

## **Arun District Council Local Planning Authority**

### **Aldingbourne Parish Council Neighbourhood Development Plan 2014-2034 DECISION STATEMENT**

Prepared by: Donna Moles (ADC Senior Planning Officer)  
September 2016

#### **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 Decision Statement confirms that the modifications proposed by the examiner's report have been accepted by Arun District Council, the draft Aldingbourne 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 Aldingbourne Neighbourhood Development Plan relates to the area that was designated by Arun District Council as a neighbourhood area on 31<sup>st</sup> October 2013 and South Downs National Park Authority. This area is coterminous with the Aldingbourne Parish Council boundary that lies within the Arun District Council Local Planning Authority Area. Part of the specified area falls within the South Downs National Park Local Planning Authority Area and part within Arun District Council Local Planning Authority Area.
- 2.2 The pre-submission consultation and publicity for the Plan was 3rd February 2016 to 16th March 2016. Following the submission of the Aldingbourne Neighbourhood Development Plan to the Council, the plan was publicised and representations were invited. The publicity period ended on 20<sup>th</sup> July 2016.
- 2.3 Mr John Slater was appointed by Arun District Council with the consent of the Parish Council, to undertake the examination of the Aldingbourne 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 Paragraph 12(4) provides that a referendum must be held on a proposal for a neighbourhood development plan or order if the LPA are satisfied that it meets the basic conditions and other legal requirements or would do so if modifications were made to the draft order (whether or not recommended by the examiner). Paragraph 13 applies if the LPA propose to make a decision which differs from that recommended by the examiner, and the reason for the difference is (wholly or partly) as a result of new evidence or a new fact or a different view taken by the authority as to a particular fact.
- 2.6 Having considered each of the recommendations made by the examiner's report, and the reasons for them, Arun District Council has decided to accept the Examiner's recommendations. The Parish Council has agreed 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 in order to proceed to referendum.

### **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 Aldingbourne Parish Council has decided to accept the modifications to the draft plan. Table 1 below outlines the alterations made to the draft plan under paragraph 12(6) of Schedule 4B to the 1990 Act (as applied by Section 38A of 2004 Act) in response to each of the Examiner's recommendations and the justification for this as well as outlining any further modifications agreed by Arun District Council in consent with Aldingbourne Parish Council.

**Table 1: Recommendations by the Examiner and further modifications agreed by Arun District Council in consent with Aldingbourne Parish Council**  
*Some recommended modifications may require subsequent changes to be made to paragraph and Policy numbering, as well as to the introductory objective/index boxes and the list of plan policies.*

POLICY	MODIFICATION RECOMMENDED	JUSTIFICATION
<p><b>POLICY H1</b> QUALITY OF DESIGN</p>	<p>Delete “through the submission of a design statement”</p>	<p>Under the terms of the Town and Country Planning (Development Management Procedures) Order 2015, a design statement can only be required on schemes that constitute “major development” i.e. developments of over 10 units or building over 1000 sq. m or certain new buildings in Conservation areas. The requirements of documents to be submitted with a planning application is established by the Council’s Validation Checklist rather than through planning policy.</p>
<p><b>POLICY H2</b> HOUSING MIX</p>	<p>None</p>	
<p><b>POLICY H3</b> HOUSING DENSITY</p>	<p>None</p>	
<p><b>POLICY H4</b> AFFORDABLE HOUSING</p>	<p>Delete the second sentence</p>	<p>If the policy were to be retained as submitted, then it would be possible for the policy to contain inherent contradictions between the two criteria. I therefore propose that the second sentence of the policy be deleted.</p>
<p><b>POLICY H5</b> LOCAL CONNECTION</p>	<p>Delete this policy <b>Examiner Modification not fully accepted.</b> Policy has been added to Community Aspirations section instead of being deleted.</p>	<p>Matters of allocation should be dealt with by the Housing Authority. <b>The Parish Council and ADC agreed that this issue could be added to the community aspirations due to some of the initial work done.</b></p>
<p><b>POLICY H6</b> WINDFALL SITES</p>	<p>In the first paragraph, delete settlement boundary and insert “settlements within the plan area”. In bullet point i) delete text after “scale” and insert “and character of the settlement”  <b>Part of Examiner Modification not accepted.</b>  ADC agreed with the Parish Council as follows:  In the first paragraph, delete settlement boundary and insert “<b>built up area boundary</b>”.  Bullet point i) now reads: The scale and design of the development is appropriate to the size and character of the settlement.</p>	<p>The policy should relate to sites within the parish as a whole and not restrict windfall developments to Westergate.  <b>The Parish Council and ADC agreed this minor change for clarity.</b>  <b>Built up area boundary text included for consistency.</b></p>
<p><b>POLICY H7</b> DEVELOPMENT IN THE VICINITY OF BUSINESS</p>	<p>None</p>	

<p><b>POLICY H8</b> OUTDOOR SPACE</p>	<p>None</p>	
<p><b>POLICY H9</b> ATTENTION TO DETAIL</p>	<p>None</p>	
<p><b>POLICY EH1</b> BUILT UP AREA BOUNDARY</p>	<p>Insert <b>“in respect of the countryside”</b> after “development plan policies “in the second paragraph.</p> <p>Insert at end of policy <b>“unless it is for essential utility infrastructure, where the benefits outweigh any harm, and it can be demonstrated that no reasonable alternative sites are available”</b></p>	<p>To aid clarity.</p>
<p><b>POLICY EH2</b> GREEN INFRASTRUCTURE AND ECOSYSTEMS</p>	<p>That the shaded areas indicating the inclusion of the fields on the east side of Westergate be removed from Map A.</p> <p><b>ADC also agreed with the Parish Council for the maps to be done as 2 and are labelled MAP A (1) and MAP A(2)</b></p>	<p>I have had particular regard to the representations of Luken Beck on this issue with the accompanying report entitled “Land at Westergate, West Sussex –An Assessment of Value of Site as a Biodiversity Corridor” prepared by the consultancy, Ecological Survey and Assessment Ltd. I have equally had regard to the document entitled “Report on the Development of Biodiversity/Green Corridors in the Parish of Aldingbourne”, prepared by the Chairman of the Parish Council, Mr Martin Beaton. It appears that it is common ground that all parties agree that the hedgerows and the chalk streams are of ecological value, in terms of being a network which the NPPF recommend should be identified in planning policy documents. The area of difference, which I need to focus on, is whether the inclusion of the fields on the east side of the Westergate should be identified within the Biodiversity Corridor. My overall conclusion is that the policy as promoted can remain but that the extent of the Biodiversity Corridor identified on Map A should be reduced, by the removal of the agricultural fields shaded on the east side of Westgate. If I had come to a different conclusion, I believe that the plan would frustrate the meeting of housing need.</p>
<p><b>POLICY EH3</b> DEVELOPMENT ON AGRICULTURAL LAND</p>	<p>None</p>	

<b>POLICY EH4</b> PROTECTION OF WATERCOURSES	None	
<b>POLICY EH5</b> SURFACE WATER MANAGEMENT	Delete “ <b>apart from minor householder and commercial extensions</b> ” Delete “ <b>operation</b> ” from subsection a)	To aid clarity as exempting minor householder and commercial extensions is not justified in terms of the overall approach to flood risk.
<b>POLICY EH6</b> PROTECTION OF TREES AND HEDGEROWS	Insert “ <b>where appropriate</b> ” after “Development proposals” in the second paragraph.	These modifications have been made in order to make the requirement in respect of a development, only where it is a relevant consideration.
<b>POLICY EH7</b> RENEWABLE AND LOW CARBON ENERGY	Insert “ <b>unless it is complementary to the farming operation.</b> ” at the end of the policy.  <b>Part of Examiner Modification not accepted.</b>  ADC agreed with the Parish Council as follows: Insert “ <b>unless it is utilising the product of farming operations</b> ” at the end of the policy.	To aid clarity.
<b>POLICY EH8</b> BUILDINGS AND STRUCTURES OF CHARACTER	None	
<b>POLICY EH9</b> CONSERVATION AREAS AND AREAS OF SPECIAL CHARACTER	Re-title the policy as “ <b>Conservation Areas</b> ”	To reflect the order and nature of the content of this section more accurately.
<b>POLICY EH10</b> UNLIT VILLAGE STATUS	Delete the second paragraph and the first sentence of the third paragraph.	To aid clarity.
<b>POLICY EH11</b> FLINT WALLS	Insert” <b>where it is appropriate</b> ” at the end of the policy.	However, there will be some new development taking place in the areas identified that will not require new boundary treatments such as extensions to dwellings. This can be accommodated by the inclusion of the caveat” where it is appropriate” at the end of the policy.
<b>POLICY GA1</b> PROMOTING SUSTAINABLE MOVEMENT	None	

<b>POLICY GA2</b> FOOTPATH AND CYCLE PATH NETWORK	None	
<b>POLICY GA3</b> PARKING AND NEW DEVELOPMENT	None	
<b>POLICY GA4</b> WOODGATE CROSSING	That the policy be deleted.  <b>Policy is referred to in the Community Aspirations section page 69 as agreed by the Examiner.</b>	I can appreciate that this is a matter of local controversy with advocates on both sides of the argument but the decision as to whether to close the crossing, is not a matter that would be subject of a planning application. I have to conclude that the policy should be deleted on the basis that is not a policy for the use and development of land, but that the issue can be referred to within the non-development plan section of the document which is entitled Community Aspirations.
<b>POLICY GA5</b> TRAFFIC MANAGEMENT	That the policy be deleted.	This policy does not relate to the use and development of land. The matters covered relate to the responsibilities that are covered by the Highway Authority rather than the Local Planning Authority. As such it does not meet the statutory test of a neighbourhood plan.
<b>POLICY GA6</b> QUIET LANES	That the policy be deleted.  <b>Policy is referred to in the Community Aspirations section page 69 as agreed by the Examiner.</b>	The Parish Council's aspirations to have the nine lanes designated as Quiet Lanes and the request for measures to improve the safety of non-motorised users of these roads can be included within the Community Aspirations section of the plan.
<b>POLICY EE1</b> SUPPORTING EXISTING EMPLOYMENT AND RETAIL	None	
<b>POLICY EE2</b> RETENTION OF EMPLOYMENT LAND	None	
<b>POLICY EE3</b> SUPPORT FOR NEW COMMERCIAL USES	Delete <b>"where the impact on surrounding residential and community amenity is acceptable"</b> .  Insert <b>"development"</b> before "Plan".	Modifications made to ensure policy meets basic conditions and complies with the framework and emerging Local Plan.

<b>POLICY EE4</b> LOCAL SHOPPING FACILITIES	None	
<b>POLICY EE5</b> IMPROVING SIGNAGE	None	
<b>POLICY EE6</b> SUSTAINABLE RECREATIONAL AND TOURISM ACTIVITIES	Insert <b>"the development"</b> before "plan" in the final bullet point.	Minor alterations required to aid clarity and consistency.
<b>POLICY EE7</b> RURAL BUILDINGS	None	
<b>POLICY EE8</b> COMMUNICATIONS INFRASTRUCTURE	None	
<b>POLICY EE9</b> SUSTAINABLE COMMERCIAL AND EMPLOYMENT BUILDINGS	Insert <b>"where it would be appropriate"</b> after "employment development" in the first paragraph of the policy.  Replace "should be" by <b>"which are"</b> and add <b>"will be supported"</b> at the end of the policy.	These modifications have been made in order to comply with relevant County Council standards and support development which contributes to sustainable development.
<b>POLICY LC1</b> SUPPORT INDEPENDENT LIVING	None	
<b>POLICY LC2</b> HEALTHCARE FACILITIES	None	
<b>POLICY LC3</b> PROVISION OF BUILDINGS FOR COMMUNITY USE	Delete <b>"of surrounding properties"</b>	Modifications made to ensure policy complies with the Framework.
<b>POLICY LC4</b> PROVISION OF ALLOTMENTS/ COMMUNITY ORCHARDS	Remove reference in title and text of policy to <b>"Community Orchards"</b>  Delete the last sentence  <b>Part of Examiner Modification not accepted.</b>  <b>ADC and Parish agreed last sentence to read:</b> The Council will not support development of land currently used as Traditional Orchards (see Evidence Base 24).  <b>ADC and Parish Council agreed additional text to para LC4.2 as below:</b>	These modifications have been made as no evidence base has been provided for community orchards.  <b>Additional text agreed to aid clarity on what traditional orchards are.</b>

	<p>Traditional Orchards were designated as a Priority Habitat under the UK Biodiversity Action Plan. Found across England they are a quintessential component of the historic English landscape. They are also important for the range of species they support, including the rare and endangered noble chafer beetle. Traditional orchards are derived from land management practices which are rapidly disappearing, but which provide excellent conditions for biodiversity to thrive. The habitat is becoming increasingly rare due to neglect, intensification of agriculture and pressure from land development. Since 1950 the overall area of orchards in England has declined by 63%.</p>	
<p><b>POLICY LC5</b> PROTECTION OF ASSETS OF COMMUNITY VALUE</p>	None	
<p><b>POLICY LC6</b> DESIGNATION OF LOCAL GREEN SPACE</p>	Insert <b>“and shown on the Local Green Spaces Map”</b> after “Schedule B”.	Modifications have been made to aid clarity.
<p><b>POLICY LC7 LOCAL</b> OPEN SPACE</p>	Insert <b>“and shown on the Local Open Space Map”</b> after “Schedule C”.	Modifications have been made to aid clarity.
<p><b>POLICY LC8</b> SCHOOL FACILITIES</p>	Add at the end of the policy <b>“subject to compliance with other relevant policies in the development plan”</b> .	These modifications have been made mainly for clarity and consistency purposes and to comply with strategic national policy.
<p><b>POLICY LC9</b> ALLOCATION FOR CAMPING/TOURING CARAVANS SITE</p>	None	

4.0 **CONCLUSION**

- 4.1 I confirm that the **Aldingbourne Neighbourhood Development Plan 2014-2034**, 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 **Aldingbourne Neighbourhood Development Plan 2014-2034** should proceed to a referendum based on the neighbourhood area defined by Arun District Council on **18<sup>th</sup> October 2016**.
- 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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**Director of Planning and Economic Regeneration**

**Date:**

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**Decision published on:** 8<sup>th</sup> September 2016