

## SDNPA response to Bury Submission Neighbourhood Development Plan

The comments set out below are the South Downs National Park Officers views only under Delegated Powers.

All references to emerging South Downs Local Plan policies relate to the Preferred Options rather than any subsequent revision (unless specified). Please note that work is continuing on the emerging South Downs Local Plan. The Pre-submission version of the Local Plan was approved for public consultation by the SDNPA on 11<sup>th</sup> July 2017. The consultation on this is scheduled to start in September. All text to be added is underlined, all deleted text is ~~struck through~~.

Ref	Comment	SDNPA Recommendation
General Comments	<p>The parish council should be congratulated on producing a comprehensive and locally-distinctive neighbourhood development plan (NDP). We are pleased that our previous comments made on the Pre-submission plan have largely been taken into account in this version of the NPD. We have however made some suggestions in the table below to help refine policies further to ensure that they are more effective in meeting the aims and objectives of the Neighbourhood Plan; are more usable for planning officers and respect the purposes and duties of the South Downs National Park Authority (SDNPA).</p> <p>We also note that some the policies refer to BNDP MAP but it is not clear which of the three maps at the end of the document is being referred to.</p> <p>There is mention in a few paragraphs 4.5, 5.2 and 5.4 to Local Plan Preferred Strategy when this should say Preferred Options.</p>	<p>N/A</p> <p>Ensure map referencing is made clear in the document.</p> <p>Change Preferred 'Strategy' to Preferred 'Options'</p>
Habitats Regulations Assessment (HRA) Screening Opinion	<p>The conclusion of the HRA Screening statement for the Bury NDP is that this plan is not likely to result in significant effects with regard to recreational pressure, hydrology or loss of supporting habitat on the Arun Valley SAC/SPA/Ramsar, Duncton to Bignor Escarpment SAC and the Mens SAC to the inclusion of additional wording to certain policies in the Bury NDP (Please see Habitats Regulations Assessment Screening Statement August 2017). We have provided suitable wording in the relevant policy sections below.</p> <p>In terms of air quality impacts on the Mens SAC arising from increased traffic, the scale of development proposed (a net gain of 6 dwellings) is such that there are not likely to be significant effects alone. However, air quality is a potential issue when considered in combination. However, given the strategic nature of in combination traffic and air quality impacts, this issue is by definition, one that</p>	<p>Suitable policy wording is provided in the relevant sections below.</p> <p>Air quality impacts have been screened out and addressed through the HRA of the Local Plan.</p>

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	cannot be fully explored and resolved by an individual neighbourhood plan and has therefore been screened out and addressed through the HRA of Local Plan, which will be published in September 2017. (Please see Habitats Regulations Assessment Screening Statement August 2017)	
Policy Wording	We notice that some of the policies use the word 'should', e.g. 'All development 'should' actively respond to the rich built heritage of the Parish. From a development management point of view, the use of 'should' is not direct enough and introduces some ambiguity. This phrase will make it more difficult for planning officers to apply this policy when assessing planning applications and for applicants to interpret. We recommend that the wording 'must' or 'will be permitted' is used instead which provides more clarity.	Replace 'should' where relevant with clearer stronger policy wording.
Chapter 2 – Vision and Objectives	Para 2.4 objective 2, we recommend that this should say 'conserve and enhance' rather than just enhance.	Amend objective 2 to read ' <u>Conserve and</u> enhance the rural feel and character of the Parish.....
Chapter 4 - Built Environment BNDP Policy 1 – Settlement Boundaries	We recommend that the revised boundary, which proposes to include the area to the north of Church Lane, is drawn more tightly around the properties and excludes the large gardens and open spaces. This is because more intensive development and new openings for accesses in this particular location has the potential to impact on the character of the conservation area and village.	Recommend drawing the revised settlement boundary more tightly around the properties north of Church Lane.
Chapter 4 – Built Environment BNDP Policy 2 – Built Character	<p>We question whether criteria 1 should say 'buildings in the near vicinity of the site' as in some cases these might not be the best examples and it may be better to refer to 'as those that are found in good examples of traditional buildings in the village.'</p> <p>Criteria 4 refers to avoiding areas defined as backland. As this policy covers all types of development, this would restrict garden buildings and extensions to houses, which we are sure is not the intention of this policy.</p>	<p>Amend criteria 1 to say:</p> <ol style="list-style-type: none"> <li>I. Incorporating similar architectural features into the design as those that are found in <u>good examples of traditional</u> buildings in the <del>near vicinity of the site</del> village.</li> </ol> <p>Remove criteria 4 or specify the type of development that is considered to be harmful if located on backland areas. We also think the word 'avoid' is ambiguous and instead it may be better to use wording such as 'will not be permitted' or 'will not be normally permitted.'</p>

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<p>Chapter 5 – New Homes BNDP Policy 3 - Allocation for new housing</p>	<p>The South Downs Local Plan: Preferred Options - Policy SD 23 (Housing) sets a figure of 6 dwellings to be allocated in the village of Bury. This figure is based on the estimated capacity for sustainable growth, whilst safeguarding Purpose 1 of the National Park and takes into account landscape context, built character and form and the availability of facilities in the settlement. Bury has been set a relatively low housing target in the Local Plan as it small, rural settlement with a limited number of facilities and is situated in the open Arun Valley floodplain with breath-taking views. In addition, the National Park Authority’s Strategic Housing Market assessment (SHMA) identifies a need for a mix of housing sizes across the National Park with the most need for smaller homes, (1,2 and 3 bed) and a limited need for larger home (4 bed or larger).</p> <p>Within this context the SDNPA’s is supportive in principle of this policy that allocates an additional 6 dwellings to be provided on this site and for the majority of these to be small dwellings to meet the community’s desire for this type of housing. We also agree with the principle of concentrating development on the southern part of the site with a lower density towards the north. This reflects the existing settlement pattern, layout and density of housing with built form concentrated along the historic streets with a gradual lower density and transition towards the settlement edges and surrounding countryside.</p> <p>However, we have strong concerns regarding the inclusion within the policy of Figure 2 - Illustrative Allocation Layout and the policy wording that states that development proposals must be in general conformity with this. This is because we consider that the layout does not reflect the linear character and arrangement of the surrounding built form but instead illustrates a suburban cul-de-sac form of development. This layout in fact contradicts the aspirations of criteria (iv) of Policy 3 which seeks a traditional form of development in keeping with the historic part of the village In addition, the community is seeking a mix of 2 and 3 beds. The allocation laid out in the way suggested on the Illustrative Layout of detached and semi-detached properties in large gardens could lead to properties being substantially extended in future.</p> <p>We therefore recommend that reference to any proposed layout for this site is removed from the policy and instead advise that suitable robust criteria are used instead within the policy. These should help to ensure that the right form of development takes place here that respects the character and density of the</p>	<p>Amend wording of policy along the following lines to say: The site known as Jolyons and Robin Hill (identified on the BNDP MAP 3 at the end of this document) is allocated for a net increase of six new dwellings <u>and publically accessible open space. The redevelopment of the site will also require the redevelopment and replacement of the existing two dwellings.</u> Development proposals must <del>be in general conformity with</del> <u>Figure 2— Illustrative Allocation Layout</u> and comply with the following criteria to be considered acceptable:</p> <p>(i) The area referred to as BNDP3a shall provide six new dwellings to meet the locally identified desire for new small homes in the Parish in accordance with the following:</p> <ol style="list-style-type: none"> <li>a. 3no. 3 bedroom semi-detached/detached dwellings.</li> <li>b. 3no. 2 bedroom semi-detached/terraced dwellings.</li> </ol> <p>(ii) <del>Within BNDP3a, A</del> <u>An area of communal open space shall be provided for the benefit of the new dwellings and the wider village that is: informal in character, designed to reflect the former historic orchard land use of this area; accessible to the wider community; and in accordance with the landscaping strategy for the site.</u></p> <p>iii) <del>If the existing two dwellings on the site are removed, the area referred to as BNDP3b shall provide 2no dwellings to replace those removed. The two replacement dwellings are to be laid out to the north of the site on the area identified as BNDP 3b; in order to provide a lower density of development that creates a suitable transition in settlement pattern from the existing more concentrated built up residential area out to the dispersed settlement edges.</del></p> <p>(iv) <del>The new development should A</del> <u>adopt a traditional irregular layout in keeping with this historic part of the village</u></p>

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	<p>surrounding built form, conservation area and listed building, the topography of the site and the mature landscaping around and within the site; as well as meeting the local community's need for smaller dwelling types. Any public open space should be informed by the landscaping strategy for the site and be secured permanently through a suitable planning obligation. The design and layout proposed for this site that comes forward at the pre-application or application stage can then be informed by a detailed consideration of these policy criteria based on a full assessment. We suggest some suitable criteria for inclusion within the policy.</p> <p>The western boundary of the site is identified as a West Sussex Notable Verge and the HRA screening of the NDP draws attention to the importance of protecting the mature boundaries of trees and hedges around the site which are important for bats. Protection of these features will need to be taken into account in any development proposals, including access arrangements.</p> <p>Our Development Management officers have highlighted that criteria vi) whilst desirable for the community would only be enforceable if it was necessary to deliver the development itself. If this is an important piece of infrastructure for the village then perhaps this could also be identified as an Infrastructure Project, supported by CIL monies from this.</p>	<p>to ensure the development does not resemble a suburban development.</p> <p>(v) <u>Reinforce local distinctiveness</u> and utilise traditional two storey building design and materials such as brick and flint walls, timber window frames and clay tiles so as to be in keeping with the surrounding environs in accordance with BNDP Policy 2 (Built Character);</p> <p><del>(vi) Propose and deliver improvements to the existing island crossing point across the A29 between the site and the village school.</del></p> <p>vi) <u>Ensure that the design, layout and scale of development does not cause harm to the setting of the conservation area and Listed Manor House; and is informed by the topography and mature landscaping within and around the boundaries of the site.</u></p> <p><u>vii) Retain the boundary hedgerows and trees to preserve the verdant setting of the conservation area, and in order that the development does not result in likely significant effects on the commuting foraging of the barbastelle bat associated with The Mens Special Area of Conservation.'</u></p> <p>(vii) Ensure the new development is accessible and well connected with the rest of the village. As a minimum enhanced pedestrian access to The Street should be provided.</p>
Chapter 5 – New Homes BNDP Policy 4 – Unallocated	In terms of the second part of this policy relating to small-scale development outside the settlement boundary, we have concerns that criteria (i) is too restrictive in terms of not allowing any development to be located on agricultural land. This could prevent suitable rural exception sites or other development that needs a countryside location coming forward, weakening the	Amend policy to remove criteria (i).

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residential development	community's ability to deliver affordable housing and other sustainable rural development. We recommend the removal of criteria (i).	
Chapter 6 - Our Heritage para 6.4	Para 6.4 last bullet point refers to English Heritage. This body is now known as Historic England but this reference is not needed in any case. The correct terminology is Registered Historic Parks and Gardens.	Amend last bullet point of para 6.4 to say 'Two Registered <del>Historic English Heritage</del> Scheduled Parks and Gardens.'
Chapter 6 - Our Heritage BNDP Policy 5 – Sunken Lanes	We recommend that revisions are made to strengthen this policy and for clarity.	Amend wording of policy to say: Development <del>should</del> <u>must</u> preserve the sunken lanes, as identified on the BNDP MAP (put in reference), within the Parish.
Chapter 6 - Our Heritage BNDP Policy 7 – Historic Orchards	We recommend that revisions are made to strengthen this policy and for clarity.	Development <del>should</del> <u>must not</u> result in damage to, or the loss of, historic (traditional) orchards, as identified on the BNDP MAP (put in reference).
Chapter 6 - Our Heritage BNDP Policy 8 – Parish Heritage Assets	The supporting text mentions that designated heritage assets are protected under national legislation and quite rightly mentions that it is unnecessary to duplicate these protections. However, the NDP should include within this policy, a paragraph to protect non-designated heritage assets such as archaeology, locally important historic parks and gardens, historic buildings or other structures (not just sunken lanes, walls or orchards) that make a positive contribution to the conservation areas and character of the parish.  It would also be useful if the Serpent Trail, South Downs Way, West Sussex Literary Trail and Coffin Trail were identified on one of the maps.	Include within this policy a paragraph on protecting non-designated heritage assets.
Chapter 7 - Our Community Supporting text Para 7.2 and 7.10	Paragraph 7.2 of this chapter contradicts paragraph 5.8 as it mentions two additional farm shops whereas para 5.8 just mentions the closure of Sussex Farm Foods at Bury Gate.  Para 7.10 should make reference to CIL supporting the maintenance and enhancement of Assets of Community Value	Amend paragraphs 7.2 and 5.8 so that they provide the same information.  Include mention of the use of CIL monies in maintaining and supporting Assets of Community Value.
Chapter 7 -	It would be useful to include in the first sentence of this policy 'as shown on	Amend first sentence of policy to include reference to map.

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Our Community BNDP Policy 10 – Local Green Space	<p>BNDP Map 3.’</p> <p>While the NPPF explains that Local Green Space (LGS) has the same status as Green Belt is should not be assessed in the same way. Green Belt designations are about preventing coalescence of settlement, whereas LGS designation is about protecting spaces that are valuable to the community as a result of their beauty, historic significance, recreational value, tranquillity and wildlife.</p>	<p>Delete last paragraph of policy and instead replace with alternative wording relating to development that is necessary to preserve the value of the Local Green Space to the community. Lavant Neighbourhood Plan (as modified) has quite a good example of a local green space policy. This refers to the proposed development being of benefit to the community and will not detrimentally impact the particular local significance of the space.</p> <p><a href="https://www.southdowns.gov.uk/planning/planning-policy/neighbourhood-planning/neighbourhood-development-plans/lavant-neighbourhood-plan/">https://www.southdowns.gov.uk/planning/planning-policy/neighbourhood-planning/neighbourhood-development-plans/lavant-neighbourhood-plan/</a></p>
Chapter 8 - Local Economy BNDP Policy 11 – A strong local economy	<p>We question how enforceable this policy is and whether it will prevent businesses taking over a site that might otherwise be the only way of saving the business or site.</p> <p>We understand the aspirations behind this policy given the character of Bury and the impact a major economic development may have on this. However, we think that it will be difficult to implement this policy unless there is a clear definition of what is meant by a Large Scale Economic Development. We suggest it may be better to leave this issue to the South Downs Local Plan and the tests set out in this regarding what constitutes Major Development and how this will be assessed in terms of impacts on National Park purposes.</p>	<p>Recommend removal of the requirement in this policy that the proposal will not result in a net loss in FTE jobs. Alternative wording is suggested to say; ‘that the change of use of key employment sites to other uses will be resisted.’</p> <p>Consider deletion of the second part of the policy relating to ‘Large Scale Economic Development’.</p>
Chapter 8 - Local Economy BNDP Policy 12 – The small business economy	<p>The wording of criteria (v) of this policy ‘would not lead to an increase in traffic (particularly HGV or other commercial traffic) on narrow Parish roads and lanes’ contradicts the wording in the NPPF which refers to a ‘severe impact’. It is considered that this policy is overly restrictive and may prevent appropriate small businesses locating within the parish.</p>	<p>Amend wording of criteria v) to say ‘Would not lead to an <u>harmful</u> increase in traffic (particularly HGV or other commercial traffic) on narrow Parish roads and lanes’</p>
Chapter 9 - Natural	<p>We repeat our previous comments on the Bury Pre-submission NDP that this policy does not add anything more to the existing SDLP policies. We</p>	<p>Amend this policy to make it more locally distinctive or rewrite as supporting text.</p>

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Environment BNDP Policy 13 – South Downs National Park	recommend that the policy is made more locally distinctive by detailing how the special qualities of the National Park are present in Bury. This would then provide the context to the specific policies on landscape and views, dark night skies, tranquillity etc. It may be better to re-write, the special qualities as supporting text rather than as a policy.	
Chapter 9 - Natural Environment BNDP Policy 14 – Landscape & Views	We are supportive of this policy but think all developments that are likely to impact on views or landscape should be supported by a Landscape & Visual Impact Assessment, not just those that might have a negative impact.  We repeat our previous comments that key views should be identified on a map.	Amend policy to say:  'Development proposals that are likely to <del>have a negative</del> impact on the views or the landscape should be accompanied by a Landscape & Visual Impact Assessment.'  Identify key views on map.
Chapter 9 - Natural Environment Para 9.17	Para 9.17 refers to the Bignor Escarpment SAC which should be defined as a Special Area of Conservation	Change 'Special Conservation Area' to 'Special Area of Conservation'
Chapter 9 - Natural Environment BNDP Policy 17 – Woodlands and Trees	We suggest the inclusion of additional wording within this policy regarding the contribution woodland and trees make to landscape character	Amend policy to include wording 'Woodland copses, trees and hedgerows should be conserved <u>because they contribute to landscape character</u> , and provide important wildlife habitats .....
Chapter 10 – Getting Around supporting text para 10.8	We think this section would benefit from mention that the South Downs Way can be accessed from the settlements and existing rights of way within the parish.	Include additional wording in para 10.8 regarding access to the South Downs Way from the settlements and existing rights of way within the parish.

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Chapter 10 – Getting Around BNDP Policy 19 – Permissive & Public Rights of Way	The screening opinion of the Habitats Regulation Assessment (HRA) recommends the inclusion of additional text to this policy in order to ensure that there are no adverse effects on the integrity of internationally designated sites, though increased access and visitor pressure. We suggest additional wording to the supporting text to explain this issue and to the policy to screen out any potential significant effects at this stage.	Include additional wording in supporting text to explain that any public rights of way that increase access to the Arun Valley SAC/SPA/Ramsar, Duncton to Bignor Escarpment SAC and the Mens SAC and cause increased recreational disturbance to protected species will need a project level Habitats Regulations Assessment.  Include the following text within policy;  ‘Development proposals for new or improved public rights of way which would increase access to internationally designated sites will require a project-level Habitats Regulations Assessment.’
Chapter 10 – Getting Around BNDP Policy 20 – Parking	There will need to be strong evidence to support different parking standards to that of the County Highways.	Ensure parking standards are supported by evidence to justify different requirements to West Sussex Highways.
BNDP Map 2 and 3	Consider illustrating the two conservation area designation boundaries, listed buildings, scheduled monuments and historic parks and gardens on maps.  Differentiate between permissive and public rights of way on maps as they do not have equal status and permissive access can be withdrawn	Include designated heritage assets on maps and differentiate between permissive and public rights of way.