

West Wittering Neighbourhood Plan 2019 – 2029

Basic Conditions Statement

December 2022

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1.0 Introduction

- 1.1 This Basic Conditions Statement has been prepared to accompany the West Wittering Neighbourhood Plan being submitted under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 to Chichester District Council. Further detailed justification of policies is provided in the Background Evidence Paper.
- 1.2 The Neighbourhood Planning (General) Regulations 2012 states that when a plan proposal is submitted to the local planning authority it must include a statement explaining how the proposed Plan meets the requirements of paragraph 8, of Schedule 4B to the Town & Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004. The core basic conditions for Neighbourhood Plans are as follows:
1. “Having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
 2. The making of the neighbourhood plan contributes to the achievement of sustainable development;
 3. 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.
 4. The making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations.
 5. Prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the plan”.
- 1.3 The Neighbourhood Plan must also comply with the following legal requirements:
- The plan is being submitted by a qualifying body – which in a neighbourhood area that covers the whole or any part of the area of a parish can only be the Town or Parish Council.
 - The plan sets out policies in relation to the development and use of land in the whole or any part of a neighbourhood area. A neighbourhood plan must include land use planning policies that can be used in the determination of planning applications. It must also relate to a designated neighbourhood area. The statement needs to confirm these two matters, clearly stating which designated neighbourhood area the draft plan relates to.
 - The proposed neighbourhood development plan states the period in which it is to have effect. This should be clearly shown on the front of the plan and confirmation of the period should also be included within the basic conditions statement.
 - The policies do not relate to excluded development. For example, county matters (mineral extraction and waste development) and Nationally Significant Infrastructure Projects.
 - The proposed neighbourhood plan does not relate to more than one neighbourhood area and there is no other neighbourhood development plan in force for any part of the neighbourhood area.

2.0 Legal Requirements

- 2.1 The West Wittering Neighbourhood Plan is submitted by West Wittering Parish Council, which, as a qualifying body, is entitled to submit a Neighbourhood Plan for its own parish. The Plan has been prepared by the West Wittering Neighbourhood Plan Steering Committee, assisted by consultancy team Action in Rural Sussex and Plan4Localism. This is the first time a neighbourhood plan has been submitted for examination for this parish.
- 2.2 The Neighbourhood Area covers the whole parish of West Wittering as designated by Chichester District Council on 15th March 2013 under the Neighbourhood Planning (General) Regulations 2012 and section 61G of the Town and Country Planning Act 1990 as amended for the purposes of Neighbourhood Planning. The designation map is below.



- 2.3 The West Wittering Neighbourhood Plan contains policies relating to the development and use of land within the neighbourhood area. Proposals relating to planning matters (the use and development of land) have been prepared in accordance with the statutory requirements and processes set out in the Town and Country Planning Act 1990 (as amended by the Localism Act 2011) and the Neighbourhood Planning Regulations 2012.
- 2.4 The West Wittering Neighbourhood Plan identifies the period to which it relates as 2019 to 2029, which aligns with the end date of the Chichester Local Plan: Key Policies 2014-2029 (adopted in July 2015).

- 2.5 The West Wittering Neighbourhood Plan does not deal with county matters (mineral extraction and waste development), nationally significant infrastructure or any other matters set out in Section 61K of the Town and Country Planning Act 1990.
- 2.6 The West Wittering Neighbourhood Plan relates only to the parish of West Wittering. It does not relate to more than one neighbourhood area. There are no other neighbourhood development plans in place within the neighbourhood area.

3.0 The Basic Conditions

Basic Condition 1. Having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan.

3.1 The West Wittering Neighbourhood Plan (WWNP) has been prepared having regard to national policies set out in the National Planning Policy Framework (NPPF) as updated in July 2021. The Planning Practice Guidance (PPG) that sits alongside the NPPF is gradually being updated to the new NPPF.

Policies in the NPPF and Guidance in the PPG	How the WWNP has had regard to national policies and advice.
NPPF Chapter 2. Achieving Sustainable Development Paragraphs 7 - 14	The vision for the NDP is “West Wittering will remain a beautiful, tranquil and biodiverse part of the Manhood Peninsula, retaining its rural character while allowing for minor sympathetic developments meeting local needs. It will be an inclusive and diverse community which promotes and upholds equality for all. Residents and visitors to the village will benefit from a thriving economy, improved transport and infrastructure together with a better quality of life. West Wittering beach will remain an outstanding, environmentally-friendly beach”.
NPPF Chapter 3. Plan-making Paragraphs 15 - 37	The preparation of the West Wittering Neighbourhood Plan has followed the advice in this chapter insofar as it was relevant to the role and content of the Plan.
NPPF Chapter 4. Decision Making Paragraphs 38 - 59	Not relevant to plan-making.
NPPF Chapter 5. Delivering a sufficient supply of homes Paragraphs 60-80	The housing allocation for West Wittering set out in the adopted Local Plan has been met through extant planning permissions and completions. The emerging Local Plan does not include any further allocation to West Wittering. Policy WW3 supports housing development in West Wittering parish provided that: a)The site is within the settlement boundary of West or East Wittering as identified in the policies map; or

	<p>b) If the local planning authority cannot demonstrate a 5 year supply of housing land or has failed the most recent Housing Delivery test, the site is adjacent to the settlement boundary of West or East Wittering; and</p> <p>c-h) Criteria covering scale, landscape impact, housing mix, heritage impact, connectivity and infrastructure.</p> <p>WW4 covers replacement dwellings and WW5 requires that all new dwellings be Principal Residences so that they meet local needs rather than providing more second homes.</p>
<p>NPPF Chapter 6. Building a strong, competitive economy Paragraphs 81 - 85</p>	<p>Policy WW7 supports new development for small / micro businesses with up to 10 employees on brownfield sites, as conversions of agricultural or other rural buildings and/or within the settlement boundaries.</p> <p>Policy WW6 supports good quality visitor accommodation where this is suitable for year-round visitors, and where it reflects the character and nature of the village. The change of use of private dwelling houses into accommodation for more than six people (Houses in Multiple Occupation) or for short term lets will not be supported where this would harm the tranquil character of the parish or disturb neighbouring residents or create an unacceptable level of additional on street parking either individually or cumulatively.</p>
<p>NPPF Chapter 7. Ensuring the vitality of town centres Paragraphs 86 - 91</p>	<p>Policy WW8 supports development for new or expanded local small-scale retail facilities where they are located within or adjacent to the existing parade. Improvements to the public realm and outdoor customer facilities in this area will also be supported. Loss of local retail facilities will be resisted where this requires planning permission unless there is clear justification as set out in Local Plan policies.</p>
<p>NPPF Chapter 8. Promoting healthy and safe communities Paragraphs 92 - 103</p>	<p>Policy WW12 supports proposals for the provision of new community facilities and open spaces that provide for everyday</p>

	<p>needs within West Wittering. Proposals that would result in the loss of existing community facilities and open spaces will only be acceptable if evidence is provided that they are no longer needed by the community or would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location. This policy identifies community facilities and open spaces of particular importance to west Wittering.</p>
<p>NPPF Chapter 9. Promoting sustainable transport Paragraphs 104 - 113</p>	<p>WW9 identifies the public rights of way and quiet lanes suitable for informal recreational use and supports proposals to enhance them for such use. Any development that results in the loss or degradation of such routes, such as through the introduction or increase in amount or size of vehicular traffic, will be resisted.</p>
<p>NPPF Chapter 10. Supporting high quality communications Paragraphs 114 - 118</p>	<p>WW14 supports new and improved utility infrastructure in order to meet the identified needs of the community.</p>
<p>NPPF Chapter 11. Making effective use of land Paragraphs 119 - 125</p>	<p>Policies generally focus development within settlement boundaries which are likely to involve previously developed sites (including existing residential curtilages).</p>
<p>NPPF Chapter 12. Achieving well-designed places Paragraphs 126 - 136</p>	<p>Policy WW1 supports development provided that its design, form and detail is of a high quality to reflect the attractive and unique landscape, seascape and townscape character of West Wittering having regard to the Village Design Statement and the character areas defined within it and, where relevant, to the Chichester Harbour Management Plan. Development will be supported where it maximises opportunities to achieve zero energy buildings, with measures to reduce water use and appropriate drainage and helps to combat and mitigate the impacts of climate change.</p> <p>Policy WW2 only supports development within an identified the green gap if:</p> <ul style="list-style-type: none"> i. it does not detract from the openness and rural landscape character of this area and

	ii. does not contribute to the perceived or actual coalescence between the two main settlement areas of West Wittering.
NPPF Chapter 13. Protecting Green Belt Land Paragraphs 137 - 151	This chapter is not relevant as there is no Green Belt within the parish.
NPPF Chapter 14. Meeting the challenge of climate change, flooding and coastal change Paragraphs 152 - 173	WW10 supports proposals for the enhancement of the coast within the parish provided that they take account of Integrated Coastal Zone Management strategies for the Manhood Peninsula and the Chichester Harbour Conservancy Management Plan. These could include upgrading of existing footpaths, cycle paths and visitor facilities at West Wittering Beach provided these are made accessible for all and do not adversely impact on the exceptional ecological and landscape assets of the area. Proposals that damage these assets, including through urbanisation and domestication of the foreshore, will be resisted.
NPPF Chapter 15. Conserving and enhancing the natural environment Paragraphs 174 - 188	WW11 requires development proposals to achieve a net-gain in biodiversity assets of at least 10% (demonstrated by reference to the Defra Biodiversity Metric). Development proposals must also demonstrate how they have enhanced the natural capital of the area and increased its resilience to climate change wherever possible. In addition to the designated sites in the area the parish has a wealth of undesignated biodiversity and geodiversity assets. Development proposals will be expected to retain and support the enhancement of these assets except where essential for the viability of the site (such as access) and then any harm should be minimised and mitigated. WW13 supports proposals where 1. The detailed lighting scheme has been prepared in line with relevant British Standards and the latest national design guidance; 2. The design minimises unnecessary glare and spillage;

	<p>3. There is no significant adverse impact on neighbouring development or the wider landscape;</p> <p>4. Light levels are the minimum required for safety and security purposes, taking account of the existing location and character of the area.</p> <p>Proposals that are within or may affect Chichester Harbour AONB must also demonstrate that there will be no significant adverse effects on the wildlife. They must also meet the Dark Skies policies set out in the Chichester Harbour Management Plan with especial regard to the designated Dark Skies Discovery Sites. Proposals should take into account the Institute of Lighting Professionals published best practice guidance for zone E1 locations. Where appropriate, the times and intensity of illumination will be controlled by planning conditions.</p>
<p>NPPF Chapter 16. Conserving and enhancing the historic environment Paragraphs 189 - 208</p>	<p>Policy WW1 'Design' states that development will be permitted provided that its design, form and detail is of a high quality to reflect the attractive and unique landscape, seascape and townscape character of West Wittering, having regard to the Village Design Statement and the character areas defined within it. This includes the historic environment. WW3 for new housing development includes criterion f) Any planning application should conserve and enhance any heritage assets affected in a manner appropriate to their significance. 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 a</p>

	<p>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. Where archaeological remains are not judged to merit preservation in situ, it will be necessary to make an appropriate record before their loss and to ensure the findings of investigation are made available to the public within the neighbourhood plan area.</p>
<p>NPPF Chapter 17. Facilitating the sustainable use of minerals Paragraphs 209 - 217</p>	<p>The West Wittering Neighbourhood Plan does not include policies relating to minerals.</p>

- 3.2 The above table demonstrates that the planning policies of the West Wittering Neighbourhood Plan have regard to national policies and advice contained in guidance issued by the Secretary of State and therefore the Plan complies with Basic Condition 1.

Basic Condition 2. The making of the neighbourhood plan contributes to the achievement of sustainable development.

3.3 NPPF paragraph 8 says:

Achieving sustainable development means that the planning system has 3 overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- ***an economic objective*** – *to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure*
- ***a social objective*** – *to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and*
- ***an environmental objective*** – *to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.*

3.4 In December 2016 Chichester issued a screening opinion which determined that a Strategic Environmental Assessment (SEA) of the West Wittering Neighbourhood Plan was required due to there being a likely significant environmental effect as a result of the proposals in the plan as then identified. It should be noted that this was on the basis of a Neighbourhood Plan that allocated specific housing sites. As a result of this determination AECOM was commissioned to carry out an SEA of the emerging Neighbourhood Plan. This comprised a scoping report, which was consulted on in May 2019; an environmental report published alongside the first Regulation 14 Neighbourhood Plan in February 2020 and an update published alongside the second Regulation 14 Plan in June 2021.

3.5 The work undertaken on the SEA is useful for assessing whether the proposed policies contribute to the achievement of sustainable development (Basic Condition 2). The SEA assessed the Neighbourhood Plan against the following objectives:

- **Biodiversity and Geodiversity**
 - Protect and enhance all biodiversity and geodiversity
- **Climate change**
 - Reduce the contribution to climate change made by activities within the Neighbourhood Plan area

- Support the resilience of the Neighbourhood Plan area to the potential effects of climate change, including flooding
- **Landscape**
 - Protect and enhance the character and quality of landscapes and villagescapes.
 - Historic Environment - Protect, conserve and enhance heritage assets within the Neighbourhood Plan area
- **Land, Soil and Water Resources**
 - Ensure the efficient and effective use of land.
 - Promote sustainable waste management solutions that encourage the reduction, re-use and recycling of waste
 - Use and manage water resources in a sustainable manner.
- **Population and Community**
 - Cater for existing and future residents' needs as well as the needs of different groups in the community, and improve access to local, high-quality community services and facilities.
 - Reduce deprivation and promote a more inclusive and self contained community.
 - Provide everyone with the opportunity to live in good quality, affordable housing, and ensure an appropriate mix of dwelling sizes, types and tenures.
- **Health and Wellbeing**
 - Improve the health and wellbeing of residents within the Neighbourhood Plan area.
- **Transportation**
 - Promote sustainable transport use and reduce the need to travel.

3.6 Whilst the SEA is primarily focussed around assessing environmental impacts the above objectives also cover social and economic matters and can therefore be used to measure the contribution of the Plan to sustainable development. The assessment of policies in the first Regulation 14 Plan is set out in Chapter 5 of the February 2020 SEA Environmental Report. This has been updated to the policy numbers and wording in the submitted Plan and summarised as below.

Biodiversity and Geodiversity

3.7 The Neighbourhood Plan area is constrained in biodiversity terms. There are three European designated sites which partly overlap with the Neighbourhood Plan area: the Chichester and Langstone Harbours Ramsar Site and Special Protection Area (SPA), and the Solent Maritime Special Area of Conservation (SAC). The Bracklesham Bay Site of Special Scientific Interest (SSSI), Chichester Harbour SSSI and two Sites of Nature Conservation Interest (SNCI) are also located within the Neighbourhood Plan area, containing habitats and species listed in the annexes of both the European Habitats Directive (92/43/EEC) and the European Birds Directive (79/409/EEC). There are also three Local Nature Reserves (LNR) located within proximity to West Wittering. Additionally, the Neighbourhood Plan area contains a variety of ecologically important drainage ditches and Biodiversity Action Plan (BAP) Priority Habitats and Species.

- 3.8 In light of these constraints, there will be a need for potential effects on biodiversity linked to future development in the Neighbourhood Plan area to be avoided and mitigated. The following policies affect this issue:
- Policy **WW10** 'Coastal Enhancements' aims to improve the quality of the coastline's flora and fauna.
 - Policy **WW11** 'Biodiversity, Geodiversity and Mitigating the Impacts of Climate Change' outlines support for development proposals that achieve a net-gain in biodiversity assets and enhance natural capital. This policy also supports ecological networks within the Neighbourhood Plan area.
 - Policy **WW12** 'Community Facilities and Open Spaces' has the potential to indirectly benefit the European sites through protecting the number of alternative open spaces for recreational uses within the parish. The protection of these spaces will also bolster locally important areas of Biodiversity Action Plan (BAP) priority habitats in West Wittering against potential threats from development, by maintaining the availability of connectivity corridors and stepping stones between them.
 - Policy **WW13** 'Lighting' states that proposals which may affect Chichester Harbour must demonstrate that there will be no significant adverse effects on its wildlife.
- 3.9 The provisions of these policies will ensure that ecological sensitivities are appropriately considered during the planning, construction and operational phases for new development proposals which come forward during the plan period. As such, the Neighbourhood Plan sets out a range of provisions which will support and enhance habitats, species and ecological networks in the Neighbourhood Plan area.

Climate Change

- 3.10 Chichester District Council resolved to declare a 'climate emergency' in July 2019 and has a target to become carbon neutral by 2050. In the context of the West Wittering Neighbourhood Plan, consultation has highlighted that parishioners view the declaration as a significant 'call for action' to tackle the consequences and causes of the climate crisis and that there is a need to embed environmentally sustainable practices in response to the challenges faced. As such, policies within the Neighbourhood Plan emphasise the importance of mitigating and adapting to the climate crisis.
- 3.11 In terms of climate change mitigation, road transport is an increasingly significant contributor to greenhouse gas emissions in the Neighbourhood Plan area. Additionally, the protection and enhancement of open spaces and habitats within the Plan area will support climate change mitigation and adaptation efforts. The following policies affect this issue:
- Policies **WW3**, **WW4**, **WW7** and **WW8** direct development to locations within the settlement boundaries where there is the greatest access to services and facilities, reducing reliance on the private car.

- Policy **WW11** 'Biodiversity, Geodiversity and Mitigating the Impacts of Climate Change' and Policy **WW12** 'Community Facilities and Open Spaces' safeguard natural carbon sequesters located within the landscape (i.e. grassland, trees and hedgerows) and positively respond to the potential effects of climate change (particularly from extreme weather events) through providing summer shading and reducing surface water run-off.

Landscape

3.12 The western half of the Neighbourhood Plan area overlaps with the Chichester Harbour AONB. The Character Assessment within the Village Design Statement (appended to the Neighbourhood Plan) defines and classifies five distinctive character areas across the parish. Policies within the Neighbourhood Plan seek to draw on these distinctive characteristics through having a strong focus on protecting the sense of place and special qualities of West Wittering, respecting the setting of the AONB and safeguarding the integrity of the character areas. The following policies affect this issue:

- Policy **WW1** 'Design' states that development will be permitted provided that its design, form and detail is of a high quality to reflect the attractive and unique landscape, seascape and townscape character of West Wittering, having regard to the Village Design Statement and the character areas defined within it, and to the Chichester Harbour Management Plan (where relevant). Therefore, this policy takes a proactive and positive approach to protecting and enhancing the character and visual amenity of the Neighbourhood Plan area.
- Policy **WW2** 'Preventing Coalescence' seeks to safeguard the 'green gap' between the two main settlements areas of West Wittering (the western historic section of the village and the more modern post war eastern section of the village which abuts East Wittering) from inappropriate development which would detract from the openness and landscape character of the area.
- Policy **WW3** 'Housing development in West Wittering Parish' includes criterion d) - that the development conserves and enhances the landscape setting of the parish and, individually or cumulatively, does not result in the actual or perceived coalescence of West Wittering with East Wittering, as demonstrated through the submission of a Landscape and Visual Impact Assessment.
- Policy **WW4** Replacement Dwellings requires in criterion b) that the development reflects the character and density of the surrounding area.
- Policy **WW9** 'Coastal Enhancements' is supportive of proposals which would enhance the exceptional ecological and landscape assets of the area providing that they take account of the integrated coastal zone management strategies for the Manhood Peninsula and the Chichester Harbour Conservancy Management Plan
- Policy **WW13** 'Lighting' confirms that proposals that are within or may affect the AONB must meet the dark skies policies in the Chichester Harbour Conservancy Management Plan, control illumination to minimise unnecessary glare and spillage and have no significant impact to the wider landscape

Historic Environment

- 3.13 The Neighbourhood Plan area has a rich historic environment, recognised through the diversity of features and areas that are internationally, nationally and locally valued for their cultural heritage interest, including one Grade I listed building, one Grade II* listed building, 27 Grade II listed buildings, the Cakeham Manor (uninhabited parts) scheduled monument, and the West Wittering Conservation Area. These sensitivities are reflected by the following Neighbourhood Plan policies
- Policy **WW1** 'Design' states that development will be permitted provided that its design, form and detail is of a high quality to reflect the townscape character of West Wittering, having regard to the Village Design Statement (VDS). The VDS provides an overview of the history and archaeology of the Neighbourhood Plan area, alongside several planning guidelines and principles for each distinctive character area. In this respect the VDS provides an appropriate basis for encouraging the application of sensitive design and mitigation measures through new development and redevelopment in the Neighbourhood Plan area. This is likely to provide opportunities for development to positively contribute to the fabric and setting of heritage assets through incorporating high-quality design which reflects the historic character and special qualities of the parish.
 - Policy **WW3** 'Housing development in West Wittering Parish' includes criterion f) Any planning application should conserve and enhance any heritage assets affected in a manner appropriate to their significance. 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 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. Where archaeological remains are not judged to merit preservation in situ, it will be necessary to make an appropriate record before their loss and to ensure the findings of investigation are made available to the public within the neighbourhood plan area.

Land, Soil and Water Resources

- 3.14 Incorporating existing natural features within new development areas and enhancing biodiversity promotes the ability of natural processes to safeguard and enhance soil and water resources. This will indirectly contribute to water quality improvements through limiting suspended solids entering watercourses from surface water run-off, positively contributing to the Water Framework Directive's objective of achieving 'good status' for as many watercourses as possible by 2027. This is supported by the following policies:

- Policy **WW10** 'Coastal Enhancements aims to improve the quality of the coastline's flora and fauna.
- Policy **WW11** 'Biodiversity, Geodiversity and Mitigating the Impacts of Climate Change' outlines support for development proposals that achieve a net-gain in biodiversity assets and enhance natural capital. This policy also supports ecological networks within the Neighbourhood Plan area.
- Policy **WW12** 'Community Facilities and Open Spaces' aims to protect existing open green spaces.

Population and Community

- 3.15 The population of the parish has reduced slightly in the last ten years in spite of an increase in housing stock due to the number of second homes (22% of dwellings) and holiday lets. There is also evidence that there is a relatively low number of adults aged under 44, and a fall in the number of families which threatens to undermine the vitality and viability of the settlement. If this continues, it is likely to reduce demand for infrastructure targeted at these groups, for example primary schools, as well as businesses and services for the general population. House prices in West Wittering are 35% higher than for Chichester as a whole and only 5.6% of its housing stock is social rented or shared ownership compared to 15.8% in the district of Chichester. West Wittering is a popular destination for holiday makers and day trippers to the Chichester Harbour AONB and the beaches along the coastline. Community consultation on the Neighbourhood Plan has highlighted a significant concern that an increasing number of holiday homes and second homes affect the vitality of the Neighbourhood Plan area. The following policies address these issues:
- Policy **WW3** "Housing development in West Wittering Parish' supports housing development in West Wittering parish provided that the site is within the settlement boundary of West or East Wittering; or, if the local planning authority cannot demonstrate a 5 year supply of housing land or has failed the most recent Housing Delivery test, the site is adjacent to the settlement boundary of West or East Wittering; and subject to criteria c-h) covering scale, landscape impact, housing mix, heritage impact, connectivity and infrastructure.
 - Policy **WW4** supports replacement dwellings and **WW5** requires that all new dwellings be Principal Residences so that they meet local needs rather than providing more second homes.
- 3.16 Maintaining and enhancing the diversity of local community infrastructure is essential for the vitality of settlements, encouraging growth and meeting the needs of all residents. The following policies support this provision:
- Policy **WW12** 'Community Facilities and Open Spaces' is supportive of proposals for the provision of new community infrastructure and protects existing community infrastructure.
 - Policy **WW14** 'Infrastructure' supports new and improved utility in order to meet the identified needs of the community.
- 3.17 In terms of the economic vitality of the Neighbourhood Plan area, the following policies support the local economy:

- Policy **WW6** 'Visitor Accommodation and Facilities' acknowledges the importance of tourism within West Wittering and is supportive of additional visitor accommodation and facilities that would encourage longer term and year-round visitors, provided that the accommodation would not become a nuisance to residents.
- Policy **WW7** 'Economic Development' supports new development for small / micro businesses with up to 10 employees on brownfield sites, as conversions of agricultural or other rural buildings and/or within the settlement boundaries.
- Policy **WW8** 'Retail Facilities' supports new or expanded local small-scale retail facilities where they are located within or adjacent to the existing parade. Improvements to the public realm and outdoor customer facilities in this area will also be supported. Loss of local retail facilities will be resisted where this requires planning permission unless there is clear justification as set out in Local Plan policies.
- Policy **WW10** 'Coastal Enhancements' outlines support for strategies which would improve the quality of the coastline within the parish, indirectly benefiting the tourism industry.

Health and Wellbeing

- 3.18 Based on Census data, health and wellbeing levels in the Neighbourhood Plan area are generally lower than regional and national trends, with a lower percentage of residents reporting 'good' or 'very good' health. In this respect, the policies contained within the Neighbourhood Plan will bring a range of benefits for the health and wellbeing of residents within the parish, as well as addressing some of the key statistics within the health profile. The relevant policies are as follows:
- Policy **WW9** 'Public Rights of Way and Quiet Lanes' encourages proposals which would enhance these areas for informal recreational use, resisting any proposals which would result in the loss or degradation of such routes.
 - Policy **WW10** 'Coastal Enhancements' which supports upgrading of existing footpaths, cycle paths and visitor facilities at West Wittering Beach provided these are made accessible for all
- 3.19 Housing deprivation and quality are significant contributors to poor health and can have adverse effects on wellbeing. The following policies address this issue:
- Policy **WW1** 'Design' by seeking high quality design which maximises opportunities to achieve zero energy buildings.
 - Policy **WW3** 'Housing development in West Wittering Parish' and **WW4** 'Replacement Dwellings' which support new housing development in West Wittering parish.
 - Policy **WW5** requires that all new dwellings be Principal Residences so that they meet local needs rather than providing more second homes.
- 3.20 The Neighbourhood Plan also contains several policies which will positively support the quality of life of residents and the satisfaction of residents in the Neighbourhood Plan area as a place to live. These are:

- Policy **WW10** 'Coastal Enhancements' which acknowledges the value of the coastal environment within the parish, supporting proposals for the enhancement of these areas.
- Policy **WW12** 'Community Facilities and Open Spaces' which identifies areas of particular importance within West Wittering, including open spaces.
- Policy **WW13** 'Lighting' seeks to ensure that light levels minimise unnecessary glare and spillage, respect neighbouring developments, and are the minimum required for safety and security purposes in line with relevant British Standards.

Transportation

3.21 There is a need to ensure that developments have good accessibility to a range of services and facilities and that people are given the opportunity to travel by other modes of transport than the private car. The following policies assist with these aims:

- Policies **WW3**, **WW4**, **WW7** and **WW8** direct development to locations within the settlement boundaries where there is the greatest access to services and facilities, reducing reliance on the private car.
- Policy **WW9** 'Public Rights of Way and Quiet Lanes' states that any development that would result in the loss or degradation of such routes, for example through the introduction or increase in the amount of vehicular traffic, will be resisted.

Conclusion

3.22 The above assessment demonstrates that the policies of the West Wittering Neighbourhood Plan positively impact on the objectives in the Strategic Environmental Assessment which cover environmental, social and economic matters. It is therefore considered that the Plan contributes to the achievement of sustainable development in the parish and complies with Basic Condition 2.

Basic Condition 3. 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.

- 3.23 The West Wittering Neighbourhood Plan has been prepared to ensure it is in general conformity with the ‘Chichester Local Plan: Key Policies 2014-2029’ (adopted in July 2015), with due regard given to the emerging Local Plan Review. The Neighbourhood Plan will be examined ahead of the examination of the emerging Chichester Local Plan. Planning Practice Guidance states that neighbourhood plans “can be developed before or at the same time as the local planning authority is producing its local plan... Although a draft neighbourhood plan ... is not tested against the policies in an emerging local plan the reasoning and evidence informing the local plan process is likely to be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested” (Reference ID: 41-009-20190509 Revision date: 09 05 2019).
- 3.24 In January 2019 Chichester District Council adopted a ‘Site Allocation Development Plan Document 2014-2029’. This did not include any allocated sites within the parish of West Wittering. Chapter 11 of this DPD acknowledges the indicative housing number of 50 for the parish in the Local Plan and redrew the settlement boundary around the western settlement area of West Wittering to reflect recently built development. It did not amend the settlement boundary around the part of West Wittering adjacent to East Wittering. Table 1.1 ‘Local Plan housing provision and delivery by parish’ in Chapter 1 acknowledges that the housing number of 50 in the Local Plan has already been delivered.
- 3.25 West Sussex County Council with the South Downs National Park Authority adopted a Waste Local Plan in 2014. This was reviewed in 2019 but the outcome was that the plan remains relevant and effective and therefore no update was required. Similarly, these local planning authorities adopted a Joint Minerals Local Plan in 2018, with a Partial Review in March 2021. None of these documents contained policies or site allocations relating to West Wittering parish. The Neighbourhood Plan does not include any policies relating to waste or minerals and there are no active waste or mineral sites in the Neighbourhood Plan area.

Table B: Conformity with Strategic Policies of the Development Plan	
Chichester Local Plan: Key Policies 2014-2029	West Wittering NDP Policy Title and Commentary
Policy 6 ‘Neighbourhood Development Plans’ says that Neighbourhood Development Plans should: 1. show how they are contributing towards the strategic objectives of the plan and be in general conformity with its strategic approach;	It is considered that the West Wittering Neighbourhood Plan does contribute to the strategic objectives in the Local Plan and is in general conformity with its strategic approach as set out below. It promotes sustainable development as explained in the previous chapter and has had regard to

<p>2. clearly set out how they will promote sustainable development at the same level or above that which would be delivered through the Local Plan; and</p> <p>3. have regard to information on local need for new homes, jobs and facilities, for their plan area.</p>	<p>the most up to date evidence on housing and other needs (see further information in the Background Evidence Paper). The parish has already met the housing requirements set out in the adopted Local Plan and this Neighbourhood Plan does not allocate any further sites for housing development.</p>
<p>Policy 33 ‘New Residential Development’ supports new residential development and replacement dwellings, subject to criteria including:</p> <ul style="list-style-type: none"> • Proposals meet the highest standards of design; • The proposal respects and where possible enhances the character of the surrounding area and site, its setting in terms of its proportion, form, massing, siting, layout, density, height, size, scale, neighbouring and public amenity and detailed design. <p>Policy 40 ‘Sustainable Design and Construction’ sets criteria for all new dwellings or for new non-domestic buildings including that the proposal achieves standards of water use; that energy consumption will be minimised and the amount of energy supplied from renewable resources will be maximised and that the proposals include measures to adapt to climate change.</p>	<p>Policy WW1 Design supports development provided that its design, form and detail is of a high quality to reflect the attractive and unique landscape, seascape and townscape character of West Wittering having regard to the Village Design Statement and the character areas defined within it and, where relevant, to the Chichester Harbour Management Plan.</p> <p>Development will be supported where it maximises opportunities to achieve zero energy buildings, with measures to reduce water use and appropriate drainage and helps to combat and mitigate the impacts of climate change.</p>
<p>Policy 48 ‘Natural Environment’ supports development subject to criteria including:</p> <ul style="list-style-type: none"> • There is no adverse impact on the openness of the views in and around the coast. • The individual identity of settlements, actual or perceived, is maintained and the integrity of predominantly open and undeveloped land between settlements is not undermined. 	<p>Policy WW2 Preventing Coalescence supports development within the identified green gap provided that it does not detract from the openness and rural landscape character of this area and does not contribute to the perceived or actual coalescence between the two main settlement areas of West Wittering.</p>
<p>Policy 2 ‘Development Strategy and Settlement Hierarchy’ identifies the locations where sustainable development, infrastructure and facilities will be accommodated. Identifies West Wittering as a ‘Service Village’ where small scale</p>	<p>It should be noted that on 22nd April 2022 an appeal was allowed for a development of 70 additional homes on land at Church Road, West Wittering (APP/L3815/W/21/3286315 and WW/20/02491/OUT). Alongside existing</p>

<p>housing developments consistent with the indicative housing numbers set out in Policy 5; Local community facilities, including village shops, that meet identified needs within the village, neighbouring villages and surrounding smaller communities, and will help make the settlement more self-sufficient; and small scale employment, tourism or leisure proposals. It also says that there is a presumption in favour of sustainable development within the Settlement Boundaries which will be reviewed through the preparation of Development Plan Documents and/or Neighbourhood Plans. Policy 5 'Parish Housing Sites 2012- 2029' says that small scale housing sites will be identified to address the specific needs of local communities in accordance with the indicative parish housing numbers set out. This includes 50 dwellings for West Wittering which have been delivered. Policy 34 'Affordable Housing' requires 30% affordable housing contribution will to be sought as part of residential development where there is a net increase of dwellings. On sites of 11+ this will be on-site provision and on sites of 6 to 10 dwellings in areas designated as rural areas under section 157 (1) of the Housing Act 1985 (which includes West Wittering) the Council will seek a financial contribution. Policy 35 'Affordable Housing Exception Sites' supports affordable housing on exception sites outside of Settlement Boundaries to meet a specific local need subject to criteria.</p>	<p>completions this significantly exceeds the level of development for this parish identified in the adopted Local Plan.</p> <p>Policy WW3 supports housing development in West Wittering parish provided that:</p> <ul style="list-style-type: none"> a) The site is within the settlement boundary of West or East Wittering as identified in the policies map; or b) If the local planning authority cannot demonstrate a 5 year supply of housing land or has failed the most recent Housing Delivery test, the site is adjacent to the settlement boundary of West or East Wittering; and c-d and f-h) Criteria covering scale, landscape impact, heritage impact, connectivity and infrastructure. <p>Criterion e) says that development of 10 units or more will comprise a mix of housing types reflecting local needs including at least 30% as bungalows. At least 30% of the total number of dwellings will be affordable housing. The affordable housing component shall be delivered via a Community Land Trust or similar organisation that will deliver homes at a rent that local people / key workers can afford, and is subject to an appropriate planning obligation to ensure that the housing will be retained in perpetuity as affordable housing with a preference for households with a local connection.</p> <p>WW4 Replacement Dwellings supports new housing development which replaces existing dwellings within the settlement boundaries provided that it does not result in a loss of small units (1 to 2 bedrooms) or bungalows; and it reflects the</p>
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	<p>character and density of the surrounding area.</p> <p>Policy WW5 Principal Residence Requirement requires that new open market housing be restricted to ensure its occupancy as a Principal Residence. This is so the new housing is available to meet local needs.</p>
<p>Policy 30 ‘Built Tourist and Leisure Development’ supports proposals for tourism and leisure development, including tourist accommodation, subject to criteria including:</p> <ol style="list-style-type: none"> 1. It is sensitively designed to maintain the tranquillity and character of the area; 2. Is located so as to minimise impact on the natural and historic environment, including that of visitors or users of the facility, particularly avoiding increasing recreational pressures on Chichester Harbour AONB and Pagham Harbour and other designated sites; 3. It provides a high quality attraction or accommodation; and 4. Encourages an extended tourist season. <p>Policy 31 ‘Caravan and Camping Sites’ supports proposals for caravan, camping and chalet sites and associated facilities and intensification / alterations to existing sites subject to criteria.</p>	<p>Policy WW6 Visitor Accommodation and Facilities supports good quality visitor accommodation where this is suitable for year-round visitors, and where it reflects the character and nature of the village. The change of use of private dwelling houses into accommodation for more than six people (Houses in Multiple Occupation) or for short term lets will not be supported where this would harm the tranquil character of the parish or disturb neighbouring residents or create an unacceptable level of additional on street parking either individually or cumulatively.</p>
<p>Policy 3 ‘The Economy and Employment Provision’ supports sustainable growth of the local economy including small-scale employment development or live/work units, including extensions to existing sites in rural areas, may be identified in neighbourhood plans or permitted in appropriate circumstances where commercial demand exists.</p> <p>Policy 26 ‘Existing Employment Sites’ supports extensions to existing sites and protects them from alternative uses.</p>	<p>Policy WW7 Economic Development supports new development for small / micro businesses with up to 10 employees on brownfield sites, provided they are conversions of agricultural or other rural buildings and/or within the settlement boundaries.</p>

<p>Policy 29 ‘Settlement Hubs and Village Centres’ protects existing retail uses in the established parades and isolated shops, unless:</p> <ol style="list-style-type: none"> 1. The proposal does not result in the reduction of shopping facilities; or 2. There is no demand for continued retail use and the site has been marketed effectively for such use or no local need has been identified. 	<p>Policy WW8 Retail Facilities supports development for new or expanded local small-scale retail facilities where they are located within or adjacent to the existing parade. Improvements to the public realm and outdoor customer facilities in this area will also be supported. Loss of local retail facilities will be resisted where this requires planning permission unless there is clear justification as set out in Local Plan policies.</p>
<p>Policy 8 ‘Transport and Accessibility’ seeks to improve accessibility to key services and facilities and to provide an improved and better integrated transport network including ensuring that new development is well located and designed to minimise the need for travel, and encouraging the use of sustainable modes of travel as an alternative to the private car.</p>	<p>WW9 Public Rights of Way and Quiet Lanes protects these routes which are suitable for informal recreational use and supports proposals to enhance them for such use.</p>
<p>Policy 22 ‘Integrated Coastal Zone Management for the Manhood Peninsula’ commits the District Council to preparing plans, strategies, projects and other measures, in partnership with other organisations and local communities, to ensure that the Manhood Peninsula is planned for in a coordinated and integrated manner, whilst recognising the individual needs of the communities within the area. Policy 44 ‘Development around the Coast’ supports development in the coastal area, outside of Settlement Boundaries, where it there are no harmful effects on or net loss of nature conservation or areas of geological importance within the Chichester and Pagham Harbours and it provides recreational opportunities that do not adversely affect the character, environment and appearance of the coast and Chichester Harbour Area of Outstanding Natural Beauty.</p>	<p>WW10 Coastal Enhancements supports proposals for the enhancement of the coast within the parish provided that they take account of Integrated Coastal Zone Management strategies for the Manhood Peninsula and the Chichester Harbour Conservancy Management Plan. These could include upgrading of existing footpaths, cycle paths and visitor facilities at West Wittering Beach provided these are made accessible for all and do not adversely impact on the exceptional ecological and landscape assets of the area. Proposals that damage these assets, including through urbanisation and domestication of the foreshore, will be resisted.</p>

<p>Policy 49 ‘Biodiversity’ supports development subject to criteria including:</p> <ul style="list-style-type: none"> • The biodiversity value of the site is safeguarded; • Any harm to protected habitats or species is avoided or mitigated; • The proposal enhances biodiversity • The proposal protects, manages and enhances the District’s network of ecology, biodiversity and geological sites. <p>Policy 50 ‘Development and Disturbance of Birds in Chichester and Langstone Harbours Special Protection Areas’ Confirms that it is Natural England’s advice that all net increases in residential development within the 5.6km ‘Zone of Influence’ are likely to have a significant effect on the Chichester and Langstone Harbours SPA either alone or in-combination with other developments and will need to be subject to the provisions of Regulation 61 of the Conservation of Habitats and Species Regulations 2010. Similarly Policy 51 ‘Development and Disturbance of Birds in Pagham Harbour Special Protection Area’ identifies that net increases in residential development within the 3.5km ‘Zone of Influence’ are likely to have a significant effect on the Pagham Harbour SPA. Both policies set out the mitigation strategy for these impacts and require developments to contribute to it.</p>	<p>WW11 Biodiversity, Geodiversity and Mitigating the Impacts of Climate Change supports proposals that achieve a net-gain in biodiversity assets of at least 10% (demonstrated by reference to the Defra Biodiversity Metric). Development proposals must also demonstrate how they have enhanced the natural capital of the area and increased its resilience to climate change wherever possible. In addition to the designated sites in the area the parish has a wealth of undesignated biodiversity and geodiversity assets as shown on the Policies Map. Development proposals will be expected to retain and support the enhancement of these assets except where essential for the viability of the site (such as access) and then any harm should be minimised and mitigated.</p>
<p>Policy 38 ‘Local and Community Facilities’ sets the following criteria for development leading to the loss of an existing community facility:</p> <ol style="list-style-type: none"> 1. There is no longer a demand for the facility within the area and that the premises have been marketed for a reasonable period of time; 	<p>Policy WW12 Community Facilities and Open Spaces supports the provision of new community facilities and open spaces that provide for everyday needs within West Wittering. Proposals that would result in the loss of existing community facilities and open spaces will only be acceptable if evidence is provided that they are no longer needed by the community or would be replaced by</p>

<p>2. The proposed development would provide a beneficial facility to the local community; and</p> <p>3. There is provision for new or replacement facilities to meet an identified need in locations which are well related and easily accessible to the settlement or local community.</p> <p>Policy 54 'Open Space, Sport and Recreation' seeks to retain, enhance and increase the quantity and quality of open space, sport and recreation facilities, and improve access to them. Development involving the loss of open space, sport and recreation facilities will be supported subject to criteria including that alternative equivalent facilities are provided or a surplus is demonstrated and there are no adverse impacts on biodiversity, heritage assets or the integrity of the Green Infrastructure network.</p>	<p>equivalent or better provision in terms of quantity and quality in a suitable location.</p> <p>The policy also identifies community facilities and open spaces of particular importance to West Wittering.</p>
<p>Policy 43 'Chichester Harbour Area of Outstanding Natural Beauty (AONB)' requires that the impact of individual proposals and their cumulative effect on Chichester Harbour AONB and its setting will be carefully assessed. And the natural beauty and locally distinctive features of the AONB are conserved and enhanced.</p>	<p>WW13: Lighting supports proposals where the detailed lighting scheme has been prepared in line with relevant British Standards and the latest national design guidance; the design minimises unnecessary glare and spillage; there is no significant adverse impact on neighbouring development or the wider landscape; and light levels are the minimum required for safety and security purposes, taking account of the existing location and character of the area.</p> <p>Proposals that are within or may affect Chichester Harbour AONB must also demonstrate that there will be no significant adverse effects on the wildlife. They must also meet the Dark Skies policies set out in the Chichester Harbour Management Plan with especial regard to the designated Dark Skies Discovery Sites. Proposals should take into account the Institute of Lighting Professionals published best practice guidance for zone E1 locations. Where appropriate, the</p>

	times and intensity of illumination will be controlled by planning conditions.
Policy 9 'Development and Infrastructure Provision' seeks to ensure that new physical, economic, social, environmental and green infrastructure is provided to support development.	WW14 Infrastructure encourages and supports new and improved utility infrastructure to meet the identified needs of the community.

3.26 The above tables demonstrate that the planning policies of the West Wittering Neighbourhood Plan are in general conformity with the strategic policies contained in the development plans for the area, and that the Plan therefore complies with Basic Condition 3.

Basic Condition 4. The making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations.

- 3.27 The Planning Practice Guidance on Neighbourhood Planning (last updated 25th September 2020) states that the EU directives as incorporated into UK law, which may be of relevance to neighbourhood planning are:
- Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment (often referred to as the Strategic Environmental Assessment (SEA) Directive).
 - Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora, and
 - Directive 2009/147/EC on the conservation of wild birds (often referred to as the Habitats and Wild Birds Directives respectively).
- 3.28 In December 2016 Chichester issued a screening opinion which determined that a Strategic Environmental Assessment (SEA) of the West Wittering Neighbourhood Plan was required due to there being a likely significant environmental effect as a result of the proposals in the plan as then identified. It should be noted that this was on the basis of a Neighbourhood Plan that allocated specific housing sites. As a result of this determination AECOM was commissioned to carry out an SEA of the emerging Neighbourhood Plan. This comprised a scoping report, which was consulted on in May 2019; an environmental report published alongside the first Regulation 14 Neighbourhood Plan in February 2020 and an update published alongside the second Regulation 14 Plan in June 2021.
- 3.29 In February 2022 the Parish Council formally requested that the District Council re-screen the Neighbourhood Plan for SEA and HRA, taking into the fact that it no longer proposed to allocate housing sites. This screening opinion was issued on 18th May 2022 and in summary states ‘We note that no sites are specifically allocated for development within the West Wittering Neighbourhood Plan. Subject to information on the allocations and the avoidance and mitigation measures within the Local Plan being sufficient to ensure that the overarching Local Plan policies and allocations do not result in significant environmental effects (as tested via the Sustainability Appraisal and Habitats Regulations Assessment). Natural England would advise that the Neighbourhood Plan in the absence of development is unlikely to have a significant effect. However, any allocated sites will need to conform to the requirements of the adopted Chichester Local Plan, Policy 50 (Development and Disturbance of Birds in Chichester and Langstone Harbours Special Protection Areas) and be subject to a project level HRA’ The screening opinion also states the draft West Wittering Neighbourhood Plan 2019-2029 (February 2022) does NOT require amending as a result of Natural England’s comments (full decision appended to this Statement).
- 3.30 The Waste Framework Directive (2008/98/EC), Air Quality Directive (2008/50/EC) and the Water Framework Directive (2000/60/EC) may apply to the circumstances of a draft neighbourhood plan, but in this case would not be adversely impacted by the proposed policies.

- 3.31 Under the Equality Act 2010, public bodies must have due regard to the need to:
- Eliminate discrimination, harassment, victimisation and any other conduct prohibited under the Act, and
 - Advance equality of opportunity and foster good relations across all protected characteristics (with the exception of marriage and civil partnership).

They also need to publish information showing how they are complying with this duty. The Act defines nine protected characteristics. These are: Age; Disability; Gender Reassignment; Marriage and Civil Partnership; Pregnancy and Maternity; Race; Religion and Belief; Sex (Gender); and Sexual Orientation.

- 3.32 The submission Neighbourhood Plan is in general conformity with the strategic policies of the Chichester Local Plan as set out under Basic Condition 3. This Plan has been subject to a full Equalities Impact Assessment. In addition, throughout the preparation of the NP, the steering group has been working with a range of organisations and individuals to ensure broad support and to reflect different viewpoints. The Plan has been designed to be easily understood by non-planning experts insofar as this is possible within the Regulations. Its policy approach seeks to ensure the community has and will continue to have access to a range of services and facilities that are consistent with the Parish character as well as helping to protect open space facilities and improve traffic flow to promote safety for all. This will promote inclusiveness across all equality groups and promote the dimensions of equality. It is considered therefore that the West Wittering Neighbourhood Plan complies with the Equality Act 2010 and has regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act.
- 3.33 Overall, it is considered that the above section demonstrates that the making of the West Wittering Neighbourhood Plan does not breach, and is otherwise compatible with, EU obligations.

Basic Condition 5. Prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the plan.

3.34 Regulations 32 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended) prescribe 2 basic conditions in addition to those set out in the primary legislation. These are:

- the making of the neighbourhood plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017, which set out the habitat regulation assessment process for land use plans, including consideration of the effect on habitats sites; and
- having regard to all material considerations, it is appropriate that the Neighbourhood Development Order is made (see Schedule 3 to the Neighbourhood Planning (General) Regulations 2012 (as amended), where the development described in an order proposal is Environmental Impact Assessment development.

3.35 Compliance with the first additional basic condition is covered under paragraph 3.29 above. The second additional basic conditions applied only to Neighbourhood Development Orders (which effectively grant planning permission for development) not neighbourhood Development Plans.

4.0 Equalities Impact Assessment (EqIA)

- 4.1. Under the Equality Act 2010, public bodies must have due regard to the need to:
- Eliminate discrimination, harassment, victimisation and any other conduct prohibited under the Act, and
 - Advance equality of opportunity and foster good relations across all protected characteristics (with the exception of marriage and civil partnership).
- 4.2. They also need to publish information showing how they are complying with this duty. The Act defines nine protected characteristics. These are:
- Age
 - Disability
 - Gender reassignment
 - Marriage and Civil Partnership
 - Pregnancy and maternity
 - Race
 - Religion and Belief
 - Sex (gender)
 - Sexual orientation

PART 1

<p>What's it about? What is the proposal? What outcomes/benefits are you hoping to achieve?</p>	<p>The WWNP sets out the local planning policy framework for West Wittering Parish until 2029 providing planning policy for the whole Parish and will form part of the development plan which will be used to determine planning applications.</p>
<p>Who is it for?</p>	<p>Developers, planning agents, architects, landscape architects, drainage engineers, highway engineers, the general public, the Parish Council, statutory undertakers, statutory consultees, resident interest groups. CDC -Development management officers, highways, master planning and design, planning policy officers, members of the planning committee and other stakeholders. The above reflects all parties that may be involved or have an interest in promoting and securing development in West Wittering</p>

PART 2

<p>How will this proposal meet the equality duties?</p>	<p>The submission NP details the principles established by CDC Local Plan for the development of the District which has been subject to an equalities assessment.</p> <p>The policies put forward in the WWNP are in general conformity with the Chichester Local Plan.</p> <p>The policies have also been prepared to be inclusive of all aspects of the community.</p>
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	Throughout the preparation of the WWNP, the steering group has worked with a range of stakeholders and delivery partners to ensure broad support and to identify and rectify any particular bias through earlier consultations.
How can you involve your customers in developing the proposal?	All stakeholders and delivery partners should find the information in the WWNP easy to understand. There are some principles and concepts which may seem more remote to members of the public however the Neighbourhood Plan document must meet the Regulations laid out in law so must meet certain criteria and tests.
Who is missing? Do you need to fill any gaps in your data?	The approach detailed seeks to achieve the effective delivery of development and to ensure new and existing communities have easy access to a range of types of facilities that are consistent with the parish character and have excellent open space facilities. The WWNP seek to retain and enhance existing facilities and infrastructure in the Parish for all ages.

PART 3 – IMPACT

- 4.3 Refer to dimensions of equality and equality groups Show consideration of: age, disability, sex, transgender, marriage/civil partnership, maternity/pregnancy, race, religion/belief, sexual orientation and if appropriate: financial economic status, homelessness, political view. Using the information in parts 1 & 2:

a) Does the plan create an adverse impact which may affect some groups or individuals? Is it clear what this is? How can this be mitigated or justified? What can be done to change this impact?	<p>The WWNP will support an integrated and well connected parish where communities can be created and where people want to live. It will support the delivery of a built environment that is safe and secure so reducing fear of crime, which in turn will reduce social exclusion.</p> <p>The WWNP provides a strategy for the development of the community and a range of policies and proposals that will benefit many parts of the local community including those with protected characteristics: older people, young people, mothers to be and young children, disabled people and those with limited mobility.</p> <p>On balance, the WWNP should not have an adverse impact on equality groups.</p> <p>No impact identified</p>
b) Does the proposal create benefit for a particular group? Is it clear	The planning system and national/local planning policies exist to ensure that the planning and development of land is carried out in a consistent, fair and transparent manner. Consultation is a statutory requirement as part of the plan making process as is

<p>what this is? Can you maximise the benefits for other groups? Does the activity have potential to make a positive contribution to equalities?</p> <p>Does further consultation need to be done? How will assumptions made in this analysis be tested?</p>	<p>the Duty to Cooperate with other bodies. This means providing the opportunity for everyone to be able to comment. Consultation with all groups has been extensive in this process – refer to the WWNP consultation statement.</p> <p>The WWNP does not explicitly address the needs of racial or religious groups, transgender, gay or lesbian groups. It does make equal provision of access to any new development especially affordable homes to meet a variety of needs. It also seeks to preserve and develop social community, leisure facilities and retail services that will benefit these groups equally.</p> <p>The WWNP Steering Group does not consider that there are any negative equality impacts that arise from the policies or proposals contained within the WWNP or that it raises any issues in relation to any of the convention rights in the Human Rights Act 1998.</p> <p>None has been identified</p>
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PART 4 – SO WHAT?

<p>What changes have you made in the course of this EqlA?</p>	<p>None</p>
<p>What will you do now and what will be included in future planning?</p>	<p>The Regulation 15 (1) Consultation on the submission WWNP will be undertaken by Chichester District Council (the local planning authority) in line with the Statement of Community Involvement (SCI). The SCI sets out the requirements for consultation on planning documents to ensure the continuous community involvement with statutory and other stakeholders in the preparation of planning documents.</p>

Definitions of Protected Characteristics under the Equalities Act 2010

<p>Age</p>	<p>A person belonging to a particular age or range of ages.</p>
<p>Disability</p>	<p>A person has a disability if s/he has a physical or mental impairment, which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities.</p>
<p>Gender reassignment/ Transgender</p>	<p>The process of transitioning from one gender to another.</p>
<p>Pregnancy and maternity</p>	<p>Pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the</p>

	birth. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth.
Race	Refers to the protected characteristic of Race. It refers to a group defined by their race, colour, and nationality (including citizenship) ethnic or national origins.
Religion and belief	Religion has the meaning usually given to it but belief includes religious and philosophical beliefs including lack of belief (e.g. Atheism). Generally, a belief should affect your life choices or the way you live for it to be included in the definition.
Sex (gender)	A man or a woman
Sexual orientation	Whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes.

Source: Equalities and Human Rights Commission website. www.equalityhumanrights.com
Date of Assessment: December 2022

5.0 Conclusion

- 5.1 The above statement demonstrates that the West Wittering Neighbourhood Plan meets the legal requirements and the Basic Conditions required under the Neighbourhood Planning (General) Regulations 2012.

Appendix

Habitat Regulation Assessment (HRA)
Screening Matrix and Appropriate Assessment Statement

PLEASE NOTE: Undertaking the HRA process is the responsibility of the decision maker as the Competent Authority for the purpose of the Habitats Regulations, however, it is the responsibility of the Qualifying Body to provide the Competent Authority with the information that they require for this purpose.

Stage 1 - Details of the plan or project	
Neighbourhood Plan:	West Wittering Neighbourhood Plan 2019 – 2029 (3 February 2022) Pre Reg 15 Submission Plan Version 3 February 2022
No houses indicated by adopted Chichester Local Plan	50 – figure met
No houses indicated by Chichester Local Plan Review for the Neighbourhood Plan Area:	Preferred Approach Local Plan Review identified West Wittering parish for a parish allocation of 25 dwellings by way of draft Policy S5 Parish Housing Requirements 2016-2035; further testing of evidence has led to revised distribution strategy being tested against the evidence

	<p>base for Local Plan Review December 2020 and December 2021 proposed 0 dwellings,</p> <p><i>No figures have yet been confirmed for inclusion in the submission version of the Local Plan Review and may therefore be subject to change.</i></p> <p><i>Please note the draft West Wittering Neighbourhood Plan 2019-2029 is not identifying any sites for allocation for residential development (see draft plan).</i></p>
No houses proposed by the Neighbourhood Plan:	The draft West Wittering Neighbourhood Plan 2019-2029 is not identifying any sites for allocation for residential development (see draft plan),
Will the Neighbourhood Plan result in a net increase in residential development?	No, the draft West Wittering Neighbourhood Plan 2019-2029 is not identifying any sites for allocation for residential development.
Other than residential development, what other key policy areas does the plan cover?	The draft plan includes policies for preventing coalescence (Policy WW2), addressing new housing development in the parish (Policy WW3), provision of visitor accommodation and facilities (Policy WW6) and coastal enhancements (Policy WW10). The plan also considers an approach to design, principal residence requirements, economic development and retail facilities as well as public rights of way, biodiversity, community facilities and lighting.
Status of Neighbourhood Plan:	Draft plan prior to submission to Chichester District Council; regulation 14 consultation complete.
European site potentially impacted - Is the plan area within:	
<ul style="list-style-type: none"> • 5.6km radius of a Chichester and Langstone Harbours SPA • 3.5km of Pagham Harbour SPA • 6.5km or 12km of Ebernoe Common SAC / The Mens SAC / Singleton and Cocking Tunnels SAC 	<p>Yes</p> <p>No</p> <p>No</p> <p>No</p>

<ul style="list-style-type: none"> • 400m or 5km of Wealden Heaths Phase 2 SPA • The Chichester Harbour Fluvial Catchment • An area served by a Wastewater Treatment Plant that discharges to Chichester Harbour 	<p>Yes</p> <p>No</p>
<p>Are any allocations within any of the above zones of influence?</p>	<p>No, the draft West Wittering Neighbourhood Plan 2019-2029 is not identifying any sites for allocation for residential development.</p> <p>Reference is made to various habitats in the draft plan by way of Maps 8a, 8b, 8c, 8d and 8e.</p>
<p>Are there any other projects or plans that together with the plan / application being assessed could affect the site?</p>	<p>Yes, the Chichester Local Plan and all other neighbourhood plans within the Zones of Influence for Chichester and Langstone Harbour SPA</p>
<p>Lead Planning Officer: Valerie Dobson (Principal Planning Policy Officer)</p>	

Stage 2 - HRA screening assessment

Test 1: The Significance Test – The Qualifying Body to provide evidence so that a judgement can be made as to whether there could be any potential significant impacts of the development on the integrity of the SPA/SAC/Ramsar.

Without mitigation there would be a likely significant effect on Chichester and Langstone Harbours SPA/Ramsar site due to recreational disturbance impacts. Strategic schemes of mitigation are in place for both this site but these can only be considered at the Appropriate Assessment stage (stage 3)

Stage 2 Conclusion - Would the proposal lead to likely significant effects on the integrity of a European Site? **Yes**

(If yes, continue to Stage 3)

Stage 3 - HRA – Appropriate Assessment

Test 2: The Integrity Test – If there are any potential significant impacts, the competent authority must be satisfied that adequate mitigation is in place to allow the AA to be carried out. Other than for Bird Aware Solent and the Joint Pagham Scheme of Mitigation, the competent authority must also be satisfied that all details which demonstrate any long term management, maintenance and funding of any solution have been provided.

The likely effectiveness and long-term financial robustness of both Bird Aware Solent and the Pagham Joint Scheme of Mitigation have already been examined by Natural England, so the Neighbourhood Plan does not need to provide its own evidence base on the effectiveness of these schemes. Appropriate contributions to these schemes of mitigation will be secured from new residential developments under Policy 50 and Policy 51 of the adopted Chichester Local Plan 2014-2029. In practice, for areas where the zones of influence overlap, then because residents of new development cannot access both sites simultaneously, a contribution is required only for the whichever scheme requires the greater contribution (currently Pagham, except for 5 bed room properties for which it is Bird Aware Solent). This contribution is then split between the two mitigation schemes. See <https://www.chichester.gov.uk/planningadvice> for details on the schemes.

Recreational Disturbance

Section 1: Supporting text

Conservation objectives

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring;

- The extent and distribution of the habitats of the qualifying features
- The structure and function of the habitats of the qualifying features
- The supporting processes on which the habitats of the qualifying features rely
- The population of each of the qualifying features, and,
- The distribution of the qualifying features within the site

Qualifying features (Chichester and Langstone Harbours SPA):

A046a *Branta bernicla bernicla*; Dark-bellied brent goose (Non-breeding)

A048 *Tadorna tadorna*; Common shelduck (Non-breeding)

A050 *Anas penelope*; Eurasian wigeon (Non-breeding)

A052 *Anas crecca*; Eurasian teal (Non-breeding)

A054 *Anas acuta*; Northern pintail (Non-breeding)

A056 *Anas clypeata*; Northern shoveler (Non-breeding)

A069 *Mergus serrator*; Red-breasted merganser (Non-breeding)

A137 *Charadrius hiaticula*; Ringed plover (Non-breeding)

A141 *Pluvialis squatarola*; Grey plover (Non-breeding)

A144 *Calidris alba*; Sanderling (Non-breeding)

A149 *Calidris alpina alpina*; Dunlin (Non-breeding)

A157 *Limosa lapponica*; Bar-tailed godwit (Non-breeding)

A160 *Numenius arquata*; Eurasian curlew (Non-breeding)

A162 *Tringa totanus*; Common redshank (Non-breeding)

A169 *Arenaria interpres*; Ruddy turnstone (Non-breeding)

A191 *Sterna sandvicensis*; Sandwich tern (Breeding)

A193 *Sterna hirundo*; Common tern (Breeding)

A195 *Sterna albifrons*; Little tern (Breeding)

Qualifying features (Chichester and :Langstone Harbours Ramsar Site)

- Branta bernicla bernicla, Dark-bellied brent goose
- Charadrius Hiaticula, Ringed plover
- Pluvialis squatarola, Grey plover
- Calidris alpina, Dunlin
- Limosa limosa Black-tailed Godwit

Section 2 Assessment of Effects on Site Integrity

Assessment Matrix (Chichester and Langstone Harbours SPA/Ramsar site – Recreational Disturbance)

Identification of the potential effects and their impacts on the Conservation Objectives

Potential Effect	Site Conservation Objective(s)	Qualifying features	Potential for Impact?	Relevant Mitigation Measures
Decrease in survival rates and populations of over-wintering birds due to increase in disturbance, caused by increasing human population (in combination with other plans and projects)	Maintain or restore the population of each of the qualifying features. Maintain or restore the distribution of the qualifying feature within the site.	All for Chichester and Langstone Harbours SPA and Chichester and Langstone Harbour Ramsar Site	Yes. Indirect impact. Without mitigation, bird populations would be reduced and/or re-distributed by increased numbers of visitors leading to increased disturbance	Bird Aware Solent Strategy The Strategy proposes:- • a team of 5-7 coastal rangers to advise people on how to avoid bird disturbance, liaise with landowners, host school visits, etc.;; •communications, marketing and education initiatives; • initiatives to encourage responsible dog walking; • preparation of codes of conduct for a variety of coastal activities; • site-specific projects to better

				manage visitors and provide secure habitats for the birds; • providing new/enhanced greenspaces as an alternative to visiting the coast;
Direct loss of habitat	Maintain or restore the extent and distribution of the habitats of the qualifying features.	All for Chichester and Langstone Harbours SPA and Chichester and Langstone Harbour Ramsar Site.	No. Development within the zone of influence but outside the SPA boundary will not lead to loss of habitat, either alone or in combination.	N/a. No impact so no mitigation can be provided.

Stage 4 – Summary of the Appropriate Assessment (To be carried out by the Competent Authority (the local planning authority) in liaison with Natural England

Conclusion

Having considered the proposed mitigation and avoidance measures to be provided in-perpetuity through:

- Contributions to Bird Aware Solent (Chichester Local Plan 2014-2029, Policy 50)

Chichester District Council concludes that with mitigation the plan will not have an Adverse Effect on the Integrity of the European protected sites.

Having made this appropriate assessment of the implications of the plan for the sites in view of those sites' conservation objectives, and having consulted Natural England and fully considered any representation received (see below), the authority may now give effect to the land use plan under regulation 105 of the Conservation of Habitats and Species Regulations 2017.

Natural England Officer:

Summary of Natural England's comments:

We note that no sites are specifically allocated for development within the West Wittering Neighbourhood Plan. Subject to information on the allocations and the avoidance and mitigation measures within the Local Plan being sufficient to ensure that the overarching

Local Plan policies and allocations do not result in significant environmental effects (as tested via the Sustainability Appraisal and Habitats Regulations Assessment). Natural England would advise that the Neighbourhood Plan in the absence of development is unlikely to have a significant effect. However, any allocated sites will need to conform to the requirements of the adopted Chichester Local Plan, Policy 50 (Development and Disturbance of Birds in Chichester and Langstone Harbours Special Protection Areas) and be subject to a project level HRA

Thomas Scott-Heagerty
Lead Adviser
Sussex and Kent Team

Date: 18 May2022

Does the draft West Wittering Neighbourhood Plan 2019-2029 (February 2022) require amending as a result of Natural England's comments? NO

If 'YES', what needs to change?