



Milland Neighbourhood Development Plan Decision Statement: March 2016

1. Introduction

- 1.1 Under the Town and Country Planning Act 1990 (as amended), the South Downs National Park Authority 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 statement confirms that the modifications proposed by the examiner's report have been accepted, the draft Milland 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 Milland Neighbourhood Development Plan relates to the area that was designated by the South Downs National Park Authority as a neighbourhood area on 13 June 2013. This area corresponds with the Milland Parish Council boundary that lies within the South Downs National Park Local Planning Authority Area.
- 2.2 Following the submission of the Milland Neighbourhood Development Plan to the National Park Authority, the plan was publicised and representations were invited. The publicity period ended on 13 November 2015.
- 2.3 Mr John Slater BA (Hons), DMS, MRTPI was appointed by the South Downs National Park Authority with the consent of Milland Parish Council, to undertake the examination of the Milland Neighbourhood Development Plan and to prepare a report of the independent examination.
- 2.4 The examiner's report concludes that subject to making the 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 SDNPA and Milland Council have decided to make the modifications to the draft plan referred to in Table 1 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, South Downs National Park Authority in consultation with Milland 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. SDNPA is therefore satisfied that the Milland NDP meets the basic conditions mentioned in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act and complies with the provisions made by or under sections 38A and 38B of the Planning and Compulsory Purchase Act 2004. The Neighbourhood Plan can now proceed to referendum.

Signed:

Tim Slaney
Director of Planning, South Downs National Park Authority

Date:

Table 1.

Recommended modification	Justification & Examiners report reference	Proposed decision
Para. 3.0.4 Insert after Purpose 2 "There is also a duty to foster the economic and social well being of the local communities"	Accurately reflect National Park Purposes and Duty.	Accept
Policy EN1 Natural Environment Delete from the supporting text "Policy EN1 Natural Environment will embrace adjacent land... through to the end of the next paragraph" Amend policy by deleting "only" from first sentence and replace all text after	To be in line with national policy and meet the Basic Conditions	Accept

<p>“Landscape Character” with</p> <p>“Development proposals that conserve and enhance biodiversity and geodiversity and comply with other relevant policies and European and National Legislation will be permitted, provided that they are in accordance with the requirements and hierarchy of designation set out below.</p> <p>Development proposals that have an adverse impact on biodiversity or geodiversity, which cannot be adequately avoided, mitigated or compensated for, or which harm the special qualities will be refused.</p> <p>2. Development proposals should give particular regard to ecological networks and areas with high potential for priority habitat restoration or creation and should:</p> <p>a) retain, protect and enhance features of biodiversity and geological interest and ensure appropriate management of those features; and</p> <p>b) ensure that any adverse impacts (either alone or in-combination) are avoided, or, if unavoidable, minimised through mitigation with any residual impacts being compensated for (having regard to the hierarchy of designation).</p> <p>3. The following hierarchy of designation will apply:</p> <p>(i) International Sites: i.e. Wealden Heaths Special Protection Area (SPA)</p> <p>If a development proposal is considered likely to have a significant effect on one or more international sites, an Appropriate Assessment (AA) will be required (the need for AA should be assessed at the Habitat Regulations Assessment (HRA) Screening stage).</p> <p>Development proposals that will result in any adverse effect on the integrity of any international site which cannot be either avoided or adequately mitigated will be refused unless it can be demonstrated that there are:</p> <p>a) no alternatives to the proposal;</p> <p>b) imperative reasons of over-riding public interest why the proposal should nonetheless proceed; and</p> <p>c) adequate compensatory provision secured.</p> <p>(ii) National Sites: i.e. Chapel Common and Forest Mere Sites of Special</p>		
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<p>Scientific Interest (SSSI)</p> <p>Development Proposals considered likely to have an adverse effect on national sites will be required to assess the impact by means of an Ecological Impact Assessment.</p> <p>Development Proposals that will result in any adverse effect on the integrity of any national site which cannot be either avoided or adequately mitigated will be refused, unless exceptional circumstances are clearly demonstrated.</p> <p>(iii) Irreplaceable Habitats (including ancient woodland and the loss of aged or veteran trees found outside ancient woodland:</p> <p>Planning permission will be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss.</p> <p>(iv) Local Sites: Sites of Nature Conservation Importance (SNClIs) / Sites of Importance for Nature Conservation (SINCs), Local Nature Reserves and Local Geological Sites.</p> <p>Development proposals considered likely to have an adverse effect upon local sites will be required to assess the impact by means of an Ecological Impact Assessment.</p> <p>Development proposals within locally designated sites will not be permitted unless they are necessary for biodiversity or geodiversity management work or can demonstrate no adverse impact to the biodiversity or geodiversity interest.</p> <p>(v) Outside of designated sites (including habitats listed in the Biodiversity 2020 priority species and habitats list):</p> <p>Development proposals will, where appropriate, be required to contribute to the protection, management and enhancement of biodiversity and geodiversity.”</p>		
<p>EN2 Dark Night Skies</p> <p>Delete all of policy and insert</p> <p>“Security and other outside lighting that will adversely affect the amenities of the other occupiers or habitats or which cause unnecessary light pollution which reduces</p>	<p>Ensure text is policy and deals with matters under planning control only.</p>	<p>Accept</p>

the quality of the dark night sky will be refused”		
EN3 Green Infrastructure Remove “blanket” from the last sentence of the first paragraph. The policy be reworded by the insertion of the following text before the final sentence which is to be retained. “Development will be expected to not compromise, and where possible should enhance, the integrity of the green infrastructure assets and networks in the Plan area which will include the open spaces, woods, wetlands, meadows, watercourses, ponds, parklands, gardens, public footpaths and bridleways”.	For clarity.	Accept
Paragraph 3.1.4 Minerals Remove this section and corresponding sections be renumbered	Minerals are excluded development, while not policy it would be inappropriate to include in a neighbourhood plan.	Accept.
Policy EN4 Renewable Energy Delete” Whilst the parish supports the use of renewable energy sources” and replace “would need to meet” with “will be approved subject to meeting” In criteria 2 delete “impinge upon” and insert “adversely impact” Delete criteria 3 and the final paragraph of the policy	Policy to be redrafted as a positive statement of policy. Inappropriate to constrain otherwise acceptable development due to associated HGV use. Inappropriate to not approve a policy compliant development, for want of a local benefit.	Accept.
HDI Heritage Sites Replace all of the policy including the supplementary reference to NPPF and Local Plan policies with:- “Development that could damage or detract from any heritage asset or potential heritage site that has been identified following an initial appraisal by the planning authority’s archaeologist as possibly having evidence of the area’s early history and prehistory (see Maps 14 and 20), will only be permitted after proper and independent archaeological research and / or heritage risk assessments have been undertaken at the expense of the applicant and steps taken to protect such heritage assets and their setting in a manner appropriate to their significance. Where appropriate, applicants	To provide policy clarity and ensure policy is in line with the NPPF.	Accept

will be required to contribute towards the conservation of such heritage sites and artefacts. In particular, Milland Lane and Iping Road are on a Roman road, part of which within the parish is a Scheduled Ancient Monument, and its heritage must be respected. Any development along these lanes should be taken as an opportunity for further archaeological investigation.”		
HD2 Landscape Character <ul style="list-style-type: none"> • Insert “where appropriate” after “all development” and delete “especially outside the core village” • Delete “will respect and” and insert “must have regard to and where possible” • Delete “existing built environment” and insert “landscape quality” and then delete wildlife and cultural heritage” 	To provide policy clarity.	Accept
Policy S1 Core Village Development In para 3.2.1 - Delete the last sentence <ul style="list-style-type: none"> • Delete “In general, for” and insert “Within”. Delete “appropriate”, delete “only be permissible” and insert “will be permitted” • Insert “(i.e. sites within a continuously developed road frontage, with direct access to the road”) and delete the sentence that starts “Infill sites” • Delete words in brackets after “green spaces” and insert “within the settlement boundary.” • Delete the last sentence of the policy. 	To provide policy clarity and certainty for the decision maker.	Accept
Policy S2 Development in Smaller Settlements <ul style="list-style-type: none"> • Replace “might” with “will” • Insert after “place of work, occupation to be restricted by planning condition” • Delete “for the optimal use of a heritage asset “ and insert ‘ or the reuse of a redundant or disused building”. • Delete the final sentence 	To provide policy clarity and certainty for the decision maker. To align the policy with the NPPF.	Accept

<p>Policy S3 Ribbon Development</p> <ul style="list-style-type: none"> • Retitle policy as “Development Outside Settlements” • Replace the existing policy with “There will be a presumption against all new development in the countryside areas, outside the Milland Village and the smaller settlements as shown on Map7 apart from those where there is a proven and genuine need for a countryside location, such as for agriculture and forestry, the conversion of existing redundant or disused buildings and the replacement of existing houses with a new house so long as it does not result in the loss of a small dwelling(3 bedrooms or less) in line with Policy HI” 	<p>Revise to provide a policy presumption against inappropriate development outside settlements apart from the conversion of redundant or disused buildings.</p>	<p>Accept</p>
<p>Policy S4 Wheatsheaf Enclosure</p> <ul style="list-style-type: none"> • Delete “the founding concept for this settlement will be respected i.e.” • Insert “be expected to “, and delete all text within the brackets • Delete “New builds or property extensions will” and insert “Replacement dwellings or residential extensions will be expected to” and delete “that is currently enjoyed by residents” • Insert detailed boundary map of the Wheatsheaf Enclosure 	<p>To provide policy clarity.</p>	<p>Accept</p>
<p>Policy S5 Mill Vale Meadows</p> <ul style="list-style-type: none"> • Delete “the original concept of the estate should be respected” and insert” the existing pattern of development will be expected to be retained.” • Delete the last sentence and insert” the alteration of the bungalows by the insertion of a second floor under a new roof will be refused although alterations to allow the introduction of living accommodation within the existing roofspace will be approved subject to design and amenity considerations” - Insert detailed boundary map of Mill Vale Meadows. 	<p>To provide policy clarity.</p>	<p>Accept.</p>
<p>Policy HD3 Built Form and Materials</p> <ul style="list-style-type: none"> • Insert “The design of new buildings will be expected to have regard to” 	<p>To ensure policy is in line with national guidance.</p>	<p>Accept.</p>

and delete” will be respected and enhanced” • Delete everything after “parish” in the first paragraph including the second paragraph.		
Policy HD5 Historic Buildings • Delete the first sentence and insert “Proposals that have an unacceptable impact on the listed building or their setting will normally be refused. • Delete “considered on a case by case basis but the essence” and insert “normally be approved so long as the use is appropriate for the building and its location subject to the character of the “and delete” should be preserved” and insert “being protected along with its setting” • Delete “and the wider context will be taken into account”	To provide certainty for the decision maker.	Accept.
HD6 Heritage Assets Insert map on an OS base identifying all the undesignated heritage assets	To provide clarity.	Accept.
Utilities and Communication Systems Amend Objective 3 To read “To ensure that any new development is adequately served by the necessary infrastructure required to allow that development to take place”	To ensure the NDP meets the Basic Conditions.	Accept.
Policy I1 Infrastructure Delete the first paragraph of the policy and insert “New development should make full and proper provision for its own infrastructure needs without adversely affecting the capacity of existing networks” • Insert “including mains sewerage, mains water supply, landline, fast broadband and mobile phone network “ after “ infrastructure” in the second paragraph.	To provide clarity for the decision maker and ensure the policy meets the basic conditions.	Accept.
Policy I2 Lanes Remove the third and fourth sentence of the policy.	To ensure the policy is in line with the NPPF.	Accept.
Housing Replace the Objective with “To ensure that any new housing within the plan area	Revise objective as planning policy cannot be changed by an annual review by a parish	Accept

should be primarily aimed at meeting local housing need and in particular smaller units for affordable or low cost housing.”	council. Also remove assumptions about the viability of new buildings for developers.	
Policy H1 Enlarged Homes Delete policy and insert “Proposals for the replacement of an existing dwelling or the extension of an existing property will only be permitted if the works do not result in the loss of a small dwelling i.e. the property will only still contain no more than 3 bedrooms”	To provide certainty for the decision maker and ensure the policy is in line with the NPPF.	Accept
Policy H2 Affordable Housing <ul style="list-style-type: none"> • Delete the final sentence of the first paragraph • Delete all text after “housing register” and insert “and who comply with the provisions of the Chichester District Council Local Housing Local Connection Allocation Policy” 	Remove overlap with design policy. Allow flexibility for Housing Authority to change their allocations policy.	Accept
Policy H3 Community Land Trusts Delete this policy	Policy considered to be unnecessary.	Accept
Policy H4 Market Housing Delete this policy	Policy incompatible with other policy within the NDP.	Accept
Policy H6 Granny Annexes and Sheltered Housing Delete ‘to cater for the growing number of older residents likely to become in need of smaller premises in later life and wishing to remain within Milland, encouragement will be given for the “and insert “Proposals for the sub” and insert “will normally be approved” at the end of the first sentence. Insert “with preference” after “very limited scale”.	Remove reference to objective within the policy text. Ensure policy does not unduly restrict viability of proposals for sheltered housing.	Accept
Policy LE1 Commercial Development <ul style="list-style-type: none"> • Delete “Building development” and insert “The change of use of redundant buildings 	Revise wording to provide clarity and accord with the NPPF. Remove	Accept

and proposals for the erection of new buildings, to support local employment” and insert “and subject to compliance with other policies in this plan and” after” following criteria” • Delete Criteria 3	unenforceable restrictions on HGVs.	
Policy LE2 Live / Work Development Delete “considered on a case by case basis to ensure that such” and insert “generally supported subject to the “ • Delete “does not alter” and insert ‘not altering’ • Delete “value “and insert “amenity” • Delete “increase traffic flows unacceptably”	Provide certainty for the decision maker	Accept
Policy LE3 Rural Industry Delete policy.	Uses not covered by planning control.	Accept
Policy LE4 Farm Diversification Delete the last sentence of the policy.	Restrictions on large vehicles are not land use policy.	Accept
Policy LE5 Equine Enterprises • Delete criteria 2 and 3, 5 ,6, and 7 • Delete the last sentence	Elements of policy are not practical or enforceable. Remove criteria covered by policy in the NDP elsewhere.	Accept.
Policy LE6 Local Retail and Service Outlets • Delete” and ensures minimum use of HGV delivery vehicles by its suppliers”	Remove criteria which is not enforceable through planning.	Accept
Paragraph 3.5.4 Leisure pursuits and tourism • Delete reference to Policy RT9 of Exmoor National Park Local Plan	Provide clarity.	Accept.
Policy LE7 Leisure Pursuits • Delete “near any of the settlements and will be strictly controlled elsewhere”	Comply with National Park Purpose I and protect the Special Qualities of the	Accept.

	National Park.	
Policy LE8 Visitor Accommodation <ul style="list-style-type: none"> • Delete “considered on a case by case basis” and insert “generally supported” • Delete from the third sentence everything from “as long as” to maximum stay 28days)” and delete last sentence 	Provide clarity and remove elements of policy not covered by planning control.	Accept
Policy LE9 Golf Courses <ul style="list-style-type: none"> • Delete “whatever mitigation is offered in exchange” 	Ensure applications are judged against the development plan & any other material consideration.	Accept.
Policy LE10 Community Buildings <ul style="list-style-type: none"> • Delete “maintenance” and everything after “supported” 	Remove matters not covered by planning control.	Accept
Policy LE11 Green Spaces <ul style="list-style-type: none"> • Delete “maintenance” and “that the community favours” 	Remove matters not covered by planning control.	Accept.