

## Chichester District Council Local Planning Authority

### West Wittering Neighbourhood Plan 2019-2029

#### DECISION STATEMENT

##### 1. Introduction

- 1.1 Under the Town and Country Planning Act 1990 (as amended), the Council has a statutory duty to assist communities in the preparation of Neighbourhood Plans and Orders and to take plans through a process of examination, referendum and adoption. The Localism Act 2011 (Part 6 Chapter 3) sets out the local planning authority's responsibilities under Neighbourhood Planning.
- 1.2 This report confirms that the modifications proposed by the examiner's report have been accepted, the draft West Wittering Neighbourhood Plan has been altered as a result of it and that this plan may now proceed to referendum.

##### 2. Background

- 2.1 The West Wittering Neighbourhood Plan relates to the area that was designated by Chichester District Council as a neighbourhood plan area by Chichester District Council on 15 March 2013. This area is coterminous with the West Wittering Parish Council boundary that lies within the Chichester District Council local planning authority area.
- 2.2 Following the submission of the West Wittering Neighbourhood Plan to the Council, the plan was publicised and representations were invited. The publicity period ended on 17 March 2023.
- 2.3 Mr Andrew Ashcroft was appointed by Chichester District Council, with the consent of West Wittering Parish Council, to undertake the examination of the West Wittering Neighbourhood Plan and to prepare a report of the independent examination.
- 2.4 The examiner's report concludes that, subject to making modifications recommended by the examiner, the Plan meets the basic conditions set out in the legislation and should proceed to a Neighbourhood Plan referendum.
- 2.5 Having considered each of the recommendations made in the examiner's report, and the reasons for them, the Parish Council has decided to make the

modifications to the draft plan referred to in Section 3 below, to ensure that the draft plan meets the basic conditions as set out in the legislation.

### 3. Decision

- 3.1 The Neighbourhood Planning (General) Regulations 2012 require the local planning authority to outline what action to take in response to the recommendations of an examiner made in a report under paragraph 10 of Schedule 4A to the 1990 Act (as applied by Section 38A of the 2004 Act) in relation to a neighbourhood development plan.
- 3.2 Having considered each of the recommendations made by the examiner's report, and the reasons for them, Chichester District Council in consent with West Wittering Parish Council, has decided to accept the modifications to the draft plan. Table 1 below outlines the alterations made to the draft plan under paragraph 12(6) of Schedule 4B to the 1990 Act (as applied by Section 38 A of the Act) in response to each of the examiner's recommendations and the justification for them.

**Table 1: Recommendations by the Examiner agreed by Chichester District Council in consent West Wittering Parish Council**

NB Where modifications are recommended to policies they are identified in bold print. Any associated or free-standing changes to the text of the Plan are set out in italic print.

<b>POLICY / PARAGRAPH</b>	<b>MODIFICATION RECOMMENDED</b>	<b>JUSTIFICATION</b>
All text	<i>Modification of general text (where necessary) to achieve consistency with the modified policies.</i>	For completeness.
Paragraph 2.1 (Landscape and History)	<i>At the end of paragraph 2.1 add: 'The coastal edge of West Wittering is part of the Solent Maritime Special Area of Conservation (SAC).'</i>	To meet the basic conditions
Paragraph 3.1 (Vision)	<i>In Paragraph 3.1 delete 'draft' in the first sentence and then the second sentence.</i>	To meet the basic conditions
Objective 15 (Transport)	<i>In Objective 15 replace 'Police and Highways Authority' with 'the Police, the Highways Authority, the District Council and West Wittering Estates'</i>	To meet the basic conditions
Objective 19 (Facilities)	<i>In Objective 19 replace 'To provide' with 'To support the provision of'</i>	To meet the basic conditions
Policy WW1 Design	<b>Break the policy into its two component parts (with the second starting with Development will...)</b>	To meet the basic conditions

	<p>In the first part of the policy add '(Appendix 2)' after 'Design Statement'</p> <p>At the beginning of the second part of the policy add: 'Subject to other relevant development plan policies'</p>	
Policy WW1 Design	<i>Provide a key to Map 3 which highlights the reference to character areas in the Village Design Statement</i>	For clarity
Policy WW2 Preventing Coalescence	<p><b>Replace the policy with:</b></p> <p><b>'Development proposals should respond positively to the identification of the Green Gap as shown on Map 4 and safeguard its rural character and appearance. Development proposals which would unacceptably detract from the rural character and appearance of the Green Gap will not be supported.'</b></p>	To meet the basic conditions
Policy WW2 Preventing Coalescence	<i>Change the policy title and the heading above paragraph 4.5 to 'The Green Gap'</i>	For completeness and clarity
Policy WW3 Housing Development	<p><b>Replace the policy with:</b></p> <p><b>'Proposals for residential development will be supported where:</b></p> <p><b>a) the site is within the settlement boundary as identified in the policies map; and</b></p> <p><b>b) the scale of development is proportionate to the existing settlement and reflects West Wittering's identification as a service village in the Chichester Local Plan settlement hierarchy.</b></p> <p><b>Development proposals of 10 units or more should include a mix of housing types to meet local needs. At least 30% of the total number of dwellings should be affordable housing. The affordable housing component shall be delivered via a Community Land Trust or similar organisation and should ensure that the housing will be retained in perpetuity as affordable housing with a preference for households with a local connection.</b></p>	To meet the basic conditions

	<p><b>As appropriate to their scale and location, the design of housing developments should maximise opportunities for connectivity between the site and existing commercial and community facilities to ensure that the development is fully integrated into the local environment and residents have the opportunity walk or cycle to access local facilities.</b></p> <p><b>Development proposals should conserve and enhance any heritage assets affected on or immediately adjacent to the site in a manner appropriate to their significance. Proposals should demonstrate that potential effects for remains of archaeological interest have been considered. Where a proposal has potential to result in loss of archaeological remains of interest, it should be demonstrated that the layout and design of the development have been chosen to preserve remains in situ, giving the greatest priority to remains of national importance.</b></p> <p><b>Development proposals should identify the necessary infrastructure to support the development proposed and the way in which it will be delivered.</b></p>	
<p>Paragraph 4.7 (Policy WW3 Housing Development)</p>	<p><i>At the end of paragraph 4.7 add:</i></p> <p><i>'Elements of Policy WW3 comment about archaeological matters. Proposals should demonstrate that potential effects for remains of archaeological interest have been considered, including a review of records for the site and surrounding area held by the Chichester Historic Environment Record. Where appropriate it may be necessary to supplement this with a more detailed archaeological assessment, potentially including on-site investigation works. The need for assessment and investigation should be determined through consultation with the District Council's archaeological advisor. Where archaeological remains are not judged to merit preservation in situ, it will be necessary to make an appropriate</i></p>	<p>To meet the basic conditions and provide supporting text for clarity</p>

	<i>record before their loss and to ensure the findings of investigation are made available to the public within the neighbourhood area.'</i>	
Policy WW4 Replacement dwellings	<p><b>Replace the policy with:</b></p> <p><b>'Subject to other relevant development plan policies, proposals for replacement dwellings will be supported within the settlement boundaries where the development reflects the character and density of the surrounding area. Development proposals which would replace one house with two small houses (with one or two bedrooms) will also be supported where the development reflects the character of the surrounding area and would not unacceptably detract from its density and the amenities of existing dwellings.'</b></p>	To meet the basic conditions
Paragraph 4.11 (Policy WW5 Principal Residence Requirement)	<p><i>At the end of paragraph 4.11 add:</i></p> <p><i>'For clarity the policy applies to all new residential development in the parish other than proposals for replacement homes. Specific guidance for replacement homes is addressed in Policy WW4 of this Plan.'</i></p>	To provide supporting text for clarity
Policy WW6 Visitor Accommodation and Facilities	<p><b>Replace the policy with:</b></p> <p><b>'Proposals for visitor accommodation suitable for year-round visitors and which reflects the character and nature of the village will be supported.</b></p> <p><b>Insofar as planning permission is required, the change of use of private dwelling houses into accommodation for more than six people or for short-term lets will not be supported where this would cause unacceptable harm to the tranquil character of the parish, where it would unacceptably detract from the amenity of neighbouring properties or where it would create an unacceptable level of additional on street parking.'</b></p>	To meet the basic conditions

<p>Policy WW7 Economic Development</p>	<p><b>Replace the policy with:</b></p> <p><b>‘Development proposals for small/micro businesses will be supported where they are within the identified settlement boundaries or they involve the conversion or reuse of a building in the countryside and comply with the criteria in Policy 46 of the Chichester Local Plan: Key Policies’</b></p>	<p>To meet the basic conditions</p>
<p>Paragraph 4.16 (Policy WW7 Economic Development)</p>	<p><i>Replace the final sentence of paragraph 4.16 with:</i></p> <p><i>‘However, these should be small (micro) businesses to avoid impacting the character of the area. They should either be in the settlement boundaries or within buildings within the countryside which are capable of conversion to such uses. The latter issue will ensure that the policy is consistent with Policy 46 of the Local Plan.’</i></p>	<p>To provide supporting text for clarity</p>
<p>Policy WW8 Retail Facilities</p>	<p><b>Replace the policy with:</b></p> <p><b>‘Development proposals for new or expanded small-scale retail facilities within or adjacent to the area in Rookwood Road identified on the Policies Map will be supported. Proposals for the improvements of the public realm and outdoor customer facilities in this area will also be supported.’</b></p> <p><b>Insofar as planning permission is required, proposals which involve the loss of retail facilities in the area in Rookwood Road shown on the Policies Map will not be supported unless there is clear evidence that one of the criteria in Policy 29 of the Chichester Local Plan applies to the proposal.’</b></p>	<p>To meet the basic conditions</p>
<p>Policy WW9 Rights of Way and Quiet Lanes</p>	<p><b>Replace the policy with:</b></p> <p><b>‘Development proposals to enhance the public rights of way and quiet lanes identified on the Policies Map for informal recreational use will be</b></p>	<p>To meet the basic conditions</p>

	<p>supported subject to other relevant development plan policies.</p> <p>Development proposals which would unacceptably detract from the attractiveness or the use of such routes will not be supported.'</p>	
Policy WW10 Coastal Enhancements	<p><b>Replace:</b></p> <ul style="list-style-type: none"> <li>• 'the coast within the parish' with 'the coastline'</li> <li>• 'through urbanisation and domestication of the foreshore, will be resisted' with 'which would result in an urbanisation and/or domestication of the foreshore, will not be supported.'</li> </ul>	To meet the basic conditions.
Policy WW11 Biodiversity, Geodiversity and Mitigating the Impacts of Climate Change	<p><b>Replace the policy with:</b></p> <p>'Development proposals should achieve a net-gain in biodiversity assets of at least 10% (demonstrated by reference to the Defra Biodiversity Metric). As appropriate to their scale, nature and location, development proposals should seek to enhance the natural capital of the immediate locality and increase its resilience to climate change.</p> <p>Development proposals should retain and support the enhancement of non-designated biodiversity and geodiversity assets except where the works proposed are essential for the viability of the site (such as access). In these circumstances, any harm to the asset concerned should be minimised and where practicable mitigated.'</p>	To meet the basic conditions.
Policy WW12 Community Facilities and Open Spaces	<p><b>Reverse the order of the two parts of the policy (so the list of facilities comes first).</b></p> <p><b>Replace the first sentence of the policy (as submitted) with: 'Proposals for the improvement or extension of the community facilities listed above and for the provision of new community facilities and open spaces that provide</b></p>	To meet the basic conditions.

	<b>for everyday needs within West Wittering will be supported.'</b>	
Policy WW13 Lighting	<p><b>In the first part of the policy replace 'proposals will be supported where it can be demonstrated that the following criteria have been addressed:' with 'proposals should respond positively to the following criteria:'</b></p> <p><b>In the third criterion replace 'significant adverse' with 'unacceptable'.</b></p> <p><b>Replace the first two sentences of the second part of the policy with: 'Development proposals that are within or may affect Chichester Harbour AONB should also demonstrate that their lighting elements will not have unacceptable effects on wildlife and that they comply with the Dark Skies policies set out in the Chichester Harbour Management Plan regarding the designated Dark Skies Discovery Sites.'</b></p>	To meet the basic conditions.
Policy WW14 Infrastructure	<p><b>Replace the policy with:</b></p> <p><b>'Proposals for new and improved utility infrastructure will be supported where they meet the identified needs of the community and other relevant development plan policies.'</b></p>	To meet the basic conditions
Paragraph 6.5 (Monitoring and Review)	<p><i>At the end of paragraph 6.5 add:</i></p> <p><i>'The Plan has been prepared within the context of the current Chichester Local Plan. The District Council is currently preparing a new Local Plan which will cover the period to 2039. The Parish Council will assess the need or otherwise of a review of the neighbourhood plan within six months of the adoption of the emerging Local Plan.'</i></p>	To provide supporting text for clarity
Other Matters – Village Design Statement	<p><i>At the end of paragraph 4.2 add: 'The coastal edge of West Wittering is part of the Solent Maritime Special Area of Conservation (SAC).'</i></p>	Factual addition to ensure the VDS is consistent with the Plan itself



	<p><i>Replace Planning Guideline 16 with: 'Extensions should ensure that the resulting building remains in character and scale with other buildings in the immediate locality.'</i></p> <p><i>Delete Planning Guideline 21 (and renumber the guidelines thereafter).</i></p>	<p>To ensure the VDS fulfils its purpose (in supporting planning policies) rather than seeking to create its own policies.</p> <p>To ensure the VDS fulfils its purpose (in supporting planning policies) rather than seeking to create its own policies.</p>
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#### **4. Conclusion**

- 4.1 The Authority (Chichester District Council) confirms that the West Wittering Neighbourhood Plan 2019-2029, as revised, meets the basic conditions mentioned in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act and complies with the provisions made by or under Sections 38A and 38B of the Planning and Compulsory Purchase Act 2004. The West Wittering Neighbourhood Plan can now proceed to referendum.
- 4.2 It is recommended that the West Wittering Neighbourhood Plan 2019-2029 should proceed to referendum based on the neighbourhood plan area defined by Chichester District Council on 15 March 2013.
- 4.3 This decision has been made according to the advice contained in the above report in response to the recommendations of the examiner made in a report under paragraph 10 of Schedule 4B to the 1990 Act (as applied by Section 38A of the 2004 Act) in relation to the Neighbourhood Development Plan.