the Lord’s Grand Committee on 6 February 2006 to consider the Company Law Reform Bill (Column GC272 of

“appropriate”. In answer to the question “What does having regard to national policy mean?” the Guidance states a neighbourhood plan “must not constrain the delivery of important national policy objectives.”

50. The Basic Conditions Statement seeks to illustrate the Neighbourhood Plan has been prepared with regard to national policies as set out in the Framework. Component paragraphs of the Framework are considered in terms of linkage to the Neighbourhood Plan policies. It is also stated the Neighbourhood Plan is mindful of other Government policy and the Guidance.

51. The Neighbourhood Plan states a vision, develops three policy themes, and sets out ten objectives. The vision, policy themes and objectives relate to matters appropriate to a Neighbourhood Development Plan, are written clearly, and adopt a positive approach of seeking to ensure the area is thriving and respectful of its heritage, whilst being attractive and enjoyed by residents and visitors. The vision, policy themes and objectives do not constrain and indeed support the objectives of the Framework, and in particular have regard to the Framework aims: of building a strong, competitive economy; ensuring the vitality of town centres; promoting sustainable transport; of conserving and enhancing the historic environment; of requiring good design; and promoting healthy communities. The Neighbourhood Plan taken as a whole seeks to plan positively to support local development and to shape and direct that development. This is precisely the role national policy envisages for a neighbourhood plan.

52. Apart from those elements of policy of the Neighbourhood Plan in respect of which I have recommended a modification to the plan I am satisfied that need to ‘have regard to’ national policies and advice contained in guidance issued by the Secretary of State has, in plan preparation, been exercised in substance in such a way that it has influenced the final decision on the form and nature of the plan. This consideration supports the conclusion that with the exception of those matters in respect of which I have recommended a modification of the plan the Neighbourhood Plan meets the basic condition “*having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan.*”

53. It is important that I comment on the status of the ‘Community Priority Projects’ referred to in section 4.2 the Neighbourhood Plan as follows “*Suggested COMMUNITY PRIORITY PROJECTS in terms of improvements*

Lords Hansard, 6 February 2006) and included in guidance in England’s Statutory Landscape Designations: a practical guide to your duty of regard, Natural England 2010 (an Agency of another Secretary of State)

are: LANDSCAPING PROGRAMME ALONG THE SEAFRONT AND TOWN CENTRE; ACCESS FOR ALL TO SANDY FORESHORE; A GREAT STATION ARRIVAL EXPERIENCE; PUBLIC REALM IMPROVEMENTS: ESPLANADE, GLOUCESTER ROAD; GATEWAYS AND CYCLE NETWORK; SUPPORTING THE REGENERATION OF THE OLD TOWN; AND ANY OTHER PROJECT.”

These projects which are not developed in detail do not necessarily relate to the development and use of land nor require planning permission. The community priority projects do not form part of the Neighbourhood Development Plan and as such have not been considered as part of this independent examination. The proposals would not be the subject of any referendum and would not become part of the Development Plan for the area.

54. The approach adopted avoids those non-development and land use matters, raised as important by the local community, being lost sight of. The Guidance states, *“Neighbourhood planning can inspire local people and businesses to consider other ways to improve their neighbourhood than through the development and use of land. They may identify specific action or policies to deliver these improvements.”* The presentation of community proposals is consistent with this guidance and represents good practice.
55. *The Guidance states, “Wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non land use matters should be clearly identifiable. For example, set out in a companion document or annex.”* I recommend that this approach is adopted.

Recommended modification 2:

The community priority projects should be transferred to a separate annex that is clearly identified as not forming part of the Neighbourhood Development Plan

56. At the heart of the Framework is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan making and decision-taking.²⁶ The Guidance states, *“This basic condition is consistent with the planning principle that all plan-making and decision-taking should help to achieve sustainable development. A qualifying body must demonstrate how its plan or order will contribute to improvements in environmental, economic and social conditions or that consideration has been given to how any potential adverse effects arising from the proposals may be prevented, reduced or offset (referred to as*

²⁶ Paragraph 14 National Planning Policy Framework 2012

mitigation measures). In order to demonstrate that a draft neighbourhood plan or order contributes to sustainable development, sufficient and proportionate evidence should be presented on how the draft neighbourhood plan or order guides development to sustainable solutions”.

57. The Basic Conditions require my consideration whether the making of the neighbourhood plan contributes to the achievement of sustainable development. There is no requirement as to the nature or extent of that contribution, nor a need to assess whether or not the plan makes a particular contribution. The requirement is that there should be a contribution. There is also no requirement to consider whether some alternative plan would make a greater contribution to sustainable development.

58. I conclude that the Neighbourhood Plan, by guiding development to sustainable solutions, contributes to the achievement of sustainable development in that it:

- Promotes sustainable design
- Promotes sustainable transport
- Promotes local service and amenity provision for visitors and residents
- Promotes conservation and enhancement of the historic environment
- Promotes efficient use of land including better use of underutilised sites and buildings

59. Subject to my recommended modifications of the Submission Plan relating to specific policies, as set out later in this report, I find that the Neighbourhood Plan, taken as a whole, has regard to national policies and advice contained in guidance issued by the Secretary of State and contributes to the achievement of sustainable development.

Consideration whether the making of the Neighbourhood Plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area)

60. The Framework states that the ambition of the neighbourhood should “*support the strategic development needs set out in Local Plans*”.²⁷

²⁷ Paragraph 16 National Planning Policy Framework 2012

*“Neighbourhood plans must be in general conformity with the strategic policies of the Local Plan. To facilitate this, local planning authorities should set out clearly their strategic policies for the area and ensure that an up-to-date Local Plan is in place as quickly as possible. Neighbourhood plans should reflect these policies and neighbourhoods should plan positively to support them. Neighbourhood plans should not promote less development than set out in the Local Plan or undermine its strategic policies”.*²⁸

61. In considering a now repealed provision that “a local plan shall be in general conformity with the structure plan” the Court of Appeal stated “the adjective ‘general’ is there, “to introduce a degree of flexibility.”²⁹ The use of ‘general’ allows for the possibility of conflict. Flexibility is however not unlimited, there must at least be broad consistency, but there is considerable room for manoeuvre. The test for neighbourhood plans refers to the strategic policies of the development plan rather than the development plan as a whole.

62. The Guidance states, “When considering whether a policy is in general conformity a qualifying body, independent examiner, or local planning authority, should consider the following:

- *whether the neighbourhood plan policy or development proposal supports and upholds the general principle that the strategic policy is concerned with*
- *the degree, if any, of conflict between the draft neighbourhood plan policy or development proposal and the strategic policy*
- *whether the draft neighbourhood plan policy or development proposal provides an additional level of detail and/or a distinct local approach to that set out in the strategic policy without undermining that policy*
- *the rationale for the approach taken in the draft neighbourhood plan or Order and the evidence to justify that approach.”*

63. Statutory weight is given to neighbourhood development plans that are in general conformity with the strategic policies of the development plan for the local area, and have appropriate regard to national policy. This ensures neighbourhood plans cannot undermine the overall planning and development strategy set out in the development plan for the local area.

64. The Guidance states, “A local planning authority should set out clearly its strategic policies in accordance with paragraph 184 of the National

²⁸ Paragraph 184 National Planning Policy Framework 2012

²⁹ Persimmon Homes v. Stevenage BC the Court of Appeal [2006] 1 P & CR 31

Planning Policy Framework and provide details of these to a qualifying body and to the independent examiner.”

65. Whilst it is good practice, as has been done, to consider the wider policy framework in plan development, I am required to consider whether the making of the Neighbourhood Plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area). Arun District Council has informed me that the Development Plan applying in the Bognor Regis Neighbourhood Plan area comprises:

- Adopted Arun District Local Plan 2003 (saved policies)
- West Sussex Minerals Local Plan (July 2003) (saved policies)
- West Sussex Waste Local Plan (April 2004) (saved policies)

66. The Minerals and Waste Local Plans are not relevant to the Neighbourhood Plan and indeed relate to excluded development. As the Adopted Arun District Local Plan 2003 (saved policies) predates the Framework, the Framework takes precedence where there is a conflict.

67. Although not a requirement the Neighbourhood Plan has aimed to be in conformity with the emerging Local Plan, the Arun District Local Plan 2011-2031, which was submitted on 30 January 2015 for independent examination to the Secretary of State for Communities and Local Government. The Local Plan remains subject to change.

68. Consideration whether the making of the Neighbourhood Plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area) has been addressed through examination of the plan as a whole and each of the plan policies below. I have concluded the Neighbourhood Plan is in general conformity with the strategic policies contained in the development plan.

The Neighbourhood Plan policies

69. The Submission Plan includes 19 policies:

- Policy 1: Delivery of the Vision
- Policy 2: Promoting the Seaside Identity
- Policy 3: Old Town Restaurant and Cultural Quarter
- Policy 4: Reducing Underuse of Property in the Town Centre
- Policy 5: Preferred Retail Uses in the Primary Retail Area
- Policy 6: Key Gateways and Promotion of Sustainable Travel
- Policy 7: Promotion of tourism and Beach Service Points

- Policy 8. Pre- Application Consultation
- Policy 8a. Design Excellence
- Policy 8b. Car Parking
- Policy 8c. The Pier
- Policy 8d. Butlin Promenade Frontage and Gloucester Road Car Park Site
- Policy 8e. Gateway to High Street Gloucester Road
- Policy 8f. Regis Centre and Mountbatten Court Site
- Policy 8g. Hothampton Car Park Site, Queensway
- Policy 8h. East of Station Covers Site
- Policy 8i. Northern Part of Durban Road Industrial Area
- Policy 8J. The Chichester University Bognor Regis Campus
- Policy 9. Local Green Space Designations

70. The Guidance states *“Neighbourhood planning provides a powerful set of tools for local people to ensure that they get the right types of development for their community. The ambition of the neighbourhood should be aligned with the strategic needs and priorities of the wider local area. Neighbourhood plans must be in general conformity with the strategic policies of the Local Plan.” “Outside these strategic elements, neighbourhood plans will be able to shape and direct sustainable development in their area.”*

71. *“A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.”*

72. *“While there are prescribed documents that must be submitted with a neighbourhood plan ... there is no ‘tick box’ list of evidence required for neighbourhood planning. Proportionate, robust evidence should support the choices made and the approach taken. The evidence should be drawn upon to explain succinctly the intention and rationale of the policies in the draft neighbourhood plan”.*

73. *“A neighbourhood plan must address the development and use of land. This is because if successful at examination and referendum the neighbourhood plan will become part of the statutory development plan once it has been made (brought into legal force) by the planning authority. Applications for planning permission must be determined in accordance*

*with the development plan, unless material considerations indicate otherwise.*³⁰

74. If to any extent a policy set out in the Neighbourhood Plan conflicts with any other statement or information in the plan, the conflict must be resolved in favour of the policy. Given that policies have this status, and if the Neighbourhood Plan is made they will be utilised in the determination of planning applications and appeals, I have examined each policy individually in turn. Prior to that I deal with cross-policy issues.
75. Every policy of the Neighbourhood Plan apart from policy 8i and policy 9 include statements advising that applicants are encouraged to seek early advice. The statements specify from whom the advice should be sought. The District Council has made a representation that these are removed as they refer to a process/validation matter and as such should not be part of a policy. The statements are helpful and in line with the approach to pre-application engagement and front loading set out in the Framework.³¹ The statements however do not directly relate to the development and use of land. On this basis I recommend the insertion of the heading “Note” prior to each of these statements and appropriate positioning below the policy text in order to clarify that they are themselves not part of the land use policy but are an advisory note accompanying the policy.
76. On a similar basis the statements in policy 8c and in policy 8d requesting the Local Planning Authority to apply for a National Design Review are also matters of process rather than matters of policy relating to the development and use of land. Again I recommend these are headed as a “Note” and positioned below the policy text.
77. Policies 2, 8 and 8a each include almost identical wording encouraging applicants to submit as a part of any planning application: *“a) full colour drawings and detailed specifications of proposed main building designs and materials*
b) an explanation of how on-site natural building materials and traditional locally sourced materials are reclaimed and reused in the new building structures
c) an explanation of the thermal performance of the building and how renewable energy is harnessed in the development, for instance through passive solar gain, insulation and/or application of renewable energy technologies”. Whilst repetition, especially with slight variation in wording, is unhelpful it is not a ground for failure in meeting the basic conditions.

³⁰ See section 38(6) of the Planning and Compulsory Purchase Act 2004.

³¹ Paragraphs 188 to 191 National Planning Policy Framework 2012

78. There are specific necessary processes relating to consultation and publication when preparing a list of local information requirements to accompany planning applications. The approach adopted in the Neighbourhood Plan is appropriate and is distinct from a “local list” on the basis that policies 2, 8, and 8a set out submissions that are only encouraged. They are not requirements. The approach adopted however is a process matter rather than establishing a policy relating to the development and use of land. On that basis I recommend that these components of the relevant policies are also headed “Note” and that they are positioned below the policy text. The District Council has stated part c) of the information encouraged to be submitted relating to energy issues is a matter covered by Building Control and should be deleted. Whilst I agree with this observation it is beyond my role to recommend a modification on that basis.

Recommended modification 3:

Each of the following should be positioned below the policy text and preceded by the heading “Note”:

- **statements in policies 1 to 8i inclusive encouraging applicants to seek early advice;**
- **statements in policies 8c and 8d requesting the Local Planning Authority to apply for a National Design Review; and**
- **those matters applicants are encouraged to submit as part of planning applications set out in policies 2, 8 and 8a**

Policy 1: Delivery of the Vision

79. This policy seeks to establish a requirement that proposals extending or altering heritage assets, and major developments, should demonstrate support for the delivery of relevant plan objectives and the plan vision.

80. The District Council has expressed concern that the criteria should be made clearer in order to make the policy useable in the determination of planning applications. A failure to meet an expectation would not be sufficient reason to refuse planning permission. The requirement is capable of being tested and will serve some purpose however the component of the policy “are expected to” is not sufficiently precise to guide decision makers in the determination of planning proposals and requires modification.

81. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community.

The policy is in general conformity with policies of the Local Plan and in particular saved policy Gen7 The Form of New Development, and saved policy Site 2 Bognor Regis Town Centre Regeneration.

82. The policy establishes a framework for major development and other investment schemes affecting heritage assets that will contribute to building a strong local economy and enhanced vitality of the town centre. The policy seeks to shape future development that is of high quality design and standards, and that provides for a mix of uses to meet local needs, whilst respecting local heritage components. In this latter respect Objective 1 of the Neighbourhood Plan refers to “restore and enhance our designated and non-designated heritage assets and their settings to the highest standards”. It is necessary to confirm the policy has regard for the approach of the Framework in respect of balancing of harm and benefit in conserving and enhancing defined elements of the historic environment.

83. The policy has regard to other components of the Framework concerned with building a strong and competitive economy; ensuring the vitality of town centres; promoting sustainable transport; delivering a wide choice of high quality homes; requiring good design; promoting healthy communities; meeting the challenge of climate change and flooding; conserving and enhancing the natural environment. Subject to the modifications indicated this policy meets the basic conditions.

Recommended modification 4:

In policy 1

Delete “are expected to” and insert “should”

After “Bognor Regis” add “Proposals must identify the significance of any affected heritage asset and assess any harm and benefit”

Policy 2: Promoting the Seaside Identity

84. This policy seeks to establish a ‘secure, restore and boost our seaside identity first’ principle in respect of extensions and alterations to the exterior of designated and non-designated heritage assets and their setting within the wider town centre area. The wider town centre area is spatially defined on the Priority Sites and Policies inset map and labelled wider town area. I have dealt with this latter point as a minor correction in the annex to my report.

85. The District Council has queried whether the policy should relate to all development however it is not within my role to change the application of the policy beyond that stated namely “*proposals within the wider Town Centre area and concerned with extensions and alterations to the exterior*”

of designated and non-designated heritage assets and their settings". The District Council has also stated "*definition of 'seaside identity' would be useful in order for this policy to be useable or deliverable*". I agree with this point and recommend a modification on the grounds it is necessary in order to provide a clear basis for decision makers when determining development proposals.

86. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy is in general conformity with policies of the Local Plan and in particular saved policy Gen7, The Form of New Development, and saved policy Gen 22, Buildings or Structures of Character.
87. The policy envisages measured and appropriate investment and change within the wider town centre area that supports schemes that will add to the attractiveness and enhanced vitality of that area with strong local economic impacts. The policy seeks to shape future development that is of high quality design and standards, and that provides for a mix of uses to meet local needs, whilst achieving efficiencies through re-use and performance, and respecting local heritage components.
88. The policy has regard to the components of the Framework concerned with building a strong and competitive economy; ensuring the vitality of town centres; requiring good design; promoting healthy communities; meeting the challenge of climate change and flooding; conserving and enhancing the natural environment; and conserving and enhancing the historic environment. Subject to the recommended modification this policy meets the basic conditions.

**Recommended modification 5:
In policy 2 define "seaside identity"**

Policy 3: Old Town Restaurant and Cultural Quarter

89. This policy seeks to designate Bognor's Old Town as the restaurant, cafe and bar, and cultural quarter. I have dealt with the necessary minor correction of the 'inset priority sites and policies map' in the annex to my report.
90. The policy actively encourages change of use to restaurants, cafes and drinking establishments and seeks to resist changes from restaurant and cafe use to other uses. The policy specifically supports outdoor and all weather seating, and development supporting a comfortable and

pedestrian friendly street environment both during the day and in the evening.

91. The District Council suggest replacement of 'encourage' with 'should' although I am content the policy encourages a concentration of the uses concerned, without judgement that they will be inappropriate in all other locations. The District Council has commented on the fit of the policy with the Town Centre Manager's vision of the old quarter and use of Council owned properties however these are not matters that would justify my making of a recommendation of modification.
92. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. There are a number of components of the policy that are not sufficiently precise to guide decision makers in the determination of planning proposals and which require modification as follows:
- The term cultural quarter is not defined. The land uses to be encouraged should be defined in order to guide decision makers.
 - Notwithstanding the use of the term "comfortable" in the Framework³² in describing areas, the term adds little to "pedestrian friendly street environment" and is not sufficiently precise to guide decision makers.
93. The policy is in general conformity with policies of the Local Plan and in particular saved policies: Dev 34 Tourist Accommodation and Attractions; Area 2 Conservation Areas; and Site 2 Bognor Regis Town Centre Regeneration.
94. The policy supports spatial concentration of restaurants, cafes and bars, and will enhance the vitality of the Old Town area. The area will represent a significant employment location with strong local economic impacts. The policy seeks to shape future development providing for a mix of uses to meet specific local needs including those related to the evening economy.
95. The policy has regard to the components of the Framework concerned with building a strong and competitive economy; ensuring the vitality of town centres; promoting sustainable transport; requiring good design; and conserving and enhancing the historic environment. Subject to the modifications indicated this policy meets the basic conditions.

³² Paragraph 58 National Planning Policy Framework

Recommended modification 6:

In policy 3

The cultural quarter land uses to be encouraged should be defined in order to guide decision makers

Delete “comfortable”

Policy 4: Reducing Underuse of Property in the Town Centre

96. This policy seeks to establish support for proposals to re-use empty or underused property above shops and commercial premises along designated primary and secondary retail frontages.
97. A representation states there is a lack of distinction between primary and secondary areas. It is not within my role to consider whether the Neighbourhood Plan should include additional policy areas. The District Council suggests replacement of ‘encourage’ with ‘should’. The policy in particular encourages improved access, extensions, sub-division of plots, and energy efficiency measures with the aim of increasing the suitability and marketability of town centre properties and lands for local employment and residential uses. As the measures referred to will not always be appropriate I consider the term ‘should where appropriate’ would offer necessary clarity and flexibility to decision makers.
98. The policy is in general conformity with policies of the Local Plan and in particular saved policy Area 21 Re-use of Redundant Floorspace.
99. The policy supports investment that will produce working and living accommodation contributing to the enhanced vitality of important frontages and likely significant strong local economic impacts. The policy seeks to shape future development that is of suitable quality and standards, and that provides for a mix of uses to meet local needs.
100. The policy has regard to the components of the Framework concerned with building a strong and competitive economy; ensuring the vitality of town centres; promoting sustainable transport; delivering a wide choice of high quality homes; requiring good design; and conserving and enhancing the historic environment. Subject to the recommended modification this policy meets the basic conditions.

Recommended modification 7:

In policy 4 delete “are encouraged to” insert “should where appropriate”

Policy 5: Preferred Retail Uses in the Primary Retail Area

101. This policy seeks to establish retail uses as the preferred use for units at ground floor level within the primary retail area. The term “preferred use” does not guide decision makers in terms of the implications for development proposals. It is unclear whether certain types of proposal will be refused and others permitted. The policy is not sufficiently precise to guide decision makers in the determination of planning proposals and requires modification.
102. The District Council suggests *“that A3 and A4 uses are restricted in these areas. Policy 3 suggests that A3 & A4 will be encouraged in the Cultural Quarter and this Policy encourages them in the High Street. Unless they are restricted there is the potential for all café and no retail.”* Whilst this comment would appear to be well founded it is not within my role to consider the soundness of the Neighbourhood Plan or whether some alternative policy would result in a more sustainable outcome.
103. Clearly this policy must operate in the context of national permitted development rights which are subject to adjustment over time. It should be noted The Town and Country Planning (General Permitted Development) (England) Order 2015 which came into force on 15 April 2015 introduced a number of policy changes including the grant of planning permission for certain classes of development without the requirement for a planning application to be made. These include the conversion of retail premises to restaurants/cafes; conversion of shops or betting offices to premises providing financial and professional services; and conversion of retail premises to assembly and leisure.
104. The policy is in general conformity with policies of the Local Plan in particular saved policy Area 19 Primary Shopping Frontages.
105. The policy supports the important retail role of the primary frontages including investment that will result in enhanced vitality of the town centre which is a significant employment location with strong local economic impacts. The policy seeks to shape future development providing for the consolidation of retail activity. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community.
106. The policy has regard to the components of the Framework concerned with building a strong and competitive economy; ensuring the vitality of town centres; promoting sustainable transport; and promoting healthy communities. Subject to the modifications indicated this policy meets the basic conditions.

Recommended modification 8:

In policy 5

**Insert at the commencement “Proposals for change of use to” and;
Delete “are the preferred use” and insert “will be supported and proposals requiring planning permission to change from those uses will be resisted”**

Policy 6: Key Gateways and Promotion of Sustainable Travel

107. This policy seeks to establish an expectation that development proposals will, where possible, maintain and extend emerging movement networks. In addition proposals with significant traffic impact are required to contribute to improvements to the pedestrian and cycle networks, as well as parking and shared space areas. The Highway Authority is requested to consult the Town Council and Town Centre Manager on proposals for highway structures and to publish and consult on significant highway schemes.
108. The District Council has expressed concern that the policy includes ambiguous phrases including “significant traffic” and “required to contribute”. I have recommended an appropriate modification in this respect that is formulated in accordance with the components of the Framework concerned with Transport Assessment; exploitation of opportunities for use of sustainable transport modes; Travel Plans; and the improvement of the quality of parking in town centres.
109. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The components of the policy seeking to influence working practices of the Highway Authority do not relate to the development and use of land. This aspect of the policy therefore cannot form part of a neighbourhood development plan. I have recommended a modification in this respect.
110. The Guidance states “*Wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non land use matters should be clearly identifiable. For example, set out in a companion document or annex.*” The component of the policy relating to Town Council requests of the Highway Authority should be deleted and should be registered as a community aspiration of significance through inclusion in a non-statutory annex to the Neighbourhood Plan.

111. The policy is in general conformity with policies of the Local Plan and supports achievement of sustainable access and permeability.
112. The policy has regard to the components of the Framework concerned with building a strong and competitive economy; ensuring the vitality of town centres; promoting sustainable transport; and requiring good design. Subject to the modifications indicated this policy meets the basic conditions.

Recommended modification 9:

In policy 6

Delete the sentence commencing “Any development” insert “Major developments must demonstrate, through a Transport Assessment and a Travel Plan, no severe cumulative transport impact, and exploitation of opportunities to improve pedestrian and cycle movement and vehicle parking provision”

The sentences commencing “The Town Council” and “Significant” should be deleted and transferred to a non-statutory annex to the Neighbourhood Plan and clearly so titled

Policy 7: Promotion of tourism and Beach Service Points

113. This policy seeks to establish support for the development of new and existing tourist facilities. The policy supports the locating of an appropriate range of amenities and structures around five identified Beach Service Points/Hubs so long as key views and vistas are maintained and measures are taken to remove any adverse effects on the Bognor Reef SSSI.
114. Bourne Leisure supports the wording of Policy 7 and its recognition of the crucial importance that the tourist industry has for the Bognor Regis economy. The District Council states concern this policy should clearly relate to physical structures acting as service points/business units and should not restrict location of future hubs, and should be clearly relating to more than seasonal facilities. I am satisfied the policy seeks to focus permanent and seasonal facilities, can only relate to physical structures requiring planning permission, and will not prejudice possible future identification of additional hubs.
115. Natural England *“welcome the commitment in Policy 7, to protect the adjoining Bognor Reef SSSIs, which comprises a long stretch of foreshore of great geological interest and an extensive area of vegetated shingle (a habitat type which is rare in Britain). At the western end there is a small*

area of old sand dune with an interesting flora including a specially protected species listed on Schedule 8 of the Wildlife and Countryside Act 1981.”

116. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy is in general conformity with policy DEV34, Tourist Accommodation and Attractions, of the Local Plan.
117. The policy has regard to the components of the Framework concerned with building a strong and competitive economy; ensuring the vitality of town centres; requiring good design; promoting sustainable transport; promoting healthy communities; conserving and enhancing the natural environment; and conserving and enhancing the historic environment. This policy meets the basic conditions.

Policy 8: Pre- Application Consultation

118. This policy seeks to establish a requirement for applicants preparing proposals for key priority sites and major developments to engage with residents and other stakeholders and to detail a response to any comments arising. Applicants are also encouraged to seek early advice and include specified elements within an application.
119. The District Council states this is not a Development Management policy and should be deleted. Another representation states it is considered that the policy requirement for “... *proactive, early and meaningful engagement with residents and other stakeholders prior to submitting a planning application for development proposals for key priority sites is overly onerous. Policy 8 should be amended as follows: Where appropriate applicants preparing Development Proposals for key priority Sites (8c to 8J) or any other major development shall facilitate a proactive.....*”
120. *The Framework states “Applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community. Proposals that can demonstrate this in developing the design of the new development should be looked on more favourably” and “Local planning authorities have a key role to play in encouraging other parties to take maximum advantage of the pre-application stage. They cannot require that a developer engages with them before submitting a planning application, but they should encourage take-up of any pre-application services they do offer. They should also, where they think this would be beneficial, encourage any applicants who are not*

already required to do so by law to engage with the local community before submitting their applications.”

121. The Guidance states *“Pre-application engagement by prospective applicants offers significant potential to improve both the efficiency and effectiveness of the planning application system and improve the quality of planning applications and their likelihood of success.”* *“Working collaboratively and openly with interested parties at an early stage to identify, understand and seek to resolve issues associated with a proposed development”* is stated to be one of the ways this can be achieved
122. The policy seeks to establish a framework that will enable local people to shape and direct sustainable development increasing the likelihood they will get the right type of development for their community. The policy includes elements that are encouraged and one element, namely that relating to engagement, that is a requirement. The requirement would represent a local variation (applying within the Neighbourhood Plan area) to the planning application validation checklist that applies within Arun District.
123. The Guidance states *“A local planning authority may request supporting information with a planning application. Its requirements should be specified on a formally adopted ‘local list’ which has been published on its website less than two years before an application is submitted. Local information requirements have no bearing on whether a planning application is valid unless they are set out on such a list.”* The local list is prepared by the local planning authority to clarify what information is usually required for applications of a particular type, scale or location. Requirements must meet statutory tests are set out in section 62 (4A) of the Town and Country Planning Act 1990 (inserted by the Growth and Infrastructure Act) and article 11(3)(c) of the Town and Country Planning (Development Management Procedure) (England) (Order) 2015. The recommended process for reviewing and revising local lists involves a three-step process. The policy seeks to establish a requirement without fulfilling the necessary process. On this basis I recommend modification such that the requirement is presented as an advisory note.
124. The effect of this modification when combined with recommended modification 3 above will result in policy 8 comprising entirely of notes without any policy content. I recommend policy 8 should be amalgamated with policy 8a as engagement with residents and other stakeholders and appropriate response is a feature of design excellence. Amalgamation of the policies will also achieve removal of some duplication.

Recommended modification 10:

In policy 8

delete “shall facilitate” and insert “are encouraged to facilitate”; and delete “Any subsequent planning application will detail” and insert “Applicants are encouraged to detail”

The first component relating to engagement should be headed “Note” and positioned below the policy text.

The modified policy should be amalgamated with policy 8a

Policy 8a: Design Excellence

125. This policy seeks to establish a requirement that development proposals for Key Priority Sites and other major developments shall demonstrate excellence in design. The policy sets out relevant aspects of schemes that can contribute to the achievement of excellence in design.
126. The District Council states that the policy raises issues regarding the status of the Characterisation Study 2014 and suggests an advisory status approach. The District Council also advises the phrases “planting typical of the south coast” and “promoting high quality interior spaces and light” raise implementation issues. I agree with these points and recommend appropriate modifications.
127. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy includes the phrase “will not *be permitted*”. The Framework states “*the planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise*”. In order to acknowledge this basis for decision making the term “will not be supported” should be used.
128. The policy is in general conformity with policy Gen7, The Form of New Development, of the Local Plan.
129. The policy has regard to the components of the Framework concerned with building a strong and competitive economy; ensuring the vitality of town centres; promoting sustainable transport; delivering a wide choice of high quality homes; requiring good design; promoting healthy communities; meeting the challenge of climate change and flooding; conserving and enhancing the natural environment; and conserving and enhancing the historic environment. Subject to the modifications indicated this policy meets the basic conditions.

Recommended modification 11:

In policy 8a

Delete “as guided by the Characterisation Study 2014”

delete “permitted” insert “supported”

delete “typical of the south coast for” insert “commonly found on south coast”

delete “interior”

In the Note to Policy 8a (created by recommended modification 3) after “All applicants” insert “should seek guidance from the Characterisation Study 2014 and”

Policy 8b: Car Parking

130. This policy seeks to encourage adequate on-site car parking facilities are included in development proposals for key priority sites and in other major developments. The policy requires regard for the seasonality of parking needs in a resort town.
131. The District Council states *“current facilities such as the Pier and the Picturedrome do not have their ‘own’ parking. The issue is more about adequate overall town centre parking for the visitors it attracts”*. I consider a modification of the policy is necessary in order to reflect the ‘promotion of sustainable transport’ component of the Framework.
132. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community.
133. The policy is in general conformity with policy GEN12, Parking in New Development, of the Local Plan.
134. The policy has regard to the components of the Framework concerned with building a strong and competitive economy; ensuring the vitality of town centres; delivering a wide choice of high quality homes; requiring good design; promoting healthy communities; meeting the challenge of climate change and flooding; conserving and enhancing the natural environment; and conserving and enhancing the historic environment. Subject to the recommended modification this policy meets the basic conditions.

Recommended modification 12:

In policy 8b delete “are encouraged to ensure they have provided for adequate on-site parking facilities for their proposed usage, and”

insert “should demonstrate through a Transport Assessment and Travel Plan they”

Policies relating to Key Priority Sites

Policy 8c: The Pier

Policy 8d: Butlin Promenade Frontage and Gloucester Road Car Park Site

Policy 8e: Gateway to High Street Gloucester Road

Policy 8f: Regis Centre and Mountbatten Court Site

Policy 8g: Hothamton Car Park Site, Queensway

Policy 8h: East of Station Covers Site

Policy 8i: Northern Part of Durban Road Industrial Area

Policy 8J: The Chichester University Bognor Regis Campus

135. These 8 policies seek to establish design guidance in respect of specific sites and locations. The policies seek to shape and direct sustainable development to ensure that local people get the right type of development for their community. The District Council has submitted representations in respect of all of these policies which I now consider with other representations submitted:

- Policy 8c: *“The District Council want to ensure that any development/works does not harm the significance of the pier, either through direct alterations or as a result of development in its setting. Concern is expressed with regard to the potential design of the works and the use of solar panels which may not be appropriate on a listed structure. The council conservation team should be consulted at a very early stage with regards to the impact on the heritage asset. Additional reference needed to explain where the information for part b) can be found.”*

I consider the policy wording is designed to protect this important heritage asset. The use of solar and other renewable energy sources in the operation of the pier does not require energy capture or generation to occur on site. I have previously dealt with the issue of consultation but agree an appropriate note should include reference to the Council Conservation Team. As this is not necessary to meet the basic conditions I have not included a recommendation of modification in this respect. The policy

expresses support to extension of the pier up to its original length. A proposal could be scrutinised for legitimacy in this respect.

- Policy 8d: The District Council states *“To implement some aspects would require Butlins to seek modification to their lease as (a) and (b) would not be in compliance, so have they been consulted?”* Bourne Leisure requests that the policy be replaced with the following wording: *“This policy supports in principle the enhancement and expansion of existing visitor / tourism accommodation and facilities and the development of new accommodation and facilities, including hotel, leisure and restaurant uses within site 8D as part of a wider master plan for the whole Butlins site.”* *“The suggested wording will provide greater flexibility to allow the site to be used for a variety of tourism uses, including leisure, hotel and a mix of uses as identified in the key to the Priorities Map”.* Another representation states *“the land at the corner of the High Street and Gloucester Road is a wasted opportunity should the site become available”.*

It is not within my role to consider whether some alternative plan would be more beneficial or sustainable. Provisions included within a lease do not prevent a community seeking to shape development through policies of a neighbourhood plan. Whilst I would have no objection to the wording suggested by Bourne Leisure being incorporated in the policy wording such a modification is not necessary to meet the basic conditions and therefore I have not recommended a modification.

- Policy 8e: The District Council states *“Is there any split in proportions to guide what is expected to be acceptable? ‘...an amount of employment and retail component on all or parts of this site. Active ground uses...’ Which parts of the site? Which uses? Quantities – Sustainability perspective. What about the potential for higher value employment?”*

It is not necessary in terms of meeting the basic conditions for the policy to specify the proportion of different land uses to be incorporated in a scheme nor is there a requirement to comment on higher value employment. The technical term ‘active ground floor uses’ is not widely understood and should be explained in order to achieve greater clarity. I have recommended a modification in this respect.

- Policy 8f: The District Council states *“This policy is too restrictive and is not in the spirit of the NPPF. It is not supported by ADC in its current form and it would benefit from a total re-draft or be deleted. “Culture and entertainment” is too restrictive and is unlikely to be financially viable. Street market activities (a) - these can now take place in the newly pedestrianised street and are not a necessity to this site. There is no rationale or justification to the “visual connections” (d) other than to restrict the height of future developments. Parking (f) – see point for Policy 8b refers here too. Contradictory? Theatre (h) – Policy is too restrictive. There may be agreement to reduce its size or move elsewhere. The Policy should be worded in relation to support for the arts rather than retaining a particular building for the sake of the building only. The historic structure should be retained, not encouraged to be retained”.*

The Framework establishes a presumption in favour of sustainable development. In order to reflect this presumption, the policy should include sufficient flexibility to accommodate a range of potentially acceptable uses. I recommend a modification in this respect. Street market activities by definition will occur in streets. Even though phrased in terms of “where possible” the policy is insufficiently flexible in specifying a design to accommodate street market activities in the absence of any evidence that there is a particular requirement in this respect. Similarly there is no evidence presented to support the maintenance of views specified as visual connections. Car parking provision is dealt with in the Neighbourhood Plan in policy 8b. In the interests of clarity for decision makers it is inappropriate to introduce an overlapping provision in this policy especially where the imprecise terms of ‘adequate’ and ‘proportional’ are utilised. Whilst it is appropriate to express support for the retention of the Theatre building resistance to any alternative use is inappropriate in the absence of any consideration of viability issues. I have recommended modifications of this policy.

- Policy 8g: The District Council states *“reference made that car parking should be adequate and proportional to the usage of the site but should not impact on existing parking provision. The inference here is that there can only be an upward growth in parking provision on this site irrespective of development proposed. This is not supported by ADC. This is too restrictive for future developments. Open space and public access should be able to be*

realigned within any new development. This site could be considered as having potential for higher value employment uses”.

Another representation questions the demand for more retail and new office buildings in this area and states additional residential or leisure facilities would be more beneficial in this area. The representation also states *“I support the commission of the children’s play area from Hotham site 8g and the part relating to retention of the existing Open Space and connecting footpath although there is a missing opportunity for a green link between Queensway and the Pier”.*

It is not within my role to test the soundness of the Neighbourhood Plan or to consider whether some alternative plan would be more sustainable or beneficial. The policy is worded as though retail and office uses are not acknowledged to be employment generating uses. I recommend a modification to refer to other employment generating uses, which would potentially include higher value employment uses. The provision is overly prescriptive and should include provision of open space rather than ‘the’ open space. Given the limited scale of the site a precise footpath alignment is inappropriate. Car parking provision is dealt with in the Neighbourhood Plan in policy 8b. In the interests of clarity for decision makers it is inappropriate to introduce an overlapping provision in this policy especially where the imprecise terms of adequate and proportional are utilised. I have recommended modification of this policy.

- Policy 8h: The District Council states *“East of Station Cover site: the retention of the storage shed is supported. However, any development has the potential to affect the setting of the train station (a listed building). This needs to be considered and addressed in the policy”.*

There is no requirement for a Neighbourhood Plan policy to identify all constraints or issues that may apply to consideration of proposals. I have not recommended a modification as this would not be necessary to meet the basic conditions. It would however be helpful to potential developers to include an appropriate comment as a note.

- Policy 8i: The District Council states *“Northern part of Durban road industrial area: This policy talks of mixed uses - is there any*

indication as to what proportion would be considered acceptable? Live work units as an aspiration are fine but how many are ever delivered and if they are it's usually for creative / high tec. type uses. Small scale workshops are also good. How deliverable self-build / self-commission is would remain to be seen. The type of business that wants a small workshop unit, isn't likely to have the type of funding required to build a unit, neither would they want to wait for it to be built. Justification – mentions "strategic housing assessment" but doesn't list it as a Key Reference Document. Growth of Enterprise Bognor Regis and the potential Enterprise Zone status is expected to result in businesses relocating in this favourable area. We don't have EZ status although the application is still in for consideration, and even looking at maps on p27 and 28 unsure where 8i is – if it is Durban Road and south of Tesco and Sainsbury's superstores. The EZ area is all north of the A29 roundabout with McDonalds and Lidl off it, so the words are incorrect anyway. Needs revising". Another representation states the wording for the policy seems impractical and undesirable.

It is not within my role to test the soundness of the Neighbourhood Plan. The precise boundaries to which the policy applies should be indicated clearly. No modification of policy wording is necessary to meet the basic conditions.

- Policy 8j: The District Council states *"The University of Chichester Bognor Regis Campus: the policy proposals have the potential to affect the conservation area and the setting of listed buildings – this should be considered and addressed in the policy.*

There is no requirement for a Neighbourhood Plan policy to identify all constraints or issues that may apply to consideration of proposals. I have not recommended a modification as this would not be necessary to meet the basic conditions. It would however be helpful to potential developers to include an appropriate comment as a note. As the phrase co-working spaces is not widely understood it should be defined.

- Policy 8c-8j: The District Council states *"Lack of detail regarding which specific uses are acceptable in the areas and also the quantities. This is important from a sustainability perspective. Whilst there is a co-working space of some kind on the University campus we're not sure how well it is used by anyone other than students or ex-students. Prefer to keep what exists and put new space in other*

designated areas. The provision of sustainable... transport... pedestrian..... cycle links should be included in all the development proposals”.

136. Policies 8c to 8j inclusive have in large part been constructed to positively encourage appropriate development schemes and highlight particular elements of schemes, including the mix of types of land uses and design aspects that will be supported. There is no requirement to specify proportions of uses. I have already identified how the Neighbourhood Plan contributes to sustainable development. It is not within my role to consider whether some alternative plan would make a greater contribution to sustainable development. I consider policy 8a provides for consideration of sustainable transport aspects of proposals made in respect of the key priority sites and other major developments. Policies 8c-8j generally incorporate necessary flexibility by avoiding over prescription and are appropriately referenced and succinctly justified. There are however, as identified above, a small number of components of the policies that are overly prescriptive or insufficiently flexible; or are not sufficiently evidenced; or are insufficiently precise to guide decision makers in the determination of planning proposals and which require modification.
137. Subject to the modifications indicated these policies are in general conformity with policy GEN7 of the Local Plan. Policies 8c to 8j inclusive are also in general conformity with policy Site2 of the Local Plan.
138. These policies support development schemes on significant town centre sites and each would involve major investment with a strong local economic impact and contribute to enhanced vitality of the town centre. The policies seek to shape future development that is of high quality design and standards, and that provides for a mix of uses to meet local needs, whilst achieving sustainable access and permeability, and respecting local heritage components.
139. Subject to the modifications indicated these policies have regard to the components of the Framework concerned with building a strong and competitive economy; ensuring the vitality of town centres; promoting sustainable transport; delivering a wide choice of high quality homes; requiring good design; promoting healthy communities; meeting the challenge of climate change and flooding; conserving and enhancing the natural environment; and conserving and enhancing the historic environment. Subject to the modifications indicated these policies meet the basic conditions.

Recommended modification 13:

- In policy 8e define “active ground floor uses”
- In policy 8f
After “carbon” insert “mixed use development that could include” and delete “led”
In b) after “space” delete the reference to street market activities
Delete provisions d) and f)
Terminate h) after “supported”
Delete “as identified by the Green Infrastructure Network (emerging Local Plan)”
- In policy 8g
Before “employment” insert “other”
After “retention” delete “and enhancement of the existing”
After “park” delete “connecting with Queensway Fitzlet House and NHS facility at this location”
Delete the sentence commencing “Parking”
- In policy 8i the precise boundaries to which the policy applies should be indicated clearly
- In policy 8j the meaning of the phrase “co-working spaces” should be clarified

Policy 9 Local Green Space Designations

140. This policy seeks to designate seven areas as Local Green Space. Local Green Space designation does not confer with it rights to access beyond any that exist prior to designation. The only implication of Local Green Space designation is that new development is ruled out other than in very special circumstances. The policy specifies that *“development on these designated areas will not be permitted unless it preserves and enhances the existing use and community value.”*

141. The District Council states the policy should be worded positively and that designated areas should be accurately and precisely defined. The District Council also states with respect to area 7 *“We are not aware whether this is actually a community orchard currently and it conflicts with BRTC Policy 8j because it would need to be delivered for university and not as an orchard”*. Another representation states the identification of the

community orchard is incorrect. The reference in the policy to the map on page 49 should be corrected to refer to page 51. Area 7 identified on the map should be corrected. The area currently shown is that known as 'donkey field' in respect of which proposals exist for sports facilities and a new academic building for the University of Chichester fronting the corner of Felpham Way and the roundabout. That land is subject to policy 8j. The Rife Community Orchard site should instead be shown to the west of the pedestrian crossing on Felpham Way, south of the Aldingbourne rife and bounded by the cricket pitch and football field known locally as 'Felpham Rec'.

142. Southern Water do not support the policy as it could create a barrier to statutory utility providers delivering their essential infrastructure required to serve existing and planned development stating "*Arun's strategic policies recognise circumstances in which development may be permitted on open spaces and these should accordingly be reflected in the Neighbourhood Plan. Saved policy AREA5 of the Local Plan 2003 states that development will be permitted on open space where 'the development materially enhances the existing facility or satisfies an essential social need that is unable to be provided elsewhere in the locality and where the amount of open space is not significantly reduced'. Policy OSR DM1 of the publication version of the Local Plan 2014 states that open spaces should not be built on unless: '...The development is for essential utility infrastructure the need for which clearly outweighs the harm or loss, and no reasonable alternative site is available'. Southern Water may have to provide additional wastewater infrastructure to serve new and existing customers or meet stricter environmental standards. It is likely that there would be limited options with regard to location, as the infrastructure would need to connect into existing networks. The National Planning Practice Guidance recognises this scenario and states that 'it will be important to recognise that water and wastewater infrastructure sometimes has locational needs (and often consists of engineering works rather than new buildings) which mean otherwise protected areas may exceptionally have to be considered'. Therefore, utility infrastructure is considered to constitute the 'very special circumstances' envisaged by paragraph 76 of the National Planning Policy Framework (NPPF). Accordingly to meet the basic conditions necessary for a Neighbourhood Plan, we propose the following amended wording to policy...'Development on these designated sites will not be permitted unless it preserves and enhances the existing and community value or is for essential utility infrastructure, where the benefit outweighs any harm, or it can be demonstrated that there are no reasonable alternative sites available.'*" I consider the points made are valid and recommend an appropriate modification of the policy reflecting the approach set out in the Framework in particular in paragraph 88.

143. The policy has the effect of directing sustainable development to ensure that local people achieve the continued existence of green spaces that are important to their community. The map of designated areas presented at page 51 of the submission plan is not sufficiently precise to identify the boundaries of the smaller areas. Given the significance of designation it is important that the precise boundaries are clearly defined.
144. The policy is in general conformity with policy Area5, Protection of Open Spaces, of the Local Plan.
145. The Framework states *“Local communities through local and neighbourhood plans should be able to identify for special protection green areas of particular importance to them. By designating land as Local Green Space local communities will be able to rule out new development other than in very special circumstances. Identifying land as Local Green Space should therefore be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or reviewed, and be capable of enduring beyond the end of the plan period.”*
146. In respect to all of the 7 areas intended for designation as Local Green Space I find the Local Green Space designation is being made when a neighbourhood plan is being prepared, and I have seen nothing to suggest the designation is not capable of enduring beyond the end of the plan period. The intended designations have regard to the local planning of sustainable development contributing to the promotion of healthy communities, and conserving and enhancing the natural environment, as set out in the Framework.
147. The Framework states that: *“Local Green Space designation will not be appropriate for most green areas or open space. The designation should only be used:*
- *where the green space is in reasonably close proximity to the community it serves;*
 - *where the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and*
 - *where the green area concerned is local in character and is not an extensive tract of land.*

I find that in respect of each of the seven intended Local Green Spaces the designation relates to green space that is in reasonably close proximity

to the community it serves; and the green area is local in character and is not an extensive tract of land.

148. The Neighbourhood Plan sets out the justification for the designations which primarily relates to their importance in establishing the character of the area and providing recreation facilities and opportunities for relaxation for residents and visitors. Reference is also made as appropriate to wildlife value, use for holding community events, and in the case of the Community Orchard the growing of local produce. This latter point is supported in a representation. I conclude the areas are all “*demonstrably special to a local community and hold a particular local significance*”.

149. The policy has regard to the components of the Framework concerned with promoting healthy communities; and conserving and enhancing the natural environment and the historic environment. This policy meets the basic conditions.

Recommended modification 14:

In policy 9

The precise boundaries of the areas designated should be clearly defined and area 7 properly located; and

After “value” insert “or is for essential utility infrastructure, where the benefit clearly outweighs any harm, or it can be demonstrated that there are no reasonable alternative sites available”

Summary and Referendum

150. I have recommended the following modifications to the Submission Version Plan:

Recommended modification 1:

That general reference, and specific reference in policies 8e and 8h, is made to the need for mitigation of likely significant effect on Pagham Harbour arising from development proposals

Recommended modification 2:

The community priority projects should be transferred to a separate annex that is clearly identified as not forming part of the Neighbourhood Development Plan

Recommended modification 3:

Each of the following should be positioned below the policy text and preceded by the heading “Note”:

- statements in policies 1 to 8i inclusive encouraging applicants to seek early advice;
- statements in policies 8c and 8d requesting the Local Planning Authority to apply for a National Design Review; and
- those matters applicants are encouraged to submit as part of planning applications set out in policies 2, 8 and 8a

Recommended modification 4:

In policy 1

Delete “are expected to” and insert “should”

After “Bognor Regis” add “Proposals must identify the significance of any affected heritage asset and assess any harm and benefit”

Recommended modification 5:

In policy 2 define “seaside identity”

Recommended modification 6:

In policy 3

The cultural quarter land uses to be encouraged should be defined in order to guide decision makers

Delete “comfortable”

Recommended modification 7:

In policy 4 delete “are encouraged to” insert “should where appropriate”

Recommended modification 8:

In policy 5

Insert at the commencement “Proposals for change of use to” and;

Delete “are the preferred use” and insert “will be supported and proposals requiring planning permission to change from those uses will be resisted”

Recommended modification 9:

In policy 6

Delete the sentence commencing “Any development” insert “Major developments must demonstrate, through a Transport Assessment and a Travel Plan, no severe cumulative transport impact, and exploitation of opportunities to improve pedestrian and cycle movement and vehicle parking provision”

The sentences commencing “The Town Council” and “Significant” should be deleted and transferred to a non-statutory annex to the Neighbourhood Plan and clearly so titled

Recommended modification 10:

In policy 8

delete “shall facilitate” and insert “are encouraged to facilitate”; and delete “Any subsequent planning application will detail” and insert “Applicants are encouraged to detail”

The first component relating to engagement should be headed “Note” and positioned below the policy text.

The modified policy should be amalgamated with policy 8a

Recommended modification 11:

In policy 8a

Delete “as guided by the Characterisation Study 2014”

delete “permitted” insert “supported”

delete “typical of the south coast for” insert “commonly found on south coast”

delete “interior”

In the Note to Policy 8a (created by recommended modification 3) after “All applicants” insert “should seek guidance from the Characterisation Study 2014 and”

Recommended modification 12:

In policy 8b delete “are encouraged to ensure they have provided for adequate on-site parking facilities for their proposed usage, and” insert “should demonstrate through a Transport Assessment and Travel Plan they”

Recommended modification 13:

- **In policy 8e define “active ground floor uses”**
- **In policy 8f**
 - After “carbon” insert “mixed use development that could include” and delete “led”**
 - In b) after “space” delete the reference to street market activities**
 - Delete provisions d) and f)**
 - Terminate h) after “supported”**
 - Delete “as identified by the Green Infrastructure Network (emerging Local Plan)”**

- **In policy 8g**
Before “employment” insert “other”
After “retention” delete “and enhancement of the existing”
After “park” delete “connecting with Queensway Fitzlet House and NHS facility at this location”
Delete the sentence commencing “Parking”
- **In policy 8i the precise boundaries to which the policy applies should be indicated clearly**
- **In policy 8j the meaning of the phrase “co-working spaces” should be clarified**

Recommended modification 14:

In policy 9

The precise boundaries of the areas designated should be clearly defined and area 7 properly located; and

After “value” insert “or is for essential utility infrastructure, where the benefit clearly outweighs any harm, or it can be demonstrated that there are no reasonable alternative sites available”

151. I also make the following recommendation in the Annex below.

Recommended modification 15:

Identified errors that are typographical in nature or arising from updates should be corrected

152. I am satisfied that the Neighbourhood Plan³³:

- is compatible with the Convention rights, and would remain compatible if modified in accordance with my recommendations; and
- subject to the modifications I have recommended, meets all the statutory requirements set out in paragraph 8(1) of schedule 4B of the Town and Country Planning Act 1990 and meets the basic conditions:

having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan;

³³ The definition of plans and programmes in Article 2(a) of EU Directive 2001/42 includes any modifications to them

the making of the neighbourhood plan contributes to the achievement of sustainable development;

the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);

does not breach, and is otherwise compatible with, EU obligations; and would continue to not breach and be otherwise compatible with EU obligations if modified in accordance with my recommendations; and

the making of the neighbourhood plan is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects.³⁴

I recommend to Arun District Council that the Bognor Regis Neighbourhood Development Plan for the plan period up to 2025 should, subject to the modifications I have put forward, be submitted to referendum.

153. I am required to consider whether the referendum area should extend beyond the Neighbourhood Plan area and if to be extended, the nature of that extension.³⁵ I have not seen anything to suggest the referendum area should be extended beyond the area designated as a Neighbourhood Area.

I recommend that the Neighbourhood Plan should proceed to a referendum based on the area designated as a Neighbourhood Area on 10 December 2012 by Arun District Council

Annex: Minor Corrections to the Neighbourhood Plan

I am able to recommend modification of the Neighbourhood Plan in order to correct errors.³⁶ The Neighbourhood Plan includes a number of errors that are typographical in nature or arise from updates. I recommend modification as follows:

Page II and page IV “Foreword” not Foreward

Page II delete “Local Plan 2011—2031” insert “2003 Plan”

³⁴ Prescribed for the purposes of paragraph 8(2) (g) of Schedule 4B to the 1990 Act by Regulation 32 The Neighbourhood Planning (General) Regulations 2012 and defined in the Conservation of Habitats and Species Regulations 2010 and the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007

³⁵ Paragraph 8(1)(d) Schedule 4B Town and Country Planning Act 1990

³⁶ Paragraph 10 (3)(e) of Schedule 4B to the Town and Country Planning Act 1990

Paragraph 1.1 “Council’s” not Councils

Page 7 line 5 delete “know” insert “known”

Page 8 Arun DC suggest rewording regarding recent removal of Victorian lamp posts, and quality of concession buildings, and the Regis Centre (interior)

Page 11 Arun DC suggest review of building height annotation at Butlins site

Page 12 “verandas” not verandahs

Page 15 improve clarity of figures

Page 17 “Arun District” not Aun Distict. Arun DC advise Caravan Park west of Chichester Road is mostly an all year round residential static caravan park.

Page 18 right column requires heading. “other residents of the district” and “senior” not senior

Page 19 “University of Chichester” not Chichester University

Page 24 “Draft” not daft, “entrepreneurial” not entrepreneural, “five” not four, delete (see appendix 2)

Page 25 Council’s not Councils

Page 27 “Priorities” not Pioities

Page 28 P3 not shown on map; P8d reference incorrect; key should read “wider town centre area” not wider town area

Pages 29 and 30 site specific policy location maps should show precise site boundaries

Policy 6 title “Gateways” not Gaeways

Policy 8 title “Application” not Appliacation

Page 39 delete “in consultation of course with the local community” insert “with the benefit of the results of any consultation carried out by the applicant”

Policy 8a “sites” not site

Page 40 “5 key” not key 5

Policy 8c The Pier a) ll not 11; c) delete “to allow” and insert “provision”

Policy 8j “University of Chichester” not Chichester University

Policy 9 the District Council query the description of the sunken gardens as historic; also delete 49 and insert 51

Page 53 “Appendices” not appendicies

Page 54 SEEDA reference requires revision

A number of consequential modifications to the text of the Neighbourhood plan will be necessary as a result of recommended modifications

**Recommended modification 15:
Identified errors that are typographical in nature or arising from
updates should be corrected**

Chris Collison
Planning and Management Ltd
collisonchris@aol.com
9 June 2015
REPORT ENDS