Arun District Council Local Planning Authority

Barnham and Eastergate Neighbourhood Development Plan 2014-2029
DECISION STATEMENT

Prepared by: Donna Moles (ADC Neighbourhood Development Plan Officer)
May 2014

1.0 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 development plans and orders and to take plans through a process of examination and referendum. 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 Barnham and Eastergate Neighbourhood Development Plan has been altered as a result of it; and that this plan may now proceed to referendum.

2.0 BACKGROUND

2.1 The Barnham and Eastergate Neighbourhood Development Plan relates to the area that was designated by Arun District Council as a neighbourhood area on 29th November 2012. This area is coterminous with the Barnham and Eastergate Parish Council boundary that lies within the Arun District Council Local Planning Authority Area.

2.2 Following the submission of the Barnham and Eastergate Neighbourhood Development Plan to the Council, the plan was publicised and representations were invited. The publicity period ended on 6th March 2014.

2.3 Dr Charles Mynors was appointed by Arun District Council with the consent of the Parish Council, to undertake the examination of the Barnham and Eastergate Neighbourhood Development Plan and to prepare a report of the independent examination.
2.4 The examiner’s report concludes that subject to making the minor modifications recommended by the examiner, the Plan meets the basic conditions set out in the legislation and should proceed to a Neighbourhood Planning referendum.

2.5 Having considered each of the recommendations made by 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 secure that the draft plan meets the basic conditions set out in legislation.

3.0 DECISION

3.1 The Neighbourhood Planning (General) Regulations 2012 requires 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, Arun District Council in consent with Barnham and Eastergate Parish Council have decided to accept the modifications to the draft plan. Table 1 and Appendix 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 38A of 2004 Act) in response to each of the Examiner’s recommendations and the justification for this as well as Appendix 2 below which outlines the further modifications agreed by Arun District Council in consent with Barnham and Eastergate Parish Council and Appendix 3 which outlines Further Additional Minor Modifications agreed by Arun District Council in consent with Barnham and Eastergate Parish Council

Table 1: Recommendations by the Examiner
<table>
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<tr>
<th>POLICY</th>
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<th>JUSTIFICATION</th>
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<tr>
<td>Introduction</td>
<td>Recommend that one of the two Parish Councils (it matters not which) be appointed the sole qualifying body for the whole of the neighbourhood area, and that the other one consent to that body putting forward a plan for its area.</td>
<td>Although this has been done at parish level, for completeness a paragraph in the introduction is needed.</td>
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<td>The entire plan structure/layout</td>
<td>Recommend that the Plan is restructured.</td>
<td>It does not mean that the Proposed Plan is fundamentally unsound, or in breach of the basic conditions, save insofar as it is unclear, and therefore difficult to use in practice. To remedy this, I have made a number of recommendations, and set out in more detail, that will lead to the emergence of a clearer and more coherent Plan.</td>
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<td>New Chapter 1: Introduction</td>
<td>In order to fit in with the recommended overall structure of the Plan, outlined in the previous Chapter of this report, I recommend: (a) that the existing Chapter 2(on pages 4 and 5) is renumbered Chapter 1; (b) that a new heading, “1.1 The Neighbourhood Plan”, is introduced above existing paragraph 2.1, and existing paragraphs 2.1 to 2.4 are renumbered paragraphs 1.1.1 to 1.1.4; (c) that the heading above existing paragraph 2.5 is numbered 1.2, and existing paragraphs 2.5 to 2.7 are renumbered 1.2.1 to 1.2.2; (d) that the heading above existing paragraph 2.8 is amended to read “1.3 The scope of the Neighbourhood Plan”, the heading above existing paragraph 2.9 is deleted, and existing paragraphs 2.8 and 2.9 are renumbered 1.3.1 and 1.3.2; (e) that paragraph 1.3.2 (existing paragraph 2.9) is reworded as follows: “1.3.2 This plan is divided into two parts: • Chapters 1 to 4 set out the background to the Plan, and outline the vision and objectives underlying the policies; • Chapters 5 to 9 set out the policies relating to each of the topic areas.” (f) that a new heading, “1.4 The Evidence Base”, is introduced above existing paragraph 2.11, and that existing paragraph 2.11 is renumbered 1.4.1; and (g) that Plan A is replaced with a clear map of the two parishes</td>
<td>Recommend that existing paragraph 4.7 is renumbered 1.5.1, and moved to form the last paragraph of new Chapter 1, beneath a new heading “1.5 Monitoring and Review”.</td>
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<td>The Neighbourhood Plan</td>
<td>Recommend that paragraph 1.1.2 of the Proposed Plan (existing paragraph 2.2) is reworded as follows: “1.1.2 The Plan provides a vision for the future of the two villages, and sets out clear objectives and policies to realise this vision. It will have effect from 2014 to 2029.”</td>
<td>A neighbourhood development plan must specify the period for which it is to have effect. In this case, there is no clear statement within the body of the Proposed Plan as to the period for</td>
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### How the Neighbourhood Plan fits into the planning system

Recommend that two new paragraphs is inserted after paragraph 1.2.3 (existing paragraph 2.7):

- **1.2.4** This entire document forms the Neighbourhood development plan for the area to which it relates – the villages of Barnham and Eastergate. If to any extent a policy in the Neighbourhood Plan conflicts with any other state mentor information in the plan, the policy is to prevail.
- **1.2.5** The Neighbourhood Plan, once made, forms part of the development plan for that area. The development plan is the principal basis on which applications for planning permission are to be determined.

The existing paragraph 2.10 fits better into this section, after existing paragraph 2.7. It would also be helpful to make it clear that the Neighbourhood Plan, once made, forms part of the development plan that performs a key role in the determination of planning applications in the area.

### The map showing the area covered by the Plan

Recommend that Plan A should be replaced with a clearer plan, headed “Map A. The area of the Barnham and Eastergate Neighbourhood Plan”.

A key component of any proposal to make a neighbourhood plan is “a map or statement which identifies the area to which the proposed ... plan relates”.

### The Evidence Base

Recommend that the second sentence of paragraph 1.4.1 is reworded as follows:

**Links to all of the relevant documents are available via the websites of each of the Parish Councils:**


There appears to be no document on either Parish Council’s website summarising the Evidence Base.

### New Chapter 2: Barnham and Eastergate today

Recommend that Chapters 1 and 2 in Section 1 of the Plan (pages 8 to 17) are combined into a single Chapter and consolidated along the lines indicated above.

It would be helpful for each paragraph to be numbered in accordance with a consistent three-tier numbering system – as has been done in some parts of the existing Plan but not others. So, for instance, the four paragraphs that are currently together numbered 1.2 would be numbered 2.2.1 to 2.2.4. This would assist users in referring to particular provisions of the Plan.

### Evidence Base

Recommend that the web-based Evidence Survey is referred to as indicated above for example, the last paragraph under the heading “2.5 Getting Around” would be:

“2.5.x Evidence of the extensive research carried out to understand the local transport infrastructure can be found on the web-site. In particular:

- Car Parking Survey, March 2013
- Transport Infrastructure report

Also relevant are the responses to the questions 2, 29 and 62-64 in the October 2013 residents survey.”

The same approach could be used for each of the other topic areas.

It would be helpful to include under each of the above headings a brief reference to the relevant section of the evidence base, currently reproduced in full in the last section of the Plan.
Existing Chapters 3 and 4

Recommended redrafting

It would perhaps be possible to amalgamate all of the contents of Chapters 3 and 4 into a single, composite chapter, eliminating all the references to matters not relating to land use. However, a more straightforward approach would be:

- to omit most of Chapter 3 and all of Chapter 4; and
- to omit the table at the start of each topic chapter, and the objective set out in the coloured box beneath that table.

Recommend that, in the interests of clarity, the Proposed Plan is redrafted as follows:

(a) that Chapter 3 is renamed “3. The principles underlying the Plan”;
(b) that a new heading “3.1 Introduction” is inserted above the first paragraph of Chapter 3, that the first paragraph is numbered 3.1.1, and that for “core objectives” is substituted “the principles underlying the Plan”;
(c) that the heading “The vision statement” above the second paragraph (above existing paragraph 3.1) is omitted, that the paragraph is numbered 3.1.2, and reworded: “The vision underlying this Plan is to value ...”
(d) that existing paragraph 3.1 is renumbered 3.1.3;
(e) that a new heading “3.2 The principles” is inserted above existing paragraph 3.2, that the paragraph is renumbered 3.2.1, and that for the word “must” is substituted “should”;
(f) that a new paragraph is inserted beneath the new paragraph 3.2.1, as follows: “3.2.2 The remainder of this Plan seeks to translate these principles, so far as possible and appropriate, into land use policies.”;
(g) that paragraphs 3.3, 3.4 and 3.5 and the table beneath paragraph 3.5 are omitted; and
(h) that Chapter 4 is omitted

New Chapter 4: Introduction to the policies

In order to fit in with the recommended overall structure of the Plan, outlined in Chapter 3 of the examiner report, and accordance with the discussion above, recommend:

(a) that the text on existing page 26 become a separate chapter (Chapter 4: Introduction to the Policies);
(b) that the existing heading “2.1 Introduction” is renumbered “4.1”; and
(c) that existing paragraphs 2.1.1 and 2.1.2 are renumbered 4.1.1 and 4.1.2, and reworded as follows:

“4.1.1

Chapters 1 to 3 have set out the overall vision for Barnham and Eastergate. The following Chapters set out the policies to support and deliver that vision. The policies are grouped in relation to the following topics:
- Environment and Sustainability
- Getting Around
- Community, Leisure and Wellbeing
- Employment and Enterprise
- Housing

4.1.2

Each topic has its own Chapter. Each chapter is broken into sections relating to particular aspects of the topic, containing policies relating to it. Each policy is set out in bold type, followed by text providing a justification for it.”

Redrafting to improve clarity

The problem could be resolved if, as well as removing the table and box at the start of each topic chapter, each policy were to be redrafted so that it consists of:
- a heading, stating simply the topic to which it relates – in coloured type (following the convention in the existing Plan),
- the policy itself – in bold type, and
- the text providing a justification for it – in normal type.
### The presumption in favour of sustainable development

The last paragraph is superfluous, and can be deleted. Recommend:

- (a) That the existing heading “2.2 The Presumption in Favour of Sustainable Development” is renumbered “4.2”;
- (b) that existing paragraphs 2.2.2 is renumbered and reworded as follows:

> “4.2.1 Barnham and Eastergate Parish Councils will take a positive approach to their consideration of development. The two Councils and the District Council will seek to work with applicants and other stakeholders to encourage the formulation of development proposals that can be approved.

#### 4.2.2 In line with paragraph 14 of the NPPF, development proposals that accord with all of the relevant policies in the Neighbourhood Plan will be approved without delay, unless:

- other policies in the development plan (including the Arun Local Plan) or
- other material considerations indicate otherwise.

#### 4.2.3 Where the development plan is silent in relation to a particular proposal, or out-of-date, permission will be granted unless any adverse impacts of the proposal would significantly and demonstrably outweigh the benefits, when assessed against specific policies in the NPPF and the NPPF taken as a whole.”

### New Chapter 5: Environment and sustainability

Recommend that the table at the start of this Chapter of the Proposed Plan (on page 27), setting out the objectives and the policies, and the highlighted box beneath that table, is deleted.

For clarity

### Flooding and Drainage

Recommend that Policies ES1 and paragraphs 2.1 to 2.4 are redrafted as follows:

> **5.1 Flooding and drainage**

Policy ES1. Flooding, drainage and new development

New development should aim to reduce the overall level of flood risk in the area:

- Development, other than minor domestic or commercial extensions, will not be supported
  - without clear evidence having provided of there being no flood risk (either to the development site or to other land) arising from the carrying out and use of the development, or
  - until after the completion of the Surface Water Management Plan for Lidsey Catchment and the Aldingbourne and Barnham Rife Strategy.

- Planning permission should only be granted for new development should only be allowed subject to a condition that:
  - no development shall commence until full details of the proposed drainage schemes for surface water and foul water (include details of their routing, design, and subsequent management and maintenance) have been submitted to and approved in writing by the planning authority; and
  - no building shall be occupied until the drainage schemes have been implemented in accordance with the approved details.

**Modification suggested by ADC (FAMM2)**

Policy ES1. Flooding, drainage and new development

Policy ES1 prohibits all development of any consequence until after the completion of the Surface Water Management Plan for Lidsey Catchment and the Aldingbourne and Barnham Rife Strategy.

This modification clarifies the fact that the SWMP has not been published yet. This is consistent with the evidence
New development should aim to reduce the overall level of flood risk in the area:

- Development, other than minor domestic or commercial extensions, will not be supported
  - without clear evidence provided of there being no flood risk (either to the development site or to other land) arising from the carrying out and use of the development; and
  - should take account of the Surface Water Management Plan for Lidsey Catchment and the Aldingbourne and Barnham Rife Strategy when published.

- Planning permission should only be granted for new development subject to a condition that:
  - no development shall commence until full details of the proposed drainage schemes for surface water and foul water (include details of their routing, design, and subsequent management and maintenance) have been submitted to and approved in writing by the planning authority; and
  - no building shall be occupied until the drainage schemes have been implemented in accordance with the approved details.

| 5.1.1 | [as per existing paragraph 2.1] |
| 5.1.2 | [as per existing paragraph 2.2] |

5.1.3 Sustainable Urban Drainage Systems (SuDS) may be an acceptable alternative to conventional drainage will be supported provided that they can be shown to be suitable in the intended location. Where they are used, a site-specific maintenance manual should be submitted to and approved in writing by the planning authority, to include details of...

[as per existing paragraph 2.3]

**Policy ES2. Watercourses**
The opening up of watercourses and their banks for recreation and amenity use is generally supported; but the culverting or constricting of watercourses and their immediate environs will be resisted.

**Modification suggested by ADC (FAMM3)**
Policy ES2. Watercourses
The opening up of watercourses and their banks for recreation and amenity use is generally supported; but the culverting or constricting of watercourses and their immediate environs will generally not be supported unless circumstances dictate them to be necessary.

| 5.1.4 | [as per existing paragraph 2.4] |

**Policy ES3. The Local Gap / Green Infrastructure Corridor**
New development within the Local Gap / Green Infrastructure Corridor, other than the replacement or minor extension of an existing building, is not appropriate and will not be supported.

**Modification suggested by ADC (FAMM4)**
Policy ES3. The Local Gap / Green Infrastructure Corridor
New development within the Local Gap / Green Infrastructure Corridor, other than the replacement, or minor extension of an existing building, will not generally be supported.

<p>| Recommend that Policies ES4 and ES5 and paragraphs 2.7 and 2.8 are redrafted as follows: “5.2 The location of new development” |
| “Existing Policies ES4 and ES5 both relate to the location of new development. Policy ES4 in particular is in conformity with ADLP Policy AREA 11(iv). The only caveat to that is that it should be made plain that the replacement of an existing building with a new replacement of equivalent size, or the minor extension of an existing building, would presumably be acceptable. This would make the policy consistent as it identifies that there may be exceptions and therefore should not be included in the policy.” |</p>
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<td>5.3.5 It is important that development proposals include full details of new buildings, to show that they have been designed so as to be sensitive to their location. Buildings ... [as second sentence of existing paragraph 2.10]“</td>
</tr>
</tbody>
</table>
(b) that clear maps are included showing:

- the conservation areas (Maps B to D, replacing those on pages 94 to 96); and
- the area of special character (Map E).

Recommend that Policies ES8 and ES9 and paragraphs 2.11 and 2.12 are redrafted as follows:

**5.4 The protection of important features**

Policy ES9. The Portsmouth and Arundel Canal Development proposals ... [as per existing Policy ES8]

5.4.1 [as the first two sentences of existing paragraph 2.6]

Policy ES10. Trees and hedgerows

- Development ... [as per existing Policy ES9, with the omission of the second sentence]

5.4.2 [as existing paragraph 2.12]

These modifications have been made mainly for clarity and consistency purposes.

Recommend that Policies ES10(ii),(iii) and ES11 and paragraphs 2.13 and 2.14 are redrafted as follows:

**5.5 Energy efficiency**

Policies ES11. Energy efficiency of new development

New development should wherever possible include the following features:

- high quality, thermally efficient building materials
- double glazing, and
- cavity walls and loft insulation (where relevant).

5.5.1 [justification to be supplied]

Policy ES11. Energy efficiency of new development

Where an existing building is extended or refurbished, or there is a change of use,

- the features referred to in Policy ES11 should be included where technically feasible,
- consideration should also be given to upgrading the whole property to meet higher energy efficiency standards,
- in the case of residential development, the average household SAP rating should be by a grade (e.g. from E to D),
- where an extension increases the size of a building by more than 30%, on-site energy generation from renewable sources should be incorporated into the site where feasible.

5.5.2 [as existing paragraphs 2.13 and 2.14]

The second and third bullet points of existing policy ES10 relates only to the extension or refurbishment of existing buildings, whereas ADLP Policy GEN24 relates to all new development. NPPF paragraph 95(b) on the other hand relates to existing buildings. The policies should therefore be extended to relate to new as well as existing development, so as to comply more fully with the basic conditions, although further justification will be required to be stated.

Policy ES11: Renewable energy schemes

Proposals for energy generating infrastructure using renewable or low carbon energy sources to serve individual properties or groups of

Existing Policy ES11 reflects the general thrust of Section 10 of the NPPF, as well as ADLP Policy GEN21,
properties will be supported, provided that:
• the energy generating infrastructure is located as close as practicable of the existing buildings or proposed development it is intended to serve, is in proportion to their scale, and is appropriate to the location;
• The siting … [as per second, third, fourth and fifth bullet points of existing Policy ES11]

5.5.3 [as existing paragraphs 2.16 and 2.17]

Recommend that the policies referred to in paragraphs 9.28 and 9.29 be deleted.

New Chapter 6: Getting around

Recommend that the table at the start of this Chapter of the Proposed Plan (on page 33), setting out the objectives and the policies, and the highlighted box beneath that table, is deleted.

To make the Plan clearer and more usable, so that it complies with paragraphs 15 and 17 of the NPPF and the PPG, and thus with the basic conditions, I

Connections within the villages

Recommend that Policies ES12, GA1 and GA2 and paragraphs 2.18 and 3.1 to 3.4.12 are redrafted as follows:

“6.1 Connections within the villages
Policy GA1. Connection to sustainable transport
New developments should integrate with the current green infrastructure network and provide access to public and community transport, to connect with the social, community and retail facilities of the villages.
6.1.1 Connections within and between the villages … [as remainder of existing paragraph 3.3]

Policy GA2. Footpath and cycle path network
Support will be given to proposals that improve and extend the existing footpath and cycle path network, allowing greater access to new housing, the village centres, green spaces and the open countryside. The loss of existing footpaths and cycle paths will be resisted.

Policy GA3. Contributions to maintain and improve the network
Funds raised from the Community Infrastructure Levy (CIL) will be put towards the costs of maintaining and improving the network of footpaths and cycle paths. Developer contributions towards those costs will be sought in appropriate cases.
Recommend that existing Policy GA3 and Policy GA4 and paragraphs 3.5 and 3.6 are redrafted as follows:

“6.2 Parking
Policy GA4. Parking and new development
Development proposals will be supported only if they includes the maximum level of off-street parking consistent with the current standards under the Local Plan. Developments that reduce the amount of off-street parking currently available will only be supported if they make enforceable provision for equivalent off-street parking nearby. Parking spaces provided in connection with such proposals will be required to be made available in perpetuity.

Policy GA5. Commuter parking
Proposals that increase the use of railway land to expand affordable commuter parking will be supported.

These policies broadly comply with ADLP Policies GEN15 and GEN156, but need to be rationalised in order to assist developers know precisely what is required.
<table>
<thead>
<tr>
<th>6.2.1 [as existing paragraph 3.5]</th>
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<tbody>
<tr>
<td>6.2.2 Policy EE5, providing for the retention of existing car parks, is also relevant.</td>
</tr>
</tbody>
</table>

**New Chapter 7: Community, leisure and wellbeing**

<table>
<thead>
<tr>
<th>Recommend that the table at the start of this Chapter of the Proposed Plan (on page 35), setting out the objectives and the policies, and the highlighted box beneath that table, is deleted.</th>
</tr>
</thead>
<tbody>
<tr>
<td>to make the Plan clearer and more usable, so that it complies with paragraphs 15 and 17 of the NPPF and the PPG, and thus with the basic conditions,</td>
</tr>
</tbody>
</table>

**Support for ageing population**

<table>
<thead>
<tr>
<th>Recommend that a new heading, “7.1 Support for ageing population”, is inserted above Policy CLW1; and that paragraph 4.1 is renumbered 7.1.1.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Existing Policy CLW2 (that is, the heading; there is no bullet-point text beneath the heading) complies with the basic conditions as it stands. But the justification for the policy, in paragraph 4.2 relates not just to support for new facilities but also the use of developer contributions towards their provision; that needs to be reflected in a reworded policy.</td>
</tr>
<tr>
<td>CIL is a separate process and cannot be pre-determined in a policy.</td>
</tr>
</tbody>
</table>

**Medical facilities**

<table>
<thead>
<tr>
<th>Recommend that Policy CLW2 and paragraph 4.2 are redrafted as follows:</th>
</tr>
</thead>
</table>
| “7.2 Medical facilities  
Policy CLW2: Support for new medical facilities  
Proposals for the provision of new medical facilities will be supported. Funds raised from the CIL will be put towards the costs of providing such facilities; and developer contributions towards those costs will be sought in appropriate cases.  
(ADC and the parish council do not agree with the examiner’s modification)  
Modification suggested by ADC (FAMM5)  
Policy CLW2: Proposals for new medical facilities will be supported.  
7.2.1 [as per existing paragraph 4.2]” |
<table>
<thead>
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<tbody>
<tr>
<td>Recommend a slight amendment to the wording of this policy to make it a little more concise.</td>
</tr>
</tbody>
</table>

**Recreation and leisure facilities**

<table>
<thead>
<tr>
<th>Recommend that Policies CLW3 and CLW4 and paragraphs 4.3 and 4.4 are redrafted as follows:</th>
</tr>
</thead>
</table>
| “7.3 Recreation and leisure  
Policy CLW3. Recreation facilities  
The provision of recreational buildings will be supported provided that their design and scale are in keeping with the local character and that the impact on the residential amenity of surrounding residential properties is acceptable.  
7.3.1 Surveys have shown how well valued the leisure facilities in and around Barnham and Eastergate are to residents and visitors.  
Policy CLW4. Provision of allotments  
The provision of new allotments, either in connection with the housing development promoted in accordance with policy H1 or elsewhere, will be supported.  
7.3.2 [as existing paragraph 4.4]” |
<table>
<thead>
<tr>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Recommend a slight amendment to the wording of this policy to make it a little more concise.</td>
</tr>
</tbody>
</table>

**Assets of community value**

<table>
<thead>
<tr>
<th>Recommend:</th>
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<tbody>
<tr>
<td>(a) that Appendix D (Assets of Community Value) should be renamed “Schedule A. Possible Assets of community Value”, and amended:</td>
</tr>
</tbody>
</table>
| (i) in the first paragraph, by the substitution for “Neighbourhood Plan proposes” of “Parish Councils are proposing”;  
(ii) by the omission of the second and third paragraphs; |
| To ensure clarity, and thus compliance with the basic conditions, the policy and the Appendix need to be re-worded accordingly. |
(iii) in the fourth paragraph, by the substitution for “in this policy”
(iv) by the omission of the fifth paragraph (from “If designated” to
“concern”);
(v) in the sixth paragraph, by the omission of “in addition”;
(b) that Policy CLW5 and paragraph 4.5 are redrafted as follows:
“7.4 Assets of community value

Policy CLW5. Protection of assets of community value
Proposals that will enhance the viability and/or community value of
any property that may be included in the register of Assets of
Community Value will be supported. Proposals that results in the loss
of such a property or in significant harm to its community value will be
resisted, unless it can clearly be demonstrated the continuing
operation of the property is no longer economically viable. Typically ...
[as remainder of existing Policy CLW5].

Recommend:
(a) that Appendix E (Local Green Spaces) should be renamed Schedule B, and
amended:
(i) by the omission of “and need special protection” at the end of the first
paragraph;
(ii) by the omission of the entries relating to “land north of Barnham Road and
east of Fontwell Avenue” (no 6) and “land south of Barnham Road” (no 7);
(iii) by the inclusion of a clearly drawn map showing accurately the local green
spaces.
(b) that Appendix F (Local Open Spaces) should be renamed Schedule C, and
amended:
(i) under the heading “1. The school playing fields”, by the omission of the last
sentence;
(ii) under the heading “2. Nursery Close etc”, by the separation of the single
line of text relating to Saxby Close Open Space from the paragraph of text that
follows, and by omission from that paragraph of “and should be designated as
Local Open Spaces”;
(iii) by the inclusion of a clearly drawn map showing accurately the local open
spaces.
(c) that Policies CLW6 and CLW7 and paragraphs 4.6 and 4.7 are redrafted as
follows:

“7.5 Open Spaces
Policy CLW6. Designation of local green spaces
The areas of open space listed in Schedule B, being of particular importance to
the communities of Barnham and Eastergate, are designated as Local Green
Spaces.

7.5.1 [as existing paragraph 4.6, with the omission of “with few design
principles and”]
Policy CLW7. Protection of open spaces
Proposals for development will not be supported where they lead to
the loss of:
• any of the Local Green Spaces designated under Policy CLW6
or
• any of the school playing fields or other areas of open space
listed in Schedule C.

Exceptions will only be made:
• where the benefits of development can be shown to

Existing Policies CLW6 and CLW7 both
relate to open space – although it is
not clear what is intended to be the
distinction between “local green
spaces” (CLW6) and “local open
spaces” (CLW7), listed respectively at
existing Appendix E and Appendix F to
the Proposed Plan. The former policy
explicitly protects local green spaces
from development; the latter merely
notes that local open spaces exist, but
does not say what is to be done about
them – save for the passing reference
in Appendix F to the pressure on local
schools.
outweigh any harm, and there are no reasonable alternative sites available; or
- in the case of development of school playing fields, where a school is being relocated to a suitable, larger site in the neighbourhood.

**Modification suggested by ADC (FAMM7)**

**Policy CLW7. Protection of open spaces**

Proposals for development will not be supported where they lead to the loss of:
- any of the Local Green Spaces designated under Policy CLW6 or
- any of the school playing fields or other areas of open space listed in Schedule C.

Exceptions will only be made:
- where the benefits of development can be shown to outweigh any harm, and there are no reasonable alternative sites available; or
- in the case of development of school playing fields, where a school is being reconfigured with no net loss of playing field area or relocated to a suitable, larger site in the neighbourhood.

7.5.2 Our outdoor spaces are vital to maintaining a happy and healthy community. Surveys have shown how much they mean to residents and visitors.

7.5.3 [as existing paragraph 4.7, with the omission of “are children’s playgrounds as well as places that” and “by residents”].

**d) that a clear map (Map F. Open spaces) is included showing:**
- the local green spaces, designated under Policy CLW6; and
- other open spaces subject to Policy CLW7.

---

**Educational facilities**

Recommend that the bold text be amended so that this policy is headed: "Local Green Spaces".

Recommend that the policy be amended to read:

**Policy CLW6: Local Green Spaces**

The Parish Council has designated the areas shown on Map D as Local Green Space. Proposals for the development of land designated as Local Green Space will not be permitted except in very special circumstances.

Recommend that Policy CLW8 and paragraphs 4.8 are redrafted as follows:

**“7.6 Education**

**Policy CLW8. Provision and improvement of school facilities**

Developments that lead to the provision or improvement of facilities for children to attend primary schools in Barnham and Eastergate will be supported. Funds raised from the CIL will be put towards the cost of such facilities.

**Modification suggested by ADC (FAMM6)**

Policy CLW8. Provision and improvement of school facilities

Developments that lead to the provision or improvement of facilities

To ensure clarity, and thus compliance with the basic conditions, this confusion needs to be resolved. There is no stated justification for the provision of educational facilities, but that can no doubt be provided.

The last sentence to be deleted as CIL cannot be predetermined in a policy.
for children to attend primary schools in Barnham and Eastergate will be supported.

7.6.1 [justification to be supplied].

### New Chapter 8: Employment and enterprise

Recommend that the table at the start of this Chapter of the Proposed Plan (on page 38), setting out the objectives and the policies, and the highlighted box beneath that table, is deleted.

Only the open spaces within Blake's Mead are shown as subject to this policy. As it would not be sensible to apply the policy to a built-up area, a revised map should be substituted for the version in the submission plan.

### Business and employment use

Recommend that Policies EE1 to EE3 and paragraphs 5.1 to 5.3 are redrafted as follows:

**8.1 Business and employment uses**

**Policy EE1. Support for business**

8.1.1 [as existing paragraph 5.1].

**Policy EE2. Retention of employment land**

Proposals for the redevelopment or change of use of land or buildings in employment use to non-employment uses will not be supported, unless it can be shown that the existing use is no longer economically viable. Typically this would mean that the site has been marketed at a reasonable price for at least a year for that and any other suitable employment or service trade uses and no interest in acquisition has been expressed.

8.1.2 [as existing paragraph 5.2]

**Policy EE3. Support for new commercial uses**

Change of use to Class B1 uses (including light industry) and new development for such uses will be supported, where the impact on surrounding residential and community amenity is acceptable and other policy considerations are complied with. Change to Class B2 uses (general industry) or Class B8 (distribution and storage) will be generally be resisted.

8.1.3 Light industrial uses will be supported. However, general industrial ... [as remainder of existing paragraph 5.3].”

Existing Policy EE3 is slightly confusing, in that Class B1 covers more than light industry, and the heading of the policy refers to offices; it would seem that the policy is probably intended to support all B1 uses and not just light industry; and the structure of the Use Classes Order means that it would be perverse to do otherwise.

### Retail uses

Recommend that Policy EE4 and paragraph 4.8 are redrafted as follows:

**8.2 Retail uses**

**Policy EE4. Retention of retail frontages**

Change of use at ground level from Class A1 uses (retail) to Class A2 uses (professional) or from Class A1 to Class A3, A4 or A5 (food and drink) will be supported, provided that:

- it can be demonstrated that it satisfies an identified community need and that its establishment would enhance the village centre’s “convenience and destination appeal” or demonstrate tangible community benefit in accordance with Local Plan policy; and
- a shop window display frontage in keeping with the character of the area is maintained.

8.2.1 [as existing paragraph 5.4, with the omission of “and businesses and recognises the importance that easy parking makes to their success”].

Existing Policy EE4 relates to retail premises, and needs to make clear that the second and third bullet points are not alternative requirements. The retention of car parking is achieved not by this policy but by Policy EE5, so paragraph 5.4 needs to be adjusted accordingly.

### Parking and signage

Recommend that the first bullet point of Policy GA4, Policy EE5 and paragraph 5.5 are replaced with the following two policies:

**8.3 Parking and signage**

The justification for retaining car parks – which is the subject of Policy EE5 – is stated in the table on page 38 to be to ensure the viability of business and
| Policy EE5. Retention of existing car parks | Proposals for the change of use of any existing car parks will not be supported. 8.3.1 (as existing paragraph 5.5, with the addition of “businesses and tourism” after “shops”). | tourism generally, not just shops; and paragraph 5.5 needs to be adapted to reflect that. |
| Policy EE6. Improving signage | Proposals for the improvement of signage for local facilities will be supported, provided that they enhance their surroundings. 8.3.2 Improving signage to promote the facilities available in Barnham and Eastergate will support local shops, businesses and tourism. |
| Recreation and tourism | Recommend: a) that a new heading, “8.4 Recreation and tourism” is inserted above existing Policy EE6; (b) that existing Policy EE6 is renumbered Policy EE7; (c) that existing paragraph 5.6 is renumbered paragraph 8.4.1; and (d) that the last sentence of that paragraph is omitted. | This policy seeks to support recreation and tourism. It largely duplicates ADLP policy DEV34, but that is not a reason for its exclusion. However, the last sentence of paragraph 5.6, whilst perfectly sensible, refers to matters that are not related to land use. |
| Broadband links | Recommend that existing Policy EE7 and paragraph 5.7 are omitted. | Existing Policy EE7 Paragraph refers to matters that are not related to land use, and therefore does not comply with the Basic Conditions. |
| New Chapter 9: Housing | Recommend that the Chapter is re-titled “Housing”. | The existing title for this Chapter of the Proposed Plan, Housing and Design Quality, is misleading in that it suggests that part of the chapter deals with housing, and part deals with the “design quality” (presumably in relation to all development proposals, including those for non-residential development. In fact, the list of topics above makes it plain that the whole Chapter is focussed exclusively on housing development. |
| The allocation of land for housing development | Recommend: (a) that the table at the bottom of page 41, the text above and below that table, Policy HDQ1 and paragraph 6.1 are omitted, and replaced with the following: “9.1 Provision of housing Policy H1. Specific site allocation Permission will be granted for up to 60 new homes in Eastergate on land identified on the Proposals Map, provided that the development meets the requirements of the other policies in the Local Plan. 9.1.1 The Parish Councils recognise the local need for housing, and will provide for new homes over and above the requirement in the emerging Arun Local Plan. Further modification by ADC in Appendix 2 (FM7) Policy H1. Specific site allocation Permission will be granted for at least 60 new homes in Eastergate on land identified on the Proposals Map, provided that the development meets the requirements of the other policies in the Local Plan. | Existing policy HDQ4, relating to windfall sites, is stated in the Basic Conditions Statement to be in accordance with ADLP Policy DEV18. That policy relates only to “affordable housing outside the built-up area”, and therefore does not provide a justification for Policy HDQ4. However, the allocation of sites in emerging ADLP Policy SP11 is stated to be a minimum; and there is therefore no reason why a policy in a neighbourhood plan should not allow housing to be provided on windfall sites as well as specifically allocated site; and it is indeed very sensible that such sites should be developed. |
Policy H2. Windfall sites
[as existing Policy HDQ4]
9.1.5 [as existing paragraph 6.4, with the substitution of “development” for “sites” in the second sentence.]

(b) that Appendix B (Sites with planning approval or appeal pending) is re-named “Schedule D. Sites where planning permission has been or may be granted”.

The mix of housing types and occupiers
Recommend that Policy HDQ2 and paragraph 6.2 are omitted.

Policy H3. Housing mix
Recommend
(a) that Policy HDQ5 and paragraph 6.5 are redrafted as follows:
“9.2 Mix of housing types and occupiers
Policy H3. Housing mix
The type of should to be provided in any residential development should reflect the location of the site:
• where development is on a site within 400 metres walking distance from a village centre, at least 50% of the housing units to be provided should have one or two bedrooms;
• in other cases, no more than 25% of the housing units to be provided should have one or two bedrooms.

9.2.1 Sites that are close to a village centre will be particularly suited to meeting the needs of smaller households of older or younger people without access to private transport, including older people wishing to downsize, and the mix of different housing types should be determined accordingly.
(b) that Appendix A is omitted.

Design of new housing development
Recommend that
• existing Policies ES2, the second bullet point of existing Policy ES3, and the first bullet point of existing Policy ES10,
• existing Policies HDQ3, HDQ7, HDQ8, HDQ9 and HDQ10,
• existing paragraphs 2.5 and 2.15, and
• existing paragraphs 6.3, 6.7, 6.8, 6.9 and 6.10 are replaced by the following:
“9.3 Design of new housing development
Policy H4. Integration of new housing into surroundings
Proposals for residential development should be of high quality, and

ADLP Policy DEV18 is said to be the justification for Policy HDQ2, which relates to all affordable housing. However, as noted above, DEV18 relates only to housing outside the built-up areas. DEV17 relates to affordable housing generally; but does not require occupiers to have a local connection. In fact the ADLP general housing policy requires that all new housing developments over a certain size, which would include the main allocation in this Plan, to contain affordable housing. The policy as worded implies that only local people could occupy any affordable housing, which might result in such housing remaining empty if there were to be no local demand.

ADLP Policy DEV21 is said to be the justification for existing Policy HDQ5, but it relates to permissions for housing for older people, apparently in addition to any other housing permitted, whereas HDQ5 appears to be aimed at all housing permissions.

The wording of existing Policy ES2 and the first bullet-point of existing Policy ES10 are both phrased in very definite terms, for which there is limited support within ADLP Policies GEN9, GEN21 and GEN24 – said to be the justification for those policies in the Basic Conditions Statement. The Code for Sustainable Homes is not yet applicable to all new houses. These policies would therefore be more appropriate if rephrased to make it
designed so that the new housing integrates into its surroundings and is well connected to the village. Proposals for three or more housing units should secure 12 out of 12 greens in response to the twelve questions in *Building for Life 12*, or meet an equivalent standard of excellence.

**Policy H5. Outdoor space**
Proposals for new housing development should include good quality outdoor amenity space – either private gardens or a shared amenity area.

9.3.3 [as existing paragraph 6.8]

**Policy H6. Attention to detail**
In particular, the design of new housing should give full consideration to the following items:

- [as bullet points in existing Policy HDQ9].

9.3.4 [as paragraph 6.9]

**Policy H7. Drainage for new housing**
Wherever possible, new housing development should be designed so as to have a predicted water discharge of no more than 80 litres of water per person per day, in line with the requirements of Level 5 of the Code for Sustainable Homes (CfSH).

9.3.5 [as per existing paragraph 2.5]

**Policy H7. Drainage for new housing**
Wherever possible, new housing development (other than in the case of a conversion of a historic building) should be designed so as to have a minimum energy efficiency standard in line with the requirements of Level 5 of the Code for Sustainable Homes (CfSH).

9.3.6 [as per paragraph 2.15, but with the substitution of “and Fuel Poverty Strategy 2014-2019” for “Strategy 2009-2013”].

### Provision of new facilities

Recommend that Existing Policy HDQ6 and paragraph 6.6 are replaced by the following:

**9.4 Provision of new facilities**

6.4.1 The provision of community facilities in connection with new residential development (including on windfall sites) is the subject of Chapter 7.

Existing Policy HDQ6, as phrased, is merely a reference to the requirements of other policies. It would be clearer if it were replaced simply by a cross-reference to the relevant Chapter of the Plan.

### Proposals map

Recommend that a new Proposals Map is included, in place of the existing Map B on page 45, showing at least:

- the listed buildings, conservation areas, and area of special character subject to policy ES7;
- open spaces subject to policy CLW7; and
- the housing site allocated under Policy H1.

The principal purpose of the Proposal Map (Map B) appears to be to show the housing site allocated in existing policy HDQ1. It also indicates various items shown by asterisks and numbered 1 to 14. It is not clear what the latter are, in the absence of a key, although they might be listed buildings.
Appendix 1:
Minor modifications for the purpose of correcting errors
Note: The contents of Appendix 1 are suggestions by the examiner for simplicity, references are to existing paragraph and Policy numbers.

<table>
<thead>
<tr>
<th>Page</th>
<th>Para</th>
<th>Modification</th>
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<tbody>
<tr>
<td>4</td>
<td>2.5</td>
<td>After “Framework”, insert “(NPPF)”</td>
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<tr>
<td>5</td>
<td>2.8</td>
<td>For “Heritage”, substitute “heritage”</td>
</tr>
<tr>
<td>12</td>
<td>2.2.2</td>
<td>For “Bognor”, substitute “Bognor Regis”.</td>
</tr>
<tr>
<td>12</td>
<td>2.3.1</td>
<td>Remove “(ref.)” at three places</td>
</tr>
<tr>
<td>14</td>
<td>2.5.3</td>
<td>Delete words in brackets</td>
</tr>
<tr>
<td>14</td>
<td>2.5.5</td>
<td>Delete words in brackets</td>
</tr>
<tr>
<td>15</td>
<td>2.5.9</td>
<td>For “The”, substitute “There is a lack of”</td>
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<tr>
<td>17</td>
<td>2.7.1</td>
<td>For “core Conservation”, substitute “conservation”</td>
</tr>
<tr>
<td>35</td>
<td>Policy</td>
<td>Insert “Proposals for” at the start; and for “is in keeping” substitute “are in keeping”</td>
</tr>
</tbody>
</table>
Appendix 2:

Further Modification (FM) agreed by ADC and Barnham and Eastergate Parish Council (as per letter of 13th May 2014 to the parish)

FM 1
We note that Barnham PC has agreed to be the sole qualifying body for the whole of the Neighbourhood Plan area and this is supported by Eastergate Parish Council.

Recommend: A short statement at the start confirming this is required for completeness.

FM 2
page 35 para 8.3
ADC agrees with the examiner that the layout of the two boxes is confusing but agree with the Parish of the importance of them

Recommend: Retain these tables after redrafting them to include the new policy headings. In addition a footnote identifying them as for ease of reference only would be acceptable.

FM 3
ADC has noted the examiner recommends the policy be reworded and agrees with the modification. Whilst we appreciate that you feel future development proposals in Barnham and Eastergate warrant the need for Code 5 and 6, the plan does not provide evidence of this.

It is suggested that the policy be revised when the plan is reviewed in the future, which will give the parish ample time to have supporting evidence. However, ADC would accept a revised version of the suggested modification by the parish but reference to level 5 and 6 to be removed.

Recommend: Policy ES11 Energy efficiency of new development
’All new housing development, with the exception of the conversion of historic buildings should have a minimum energy efficiency standard equivalent to Level 3 of the Code for Sustainable Homes (DCLG 2006).

FM 4
Policy ES12 - improved or increased to be inserted as recommended by the Parish.
FM 5

*para 11.7*
ADC agrees with the Parish.
**Recommend:** The sentence removed as suggested by the Parish. The policy would then read ‘Proposals for new medical facilities will be supported.’

FM6

*para 11.27*
ADC agrees with the Parish.
**Recommend:** The sentence from “Funds raised ..” should be removed.

FM7

*para 13.18*
ADC agrees with the Parish and the policy should be amended as per our recommendation below. Also changing ‘up to’ to ‘at least’ which is consistent with the examiner’s report para.13.12 section 9.1.3 and all other NDP plans and plan making.

**Recommend:** Policy H1 ‘Permission will be granted for at least 60 new homes in Eastergate on land identified on the Proposals Map, provided that the development meets the requirements of the policies set out in this Plan and the Arun District Local Plan.’

FM8

*para 13.12 section 9.1.3*
ADC agrees with the Parish to remove the sentence.
**Recommend:** The following is removed ‘although this could be extended in due course to a total of 100 units including neighbouring land’.
Appendix 3:
Further Additional Minor Modifications (FAMM) agreed by ADC and Barnham and Eastergate Parish Council

FAMM1
Policy ES4. Protection of open views
Open views towards the countryside or across open spaces will be maintained if possible. An assessment of views to and from a new development should accompany a planning application wherever relevant.

Justification: This would make the policy consistent with Policy CLW7 which identifies that there may be exceptions and therefore the word ‘should’ would be too restrictive and contradict this policy.

FAMM2
Policy ES1. Flooding, drainage and new development
New development should aim to reduce the overall level of flood risk in the area:
• Development, other than minor domestic or commercial extensions, will not be supported
  - without clear evidence provided of there being no flood risk (either to the development site or to other land) arising from the carrying out and use of the development; and
  - should take account of the Surface Water Management Plan for Lidsey Catchment and the Aldingbourne and Barnham Rife Strategy when published.

• Planning permission should only be granted for new development subject to a condition that:
  - no development shall commence until full details of the proposed drainage schemes for surface water and foul water (include details of their routeing, design, and subsequent management and maintenance) have been submitted to and approved in writing by the planning authority; and
  - no building shall be occupied until the drainage schemes have been implemented in accordance with the approved details.

Justification: This modification clarifies the fact that the SWMP has not been published yet. This is consistent with the evidence provided.

FAMM3
Policy ES2. Watercourses
The opening up of watercourses and their banks for recreation and amenity use is generally supported; but the culverting or constricting of watercourses and their immediate environs will generally not be supported unless circumstances dictate them to be necessary.
Justification: Resisting culverts is not consistent with the approach of the sustainability aspects of the plan. There are circumstances when culverts will be justified as part of a flood management and biodiversity safeguarding.

FAMM4
Policy ES3. The Local Gap / Green Infrastructure Corridor
New development within the Local Gap / Green Infrastructure Corridor, other than the replacement, or minor extension of an existing building, will not generally be supported.

Justification: This would make the policy consistent as it identifies that there may be exceptions and therefore should not contradict itself in this policy.

FAMM5
CLW2: Proposals for new medical facilities will be supported.

7.2.1 [as per existing paragraph 4.2]”

Justification: CIL is a separate process and cannot be pre-determined in a policy. ADC agrees with the parish council and agrees that the examiner’s modification be deleted.

FAMM6 (agreed as FM6 as well)
Policy CLW8. Provision and improvement of school facilities
Developments that lead to the provision or improvement of facilities for children to attend primary schools in Barnham and Eastergate will be supported.

Justification: The last sentence to be deleted as CIL cannot be predetermined in a policy.

FAMM7
Policy CLW7. Protection of open spaces
Proposals for development will not be supported where they lead to the loss of:
• any of the Local Green Spaces designated under Policy CLW6 or
• any of the school playing fields or other areas of open space listed in Schedule C.

Exceptions will only be made:
• where the benefits of development can be shown to outweigh any harm, and there are no reasonable alternative sites available; or
• in the case of development of school playing fields, where a school is being reconfigured with no net loss of playing field area or relocated to a suitable, larger site in the neighbourhood.

Justification: Insert ‘or reconfigured’ as they may wish to reconfigure instead of relocating.
4.0 **CONCLUSION**

4.1 I confirm, that the Barnham and Eastergate Neighbourhood Development Plan 2014-2029, as revised, complies with the legal requirements and basic conditions set out in the Localism Act 2011, and can therefore proceed to referendum.

4.2 I recommend that the Barnham and Eastergate Neighbourhood Development Plan 2013-2029 should proceed to a referendum based on the neighbourhood area defined by Arun District Council on 29th November 2012.

4.3 I am taking the above mentioned decision as I concur with 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.

4.4 I declare that I have no personal or prejudicial interest in respect of this decision.

Signed:

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Assistant Director Planning and Economic Regeneration

Date:

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Decision published on : 22nd May 2014