



Summary of Representations made on the Regulation 16 Submission version of the Bury Neighbourhood Development Plan (BNDP)

1. This document provides a summary of the representations submitted in accordance with Regulation 16 of the Neighbourhood Planning (General) Regulations 2012(as Amended) to the Bury Neighbourhood Development Plan (BNDP). This document is produced in compliance with the Neighbourhood Plan (Referendum) Regulations 2012.
2. The South Downs National Park Authority (SDNPA) published the BNDP for consultation from 12 July 2017 to 23 August 2017 in accordance with Part 5 of the Neighbourhood Planning (General) Regulations 2012 (as Amended). Representations were submitted during the publicity period by 11 respondents. The representations were received from statutory consultees, individuals and other organisations.
3. Paper copies of the representations can be viewed on request at the South Downs Centre, North Street, Midhurst, West Sussex, GU29 9DH.
4. Set out below is a summary of the issues raised in the representations. The South Downs National Park Authority Representation can be seen in full on our website.

Reference	Name / Organisation	Date received	Method of submission	Summary of representation
R1.	Mr Martin Small on behalf of Historic England (HE)	16/08/2017	Email	<ol style="list-style-type: none"> 1. BDNP Policy 2 - HE welcomes this policy, which corresponds with paragraph 58 of the National Planning Policy Framework (NPPF). The Village Design Statement 2007 provides the required understanding and evaluation of the Plan area’s defining characteristics. 2. BDNP Policy 4 - Point (vi) of the policy should be revised to state the following: “Does not result in unjustifiable harm to the special interest or character or appearance of the conservation area, including through loss of the positive contribution of its setting.” 3. Paragraph 6.4 should read: “Two Historic England Registered Historic Parks and Gardens”. 4. Strongly support Policies 5, 6, 7 and 8 that seek to protect and enhance the significance of locally specific non-designated heritage assets. Uncertainty on whether BNDP Policies 5, 6, 7 or

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				<p>8 have been illustrated on the proposals maps and how the policy will be applied robustly.</p> <ol style="list-style-type: none"> 5. Policy 8 complies with the National Planning Practice Guidance (NPPG). Pleased to endorse the methodology used to assess the suitability of each of the Parish Heritage Assets. 6. Recommends 'non-scheduled archaeological remains' to be referenced more in the Plan, as documented in the Chichester Historic Environment Record. The Character, Design and Heritage Assets background document has no reference to this term either. 7. Rewording is suggested BNDP Policy 14 to make it clear that planning permission will only be granted for development proposals that preserve notable views. BDNP Policies 17 and 20 may need similar rewording.
R2.	Southern Water	17/08/2017	Email	<ol style="list-style-type: none"> 1. BNDP Policy 5 - Sunken Lanes - SW are concerned that the wastewater and water supply drainage network underneath the sunken lanes would be affected by the policy's current wording. This may establish a barrier to the delivery of essential infrastructure maintenance and/or upgrades to serve the existing and planned development. 2. National Policies and Guidance - While sunken lanes constitute a 'non-designated heritage asset' under the NPPF paragraph 133, the NPPF also makes it clear that wastewater and water infrastructure has locational needs which mean that harm or loss to such heritage assets may be required in the public interest. 3. Proposed Amendment - Suggest the incorporation of extra wording to Policy 5, complying with NPPF requirements: <p style="margin-left: 20px;">“Any proposal that would result in a loss or alteration of, create a cutting into the bank along a sunken lane or erode the distinctiveness of a sunken lane will not be supported and should be refused, <u>unless it is for the provision of essential utilities infrastructure, where it can be demonstrated that the benefits outweigh the harm.</u>”</p> 4. Request for new policy relating to utility infrastructure - There is a risk to the delivery

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				<p>time for the service to the proposed development, if the required local utility infrastructure is not supported by planning policies and their subsequent planning conditions. This issue is supported by the NPPF and the National Planning Policy Statement on Wastewater.</p> <p>“New and improved utility infrastructure will be encouraged and supported in order to meet the identified needs of the community.”</p>
R3.	Ms Louise Diez on behalf of Natural England	09/08/2017	Email	<p>NE make no specific comments on the HRA Screening Opinion.</p> <ol style="list-style-type: none"> 1. Habitat Regulations Assessment (HRA) - Air Quality - The judgement arising from the Judicial Review of the Lewes Joint Core Strategy, will have implications on the screening of air quality impacts on European Sites under the Habitat Regulations. This will in turn affect the BNDP. 2. Implications for Bury Neighbourhood Plan HRA - For both the screening (and any appropriate assessment stages of an HRA), the likely effects of a plan or project need to be considered individually and in combination with other relevant plans and projects. This is a legal requirement of the Habitats Regulations 2010 (as amended).
R4.	Ms Louise Diez on behalf of Natural England	16/08/2017	Email	<p>NE submitted specific comments in relation to biodiversity and green infrastructure policies in the Bury NDP:</p> <ol style="list-style-type: none"> 1. BNDP Policies 3 and 4 - Neither policy incorporates the need to avoid impacts on biodiversity. 2. Green Infrastructure and ecological networks - The BNDP could seek to provide or strengthen multifunctional green infrastructure, by strengthening green links into countryside/rivers, and seeking opportunities to link woodland and hedgerows to administer landscape-scale conservation.

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				<p>3. Climate Change - Note that the BNDP does not make a reference to climate change or the need to conserve water and vital Ecosystem Services into the future.</p>
R5.	Ms Laura Hutson on behalf of Sport England	16/08/2017	Email	<p>1. BNDP Policy 9 - Recreational and community facilities - SE specifies this policy is not compliant with the NPPF, therefore they object to this policy. Advise for this to be rewritten in reference to the NPPF, as it is currently considered to be unsound. A separate policy focused on protecting sports and recreation is the preferred option.</p> <p>2. BNDP Policy 16 - Dark Night Skies - SE perceives this policy to be unnecessarily restrictive, however, it commends the focus to protect Dark Night Skies. Highlight that the technology of floodlighting has been enhanced in recent years, so that it minimizes light pollution and retains a 'clean' beam. In addition, if appropriate, a curfew and automatic timers can be also be positioned on the lighting. Floodlighting can be a vital tool in increasing the outdoor facilities availability to the community, resulting in the improvement of residents' health and wellbeing,</p> <p>3. Design Principles for Development - Active Design - Encourage within the Bury NDP reference to 'Sport England Active Design Guidance' which aims to build physical activity into everyday life. The guide provides useful advice and examples of case studies and commends the concept of 'Active Design'.</p>
R6.	Robert Deanwood on behalf of Amec Foster Wheeler E&I UK & Spencer Jefferies on behalf of	15/08/2017	Email	NG makes no specific comments.

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	National Grid (NG)			
R7.	Andrew Frost on behalf of Chichester District Council (CDC)	18/08/2017		<p>CDC commented generally that the BNDP reads well providing a clear and concise plan. They have also made specific comments on:</p> <ol style="list-style-type: none"> 1. Settlement Boundary - Paragraph 4.5 - Reference to emerging policies within the South Downs National Park (SDNP) Preferred Option Local Plan should be used with caution as these policies will change as the plan progresses. The current exception site policy (Policy H9) in the saved 1999 Chichester District Council Local Plan should be referenced. 'BNDP MAP 3' showing the detailed settlement boundary should also be referenced. 2. BNDP Policy 3 - Allocation for new housing - The proposed housing mix should be removed as it is too prescriptive and it does not enable the changing needs over the plan period to be accommodated. NPPG advises that an onsite affordable housing contribution cannot be sought on schemes with a net increase of 6-10 dwellings. However, the SDNP's emerging South Downs Local Plan, hopes to achieve an onsite provision and if it is achieved, there may be a varying mix. 3. BNDP Policy 4 - Unallocated residential development - The setting of the conservation should also be referenced in Bullet point (vi). 4. Page 17 - Parish Heritage Assets - There is good attention to detail with regards to non-designated heritage assets. However, a number of fifteenth century building references (normally the earliest domestic buildings) are questioned and instead suggest they should be sixteenth century; this will need to be assessed for accuracy. 5. BNDP Policy 10 - Local Green Space - The boundaries of each of the Local Green Space areas should be defined and if the maps 1-3 are to be used for this purpose then the key should

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				<p>contain the specific name of the Local Green Space.</p> <ol style="list-style-type: none"> 6. BNDP Policy 11 - A Strong Local Economy - “Large Scale Economic Development”- It would be beneficial to define ‘large scale’ in the plan or glossary. 7. BNDP Policy 12 - The Small Business Economy - the inclusion of bullet point (ii) ‘is not on agricultural, greenfield or land defined as ‘back-land’;’ may be overly restrictive to those who are genuinely trying to provide start up/growth space for their business at their home. 8. BNDP Policy 14 - Landscape & Views - It would be useful for a map to be incorporated within this policy showing the various views referenced; as for example the Lavant Neighbourhood Development Plan. 9. Local habitats - It would be productive to have a map to reference and identify these areas.
R8.	Kevin Bown on behalf of Highways England	12/07/2017	Email	No objections.

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R9.	Graham Morrison (Local resident)	11/08/2017	Email	<p>1. Settlement Boundary - Believe the methodology is flawed and fails to represent reality. The proposed policy prevents the construction of larger dwellings, which is contrary to the National Park intentions. The settlement of Bury could alleviate pressure elsewhere in the National Park by accepting some further development. Specifically, the settlement boundary cuts across the garden of Prettendens Farm and does not follow any of the rules set out in the methodology. Arun Cottage has been excluded from within the settlement though is part of the village and the boundary to the south of Merrydown Cottage is too close to its south east corner. A more rationally inclusive settlement boundary is proposed instead.</p>
R10.	Charlotte Lines on behalf the Environment Agency (EA)	10/08/2017	Email	<p>1. Flood Risk - Flood Zone 1 - EA are content to see that the proposed allocations have been directed to areas with low probability of flooding and are all situated within Flood Zone 1.</p> <p>2. Water Quality - There is no reference to protecting and enhancing the water environment in any of the policies, given the proximity to the River Arun. Advise that BNDP 13 and 18 are amended to include specific reference to the water environment.</p>
R11.	Caroline West on behalf of West Sussex County Council	23/08/2017	Email	<p>WSSC has previously made comments to Policy BNDP 19: Permissive & Public Rights of Way and BNDP 20: Parking as outlined below.</p> <p>1. BNDP Policy 19 - Establishing new PROW is a positive thing within the parish. However is it not apparent who would be involved in identifying, promoting and securing these new routes and how to achieve funding with delivery. It may be better to consider PROW's in Design and Access Statements rather than requiring Right of Way Impact Statements.</p> <p>2. BNDP Policy 20 - It is recommended the policy is less prescriptive to ensure there is more flexibility on how the parking spaces are provided and reference is made to the County Council's guidance on Car Parking in Residential Developments.</p> <p>3. Strategic Transport Assessment (STA) - The overall level of development proposed in</p>

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				<p>the Bury NDP is in accordance with the forecast estimate of background traffic growth in the STA. Therefore, there is no need to provide further transport evidence before allocating sites in the Bury NDP. However traffic conditions in some locations are likely to worsen and there will need to be financial contributions towards improvements to the highway network. The County Council has no over-riding concerns about the transport impacts of the Bury NDP but site specific matters associated with the site allocation will need to be tested and refined through the Development Management process.</p>
R12.	South Downs National Park	29/08/2017	N/A	<p>Congratulates the Parish Council on producing a comprehensive and locally distinctive NDP.</p> <ol style="list-style-type: none"> 1. BNDP Policy 1 - Settlement Boundaries - Recommend drawing the settlement boundary more tightly around the properties north of Church Lane. 2. BNDP Policy 3 - Allocation for New Housing - Recommend deletion of the 'Illustrative Allocation Layout' and reference to this. Instead replace with robust planning criteria to ensure that the right form of development takes place at this site that respects the character and density of the surrounding built form, conservation area and listed building, the topography of the site and mature landscaping. Suggested text is provided. Additional text is also recommended to screen out impacts on foraging bats associated to the Mens SAC as recommended by the Habitats Regulations Assessment (Screening Opinion). 3. BNDP Policy 4 - Unallocated Residential Development - Concerns that policy criteria i) is too restrictive with regards to not allowing any development to be located on agricultural land. This could prevent rural exception sites or other development that needs a countryside location coming forward, weakening the community's ability to deliver affordable housing and other sustainable rural development. 4. BNDP Policy 10 - Local Green Space - Recommend alternative policy wording that refers to the value of the Local Green Space to the community.

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				<p>5. BNDP Policy 11 - A Strong Local economy - Concerns that the term 'Large Scale Development' is not clearly defined and suggest instead that this issue is addressed through the policies in the South Downs Local Plan.</p> <p>6. BNDP Policy 13 - South Downs National Park - This policy should be made more locally distinctive or re-written as supporting text.</p> <p>7. BNDP Policy 19 - Permissive & Public rights of Way - Additional text is recommended to screen out recreational disturbance impacts to the Mens SAC as recommended by the Habitats Regulations Assessment (screening Opinion).</p> <p>8. BNDP Policy 20 - Parking - there is a need to ensure parking standards are supported by evidence to justify different requirements to West Sussex Highways.</p> <p>9. Policies re-wording - Minor re-wording to other policies is recommended.</p>