Arun District Council Local Planning Authority

Felpham Neighbourhood Development Plan 2013-2029
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 Felpham 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 Felpham 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 Felpham Parish Council boundary that lies within the Arun District Council Local Planning Authority Area.

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

2.3 Mr Graham Self was appointed by Arun District Council with the consent of the Parish Council, to undertake the examination of the Felpham 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 Felpham Parish Council have decided to accept the modifications to the draft plan. Table 1 and Appendix 1 and 2 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 3 below which outlines the further modifications agreed by Arun District Council in consent with Felpham Parish Council.

Table 1: Recommendations by the Examiner

<table>
<thead>
<tr>
<th>POLICY</th>
<th>MODIFICATION RECOMMENDED</th>
<th>JUSTIFICATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Policy BT1</td>
<td>The bold text be amended so that this policy is headed: “Policy BT1: Business Expansion”.</td>
<td>These modifications have been made mainly for clarity and consistency purposes.</td>
</tr>
<tr>
<td>Policy BT2</td>
<td>The bold text be amended so that this policy is headed: “Employment Land”. Recommend that this policy be amended to read: Policy BT2: Employment Land Proposals for the redevelopment or change of use of land or buildings in employment or service trade use to non-employment uses will not be permitted unless the existing use can be shown to be no longer financially viable.</td>
<td>This policy would be made clearer and more concise by amending the wording and placing the reference to the marketing of the site into the supporting text. The supporting text can then explain (I suggest by addition to paragraph 7.2) that for the purposes of this policy, to show that an existing use is no longer financially viable, prospective developers will be expected to provide</td>
</tr>
</tbody>
</table>
### Evidence

- Evidence that the site has been marketed at a reasonable price for employment or service trade uses for six months as a minimum (or "at least", the difference between the FPC wording and the ADC suggestion is of little significance) and that no sale or let has been achieved.

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### Policy BT3

**Policy BT3: New Office, Workshop and Industrial Uses**

Proposals for development for Class B1 purposes will be supported where the impact on surrounding residential and community amenity would be acceptable and other policy considerations would be complied with. Proposals for general industrial uses (Class B2) and storage and distribution (Class B8) uses will not normally be permitted.

The introduction to this policy in bold text does not mention what is often called the "general industrial" class of the Use Classes Order (Class B2) or warehousing and distribution uses (Class B8); but the policy itself does refer to these uses, so the introductory words or heading are inconsistent with the policy. The wording "Class B1 light industrial use" is also misleading, since this use class includes more than light industry - for example, it includes many types of offices. This policy could also be made more concise, as the last sentence is an unnecessary repeat.

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### Policy BT4 and Map C

**Policy BT4: Retail Premises**

Development proposals involving changes of use of ground floor premises from retail to non-retail uses will only be permitted where it can be shown that the development would not harm the vitality of local shopping facilities or the amenities of the area.

The supporting text could provide additional guidance, amplifying the policy, by indicating that a window display in keeping with the character of the area would normally be required. If it is desired to use the "20% non-retail" as a guideline figure, this could also be explained in supporting text; but if that is done, the text should explain precisely what is to be measured.

Map C in the submission version of the plan is unclear and at too small a scale to enable individual properties to be identified. It is difficult to identify individual retail frontages; but more importantly, the map wrongly purports to show "primary retail frontages".

The policy does not make clear how the 20% limit would be calculated when assessing a proposal for a change of use. For example, it is not clear whether the total length of frontages on both sides of the road should count towards "the sum total of the primary retail frontages", or where exactly the length of total frontage should start and finish.

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### Policy BT5

Recommend that the bold text be amended so that this policy is headed: "Grassmere Car Park".

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

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### Policy BT6

Recommend that the bold text be amended so that this policy is headed: "Recreation and Tourism".

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

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### Policy BT7

Recommend that the bold text be amended so that this policy is labelled: "Communications Infrastructure".

As drafted in the submission plan, the non-bold text of this policy is more or less a repeat of the bold text introducing the policy.
| Policy ESD1 | Recommend that the bold text be amended so that this policy is headed:  
"Design of New Development".  
Recommend that this policy be amended so that it reads:  
**Policy ESD1: Design of New Development**  
New development which would have an effect on the appearance or character of the surrounding area must be of a high quality of design and must contribute to local character by creating a sense of place appropriate to its location.  
Also See Appendix 3 below - FM 1 |
| --- | --- |
| Policy ESD2 | Recommend that the bold text be amended so that this policy is headed:  
"Development in Flood Sensitive Areas".  
The policy itself can remain unamended, but only if the plan includes some means of showing (most appropriately on a map) the precise extent of the areas intended to be subject to this policy.  
**Unless this information is provided, the policy should be omitted from the plan.** |
| Policy ESD3 | Recommend that the bold text be amended so that this policy is headed:  
"Coast Protection and Sea Defence Works".  
Recommend that this policy be amended so that it reads:  
**Policy ESD3: Coast Protection and Sea Defence Works**  
Proposals for coast protection and sea defence works will be supported provided that they reflect the visual character of the area, would not harm the existing coastal habitat, and would maintain the attractiveness of the promenade and other seaside attractions. |

The text which is in bold in the submission plan can then form (not in bold) the first sentence of the policy itself.  
The "Felpham Design Guide" does not exist, this proposed guide is some time from being finalised; it may apparently be in draft form by about August 2014. It is not sensible to have a policy requiring development proposals to comply with a design guide which does not exist, or may be only in draft form by about the time the Neighbourhood Plan could be "made", following a referendum.  
The system of scoring of "greens" is the sort of detailed point which I think would be better placed in supporting text than in the policy itself. The expression "12 out of 12 Greens" also needs to be explained with a reference to the source document; this could be done either in the supporting text or perhaps by means of a footnote.  

If policy ESD2 is to be capable of implementation, "flood sensitive areas" must be defined in the plan so that people such as applicants for planning permission will be able to tell whether a particular site is inside or outside such areas as defined for the purposes of this policy.  
Assuming the option of retaining the policy and linking it with a map showing "flood sensitive areas" is chosen, the map must show such areas at a scale sufficient to identify property boundaries. An approximate or "indicative" map is not sufficient for policy purposes.  
These modifications have been made mainly for clarity and consistency purposes.  
The requirement that new development, however small, has to enhance the existing coastal habitat is too onerous. A requirement that development should not harm or detract from the existing coastal habitat would be more reasonable and capable of implementation. "Maintenance" projects would not normally come under planning control, so this aspect of the policy appears otiose.
| Policy ESD4 | Recommend that this policy be amended so that it reads:  
**Policy ESD4: New Dwellings - Code for Sustainable Homes.**  
All new dwellings will be designed to have a predicted water discharge of no more than 80 litres of water per person per day in line with Level 5 of the national Code for Sustainable Homes, unless it can be shown that achieving this standard would be impracticable. | Recommend a slight variation to the wording of this policy, aimed at putting the onus on any developer of new housing either to achieve the Level 5 standard or to show why it is not practicable to achieve it. |
|---|---|---|
| Policy ESD5 | Recommend that the bold text be amended so that this policy is labelled: "Surface Water Management".  
Recommend that this policy be amended so that it reads:  
**Surface Water Management**  
All development proposals other than minor household or commercial extensions (less than 10% increase in floor space) will be required to provide a surface water management plan detailing methods of dealing with surface water arising from the development, and will be supported provided that the development would not compromise the emerging Surface Water Management Plan for the Lidsey Catchment or the Aldingbourne and Barnham Rife Strategy. | These modifications have been made mainly for clarity and consistency purposes.  
There is no surface water management plan for Felpham. Therefore the statement in the bold text introduction to policy ESD5 that “new development must comply with the Surface Water Management Plan” appears to refer to a non-existent plan. The reference in this policy to the other plans is also misleading as the policy refers to them as if they were one single plan (because of the single verb in the phrase “has been approved”). |
| Policy ESD6 | Recommend that policy ESD6 be omitted from the Neighbourhood Plan. | Policy DEV 15 of the 2003 Arun District Local Plan is headed: “Safeguarding the Main Road Network” and one of the schemes listed under this policy is the “A259 Bognor Regis Relief Road indicative line”). The relevant map (Inset B - Bognor Regis- Felpham) shows indicative lines for a road along a roughly east-west route and a north-south link passing through an area designated as a "strategic or local gap". Policy DEV 15 clearly ranks as a "strategic policy" for the purposes of comparing a development plan with a neighbourhood plan and policy ESD6 would not be in general accordance with this aspect of the 2003 Arun District Local Plan. |
| Policy ESD7 | Recommend that the words "and structures" be omitted from the first sentence so that it refers to "The following buildings", and that the text after the list of buildings should read:  
Development proposals will be expected to retain or enhance the local distinctiveness of the buildings listed above and the removal of part or all of them will not be permitted unless it can be demonstrated that they cannot be put to a beneficial or viable use.  
Also See Appendix 3 below - FM 3 | A "building" is defined in planning legislation as including "any structure or erection"16, so it is not necessary to repeat the words "building" and "structure"; and avoiding the repetition would make the policy more concise. |
<p>| Policy ESD8 | Recommend that if this policy were to remain in the plan (see below) the bold text be amended so that the policy is labelled: &quot;Felpham Conservation Area&quot;. | The policy as drafted provides that proposals within or affecting the setting of the conservation area will be dealt |</p>
<table>
<thead>
<tr>
<th>Policy ESD9</th>
<th>Recommend that the bold text be amended so that this policy is labelled: &quot;Building Design&quot;.</th>
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<td></td>
<td>Recommend that this policy be amended to read: Policy ESD9: Building Design</td>
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<td></td>
<td>The design of new buildings must reflect the design principles of their time so that the richness of varied character would continue and would be extended into the future. However, the quality of design must ensure that new buildings contribute positively to the historic character of the area. Listed buildings and their settings, and conservation areas and their settings, will be conserved or enhanced to reinforce the quality and character of Felpham.</td>
</tr>
</tbody>
</table>

ADC and the parish agreed to include the wording of policy HER DM3 of the February draft of the local plan.

The requirement for conservation areas and their settings to be "conserved and enhanced" (as opposed to "conserved or enhanced") is contrary to national policy guidance and to the requirements of legislation, so a minor amendment is needed.

<table>
<thead>
<tr>
<th>Policy ESD10</th>
<th>I recommend that the bold text be amended so that this policy is headed: &quot;Tree Protection&quot;.</th>
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<td>These modifications have been made mainly for clarity and consistency purposes.</td>
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</table>

There are some parallels between this policy and policy ESD6. In essence, the Parish Council is apparently seeking to express support for the Bognor Regis Northern Relief Road ("BRNRR") and for the northern part of a link road between the BRNRR and a new area of commercial development on a former airfield near Bersted. As noted above in relation to policy ESD6, an indicative route for the BRNRR and a north-south link road between the BRNRR and Felpham Way is shown on Inset B of the maps accompanying the 2003 Arun District Local Plan; but the intention of policy ESD11 of the Neighbourhood Plan is evidently not to support the southern part of this possible link road, only to support the northern part.

This policy should not be included in the Neighbourhood Plan because it purports to refer to either an enterprise zone or a possible proposed road scheme, both of which are not within the plan area.

<table>
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<tr>
<th>Policy ESD11</th>
<th>Recommend that policy ESD11 be omitted from the Neighbourhood Plan.</th>
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<td></td>
<td>These modifications have been made mainly for clarity and consistency purposes.</td>
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Recommend that either policy ESD8 be omitted, or alternatively, if this policy is included, it should be worded the same as policy HER DM3 of the February draft of the local plan.

with in accordance with ADC Draft Local Plan.

Recommend that policy ESD12 be omitted from the Neighbourhood Plan.

Recommend that the bold text be amended so that this policy is headed: "Design Details". |
| Policy ESD13 | Recommend that this policy be omitted from the Neighbourhood Plan.  
Also See Appendix 3 below - FM 2

First, it seems to me that the policy is directed at matters covered by building regulations, and more appropriately controlled by those regulations rather than by planning controls. Secondly, several parts of the policy are imprecise - for example, the requirement to install cavity wall and loft insulation "where relevant", the requirement to install on-site energy generation from renewable sources "where feasible", and the requirement for "consideration to be given" to upgrading a property in certain cases. Thirdly, the reference to extensions increasing property size by 30% appears arbitrary and unsupported by evidence. The duplication with other legislation, combined with the imprecision and apparent arbitrariness of this policy outweigh the factors in its favour. |
| Policy ESD14 | Recommend that the bold text be amended so that this policy is headed: "Renewable Energy".  
Recommend that the wording of this last sub-paragraph of the policy be amended to read: Planning permission is subject to a requirement that the energy generating infrastructure is removed as soon as reasonably practicable once it is no longer used for energy generation.  
A general term such as "requirement" would be preferable, as it would cover a legal agreement, a legal undertaking or a planning condition, and allow developers and the planning authority a degree of flexibility. |
| Policy ESD15 | Recommend that the bold text be amended so that this policy is headed: "Burial Space".  
Recommend that the policy be amended to read:  
Policy ESD15: Burial Space  
Support will be given to the use of land in the parish to increase burial space subject to the proposed development being appropriate having regard to its location and to its effect on the appearance and amenities of the locality.  
The policy sets out support in principle for the use of land to increase burial space but is not site-specific. The policy can be improved by providing a little more guidance about how the phrase "subject to the appropriateness of the location" should be interpreted. |
| Policies GA1 and GA2 | Recommend that the bold text be amended so that the heading reads: "Pedestrian and Cycle Connections".  
Recommend that policy GA2 be omitted, and that policy GA1 be amended to read:  
Policy GA1: Pedestrian and Cycle Connections  
Support will be given to proposals which would increase or improve the network of cycleways, footways and footpaths, either by making land available for that purpose or by means of financial contributions through legal agreements or (when adopted for the District) the Community Infrastructure Levy.  
It seems that the intention of policy GA1, taken together with policy GA2, is that where developments could reasonably not make any physical provision (for example, by allocating land within a development site) for cycleways and footpaths, a financial contribution would be sought. This could conceivably be either through Section 106 agreements or undertakings, or by allocating funds from a Community Infrastructure Levy ("CIL"). In view of the unknown factors relating to the means of operating policies GA1 and GA2, I consider that these two... |
<table>
<thead>
<tr>
<th>Policy GA3</th>
<th>Recommend that the bold text be amended so that this policy is headed: &quot;Publicity and Signage&quot;. Recommend that the policy be amended so that it reads as follows.</th>
<th>Policies should be combined and phrased in a way which sets out the aim of supporting development proposals which would help to improve or provide cycleways and footpaths, by alternative means.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Policy GA3: Publicity and Signage</strong> Developments which would provide improved publicity and signage relating to the promotion of Felpham’s facilities will be supported provided that such developments would not detract from the visual or environmental amenity of their surroundings.</td>
<td>The introductory text in bold refers to public transport but the policy itself does not. Requiring developments which provide improved publicity and signage promoting Felpham’s facilities to &quot;enhance&quot; their surroundings would be unduly onerous. A requirement that such developments should not harm their surroundings would be more realistic and justifiable.</td>
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<tr>
<td>Policy GA4</td>
<td>Recommend that the policy be re-worded as follows: <strong>Policy GA4: Traffic Calming and Shared Space</strong> Proposals for development which would enable or help traffic calming or shared space features to be provided will be supported.</td>
<td>This policy has a neutrally worded heading or label and no amendment to this part of the text is necessary. However, the statement in the policy itself that traffic calming and shared space features on the A259 will be “required from development where appropriate” is unsatisfactorily vague. It does not tell developers or decision-makers what types of development are intended to be covered by this requirement or how the traffic calming and shared space features will be required.</td>
</tr>
<tr>
<td>Policy CLW1</td>
<td>Recommend that the bold text be amended so that this policy is labelled: &quot;Provision for the Elderly&quot; (or, if preferred, similar wording such as &quot;Provision for Old People&quot;).</td>
<td>This policy and supporting text is not just about independent living as suggest in the introductory bold text - the policy also covers care homes.</td>
</tr>
<tr>
<td>Policy CLW2</td>
<td>Recommend that the bold text be amended so that this policy is labelled: &quot;Leisure Facilities&quot;. Recommend that the policy be re-worded as follows. <strong>Policy CLW2: Leisure Facilities</strong> Existing recreational space including school playing fields and land used for outdoor sport and recreation should not be built on, except for buildings which would enhance sporting or recreational activities on the land. Proposals for the development of such buildings will be supported provided that their scale and design would be in keeping with the character of the location and that the impact on the amenity of surrounding properties would be acceptable.</td>
<td>There is a conflict within this policy. It states that recreational space including playing fields “should not be built on”, but then states that the development of recreational buildings will be supported (subject to certain provisos). The recommended wording is aimed at eliminating this inconsistency.</td>
</tr>
<tr>
<td>Policy CLW3</td>
<td>Recommend that the bold text be amended so that this policy is headed: &quot;Allotment Provision&quot;. Recommend a slight amendment to the wording of this policy to make it a little more concise.</td>
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<tr>
<td>Policy CLW3: Allotment Provision</td>
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| Proposals which would result in harm to or loss of allotments will not be permitted unless replacement provision would be made, of at least similar quality, convenience and accessibility for the existing plot holders.

<table>
<thead>
<tr>
<th>Policy CLW4</th>
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</table>
| Recommend that the bold text be amended so that this policy is labelled: "Health Care Facilities".

<table>
<thead>
<tr>
<th>Recommend that the policy be simplified using the following wording:</th>
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<tbody>
<tr>
<td>Policy CLW4: Health Care Facilities</td>
</tr>
<tr>
<td>Proposals for new health care facilities will be supported.</td>
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</table>

| The policy is also rather vague, as it states that developer contributions "may be sought". |

<table>
<thead>
<tr>
<th>Policy CLW5</th>
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<tbody>
<tr>
<td>Recommend that the bold text be amended so that this policy is headed: &quot;Assets of Community Value&quot;.</td>
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</table>

| Recommend that the policy itself should end with the word "viable", with "economically viable" amended to "financially viable" to be consistent with policy BT2. |

| The District Council's suggestion that "at least" should be replaced by "as a minimum" in the later text could be adopted if considered appropriate. |

| By amending the policy so that it allows development as an exception in "very special circumstances", the policy would not only accord with green belt policy but would also cover the sort of circumstances mentioned by Southern Water, who are evidently concerned that an essential, unavoidable (though non-emergency) need could arise for a development involving utility infrastructure such as a pumping station. |

| It would be preferable for the policy to refer specifically to the map showing Local Green Spaces rather than an appendix. |

<table>
<thead>
<tr>
<th>Policy CLW6 (was labelled CLW6)</th>
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<tbody>
<tr>
<td>Recommend that the bold text be amended so that this policy is headed: &quot;Local Green Spaces&quot;.</td>
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</table>

<table>
<thead>
<tr>
<th>Recommend that the policy be amended to read:</th>
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<tbody>
<tr>
<td>Policy CLW6: Local Green Spaces</td>
</tr>
<tr>
<td>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.</td>
</tr>
</tbody>
</table>

| 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. |

<table>
<thead>
<tr>
<th>Policy CLW7 (was labelled CLW6)</th>
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<tbody>
<tr>
<td>Recommend that the bold text be amended so that this policy is headed: &quot;Local Open Spaces&quot;.</td>
</tr>
</tbody>
</table>

| The rather vague "will not be supported unless..." should be replaced by "will not be permitted unless...". There is also a minor error in the text of this policy in that a word (which I guess to be "land") is omitted from "development of designated" in the second line. |

<table>
<thead>
<tr>
<th>Recommend the following wording:</th>
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<tbody>
<tr>
<td>Policy CLW7: Local Open Spaces</td>
</tr>
<tr>
<td>The Parish Council has designated the areas shown on Map E as Local Open Space. Proposals for development of land designated as Local Open Space will not be permitted unless such development would promote or enhance the use of the land as Local Open Space.</td>
</tr>
</tbody>
</table>
Appendix 1:
OTHER ASPECTS OF THE PLAN AND RELATED DOCUMENTS
Note: The contents of Appendix 1 are suggestions by the examiner on ways to improve the plan but not necessarily recommendations and left to the discretion of the parish.

Section 6 - Introduction to Policies
On page 22 of the plan, under the heading "The Presumption in Favour of Sustainable Development", there is a paragraph which states: "Felpham Parish Council will take a positive approach to its consideration of development. The Council and the local planning authorities will seek to work with applicants and other stakeholders to encourage the formulation of development proposals that can be approved."

Then the immediately following paragraph refers twice to "this policy". I have two comments on this part of the plan. First, I doubt that the Parish Council as the body responsible for preparing the Neighbourhood Plan can properly commit the District Council (the local planning authority) to a particular way of working. Second, this text reads as if at least some of it is intended to be a policy of the plan. If so, the Parish Council may wish to consider whether to give it the status of a policy, by labelling it with a heading and reference number and printing it in colour like the other policies, subject to amendment allowing for my comment about the reference to the planning authorities. I am not making this a recommendation; it is a suggestion for consideration.

Additional Policy Suggestion
Southern Water has suggested that the plan should have an additional policy, stating: "New and improved utility infrastructure will be encouraged and permitted in order to meet the identified needs of the community." Although I can understand the reasons for this suggestion, I do not see a compelling case for including a special policy of this type in the Neighbourhood Plan. It would go beyond policies in either the 2003 Local Plan or the emerging draft Local Plan; and the implied commitment to permit all proposals for new and improved utility infrastructure, subject only to the criterion about "identified needs", would be too sweeping. Therefore I do not recommend including this suggested policy.

Supporting Text
There are several places in the text of the plan where unexplained terms are used. It would help readers to understand the plan if such terms were briefly explained, or if a source reference were given, especially as there is no glossary. Examples are:

- In paragraph 8.13 - the reference to "Type A" Green Infrastructure Corridors: I suggest that the plan could mention that "Type A" is defined at paragraph 17.0.14 of an Arun District Council document "Draft Local Plan 2013-2028 Consultation".
- In policy ESD1 - the unexplained reference to "12 out of 12 Greens": I have covered this point in paragraph 58 above.
- In several places, terms such as "Class B1 light industrial use" are used. Many readers of the Neighbourhood Plan will not be familiar with the
legislation being referred to here (the Town and Country Planning (Use Classes) Order 1987 as amended).
• Unexplained abbreviations such as CIL, which again many readers may well not recognise.

The need to amend the tables on pages 23, 26, 32 and 34 as mentioned in paragraph 34 above should be noted.

**Basic Conditions Statement**

The revised policy comparison table mentioned in paragraph 15 above (this is the table emailed to me, with the additional column including the policies of the 2003 development plan) should be substituted for the table on pages 8-10 of the Basic Conditions Statement. Some further amendments to this table will need to be considered to take account of omitted policies. The text at paragraph 2.2 of the introduction to the Neighbourhood Plan should also be amended, to avoid it appearing to state that the Localism Act requires the Neighbourhood Plan to accord with the Draft Arun District Local Plan 2013-2028 (or, as it may now be, 2029).

**Maps**

As has been pointed out by the District Council and other parties, the map in the Basic Conditions Statement is unclear. Although the parish boundary can be made out and the words in the key can be guessed at, the map is not properly readable. There are similar problems with the maps in the plan itself. I understand that those involved are aware of these problems and that steps are being taken to provide improved versions in the final version of the plan.

**Consultation Statement**

152. Arun District Council has commented that the table on page 19 of this document does not accurately reflect the District Council's representation. As far as I can see, most of the District Council's representations have not been included in this table. The District Council also want it to be noted that comments made by the District Council's transport policy team were made on behalf of the District Council as a body, not by the transport policy team as an independent party. It should be possible to allow for these points with some appropriate amendments to the Consultation Statement.
Appendix 2:
SUGGESTED EDITING CORRECTIONS

Note: The list below is not intended to be comprehensive, as I have only included the most obvious textual errors and have not listed those which could be regarded as matters of style or taste.

Page
9. "Agencies" in paragraph 3.9 should be "Agency's".
9. "sort" in paragraph 3.9 should be "sought".
9-10. The paragraph numbering is missing from most of these pages.
10-11. "Felpham Conservation Area" should be a sub-heading in bold text. The text in paragraphs 3.16 and 3.17 should be swapped, then another subheading "Other Areas" is needed before paragraph 3.17.
11. "Exist" in paragraph 3.17 should be "exists".
11. "in the village" is repeated in the first sentence of paragraph 3.21.
11. "which are frequent however..." in paragraph 3.26 should be "which are frequent. However...".
12. In paragraph 3.32, the full stop after "schools should be a colon and "provision's" should be "provisions".
13. "retails" in paragraph 3.48 should be "retail".
13. "kilometers" in paragraph 3.48 should be "kilometres" (unless you want to use US spelling!).
19. "Arun DC Council" in paragraph 5.8 should either be "Arun DC" or Arun District Council".
22. The paragraph numbering is missing from the paragraphs towards the bottom of this page.
27. Paragraph after 8.3 - paragraph number missing (so later paragraphs will need to be re-numbered).
32. "Network" should be "network".
32. Paragraph after 9.1 - paragraph number missing.
33. Paragraph after 9.3 - paragraph number missing.
35. "tranquility" in paragraph 10.6 should be "tranquillity".
35. CLW6 should be CLW7.
35. Policy CLW6 - missing word in "development of designated".
38. The numbering in this Contents list (2, 2, 2, 4, 5, 7, 7 etc) appears haphazard.
39. "ofpreparing" should be "of preparing".
40. "whatdevelopment" should be "what development".
40. "planby" should be "plan by".
40. "andlocal" should be "and local".
40. "theplan" should be "the plan".
45. "has as borders of" - delete "of".
45. "recreationalvalue" should be "recreational value".
45. "It also has" should be "They also have". Alternatively, "Old Rectory
"Gardens" (plural) should be "Old Rectory Garden (singular).

The same applies to "it is a place", "It is the gardens" and "across it".

"thepromenade" should be "the promenade".

"Thegreenswards" should be "The greenswards".

"toFelpham" should be "to Felpham".

"Wayto" should be "Way to".

"RifeWay" should be "Rife Way".

"tothe" should be "to the".

"theParish" should be "the Parish".

"gapbetween" should be "gap between".

"Housingdevelopment" should be "Housing development".

"oldand" should be "old and".

"adopteddevelopment" should be "adopted development".

"siteis" should be "site is".

"fordevelopment" should be "for development".

"historicbackground" should be "historic background".

"tranquility" should be "tranquillity".

"This this" should be "This".

"playing fields....its" should be "playing fields....their".

Map B "Conservation Areas" should be "Conservation Area".
Appendix 3:

Further Modification (FM) agreed by ADC and Felpham Parish Council

Only 3 further modifications than the examiner’s recommendations were made

FM 1

ESD1 – ADC agrees with the examiners modification for the policy wording. We suggest that this is included for now and that para. 8.2 can include information about Design for Living 12 but allude to the Felpham Design guide being included when the plan is reviewed in the future.

Suggested wording for para 8.2 could perhaps be something like ‘All development proposals should be of good quality and demonstrate a high standard of design. Design quality will be measured against the ‘Design for Living 12 – The sign of a Good Place to Live’ as a minimum appraisal and proposals will have regard to it. It is the intention to produce a Felpham Design Guide in late 2014 which will be included as part of the Plan’s review in the future.’

FM 2

(para.108)Policy ESD13: ADC has noted that the examiner recommends the policy be omitted and agree that the duplication with other legislation, combined with the imprecision and apparent arbitrariness of this policy outweigh the factors in its favour and agrees with the examiner.

However, ADC could allow the parish to keep the first 3 lines of the policy but should be level 3 so ‘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 3

(para. 87) Policy ESD7: The term should be ‘buildings or structures’
4.0 CONCLUSION

4.1 I confirm, that the Felpham Neighbourhood Development Plan 2013-2029, 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 Felpham 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