

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

### **Angmering Neighbourhood Development Plan 2014-2029 DECISION STATEMENT**

Prepared by: Donna Moles (ADC Neighbourhood Development Plan Officer)  
December 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 Angmering 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 Angmering Neighbourhood Development Plan relates to the area that was designated by Arun District Council as a neighbourhood area on 29<sup>th</sup> November 2012 and South Downs National Park Authority. This area is coterminous with the Angmering Parish Council boundary that lies within the Arun District Council Local Planning Authority Area.
- 2.2 Following the submission of the Angmering Neighbourhood Development Plan to the Council, the plan was publicised and representations were invited. The publicity period ended on 22<sup>nd</sup> October 2014.
- 2.3 Mr Nigel McGurk was appointed by Arun District Council with the consent of the Parish Council, to undertake the examination of the Angmering 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 Angmering 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 Angmering Parish Council and accepted by South Downs National Park Authority.

**Table 1: Recommendations by the Examiner and further modifications agreed by Arun District Council in consent with Angmering Parish Council**  
*Some recommended modifications 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
<b>Background documents and Angmering Neighbourhood Area</b>	Recommend that the Plan on page 4 is modified as follows: <ul style="list-style-type: none"> <li>• Use the red line to distinguish the Neighbourhood Area boundary</li> <li>• Use a different type of boundary (dotted or a less distinctive colour) to distinguish the Parish boundary, or “The Rabbit”</li> <li>• Retain the green shading to show the South Downs National Park</li> <li>• If retaining other boundaries, ensure that these do not detract from, or could be confused with, the three main features above</li> </ul>	To aid clarity.
<b>Introduction</b>	Recommendation <ul style="list-style-type: none"> <li>• Para 1.6 line 3, change “be in line with” to “have regard to”</li> <li>• Para 1.11, delete “and the emerging Arun Local Plan.”</li> <li>• Delete Paras 1.12 and 1.18</li> <li>• Change Plan on page 4 as per previous recommendations</li> <li>• Delete Paras 1.20 to 1.29</li> <li>• Start Para 1.30 “This Neighbourhood Plan has emerged from major, sustained community consultation. Consultation details...”</li> <li>• Change sub-title to “Sustainable Development”</li> <li>• Delete paragraph 1.32</li> <li>• Delete Para 1.35</li> <li>• Delete Paras 1.36 and 1.37</li> <li>• Introduce new sub-title above Para 1.38, “Neighbourhood Plan Evidence Base”</li> </ul>	Modified to properly reflect legislative requirements.  To aid clarity.
<b>About Angmering</b>	Delete pages 13 to 25 and replace with a revised “Angmering Today” section, preferably comprising no more than 3 pages. This can summarise any key points from those pages.  <b>ADC and Parish have agreed this will be revised but may not necessarily end up being 3 pages.</b>  Remove reference to “Local Gaps” on page 29 and remove the Local Gaps shown on the plan on page 30  <b>ADC and Parish have agreed this will remain as it is.</b>	Pages 13 to 25 entitled ‘Angmering Today’ is overly long. Whilst this section could perhaps be shortened, it is not necessary to do so.
<b>Policy HD1:Built-up area Boundary</b>	Policy HD1, delete first paragraph	These modifications have been made mainly for clarity and consistency.

	<p>Delete paragraph 6.4  <b>Agreed to delete Para 6.1 (Wrong ref in report)</b></p> <p>Policy HD1, delete second bullet point</p>	
<b>Policy HD2: Parish Housing Allocation</b>	<p>Policy HD2, change the first line to read "In order to provide for at least 100 new homes during the plan period 2014-2029..."</p> <p>Delete "(Conformity reference .. 47)"</p>	<p>These modifications have been made mainly for clarity and consistency and to have regard to national policy presumption in favour of sustainable development and contributes to the achievement of sustainable development.</p>
	<p><b>Spotted spelling error by SV – HD2, third bullet point "lest" to "least"</b>  <b>Spelling correction – amended</b></p>	
<b>Policy HD3: Housing Mix</b>	<p>Policy HD3, delete and replace with "Proposals for more than six dwellings should demonstrate how the applicant has sought to meet local needs.  "Proposals should provide for a mix of housing sizes and the delivery of more smaller and fewer larger dwellings is encouraged. At least 25% of dwellings should meet Lifetime Homes Standards or its equivalent."    <b>Follow Examiner's advice to replace Policy, but in addition:</b>    <b>Move table in Policy to descriptive text under a new Para (currently 6.14) with wording: "The SHMA recommends the following mix of dwellings for any new developments:"</b></p>	<p>These modifications have been made to have regard to the need to be sufficiently flexible to take account of changing market conditions over time.</p>
<b>Policy HD4: Local Connection</b>	<p>Delete Policy HD4 and Para 6.14</p>	<p>This policy refers to a Community Land Trust but there is no evidence that one exists.  It does not have regard to the Framework's requirement for policies to provide decision makers with a clear indication of how they should react to a development proposal. It does not meet the basic conditions.</p>
<b>Policy HD5: The Form of New Development</b>	<p>Delete Policy HD5  <b>plus Para 6.16. Para 6.15 to move into Materials</b></p>	<p>This policy comprises a long checklist of criteria, which repeats other policies elsewhere in the Plan. As such it is unnecessary.</p>
<b>Policy HD6: Materials</b>	<p>change line 4 to read  "Where appropriate, new developments should seek to reflect local..."</p> <p>change last bullet point to read  "Street furniture should also..."</p>	<p>The wording of the Policy introduces requirements more onerous than those set out in the Framework and the Arun Local Plan and as such, may prevent sustainable development from coming forward.</p>
<b>Policy HD7: Built Form</b>	<p>delete second sentence</p> <p>delete first bullet point</p>	<p>These modifications have been made mainly for clarity and consistency and to have regard to national policy</p>

	<p>change second bullet point to read “Where appropriate, new development should follow established...”</p> <p>third bullet point, change lines 2 to 4 to read “...area) unless it can be demonstrated that the proposal would be in keeping with its surroundings.”</p> <p>delete fifth bullet point <b>5th bullet point it is agreed with ADC and Parish that we can retain this by adding the word “adversely” and deleting the reference to policy EH5.</b></p>	presumption in favour of sustainable development.
<b>Policy HD7: Built Form</b>	delete final bullet point	
<b>Policy HD8: Housing Layout and design</b>	<p>delete opening paragraph</p> <p>change first bullet point to “Proposals for new development should demonstrate high quality design... and seek to incorporate local design...”</p> <p>first bullet point delete second sentence</p> <p>second bullet point, remove square bracket after “equivalent.”</p> <p>third bullet point, delete first sentence. <b>It is agreed with ADC and Parish to amend the wording on this policy to “layouts must retain important trees and hedgerows. The planting...”</b></p> <p>change second line of final bullet point to read “Architraves will be encouraged where appropriate to a development.”</p>	These modifications have been made mainly for clarity and consistency.
<b>Policy HD9: Density</b>	<p>Remove reference to emerging planning document in Para 6.23 and delete Para 6.24</p> <p>delete second bullet point</p> <p>delete final sentence</p>	The supporting information is misleading. It also fails to have regard to the framework, which has a presumption in favour of sustainable development.
<b>Policy HD10: Parking for New Developments</b>	<p>Delete Policy HD10 and Paras 6.31 and 6.32 <b>ADC and Parish agree to delete para 6.32 and then amend policy HD10 to the following wording: “The Plan supports the WSCC parking standards and encourages all new development to follow them.”</b></p>	There is much reference in Policy HD10 to WSCC parking standards and related information. However the additional requirements are onerous and do not have detailed evidence to demonstrate why such a deviation from established car parking standards is necessary. <b>ADC and Parish have therefore agreed suitable wording in support of WSCC parking standards.</b>
<b>Policy HD11: Phasing of Residential Development</b>	Delete the second part of Policy HD11, from “If it is not...”	The second part of the policy goes on to set out detailed requirements that fall within the control of bodies other than the parish Council.

<b>Policy CLW1: Provision of a Youth Centre</b>	Delete Para 7.1	Paragraph 7.1 appears to base the whole of this section on an emerging planning document so for clarity should be deleted.
<b>Policy CLW2: Provision of Open Spaces for Sport and Leisure and Play Areas</b>	Delete Policy CLW2  ADC and Parish agree to amend policy CLW2 to the following wording: “Development that results in the loss of local green spaces identified in Appendix E or that result in adversely affecting their character, setting, accessibility, appearance, general quality or amenity value will not be supported.”	CLW2 is a confused policy that seeks to achieve a wide variety of things outside the control of the Neighbourhood Plan.  Local green spaces are important to the community and as such on review of the examiner’s report it was felt that this part of the policy is not convoluted and should be wording accordingly. This is consistent with any ‘made’ plans in Arun.
<b>Policy CLW3: Provision of Allotments</b>	delete first paragraph  delete second bullet point As well as deleting the second bullet point, it will also be necessary to revise the wording in Appendix E.	The introductory paragraph of CLW3 comprises background information. It does not form part of the Policy itself.
<b>Policy CLW4: Education Needs and Provision</b>	Remove Policy CLW3 Policy title and grey box and instead of a Policy, include the content of the removed Policy as supporting information – ie, add new paragraphs below para 7.25  For clarity, Policy CLW3 is deleted  This should be delete CLW4 Education Needs and Provision and not CLW3  Delete bracketed reference between sub-title and para 7.20	This policy relates to matters under the control of West Sussex County Education Authority and not the neighbourhood plan. However, together, the supporting paragraphs and the Policy text are informative.
<b>Policy CLW5:Health Facilities</b>	Delete para 7.27 which is based on an emerging planning policy  delete first sentence  delete third bullet point  Delete paras 8.5, 8.6 and 8.12	These modifications have been made mainly for clarity and consistency purposes.
<b>Policy ER1: Retail Provision</b>	first bullet point, refer to “not less than one year for retail use” and delete “at a reasonable price.”  second bullet point, change wording to “...vitality and viability of Angmering.”  third bullet point, change wording to “...vitality and viability of Angmering.”	Generally this policy has regard to the framework but some parts are onerous hence the modifications.
<b>Policy ER2</b>	Delete paras 8.21, 8.22 and 8.25  Policy ER2, first bullet point re-word as “...of not less than one year for employment...”  change second bullet point to “the sustainability of Angmering.”	These modifications have been made mainly for clarity and consistency purposes.

<b>Policy TM1: Traffic Management – New Developments</b>	Delete Policy TM1	The policy fails to have regard to the framework which requires policies to provide a clear indication of how a decision maker should react to a development proposal and as such does not meet the basic conditions.
<b>Policy TM2: Local Highways</b>	use capitals for “Conservation Area.”  bullet point two, change to read “Proposals for development that generate traffic are required to demonstrate that the level of traffic...”  delete bullet point three  delete bullet point four	The deleted bullet points fail to reflect the national policy assumption in favour of sustainable development.
<b>Policy TM3: Cycling, Walking and Equestrian</b>	change first bullet point to “Proposals which harm the following characteristics of public rights of way will be resisted:”  delete third bullet point  change to “...as well as supporting the provision of new connections, where these have been identified and can be delivered.”	These modifications have been made mainly for clarity and consistency purposes.
<b>Policy TM4: Cycling, Walking and Equestrian</b>	Delete Policy TM4	This approach fails to have regard to the Framework, which requires plans to be realistic (para 154) so this policy does not meet the basic conditions.
<b>Policy TM5: Overflowing parking from Angmering Station</b>	delete the first paragraph, but retain “This Policy will...”	These modifications have been made mainly for clarity and consistency purposes.
<b>Policy TM6: Parking in the Village Centre</b>	delete first paragraph and set out the information in the bullet point as a paragraph in the Policy (ie, not as a bullet point)	The first paragraph effectively repeats earlier supporting information.
<b>Policy EH1: Listed Buildings and Structures of a special character</b>	Delete Policy EH1  Supporting paragraphs 10.1 to 10.4 to remain	This policy sets out a “presumption against development that would adversely affect” heritage assets. However, national policy is clear in this regard. Even where there would be substantial harm to, or loss of an asset of the highest significance, it may be that, for wholly exceptional reasons, development could still go ahead. Policy EH1 fails to have regard to national policy in this regard.
<b>Policy EH2: Development in the Conservation Area</b>	change to “The Design and Access Statement and accompanying drawings for all development within or affecting the setting of the Conservation Area must provide sufficient detail for proposals to be properly understood and include:”  bullet point two “For larger developments, including all proposals for	These modifications have been made mainly for clarity and consistency purposes.

	new or replacement dwellings three dimensional drawings from at least two viewpoints will be required.”	
<b>Policy EH3: Building style must be appropriate to the historic context</b>	Delete Policy EH3 and place all text, except final bullet point, which should be deleted, under paragraph 10.7, as supporting information.	The content of Policy EH3 is better suited to supporting information – it provides little in the form of requirements or clarity and to some degree simply summarises parts of existing policy.
<b>Policy EH4: Landscape policy</b>	Delete Policy EH4. Place the first two bullet points below paragraph 10.9 as supporting information. Delete the rest of the Policy.	The opening sentence of Policy EH4 fails to have regard to paragraph 154 of the framework with regards clarity. There is no indication of what parish landscape resources are or who will conserve and enhance them. There is no indication as to how the third bullet point will be implemented and what it will be prioritised over. The rest of Policy EH4 is not a land use planning policy. It simply refers to other documents. The policy does not meet the basic conditions.
<b>Policy EH5</b>	Delete Policy EH5 ADC and parish agree to amend policy EH5 to the following wording: “New Development within land adjoining the SDNP, or that contributes to the setting of the Park, will be supported. It should not adversely affect the views into and out of the Park by virtue of its location or design.”	The intention of the policy has regard to the framework, which affords great weight to conserving landscape and scenic beauty in National Parks.  ADC and the parish have therefore agreed the new wording which provides the clarity and is not onerous.
<b>Policy EH6: Protection of Local Green Spaces and Assets of Community Value</b>	Delete Policy EH6	I am not satisfied that the Honey Lane allocation is the result of an appropriate assessment, having regard to national policy.
<b>Policy EH7: Protection of Trees and Hedgerows</b>	Delete Policy EH7	Policy EH7 is over ambitious and to some considerable degree, is naïve in its sweeping approach. Amongst other aspects of national policy, it fails to have regard to the framework’s assumption in favour of sustainable development. It does not meet the basic conditions.
<b>Policy EH8: Flood Prevention</b>	Policy EH8, retain first paragraph and first two bullet points. Delete the rest of the Policy and replace with “Development at risk from flooding should incorporate a sustainable urban drainage system unless it is demonstrated that an alternative drainage system is appropriate.”	The wording of the second part of policy EH8 is confusing and introduces a convoluted confirmation process involving various bodies. This fails to have regard to the Framework, which is clear in establishing that development that is sustainable should go ahead – without delay The Policy also lacks clarity for decisionmakers.
<b>Policy EH9: Archaeology</b>	Delete Policy EH9	This policy simply interprets and repeats elements of existing policy and seeks to



	Para 10.26, add, “within Angmering. The Parish Council will explore the potential to achieve this through its Community Action Plan.”	impose requirements that would not be controlled by the Parish Council but by the Local Planning Authority.  Whilst there would be no policy relating to this information, the final paragraph might comprise a future Community Action.
<b>Housing Allocation – site specific policies</b>	<ul style="list-style-type: none"> <li>• Para 11.3 delete second sentence (reference to Green Gaps etc.)</li> <li>• Delete Para 11.4</li> <li>• Delete references at end of Paras 11.4 and 11.9</li> <li>• Delete Paras 11.5 and 11.6</li> <li>• Para 11.7, simply list the three allocations (name only), there is no need to provide a potted history on them</li> <li>• Delete Para 11.9</li> <li>• Delete Para 11.10</li> <li>• NB, delete references 11, 12 and 13</li> <li>• Delete the first sentence of 11.11</li> </ul>	This section of the Neighbourhood Plan is unwieldy and the policies appear hidden away amidst confusing and at times, somewhat irrelevant text. A number of the supporting paragraphs read as policies, which they are not, or repeat/or introduce conflict with other elements of the Neighbourhood Plan or are simply unnecessary.
<b>Policy HA1: Bramley Green South (Mayflower Way)</b>	<p>Change Policy HA1 to read “Development at the site must provide at least 66 dwellings; associated open space; allotments; and screening to protect the outlook and minimise noise and disturbance for occupiers. Where possible, the proposal should seek to provide a safe route to the centre of the village and local school.”</p> <p>Agreed to amend; in addition ADC and parish agree to keep the EA sentence at the end of HA1.</p>	These modifications have been made mainly for clarity and consistency.
<b>Policy HA2: Ffield in Mayflower Way</b>	<p>Delete density reference under Para 11.24 – this is not a Policy requirement.</p> <p>Delete Para 11.28, these do not comprise Policy requirements</p> <p>Alter the settlement boundary to include the site</p> <p>Policy HA2, delete first sentence</p> <p>Policy HA2, change wording to read: “The site will provide at least 16 dwellings, including 2-3 bed affordable homes and associated green space.”</p> <p>Agreed to amend; in addition ADC and parish agree to keep EA sentence.</p>	These modifications have been made mainly for clarity and consistency and to contribute to the achievement of sustainable development.
<b>Policy HA3: Chandlers Site</b>	<p>Delete density reference under Para 11.33, this is not a Policy requirement.</p> <p>Para 11.33 change wording to “...parking. It may be that this could be done...”</p> <p>Agreed to amend. (was wrong para ref!)</p> <p>Policy HA3, delete the final two sentences, which include unnecessary references.</p> <p>Agreed to amend; in addition ADC and parish agree to keep EA sentence.</p>	
	In addition it is recognised that, based on the Examiner’s comments we will also need to revise the wording in Appenix E.	

	Please note that <b>comments highlighted in red</b> indicate areas that were discussed further and agreed with ADC and parish following receipt of the Examiner's Report.	
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4.0 **CONCLUSION**

- 4.1 I confirm, that the **Angmering 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 Angmering Neighbourhood Development Plan 2014-2029 should proceed to a referendum based on the neighbourhood area defined by Arun District Council on 29<sup>th</sup> November 2012 and South Downs National Park Authority.
- 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:** 4<sup>th</sup> December 2014