

| | |
|-------------------|--|
| Report to | Planning Committee |
| Date | 9 March 2017 |
| By | Director of Planning |
| Title of Report | Amberley Neighbourhood Development Plan Decision Statement |
| Purpose of Report | To agree the Examiner's recommended modifications to Amberley Neighbourhood Development Plan and publish these in the Authority's 'Decision Statement'. |

Recommendation: The Committee is recommended to:

- 1) Note the Examiner's Report and recommended modifications to make the Amberley Neighbourhood Development Plan meet the basic conditions as set out at Appendix 2 of the report.**
- 2) Agree the 'Decision Statement' as set out at Appendix 3 of the report, which sets out the modifications that will be made to the Amberley Neighbourhood Development Plan in response to the Examiner's recommendations**

1. Introduction and Summary

- 1.1 Amberley Parish Council (APC) are to be congratulated on progressing their Neighbourhood Development Plan (NDP) to the final stage ahead of a community referendum. Getting to this stage is the result of considerable hard work by local volunteers and members of APC over the past two years. APC submitted the Amberley NDP to the South Downs National Park Authority (SDNPA) for examination in September 2016 and an independent examiner was appointed. The Examiner has now issued her final report and concludes, that subject to a number of modifications, the Amberley NDP can proceed to referendum. Before doing so, the SDNPA must issue a 'Decision Statement' setting out how the Amberley NDP will be modified in response to the Examiner's Report.
- 1.2 This Decision Statement is coming to Planning Committee as Amberley is fully within the National Park, the NDP allocates sites and the suggested modifications are likely to be of interest to Committee Members.

2. Background

- 2.1 The Amberley NDP plan period runs from 2016-2032 and has been prepared for a designated neighbourhood area which follows the Amberley parish boundary. The area was designated by SDNPA on 5 March 2015 and the area designation map is attached as **Appendix I**. The parish is entirely within the South Downs National Park.
- 2.2 Work on the Amberley NDP was launched in March 2015 with a public event at Amberley Museum. Several further engagement events were held with different parts of the community. A questionnaire was sent out to all households in June 2016. Amberley Parish Council carried out pre-submission consultation on a draft Amberley NDP in March and April 2016. The SDNPA made officer level comments in response to the pre-submission consultation. The submission version of the plan was published and consulted on in September and October of 2016. Limited comments were made by the SDNPA at this

stage.

2.3 Rosemary Kidd MRTPI was appointed as Examiner at the request of Amberley Parish Council.

3. Recommended modifications to the Amberley NDP to meet the Basic Conditions

3.1 The Examiner was appointed to assess whether the Amberley NDP meets certain legal requirements for NDPs, known as the 'Basic Conditions', these state NDPs should:

- i) Have regard to national policies and advice contained in guidance issued by the Secretary of State,
- ii) Contribute to the achievement of sustainable development,
- iii) Be in general conformity with the strategic policies contained in the development plan for the area,
- iv) Not breach, and otherwise be compatible with, EU obligations

3.2 The Examiner has identified a number of modifications which are necessary to ensure the Amberley NDP meets the basic conditions (**Appendix 2 – Examination Report**). Officers have reviewed the Examiner's report in detail with the NDP group representatives and would highlight the following key modifications;

- i) The deletion of two Local Green Spaces under Policy EN7
- ii) Deleting Policy FI5 Allocation of a community orchard/allotments
- iii) Reducing the size of the developable area of the housing site allocation under Policy HD6
- iv) The clarification of the wording of policies and their justifications

3.3 The Amberley NDP proposed the designation of three areas of land as Local Green Space (LGS). National Planning Policy Framework (NPPF) paragraph 76 states that by designating land as LGS local communities will be able to rule out new development, other than in very special circumstances. Paragraph 77 states that the LGS designation will not be appropriate for most green areas or open spaces and sets out three criteria to be used to assess the suitability of potential areas. The Examiner was not satisfied that Site 2 The Top Field or Site 3 The Crossgates Field meet the criteria set out in NPPF paragraph 77, as the sites are agricultural land and have no public access. It should be noted that public access is not a criteria for LGS. However, the examiner considered APC had failed to demonstrate that the sites were demonstrably special to the local community and hold a particular local significance.

3.4 APC are disappointed that two of their nominated LGS have been rejected by the Examiner. They are particularly concerned about the threat of development at Site 2 The Top Field. Horsham District Council, the owner, has a history of promoting the site for housing development. Although it should be noted that the site is outside the settlement boundary. APC consider Site 2 does meet the NPPF criteria for LGS designation. The site is in close proximity to the community and it is not an extensive tract of land. In addition, APC believe the site has wildlife value. Notes of local fauna and flora were submitted as part of the evidence to the Examiner. However, the Examiner stated there was no professional ecological assessment of the significance of the data. The APC also consider the site to have value for its tranquillity. The field is visible from Amberley Mount and one of the notable viewpoints in the SDNPA Viewshed Study (Viewshed panorama no.32). The field is also adjacent to Amberley Conservation Area and provides a green buffer between the new and older housing. There is a history of community support for keeping the field as open space, a survey in 2006 found overwhelming support for its continued use as open space. Officers have carefully considered the APC's arguments for the designation as LGS but do not feel there is sufficient evidence to reach a different conclusion from the Examiner. Officers have advised APC to consider collecting further evidence in support of the LGS designation for a future review of the NDP.

3.5 Policy FI5 proposed to allocate a parcel of land for allotments and community orchard. The

examiner was not satisfied there was sufficient evidence to allocate the land. No research was undertaken to ascertain the number of allotments that were required although there was clear support from the community for the proposals. In addition, the landowner Horsham District Council, objected to the allocation.

- 3.6 Policy HD6 allocates land off the B2139 for a minimum of 6 homes. The site is adjacent to the recent affordable housing development on the south eastern edge of the village. The examiner considered that the proposed site could potentially accommodate well in excess of 6 dwellings. In response to the examiner's query, APC reviewed the boundary of the site and removed the area of mature trees along the boundary to reduce the developable area to 0.35ha. This gives an indicative capacity of 10-11 homes. The examiner has stated that there is no reason why the NDP cannot allocate a site that is capable of accommodating a slightly higher number of dwellings which could be developed in the future. The policy refers to a minimum of 6 dwellings. Should more units be delivered on the site there will be scope to facilitate the provision of some on site affordable housing. The policy wording has also been revised to include a requirement for a tree survey and that development within the vicinity of the trees should accord with BS5837.
- 3.7 The examiner has made a number of recommendations to clarify the wording of policies and their justifications. In particular, the examiner has considered that the use of 'must' and 'shall' in a number of policies and their justifications as being too restrictive. The examiner recommends that the word 'should' should be used in policies as this leaves room for exceptions.

4. Decision Statement

- 4.1 The Neighbourhood Planning (General) Regulations 2012 state that a Local Planning Authority must publish what action will be taken in response to the recommendations of an Examiner. This is known as the 'Decision Statement'. The Decision Statement outlines the alterations made to the Amberley NDP in response to each of the Examiner's recommendations (**Appendix 3 - Decision Statement**). Once agreed, the Decision Statement will be published on the SDNPA website.
- 4.2 Schedule 4B of the Town and Country Planning Act 1990 states that the Local Planning Authority can make modifications to a NDP which:
- The authority consider need to be made to secure that the NDP meets the basic conditions, and
 - Are for the purpose of correcting errors.
- 4.3 Officers have considered the Examiner's Report and accept all the recommended modifications. If the Decision Statement is agreed, the submission version of the Amberley NDP will be revised accordingly.

5. Planning Committee

- 5.1 The submission Amberley NDP was presented to Planning Committee on the 13th October 2016 as the plan allocates land for housing.

6. Next steps

- 6.1 Following the publication of the Decision Statement, the Amberley NDP can proceed to referendum which will be organised by Horsham District Council. It is currently anticipated that the referendum will be held on 4th May 2017. If over 50% of those voting, vote in favour of the NDP, then the Plan can be 'made' (adopted) by the SDNPA and will form part of the statutory Development Plan for Amberley parish.

7. Other Implications

| Implication | Yes/No |
|---|---|
| Will further decisions be required by another committee/full authority? | Yes – Agreement to Make the Amberley NDP at a subsequent Planning Committee if a referendum is successful. |
| Does the proposal raise any Resource implications? | <p>Yes - The SDNPA have claimed £5,000 in new burdens funding from CLG to date. SDNPA have granted Amberley £5,000 to support the cost of preparing the NDP and SDNPA have paid £4,125 for the cost of the NDP Examination. To date the plan has cost £9,125 which is £4,125 more than the grants received. However, the SDNPA will be able to claim £20,000 shortly to cover the cost of the Examination and Referendum.</p> <p>The cost of Neighbourhood Planning to the SDNPA is currently covered by the grants received from CLG. However there are signs that these are going to start to reduce as Neighbourhood Planning increasingly becomes part of the mainstream. Currently within the National Park the cost of producing a plan ranges from around £7,000 (including the Examination and referendum) to £80,000</p> <p>Once a NDP is made, a Parish Council is entitled to 25% of Community Infrastructure Levy (CIL) collected from development within the neighbourhood area, as opposed to the capped 15% share where there is no NDP. The Parish Council can choose how it wishes to spend these funds on a wide range of things which support the development of the area.</p> |
| Has due regard has been taken of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010? | Due regard has been taken of the South Downs National Park Authority's equality duty as contained within the Equalities Act 2010. Amberley Parish Council who have the responsibility for preparing the neighbourhood plan have also prepared a Consultation Statement demonstrating how they have consulted the local community and statutory consultees. The Examiner was satisfied that the consultation and publicity undertaken meets regulatory requirements. |
| Are there any Human Rights implications arising from the proposal? | None |
| Are there any Crime & Disorder implications arising from the proposal? | None |
| Are there any Health & Safety implications arising from the proposal? | None |
| <p>Are there any Sustainability implications based on the 5 principles set out in the SDNPA Sustainability Strategy:</p> <ol style="list-style-type: none"> 1. Living within environmental limits 2. Ensuring a strong healthy and just society 3. Achieving a sustainable economy 4. Promoting good governance 5. Using sound science responsibly | <p>The qualifying body with responsibility for preparing the neighbourhood plan must demonstrate how its plan will contribute to the achievement of sustainable development. This is set out in the Basic Conditions Statement. The examiner who assessed the plan considered that it met the requirements if a number of modifications were made. Please note that the sustainability objectives used by qualifying bodies may not be the same as used by the SDNPA, but they will follow similar themes.</p> <p>Strategic Environmental Assessment</p> <p>It was concluded that an environmental assessment of the Amberley Neighbourhood Plan was not required.</p> |

8. Risks Associated with the Proposed Decision

| Risk | Likelihood | Impact | Mitigation |
|--|------------|--------|---|
| The Examiner has recommended modifications to ensure the Amberley NDP meets the Basic Conditions. If these modifications are not implemented the Amberley NDP would be at risk of legal challenge on the basis it does not meet the legal requirements for NDPs. | Low | Low | The Examiners recommended modifications are agreed in full. |

TIM SLANEY

DIRECTOR OF PLANNING

South Downs National Park Authority

Contact Officer: Sarah Nelson (Strategic Planning Lead)

Tel: 01730 819285

email: sarah.nelson@southdowns.gov.uk

Appendices

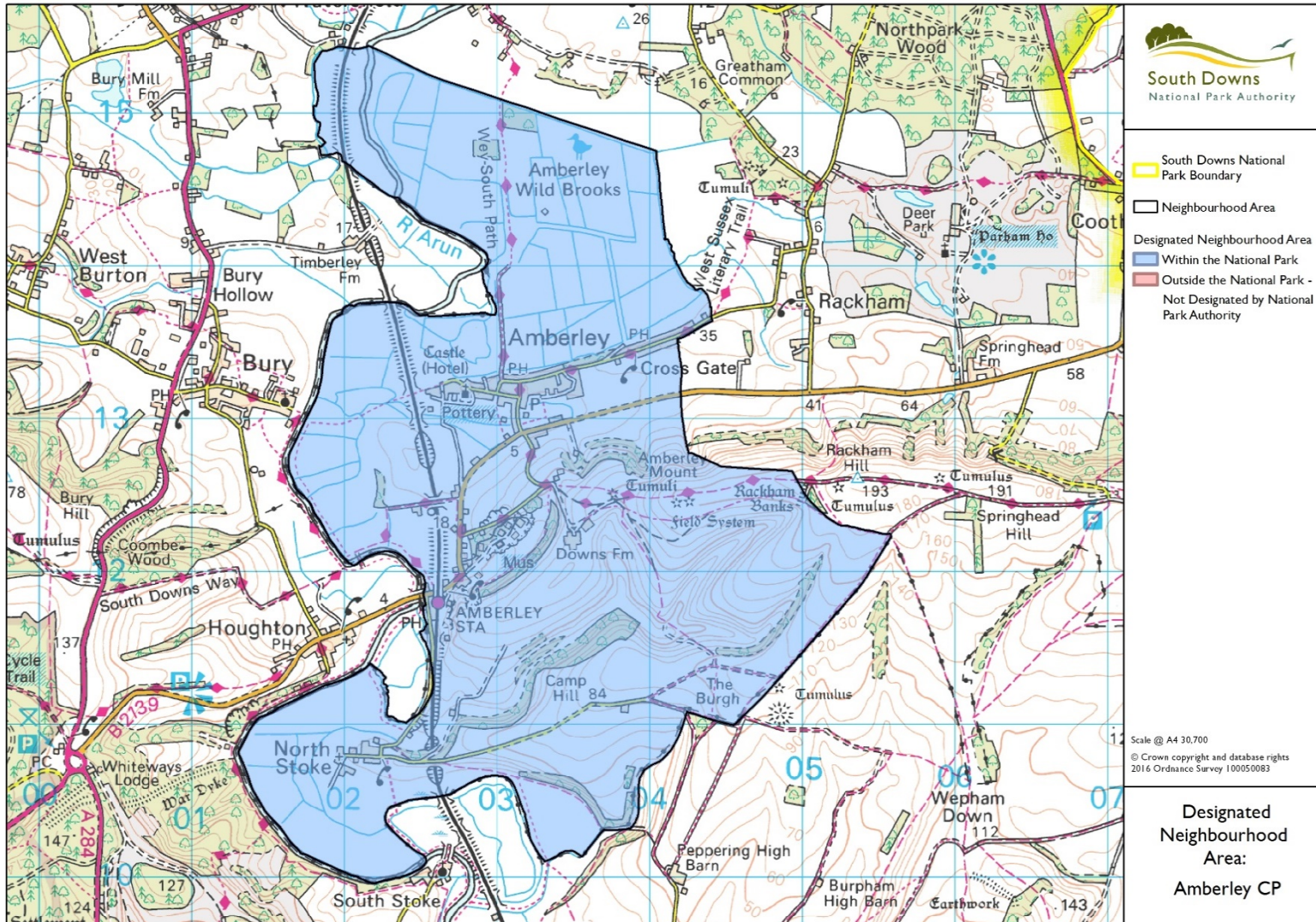
1. Amberley Neighbourhood Area
2. Examination Report
3. Decision Statement

SDNPA Consultees Legal Services; Chief Finance Officer; Monitoring Officer

External Consultees None

Background Documents [Amberley Regulation 16 Consultation response](#)
[Amberley Regulation 14 Consultation response](#)

Agenda Item 9 Report PCI7/17 Appendix I



Amberley Neighbourhood Development Plan Decision Statement: March 2017

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 Amberley Neighbourhood Development Plan has been altered as a result of it; and that this plan may now proceed to referendum.

2. Background

- 2.1 The Amberley Neighbourhood Development Plan relates to the area that was designated by the South Downs National Park Authority as a neighbourhood area on 5 March 2015. This area corresponds with the Amberley Parish Council boundary that lies within the South Downs National Park Local Planning Authority Area.
- 2.2 Following the submission of the Amberley Neighbourhood Development Plan to the National Park Authority, the plan was publicised and representations were invited. The publicity period ended on 18 October 2016.
- 2.3 Rosemary Kidd Dip TP, MRTPI was appointed by the South Downs National Park Authority with the consent of Amberley Parish Council, to undertake the examination of the Amberley 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.

3. 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, the South Downs National Park Authority in consultation with Amberley 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. The reasons set out have in some cases been paraphrased from the Examiners report for conciseness. This statement should be read alongside the Examiners report.
- 3.3 As the Authority is satisfied that, subject to the modifications being made, the Neighbourhood Plan meets the legal requirements and basic conditions, it will proceed to referendum.

Signed:

Tim Slaney
Director of Planning, South Downs National Park Authority

Date:

Table 1

| Recommended Modification to the Amberley NDP | Examiners Report Reference & Justification | Proposed Decision |
|---|---|--------------------------|
| <p>Paragraph 1.4 Revise as follows: “Screening opinions for SEA and HRA were prepared and consulted on with the relevant consultation bodies. It was confirmed that further assessment of the Neighbourhood Plan under the SEA and HRA Regulations were not required.” The HRA Screening should be published as part of the Basic Conditions Statement.</p> | <p>The screening under the Habitats Regulations was not undertaken prior to the submission of the Neighbourhood Plan and was carried out during the examination. The recommendation is made to ensure that the Plan includes reference to the HRA screening</p> | <p>Accept</p> |
| <p>Section 2 Revise as follows: Section 2.1.1 – final paragraph revise to read “...that it has had regard to the national planning policies in the NPPF and other guidance.” Strategic Local Plan Policy – revise the second line onwards to read: “.....needs to be in general conformity with the strategic policies of the adopted development plan for the area which is the Horsham Local Plan 2007. The emerging South Downs National Park Local Plan (Preferred Options autumn 2015) has also been taken into account.” Delete the two bullet points.</p> | <p>It is recommended that the wording of section 2 on the national and local strategic policy context should be revised to ensure that it is consistent with the text in the Regulations and PPG.</p> | <p>Accept</p> |

| Recommended Modification to the Amberley NDP | Examiners Report Reference & Justification | Proposed Decision |
|--|---|-------------------|
| <p>Section 3.4 Revise to read “Amberley Wildbrooks is covered by many designations, including RAMSAR, Special Area of Conservation, Special Protection Area and Site of Special Scientific Interest.”</p> | <p>It is recommended that the paragraph be corrected to include the international and national designations of the site.</p> | <p>Accept</p> |
| <p>Objective eight Revise to read: “public footpaths, cycleways, …..”</p> | <p>There is a slight discrepancy between the vision which refers to footpaths and cycleways and objective eight which refers to footpaths and bridleways. It is recommended that these sections be reviewed to ensure clarity and consistency about the type of routes to be promoted.</p> | <p>Accept</p> |
| <p>Policy EN1 Natural Environment 1. Revise the third paragraph of the policy to delete “RAMSAR/SPA/SSSI” 2. Delete the following from the first paragraph of EN1.1 “and residents greatly enjoy....views” and replace with: “The special qualities of the SDNP include diverse, inspirational landscapes and breathtaking views as well as a rich variety of wildlife and habitats including rare and internationally important species.” 3. Revise the second sentence of the justification to read “The Amberley Wildbrooks is covered by many designations, including RAMSAR, Special Area of Conservation, Special Protection Area and Site of Special Scientific Interest and are enjoyed...”</p> | <p>The recommendations are made to improve the clarity of the policy and its justification.</p> | <p>Accept</p> |
| <p>Policy EN2 Landscape character and open views 1. Replace “must” in line 1 of the policy and the justification with “should”. 2. Replace “not cause any loss or diminution of” with “should not have an adverse impact on”. 3. Delete “as selected by residents” from line 4.</p> | <p>A revision to the wording is proposed to assist future decision makers in interpreting the policy. It is recommended that the environmental safeguarding policies of the Neighbourhood Plan should be worded in a consistent manner to those in the Local Plan. Other revisions are proposed to improve the clarity of the text.</p> | <p>Accept</p> |

| Recommended Modification to the Amberley NDP | Examiners Report Reference & Justification | Proposed Decision |
|--|---|-------------------|
| <p>4. Delete “currently used for grazing animals” from point 2 and under Map A.</p> <p>5. Number the arrows on Map A to accord with the numbered points in the policy.</p> <p>6. Revise the justification in section EN2.1 to explain the significance and source of the landscape character assessment: “Amberley Parish is located within the SDNP and residents greatly enjoy the many local walks, footpaths and bridleways which provide a high level of amenity value and provide varied and beautiful views. The South Downs Integrated Landscape Character Assessment identifies and defines 18 general landscape types within the National Park as well as 49 more place-specific ‘character areas’. This work helps us all to understand the landscape character of the National Park. The parish is set within the Arun Valley landscape which is characterised by its major floodplain and valley sides. The Viewshed Analysis carried out by SDNPA in 2015 identifies several points on the South Downs where important views look over the village of Amberley and the Arun Valley.”</p> | | |
| <p>Policy EN3 Protection of Trees and Hedgerows</p> <p>Revise the second paragraph of Policy EN3 to read: “Development proposals should be designed....”</p> <p>Revise the first sentence of paragraph EN3.1 to read: “...pleasant feel of the parish.”</p> <p>Revise the final two sentences to read: “The unnecessary removal of trees..... and should be resisted. The Plan</p> | <p>Subject to replacing “must” with “should”, it is considered that the policy meets the basic conditions.</p> | <p>Accept</p> |
| <p>Policy EN4 Renewable and Low Carbon Energy</p> <p>1. Revise point c) to read “....should not detract from.....of the Parish”</p> | <p>Point (f) effectively would preclude the development of any energy generating infrastructure on land in agricultural production. The Qualifying Body has explained that the aim of this is to control solar farms. The policy would support solar panels being placed upon</p> | <p>Accept</p> |

| Recommended Modification to the Amberley NDP | Examiners Report Reference & Justification | Proposed Decision |
|--|--|-------------------|
| <p>2. Revise the second sentence of point (f) to read “Such equipment placed upon or within industrial or farm buildings....”</p> | <p>industrial or farm buildings. It would be helpful for the policy to recognise that there are other forms of renewable energy development, such as from biomass and anaerobic digestion, which may be suitably located within agricultural or industrial buildings.</p> | |
| <p>Policy EN5 Conserve and Enhance the Heritage Environment Revise the first paragraph to read: 1. “New development should assets. Development proposals should demonstrate that that all the following criteria have been met:” 2. Add “Scheduled Ancient Monuments” to the bulleted list 3. Revise paragraph EN5.1 to refer to “The Plan area has a large number of listed buildings and Scheduled Ancient Monuments including Amberley Castle as well as.....”</p> | <p>The recommendation is made to improve the clarity of the wording of the policy and to aid its interpretation. The justification refers to Scheduled Ancient Monuments but these are not included in the policy wording itself.</p> | <p>Accept</p> |
| <p>Policy EN6 Dark Night Skies Revise Policy EN6 as follows: “Development should not detract from the unlit environment of the Parish. Security, outside lighting and floodlighting should be designed to be deflected downwards and switched off no later than midnight.”</p> | <p>It is considered that the policy is overly restrictive and negative, unclear and would be difficult to interpret. The justification provides some explanation and it would be helpful to include some of this in the policy itself. It is not clear how lighting is to be “neighbourly in use”. The recommendation is made to improve the clarity of the policy and to aid its interpretation in making decisions on planning applications:</p> | <p>Accept</p> |
| <p>Policy EN7 Local Green Space Sites 2 and 3 should not be designated Local Green Space. Revise Policy EN7 as follows: “The Millennium Green shown on the Proposals Map is designated as Local Green Space as it is demonstrably special to the local community and holds a particular local significance. Proposals for development within this area will only be permitted where it is demonstrated that there are very special</p> | <p>Sites 2 and 3 are not considered to be demonstrably special to the local community and hold a particular local significance. The wording of Policy EN7 should be revised to reflect the guidance in the NPPF that development on Local Green Space should only be acceptable in “very special circumstances”. The justification should be revised to explain the significance of the Millennium Green.</p> | <p>Accept</p> |

| Recommended Modification to the Amberley NDP | Examiners Report Reference & Justification | Proposed Decision |
|--|--|--------------------------|
| <p>circumstances that justify the need for the development and there are no suitable alternative sites.”</p> <p>Revise paragraph EN7.1 to describe the importance of the Millennium Green.</p> | | |
| <p>Policy EN8 Local Open Space</p> <p>Delete the third bullet point.</p> | <p>The third criteria refers to development that forms part of the comprehensive redevelopment of the school that would not result in the net loss of playing fields (with the exception of land identified under Policy FI2). The Qualifying Body have requested that the third bullet point be deleted.</p> | <p>Accept</p> |
| <p>Policy FI1 Create a car park</p> <p>Revise Policy FI1 as follows:</p> <p>“The Parish Council will work to secure funding for and develop a car park. The car park will be:....”</p> <p>Add the following to the justification: “The Parish Council will work with the District Council and other agencies to secure the land and funding for the development of the car park. The preferred location is on land close to the school/community hall so that the car park can serve these community buildings.”</p> <p>Revise the Proposals Map to show the boundary of the existing school grounds as the area for the new school/ community hall/ toilets. Delete the remainder of the site and the reference to the car park.</p> | <p>I have reservations about the way that the proposals are shown on the Proposals Map C. It is not clear how much land is required for the car park or where it is to be located within the overall site and there are concerns from the District Council about its delivery. In the circumstances, I consider that it would not be appropriate at this stage to allocate a specific parcel of land for the car park.</p> | <p>Accept</p> |
| <p>Policy FI3 Protection of Assets of Community Value</p> <p>Revise Policy FI3 as follows:</p> <ol style="list-style-type: none"> 1. Revise the title of the Policy to read “Protection of Assets of Community Value and the Village Shop and Post Office” 2. Revise the first paragraph of the Policy: “Proposals that will enhance.... of Assets of Community Value and the Village Shop and Post Office will be supported.” | <p>Rather than limiting the policy to registered Assets of Community Value, it is considered that it would be appropriate for the Neighbourhood Plan to reframe the policy so that it would support the enhancement of local businesses that serve the community. The recommendation is made to clarify the interpretation of the policy.</p> | <p>Accept</p> |

| <p>Recommended Modification to the Amberley NDP</p> | <p>Examiners Report Reference & Justification</p> | <p>Proposed Decision</p> |
|---|---|---------------------------------|
| <p>3. Revise paragraph FI3.1 to read: “The buildings listed in Schedule A have been listed by Horsham DC on the Register of Assets of Community Value.”</p> <p>4. Revise the first sentence of paragraph FI3.2 to read: “The loss of these assets would have a significant impact on the community. The Black Horse Public House and The Village Pottery are a ‘pull’ for tourists and the Village Shop and Post Office is vital to this rural community.”</p> <p>5. Revise the final sentence of paragraph FI3.3 to read: “However, it is already held secure by being owned (since 1998) by Amberley Shop Properties, a village trust. The members of this trust have indicated that they do not see any need to make the Village Stores an AOCV, since it is already protected. It has therefore not been added to Schedule A.”</p> <p>6. Revise Schedule A to read: “The Black Horse PH and The Village Pottery are both registered with HDC as Assets of Community Value.”</p> | | |
| <p>Policy FI4 Surface Water Management Revise paragraph FI4.3 to read: “Development can lead to increased surface water run-off and as such all proposals should ensure that as a minimum there is no net increase in surface water run-off taking account of climate change. Therefore, development should incorporate mitigation techniques in its design such as permeable surfaces and sustainable drainage systems (SuDS).</p> | <p>Make reference to Sustainable Drainage Systems in line with national guidance. Revisions to the justification are also proposed to better reflect guidance on Sustainable Drainage and Green Infrastructure.</p> | <p>Accept</p> |
| <p>Policy FI5 Allocate land for a Community Orchard / Allotments Delete Policy FI5 and delete the site from the Proposals Map.</p> | <p>I am not satisfied that there is sufficient evidence at the present time to allocate this land for this proposal which can only be viewed as an aspiration at this stage. Without the landowner’s agreement the proposal would be undeliverable.</p> | <p>Accept</p> |

| Recommended Modification to the Amberley NDP | Examiners Report Reference & Justification | Proposed Decision |
|---|--|-------------------|
| <p>Policy HD1 The presumption in favour of development Delete Policy HD1 and its justification in paragraphs HD1.1 and HD1.2 and renumber subsequent policies.</p> | <p>Policy HD1 does not have regard to legislation and national planning guidance. It is incorrect to seek to restrict the consideration of planning applications solely to the Neighbourhood Plan policies. It is recommended therefore that the policy be deleted.</p> | <p>Accept</p> |
| <p>Policy HD2 Settlement Boundary revise Policy HD2 as follows: “Development within the settlement boundary for Amberley as defined on the Proposals Map will be supported where it accords with other policies of the development plan and other material considerations.” “Proposals outside the settlement boundary will only be supported in the exceptional circumstances set out in the national guidance and the development plan.”</p> | <p>Revise policy to better reflect national policy that decisions should be made in accordance with the development plan and other material considerations. The word “generally” should be deleted as it introduces uncertainty and may lead to inconsistency in decision making. Reword the second part of the policy in a positive light. The justification should explain that proposals will be considered in the light of the policies in the Neighbourhood Plan and the adopted Local Plan, as well as other material considerations</p> | <p>Accept</p> |
| <p>Policy HD3 Quality of Design Revise Policy HD3 as follows: 1. Delete “and extensions, alterations and replacements to existing development must demonstrate how they meet the policies set out in this Plan, and” and “see Evidence Base 10”. 2. Delete the second paragraph of the policy. 3. Delete paragraph HD3.1.</p> | <p>The recommendation is made in order to have regard to national policy and to clarify the interpretation of the policy.</p> | <p>Accept</p> |
| <p>Policy HD4 Housing Mix Revise Policy HD4 as follows: 1. “New housing development should provide a mix of house types, sizes and tenures that meet the housing needs of the Parish of Amberley and the local area as evidenced in the most recent Local Housing Needs Study, particularly for smaller housing of 1 or 2 bedrooms.”</p> | <p>The recommendation is made to improve the flexibility in the application and interpretation of the policy.</p> | <p>Accept</p> |

| Recommended Modification to the Amberley NDP | Examiners Report Reference & Justification | Proposed Decision |
|--|--|-------------------|
| <p>2. The justification should explain how local housing needs are to be assessed and should include a definition of the local area that will be applied as “the hamlets and villages of Rackham, Greatham, Parham, Wiggonholt and Houghton.”</p> <p>3. Revise the title of Policy HD4 to “Housing types, sizes and tenures”</p> | | |
| <p>Policy HD5 Housing Density Replace “shall” with “should” in Policy HD5.</p> | It is considered that the policy meets the Basic Conditions and no modifications are proposed apart from replacing “shall” with “should” | Accept |
| <p>Policy HD6 Housing Site Allocation “The development of a minimum of six dwellings will be supported on the site shown on the Proposals Map. A survey should be carried out to establish the value of the trees on site, which should be retained and a planting scheme agreed which introduces suitable native trees and shrubs. Development within the vicinity of trees on the site should accord with BS 5837.” The Proposals Map should be revised to show the developable area to be allocated for housing.</p> | The site is considered capable of accommodating in excess of 6 dwellings. However, there is no reason why the Neighbourhood Plan should not allocate a site that is capable of accommodating a slightly higher number of dwellings so that there would be scope for additional dwellings to be developed on the site in the future. An area of mature trees should be removed from the site boundary and only the developable area should be shown on the Proposals Map. | Accept |
| <p>Policy HD7 Windfall sites Revise Policy HD7 as follows: 1. Revise the first paragraph to read: “Residential development on infill and.....boundary as shown on the Proposals Map shall meet all the following factors:” 2. Revise criterion 1 by deleting “adopted Neighbourhood” 3. Replace “must” with “should” in criteria 5 and 6.</p> | The recommendations are made to improve the clarity of the policy, to ensure that the policy refers to the “Development Plan” as a whole and to ensure that there is flexibility in the application of the policy. | Accept |
| <p>Policy HD9 Attention to Detail Delete the second sentence of criterion 5.</p> | The criteria relating to PV panels is considered to be too restrictive and should be removed | Accept |

| Recommended Modification to the Amberley NDP | Examiners Report Reference & Justification | Proposed Decision |
|--|--|-------------------|
| <p>Policy GA1 Footpath and cycle path network Revise the second sentence in Policy GA1 as follows: “Unless appropriate diversions are proposed, the loss of existing footpaths and cycle paths will be resisted.”</p> | <p>The second part of the policy is considered to be negatively worded and fails to acknowledge that there may be sound reasons for routes to be closed and diverted. The recommendation is proposed to make provision for diversions.</p> | <p>Accept</p> |
| <p>Policy GA2 Pedestrian Footways Revise the title of Policy GA2 to read: “Cycleways and Pedestrian Footways” Revise the wording of Policy GA2 to read: “.....creation of cycleways and public pedestrian footways.</p> | <p>I have raised concerns with the Qualifying Body about the discrepancy between the policy and justification. They have agreed that the policy should include cycleways.</p> | <p>Accept</p> |
| <p>Policy GA3 Car Parking Add the following to the justification to Policy GA3: “Refer to the West Sussex County Council Guidance for Parking in New Residential Development 2010 or any subsequent update.”</p> | <p>It would be helpful to plan users to include reference to the relevant parking standards in the justification to the policy.</p> | <p>Accept</p> |
| <p>Policy ET1 Development of New and Existing Businesses Revise the second paragraph to read “will be supported, particularly where a development would benefit the community and.....”</p> | <p>It is considered that the requirement to demonstrate that the proposed business would “benefit the community” is unnecessarily restrictive and it is recommended that it be rephrased on the lines of “...particularly those that would benefit the community..”.</p> | <p>Accept</p> |
| <p>Policy ET3 Tourism revise Policy ET3 as follows: “Development of facilities for tourism of an appropriate scale and type will be supported subject to their meeting other policies of the Development Plan, conserving and enhancing the natural beauty of the National Park and not having an adverse impact on the residential amenity of nearby dwellings.”</p> | <p>The recommendation is proposed in order to clarify the interpretation of the policy.</p> | <p>Accept</p> |