

Albourne Neighbourhood Plan Decision Statement

13th July 2016

1. Summary

- 1.1 Following an Independent examination, Mid Sussex District Council confirms formal acceptance of the recommendations outlined in the Albourne Neighbourhood Plan Examination Report. The Examiner recommended that the Neighbourhood Plan should proceed to Referendum subject to a number of modifications. This Recommendation was agreed at the Meeting of the Mid Sussex District Council Cabinet held on 6th June 2016.

2. Background

- 2.1 Albourne Parish Council, as the qualifying body successfully applied for Albourne Parish to be designated as a Neighbourhood Area, under the Neighbourhood Planning (General) Regulations (2012), which came in to force on 6 April 2012. A Neighbourhood Area was subsequently designated on the 9th July 2012 by Mid Sussex District Council.
- 2.2 The Neighbourhood Plan was published by Albourne Parish Council for the Regulation 14 Pre Submission Consultation starting in October and ending November 2014.
- 2.3 Following the submission of the Albourne Neighbourhood Plan (Submission Version) to the District Council, the plan was publicised and comments were invited from the public and stakeholders for the further 6 weeks. The consultation period closed on 7th January 2016.
- 2.4 Mid Sussex District Council appointed an Independent Examiner; Clare Wright, in agreement with Albourne Parish Council to review whether the plan met the Basic Conditions required by legislation and that the plan should proceed to referendum.
- 2.5 The Examiner's Report concludes that the Albourne Neighbourhood Plan does meet the Basic Conditions subject to a number of minor modifications and therefore can proceed to a Referendum. The Referendum area should be based on the Albourne Neighbourhood Plan Area which is contiguous with the Parish Boundary.

3. Recommendations, Decisions and Reasons

- 3.1 Mid Sussex District Council has considered the Formal Recommendations of the examiner's report, and the reasons for those recommendations. The Examiner recommended that the Neighbourhood Plan should proceed to Referendum. Mid Sussex District Council accepts this Formal Recommendation taking into account the Examiner's suggested modifications outlined in the Albourne Neighbourhood Plan Examiner's Report. These modifications and the reasons for them are outlined in Table 1 below.

Table 1: Modifications to the Albourne Neighbourhood Plan in line with the Examiner's recommendations

Examiner Recommendation	Reason	Action Taken
In terms of supporting text, remove all reference to 'sound' or 'soundness'.	This is not a correct test for a neighbourhood plan. The test is whether a neighbourhood plan meets the Basic Conditions, as stated at the beginning of this report. The test of 'soundness' is in regards to a Local Plan and applies a different level of criteria.	The term 'sound' is only used once in the Plan – at page 12 – where it has been amended to 'reasonable'.
Throughout the Plan policies and any supporting text substitute 'permitted' with 'supported'		The wording has been amended as suggested.
For clarity provide a list of policies at the beginning of the document.		This has been inserted in the Contents page.
Paragraph 2.6 'Policies and aims'. The colour differentiation between the policy – in a green box and 'aims' – in a blue box shall be explained in this section using a colour key that is of a relatively large scale.	This will ensure absolute clarity in the public's understanding of the Plan and what is possible under planning legislation via this Neighbourhood Plan and what will be carried out by the Parish Council and other agencies.	This has been inserted as suggested.

<p>Policy Countryside – ALC1: Conserving and enhancing character.</p> <p>Remove the word `only` and substitute `permitted` with `supported`</p>		<p>The wording has been amended as suggested</p>
<p>Policy Countryside – ALC2: South Downs National Park</p> <p>Most of this policy consists of informative statements of other legislation and intent and shall be placed within the supporting text.</p> <p>Retain Paragraph 4 as a neighbourhood plan policy and substitute `permitted` with `supported`</p>		<p>The wording has been amended as suggested</p>
<p>Policy Countryside – ALC3: Local Gaps and Preventing Coalescence</p> <p>Modify as follows: Development will only be permitted-supported in the countryside provided that it does not individually or cumulatively result in coalescence and loss of separate identity of neighbouring settlements or perception thereof; and provided that it does not conflict with other Countryside-policies in this Plan. Development for essential utility infrastructure will be acceptable in exceptional circumstances only</p>	<p>Insert extract from Plan immediately below this policy for ease of reference</p>	<p>The wording has been amended as suggested and Map 9.2 moved to immediately after this policy (with consequential amendments to list of maps on p22).</p>

<p>where it can be demonstrated that there are no alternative sites suitable and available, and that the benefit outweighs any harm or loss.</p> <p>Local Gaps between the following settlements define those areas covered by this policy and are shown on Map 9.2, below on Page 24. Albourne and Sayers Common; Albourne and Hurstpierpoint; Albourne and Twineham.</p>		
<p>Policy ALC4: Conservation Area</p> <p>Delete policy and include within supporting text, or as an Aim as such provision is already covered in extant MSLP policy B12 and emerging MSDP policy DP33. The second paragraph of section 3.4 states a wish to review the Conservation Area and include 'in partnership with the District Council and other stakeholders'. Add at the end 'as a part of the ongoing monitoring and review of the plan' as per Historic England's recommendation. This could also usefully be translated into an Aim.</p>		<p>Amended to an Aim and text added as suggested.</p>
<p>Aim 3.5 Dark Skies Initiative</p> <p>Such an aim accords with the general thrust of national policy and advice. Artificial light is recognised in PPG as</p>	<p>The Parish may wish to add to the justification of this Aim, referring to NPPF 125 and NPPG. Further, to add within the Basic Conditions Statement to refer to extant and emerging district wide</p>	<p>Text added as suggested.</p>

<p>important for improving benefits such as sport and recreation, but also that it is not always necessary and can be a source of annoyance, harmful to wildlife, undermine enjoyment of the countryside or detract from the night sky. It is important that the right light is provided in the right place at the right time. PPG recognises that lighting schemes can be costly and difficult to change and therefore the design and planning stages are important.</p>	<p>plan policies, B24, Lighting and DP27: Noise, Air and Light Pollution and emerging SDLP Policy SD 9 that exercise control over this aspect and expecting consideration to be given to any lighting at an early stage of design and Planning.</p>	
<p>Pages 11 and 12 include reference to the most up to date HEDNA and OAN and relationship to the APNDP in the supporting text and update the Basic Conditions Statement accordingly</p>		<p>Reference to out of date evidence deleted. Not replaced by more up to date evidence as this would be retrofitting. An Examiner can only recommend modifications to the Plan itself. The background evidence and Basic Conditions Statement are to inform the preparation and examination of the Plan and should not be amended post-examination.</p>
<p>Aim: Housing. Modify to include the wording ‘a minimum of 34’.</p>	<p>“Anticipated housing delivery rates are highlighted in the Aims of the plan, on page 12 of the APNDP. This is not expressed in a policy, although it could be so, using the expected windfall number and those of affordable dwellings as an approximate figure. However the APNDP has not chosen to do this. I therefore consider the Aim</p>	<p>An alternative modification has been agreed with the Parish Council of ‘about’ 34 so that it does not imply that the number of homes is capped at 34.</p>

	<p>as being just that, to operate as a useful guideline without the weight that would be afforded to a Policy. However to be properly responsive, the Aim shall be modified to include the wording ‘a minimum of 34’. This will ensure clarity of intent and flexibility so that this aim will lead to sustainable development and not render the presumptions of the APNDP out of date when the MSDP is eventually adopted, later in 2016. Therefore the APNDP does not impose a cap on the amount of housing that it expects for the Parish. The APNDP relies upon the extant and emerging local plan hierarchies of settlements and development boundaries and other environmental safeguards to manage development. In the circumstances of an emerging MSDP and lack of a five year housing supply, this approach is entirely realistic as any specific cap could be considered vulnerable to change having regard to recent advice in the latest NPPG guidance on the relationship of this aspect with neighbourhood plans”.</p>	
<p>Policy Housing – ALH1: Housing Development This policy promotes the general development principles in both existing and emerging district wide plans and usefully sets the scene for the forthcoming housing policies</p>		

<p>Add a new para. 2 to reflect emerging Policy DP6: Settlement Hierarchy and renumber the remained to make four criteria in all, to read:</p> <p>2. The development is demonstrated to be sustainable, having regard to the settlement hierarchy, and,</p> <p>Include a Map showing the extent of the Built Up Area Boundary.</p>		<p>The wording has been amended as suggested and new Map inserted.</p>
<p>POLICY Housing - ALH2:- Proposed Housing Sites Add 'Albourne – around 2 houses</p> <p>Include more detailed map of site immediately below this Policy. Retain general Map in current location on pg 25, or thereabouts.</p>		<p>The wording has been amended as suggested and detailed Site Map inserted. References to H2 in policy and Map deleted to avoid confusion.</p>
<p>Policy Employment ALE 1: Albourne Court, High Cross Farm, Jammeson's Farm, Softech House and Sovereign House</p> <p>Remove reference to 'aims' as this is unspecific and 'aims' in the context of this plan generally constitute non-planning related items, therefore outside the scope</p>		<p>Wording amended as suggested.</p>

of a planning policy.		
<p>POLICY Employment ALE2: Tourism:</p> <p>The final paragraph of this policy, beginning ‘This policy applies...’ operates as an informative. It should therefore be moved to sit within supporting/ explanatory text.</p>		Wording amended as suggested.