

Arun District Council Local Planning Authority

Walberton Parish Council Neighbourhood Development Plan 2015-2035 DECISION STATEMENT

Prepared by: Donna Moles (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 in relation to neighbourhood planning.
- 1.2 This Decision Statement responds to the report of the independent examiner on the draft Walberton Neighbourhood Development Plan ("**the Draft WDNP**"). It confirms that most of the modifications proposed in the examiner's report have been accepted by Arun District Council with the exception of his recommendation on Policy VE1 and Schedule 4, in particular the proposed designation of (i) Fontwell Meadows, (ii) the National Trust Field (Fontwell) and (iii) Tupper's Field, as Local Green Spaces. The Draft WDNP should be amended as a result of the recommendations of this report, following which the plan may then proceed to referendum.

2.0 BACKGROUND

- 2.1 The Draft WDNP relates to the area that was designated by Arun District Council and the South Downs National Park Authority as a neighbourhood area on 29th November 2012. This area is coterminous with the Walberton 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 Draft WDNP was carried out between 18th August 2015 and 29th September 2015. Following the submission of the Draft WDNP to the Council, the plan was publicised further and representations were invited. This further publicity period ended on 2nd December 2015.
- 2.3 Mr Edward Cousins was appointed by Arun District Council, with the consent of the Parish Council, to independently examine the Draft WDNP and prepare a report.

- 2.4 The report concluded that, subject to making the modifications recommended by the examiner, the Draft WDNP met the basic conditions set out in the legislation and should proceed to a Neighbourhood Planning referendum.
- 2.5 Paragraph 12(4) of Schedule 4B to the Town and Country Planning Act 1990 (“**the 1990 Act**”) states 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 of Schedule 4B 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.

3.0 DECISION

- 3.1 Having considered each of the recommendations made by the examiner’s report, and the reasons for them, Arun District Council has decided to accept all of the examiner’s recommendations with the exception of his recommendation on Policy VE1 and Schedule 4, in particular the proposed designation of (i) Fontwell Meadows, (ii) the National Trust Field (Fontwell) and (iii) Tupper’s Field, as Local Green Spaces.
- 3.2 Table 1 overleaf outlines the alterations needed to be made to the Draft WDNP under paragraph 12(6) of Schedule 4B to the 1990 Act in response to each of the examiner’s recommendations and the justification for this. It also outlines the further modifications required by Arun District Council on this basis.

Table 1: Recommendations by the Examiner and further modifications by Arun District 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
<p>RECOMMENDATION 1 <i>Paragraph 2.4</i></p>	<p>Wording to be inserted after the first sentence... <i>“The current position is that in September 2015 the Emerging Local Plan was suspended following the Inspector’s response to ADC’s proposed suspension timetable”</i></p> <p>ADC accepts this recommendation.</p>	<p>Reference should be made to the Emerging Local Plan 2011-2031</p>
<p>RECOMMENDATION 2 <i>Paragraph 3.4.3 – Biodiversity, Fontwell Meadows</i></p>	<p>Paragraph should be re-drawn as follows:</p> <p><i>“Fontwell Meadows, otherwise known as Fontwell South, comprises 4 fields totalling approximately 9.75 hectares, the current classification of which is species-poor semi-improved grassland. It comprises open land the primary use of which is grazing animals and equestrian activities. It is to be perceived as demonstrably special to the local community with a richness of wildlife, and is valued as such by a large number of local residents. It is also to be considered to be local in character and in close proximity to the community it serves. It does not fall within definition of an extensive tract of land falling within the blanket designation of open countryside adjacent to settlements. It is consistent with local planning of sustainable development, and its status is likely to endure beyond the plan period. It should therefore be accorded the status of a Local Green Space”</i></p> <p>ADC does not accept this recommendation. There is no evidence that has been submitted that shows that this area has any specific ecological value. See ADC recommendation 5 below.</p>	<p>This paragraph is not supported by ADC on the basis that none of the maps in the Evidence Base shows this tract of land as having been classified or designated as Lowland Meadows (Lowland Neutral Grass Land), as defined.</p>
<p>RECOMMENDATION 3 <i>Paragraph 3.4.4 – Species of Interest - Birds.</i></p>	<p>This paragraph should be deleted.</p> <p>ADC accepts this recommendation.</p>	<p>The survey carried out by WAG in 2008 does not fall within the Evidence Base provided in the Neighbourhood Plan.</p>
<p>RECOMMENDATION 4 <i>Paragraph 4.2 Core Objectives</i></p>	<p>The second sentence of paragraph 4.9 should be deleted, namely “development in neighbourhood parishes will be resisted that might exacerbate traffic problems in the Parish’s local road network”.</p> <p>ADC accepts this recommendation.</p>	<p>Policies cannot seek to deal with issues outside the Neighbourhood Plan area.</p>
<p>RECOMMENDATION 5 <i>Policy VE1 – Designation of Local Green Space</i></p>	<p>The recommendation is for 9 of the 10 proposed sites to be designated as Local Green Space. The recommendation for Avisford Park (the remaining site) is that this tract of land fails to comply with the criteria set out in paragraph 77 of the NPPF as it is an extensive tract of land. Delete Avisford Park. Therefore, insofar as Policy VE1 is concerned, it is recommended that in the penultimate sentence of the first paragraph of the Reasons at page 26 of the Neighbourhood Plan the word “ten” should be deleted and in its place the word “nine” inserted. It is also recommended that the last sentence of that paragraph be deleted as not making sense. In the Schedule 4 No 3 – Avisford Park should be deleted, and the sequence of sites thereafter be re-numbered.</p> <p>ADC does not accept parts of this recommendation.</p>	<p>ADC remains firmly of the view that Fontwell Meadows, National Trust Field (Fontwell) and Tupper’s Field, which are being proposed as LGS, do not meet all the criteria for that designation in para 77 of the NPPF. In particular, ADC is not satisfied that these areas of land (i) are “demonstrably special” and (ii) are not “extensive tracts of land”. The proposed designations also do not comply with para 015 of the relevant Planning Practice Guidance, which states: ‘consequently blanket designation of open countryside adjacent to settlements will not be</p>

	<p>The following Local Green Space designations fail to meet the criteria set out in the NPPF and should be deleted:</p> <ul style="list-style-type: none"> • Fontwell Meadows • National Trust Field (Fontwell) and • Tupper’s Field <p>This means that, if the Draft WNDP is to meet the basic conditions set out in Schedule 4B, para. 8(2) of the TCPA 1990, it must be modified to exclude those designations before it can proceed to a referendum.</p>	<i>appropriate’</i>
<p>RECOMMENDATION 6 Policy VE2 – Horticultural Development</p>	<p>The recommendation made is that this Policy should be deleted in its present formulation, and the wording contained in HOR DM1 be substituted, or substantially substituted in its place.</p> <p>ADC accepts this recommendation.</p>	<p>This policy is not in line with positive planning policies, and in particular it is not in conformity with HOR DM1(Horticulture) in the Emerging Local Plan.</p>
<p>RECOMMENDATION 7 Policy VE3 - Protection of Trees and Hedgerows</p>	<p>The recommendation made is that the Policy together with the Reasons should be re-worded inserted at the beginning of the Policy as follows: “Development will be permitted where it can be demonstrated that trees and hedgerows contributing to local amenity will not be damaged or destroyed. A suitably qualified person should be engaged to make an appropriate assessment in connection with any proposed development. However,”</p> <p>ADC accepts this recommendation.</p>	<p>These modifications have been made to bring it in line with the Emerging Local Plan Policy ENV DM4 – Protection of Trees.</p>
<p>RECOMMENDATION 8 Policy VE4 – Conservation areas and areas of special character</p>	<p>This Policy is supported by ADC as it is in conformity with in accordance with Policy HER DM3 of the Emerging Local Plan (and see Saved Policy Area 2). It is recommended that such areas should be so identified and designated.</p> <p>ADC accepts this recommendation.</p>	<p>Reference is made in the Reasons supporting this Policy that the Parish Council has been working closely with the Conservation Officer of ADC to designate such additional areas (there are two at present). However, the present position is that no such further areas have been identified.</p>
<p>RECOMMENDATION 9 Policy VE5 – Buildings and Structures of Character</p>	<p>The last sentence of the Policy should be deleted.</p> <p>ADC accepts this recommendation.</p>	<p>Thus it is already associated with a saved Policy, GEN22.</p>
<p>RECOMMENDATION 10 Policy VE6 – Protection of Watercourses</p>	<p>No comment</p> <p>ADC accepts this recommendation.</p>	
<p>RECOMMENDATION 11 Policy VE7 – Surface Water Management</p>	<p>The beginning of the Policy should be amended as follows: “New development should aim to reduce the overall level of flood risk. In the area by:”.</p> <p>The second bullet point should be deleted, and the following</p>	<p>These modifications have been made mainly for clarity and consistency and to meet Policy criteria.</p>

	<p>words substituted –</p> <p>“Consideration should be given to the use of Sustainable Urban Drainage Systems (SUDS) as alternatives to conventional drainage where appropriate. Sustainable Urban Drainage Systems on private property must conform to the recommendations of the SUDS Manual produced by CIRIA.”</p> <p>It is also recommended that consideration should be directed to the position relating to the Risk Register established with West Sussex County Council, and meanwhile it is recommended that the last sentence of the Reasons be deleted.</p> <p>ADC accepts this recommendation.</p>	To make reference to Policy W DM3 of the Emerging Local Plan.
RECOMMENDATION 12 Policy VE8 – Street Lighting	<p>This Policy should be deleted. There will need to be consequential paragraph re-numbering.</p> <p>ADC accepts this recommendation.</p>	This is not a land use policy.
RECOMMENDATION 13 Policy VE9 – Rural buildings	<p>(to be re-numbered VE8) No comment is made as to this Policy. It is therefore recommended that this Policy remains as currently worded.</p> <p>ADC accepts this recommendation.</p>	
RECOMMENDATION 14 Policy VE10 - Biodiversity and Archaeology	<p>This Policy should be deleted</p> <p>ADC accepts this recommendation.</p>	Emerging Policy HER DM6 relates to sites of archaeological interest, but this is irrelevant in the present case as there are no such currently proven sites lying within the area of the Neighbourhood Plan. Further, there is no Evidence Base in support.
RECOMMENDATION 15 Policy VE11 – Renewable Energy	<p>This Policy should be deleted</p> <p>ADC accepts this recommendation.</p>	There is no Evidence Base to support this and there is already an Energy Policy (ECC DMI) within the Emerging Local Plan.
RECOMMENDATION 16 Policy VE12 – Commercial Renewable Energy Schemes	<p>This Policy should be deleted</p> <p>ADC accepts this recommendation.</p>	There is no Evidence Base to support this.
RECOMMENDATION 17 - Protection of Assets of Community Value	<p>(to be re-numbered VE9)</p> <p>The proposed wording is as follows: “The Parish Council needs to apply to Arun District Council on each occasion in order to seek the inclusion of each building as an Asset of Community Value”</p> <p>ADC accepts this recommendation.</p>	To reflect the position that no application has so far been made for the inclusion of such buildings in the Register, if that be the case.
RECOMMENDATION 18 Section 5.4 – Housing Policies	<p>A new plan be drawn and designated to constitute the Proposals Map taking into account these various points:</p> <ul style="list-style-type: none"> The reference to Schedule 7 is incorrect. This reference should be altered to Schedule 8 in the current version of 	To justify the inclusion of these and subsequent policies in the Neighbourhood Plan and to aid clarity and consistency.

<p>The Proposals Map</p>	<p>the Neighbourhood Plan.</p> <ul style="list-style-type: none"> • Neither plan which appears in Schedule 8 is designated on the Proposals map. • Several sites have been identified for development purposes, some of these appear to lie outside the current boundaries drawn for the BUAB. • If too much information is required, two maps may be necessary. <p>The status of the first map on page 52 is unclear and should be deleted as it serves no useful purpose.</p> <p><i>It is recommended that a new Map is drawn and included in place of the existing two maps at pages 52 to 53, and 54 to 55, to take account of at least any listed buildings, Schedule 5 designated Buildings and Structures of Special Character, Conservation Areas, designated Local Green Space, the BUAB, and the Planning Application site, and any other relevant information, to which reference has been made above. It may be that two Maps will have to be included, if it appears that too much information is to be provided on the newly constituted Proposals Map.</i></p> <p>Paragraph 5.4 should be updated to take account the current position relating to the Emerging Local Plan, and that wording should be in conformity with similar wording as recommended above.</p> <p>ADC accepts this recommendation.</p>	
<p>RECOMMENDATION 19 <i>Policy HP1 – Spatial Plan of the Parish</i></p>	<p>It is recommended that:</p> <ul style="list-style-type: none"> • The second line of the Policy where it refers to the Proposals Map should refer to Schedule 8, and not Schedule 7. • Also in paragraph 3 it is recommended that specific reference should be made to the identification of the BUAB by reference to the newly drawn Proposals Map • the following wording replaces the existing wording: <i>“By reference to Emerging Policies SD SP2 – Built-up Area Boundary, C SP1 – Countryside, GI SP1 – Green infrastructure and development, SD SP3 – Gaps between Settlements, Policy H SP1 – Strategic housing, parish and town council allocations, and other relevant Policies, development proposals for new dwellings as specified in the Development Timeline in Schedule 7, and identified on the Proposals Map in Schedule 8, will be supported. Development proposals for other new dwellings outside the Built-up Areas will be resisted unless the Plan has made specific provision for those proposals.”</i> <p>ADC accepts this recommendation.</p>	<p>To aid clarity.</p>
<p>RECOMMENDATION 20 <i>Policy HP2 – Land to the East of The Old Police House, Fontwell</i></p>	<ul style="list-style-type: none"> • In the text “community response” it is recommended that the reference to the Dandara Planning Application should be updated. • It would also be useful to draw onto the plan at page 31 of the Neighbourhood Plan a dotted line indicating the line of the Dandara Planning Application. <p>ADC accepts this recommendation.</p>	<p>Minor alterations required to bring the Policy up to date.</p>

<p>RECOMMENDATION 21</p> <p>Policy HP 3 – S & G Motors, Arundel Road, Fontwell</p>	<ul style="list-style-type: none"> • Clarification is recommended regarding number of dwellings proposed – 20 or 28. • The policy should be re-worded in a more positive way and that (if this be the intention) the words “a minimum of 28 dwellings” be included in the text.. • Reference should be made to the Emerging Local Plan Policies H DM1 – Housing Mix, and H SP2 – Affordable Housing <p>ADC accepts this recommendation.</p>	<p>Modifications made to ensure policy complies with the Evidence Base. Although it is not recommended that this Policy should be deleted, it is, at present, somewhat deficient in its formulation. Reference should be made to Emerging Policies H DM1 – Housing Mix, and H SP2 – Affordable housing. The Policy needs to be drawn in accordance with the examiner’s recommendation.</p>
<p>RECOMMENDATION 22</p> <p>Policy HP4: Land at the rear of Woodacre Arundel Road, Fontwell</p>	<ul style="list-style-type: none"> • Clarification be provided as to how it is proposed that access will be provided to the proposed two houses on land to the rear of Woodacre and the land mentioned in Policy HP3. • The boundaries of the BUAB should be re-drawn. • The ‘Reasons’ section should include justification as to why this site is outside the BUAB. <p>ADC accepts this recommendation.</p>	<p>Modifications have been made to aid clarity.</p>
<p>RECOMMENDATION 23</p> <p>Policy HP5 – Land at the rear of Woodcroft West, Walberton Lane, Walberton</p>	<p>Once again, the question arises as to the reason why this site has been identified as it lies outside the BUAB. It is therefore recommended that the boundaries of the BUAB be re-drawn. Clarification should be given to the remit of the agreed section 106.</p> <p>ADC accepts this recommendation.</p>	<p>To aid clarity.</p>
<p>RECOMMENDATION 24</p> <p>Policy HP6 – Land at Sunny Corner, Copse Lane, Walberton</p>	<p>This policy should be deleted.</p> <p>ADC accepts this recommendation.</p>	<p>There is no evidence to justify this policy.</p>
<p>RECOMMENDATION 25</p> <p>Policy HP7– The Land adjacent to the Red Cottage, The Street, Walberton</p>	<p>Although no justification has been provided in the Evidence Base as to why only a single dwelling has been allocated for this site, it is recommended that this Policy be adopted.</p> <p>ADC accepts this recommendation.</p>	
<p>RECOMMENDATION 26</p> <p>Policy HP8 – Progress Garage Yapton Lane, Walberton</p>	<p>The boundaries of the BUAB should be re-drawn.</p> <p>ADC accepts this recommendation.</p>	<p>Modifications have been made to aid clarity as to the addition of this policy.</p>
<p>RECOMMENDATION 27</p> <p>Policy HP9 – Housing Mix</p>	<p>This policy should be deleted.</p> <p>ADC accepts this recommendation.</p>	<p>Emerging Policy H DM1 is specifically designed for this purpose.</p>

<p>RECOMMENDATION 28 Policy HP10 – Affordable Housing</p>	<p>This policy should be deleted.</p> <p>ADC accepts this recommendation.</p>	<p>Emerging Policy H SP2 is specifically designed for this purpose.</p>
<p>RECOMMENDATION 29 Policy HP11 – Housing Density</p>	<p>This policy should be deleted.</p> <p>ADC accepts this recommendation.</p>	<p>No evidence has been provided in the Evidence Base in support of this Policy.</p>
<p>RECOMMENDATION 30 Policy HP12 – Local Connection</p>	<p>This policy should be deleted.</p> <p>ADC accepts this recommendation.</p>	<p>This policy conflicts with ADC Local plan policy.</p>
<p>RECOMMENDATION 31 Policies GL1 to GL7</p>	<p>No comment is made as to these proposed policies, and the recommendation is that these Policies should be retained in the Neighbourhood Plan.</p> <p>ADC accepts this recommendation.</p>	
<p>RECOMMENDATION 32 Policies CL1 to CL8</p>	<p>No comment is made as to these proposed policies, and the recommendation is that these Policies should be retained in the Neighbourhood Plan.</p> <p>ADC accepts this recommendation.</p>	
<p>RECOMMENDATION 33 Schedules 1B to D, 2, 3, and 5</p>	<p>No comment is made as to these proposed policies, and the recommendation is that these Policies should be retained in the Neighbourhood Plan.</p> <p>ADC accepts this recommendation.</p>	
<p>RECOMMENDATION 34 General comment</p>	<p>It is recommended that the layout of these various Policies should be addressed.</p> <p>It would be easier to read if laid out in a table format, with three columns containing the titles:</p> <ul style="list-style-type: none"> Policy reference number Policy Title & relevant text Corresponding Evidence Based documents <p>References should also be made to the NPPF, ADC policy and any other relevant bodies, both Local and National.</p> <p>ADC accepts this recommendation.</p>	<p>To aid clarity.</p>

4.0 **CONCLUSION**

4.1 For the reasons given above, I confirm that if the draft **Walberton Neighbourhood Development Plan 2015-2035** were revised in accordance with the recommendations in this Decision Statement, it would comply with the basic conditions and other legal requirements and could proceed to referendum.

4.2 I recommend that the Draft WNDP, revised in accordance with the recommendations made above, proceed to a referendum based on the neighbourhood area defined by Arun District Council on a date to be confirmed.

4.3 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: 12th September 2016