



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

### **Lyminster and Crossbush Neighbourhood Development Plan 2020-2031 DECISION STATEMENT**

August 2022

#### **1.0 INTRODUCTION**

- 1.1 Under the Town and Country Planning Act 1990 (as amended), the Council has a statutory duty to assist communities in the preparation of neighbourhood development plans and orders and to take plans through a process of examination and referendum. The Localism Act 2011 (Part 6 chapter 3) sets out the Local Planning Authority's responsibilities under Neighbourhood Planning.
- 1.2 This report confirms that the modifications proposed by the Examiner's report have been accepted, the draft Lyminster and Crossbush Neighbourhood Development Plan has been altered as a result of it; and that this plan may now proceed to referendum.

#### **2.0 BACKGROUND**

- 2.1 The power to designate an area as a neighbourhood area is exercisable by two or more local planning authorities if the area falls within the areas of those authorities. The Lyminster and Crossbush Neighbourhood Development Plan relates to the area that was designated by Arun District Council and South Downs National Park Authority as a neighbourhood area on 13<sup>th</sup> March 2019. This area is coterminous with the Lyminster and Crossbush Parish Council boundary that lies partially within both the Arun District Council and South Downs National Park local planning authority areas.
- 2.2 Following the submission of the Lyminster and Crossbush Neighbourhood Development Plan to the Council, the plan was publicised and representations were invited. The publicity period ended on 1<sup>st</sup> July 2022.

- 2.3 Mr Christopher Lockhart-Mummery was appointed by Arun District Council, also on behalf of the National Park Authority, and with the consent of the Parish Council, to undertake the examination of the Lyminster and Crossbush Neighbourhood Development Plan and to prepare a report of the independent examination.
- 2.4 The Examiner's report concludes that subject to making the minor modifications recommended by the Examiner, the Plan meets the basic conditions set out in the legislation and should proceed to a Neighbourhood Planning Referendum.
- 2.5 Having considered each of the recommendations made by the Examiner's report, and the reasons for them, the Parish Council, Arun District Council and South Downs National Park have agreed to the modifications to the draft plan referred to in section 3 below, to secure that the draft plan meets the basic conditions set out in legislation.

### **3.0 DECISION**

- 3.1 The Neighbourhood Planning (General) Regulations 2012 requires the local planning authority to outline what action to take in response to the recommendations of an Examiner made in a report under paragraph 10 of Schedule 4A to the 1990 Act (as applied by Section 38A of the 2004 Act) in relation to a neighbourhood development plan.
- 3.2 Having considered each of the recommendations made by the Examiner's report, and the reasons for them, Arun District Council and South Downs National Park Authority in consent with Lyminster and Crossbush Parish Council have decided to accept the modifications to the draft plan. Table 1 outlines the alterations made to the draft plan under paragraph 12(6) of Schedule 4B to the 1990 Act (as applied by Section 38A of 2004 Act) in response to each of the Examiner's recommendations and the justification for this. Appendix 1 below which outlines one further modification agreed by Arun District Council and South Downs National Park Authority in consent with Lyminster and Crossbush Parish Council.

**Table 1: Recommendations by the Examiner**

POLICY	MODIFICATION RECOMMENDED	JUSTIFICATION
<p><b>Policy H1</b> Land east of Lyminster Road</p>	<p>Recommend that the Policy should provide as follows:  <b>Land east of Lyminster Road</b>  <b>The neighbourhood plan allocates the land shown on the Proposals Map for 7 dwellings.</b>  <b>Development proposals will be supported provided that the requirements set out below are met:</b>  <b>a. all mature trees and hedges on the northern and western boundaries must be retained and enhanced;</b>  <b>b. any potential impacts upon priority species and habitats must be fully assessed and mitigated to deliver at least a 10% net gain in biodiversity through the use of the Defra approved biodiversity metric, which should be delivered on-site.</b>  <b>Where it is not possible to deliver biodiversity net gains on site, developers will be required to contribute to new or restoration projects off site to deliver overall net gains within Lyminster and Crossbush. These projects will be subject to an undertaking through S106 agreement that biodiversity management will be maintained for a minimum of thirty years.</b>  <b>c. vehicular access will be from Lyminster Road;</b>  <b>d. dwellings must be no more than two storeys and complement the topography of the site;</b>  <b>e. the design and layout of the development should demonstrate a sensitive approach to the settings of the non-designated heritage assets at Old Vicarage and Vicarage Cottage, Lyminster Road, including landscaping to boundaries, layout of gardens, buildings and public space and massing, form and materials of buildings; and</b>  <b>f. new development shall not be occupied until the noise attenuation barrier proposed as part of the</b></p>	<p>Policy H1 should therefore, in my opinion, contain a single set of criteria.</p>

	<p><b>Lyminster bypass has been erected.</b></p> <p>I further Recommend the deletion of paragraph H1.4 (which related to the deleted part of the Policy).</p>	
<b>Policy H3</b>	<p>Policy H3 addresses Windfall Sites. I regard the Policy as appropriate, but for clarity and consistency Recommend that reference to non-designated heritage assets be included in paragraph (ii).</p>	for clarity and consistency
<b>Policy H4</b>	<p>I therefore Recommend the deletion of Policy H4 and its accompanying text.</p>	<p>It seems to be quite at odds with the strategy of the Plan. Policy H1 is the single housing allocation; Policy H3 provides for residential development of infill and redevelopment sites within the Lyminster Village envelope; Policy EH1 would resist residential development outside the village envelope. All this makes, as it seems to me, a justified and coherent strategy, which would resist greenfield residential development outside the Village envelope, i.e. in attractive countryside. But Policy H4 expressly contemplates such development.</p>
<b>Policy EH1</b>	<p>Paragraph EH1.2 refers to Map E as showing this extension. This reference is plainly redundant and this paragraph should be deleted.</p>	<p>Policy EH1, Village envelope, refers to Map D which shows the Lyminster Village envelope, together with the proposed extension to accommodate the housing allocation.</p>
<b>Policy EH2</b>	<p>I Recommend that the reference to “from” in the second line be corrected to “for”, and in line three that the word “fertile” be changed to “versatile”.</p>	for clarity and consistency
<b>Policy EH3</b>	<p>I further Recommend that Policy EH3c be corrected as follows: <b>All development proposals must demonstrate that sewage infrastructure cannot release into, or be infiltrated by, surface water.</b></p>	<p>Policy EH3 addresses Flooding, drainage and new development. I Recommend that in line 2 environment agency be corrected to Environment Agency.</p>
<b>Policy EH6</b>	<p>Policy EH6 addresses Non-Designated Heritage Assets. ADC raised queries on page 3 of its Comments document. For purposes of clarity, I Recommend that these queries be addressed and any appropriate changes made.</p>	For purposes of clarity
<b>Policy EH7</b>	<p>I Recommend that three clerical errors</p>	for clarity and consistency

	be corrected: references to “their” should be corrected to “its”, and the final reference to page 23 be corrected to page 21	
<b>Policy EH9</b>	The reference to “neighbourhood area” should be changed to “neighbourhood plan area”.	for clarity and consistency
<b>Policy GA3</b>	Policy GA3 addresses Parking and New Development. In response to the representation from West Sussex County Council, the final reference in paragraph GA3.3 to “the WSCC SPD” should be corrected to “WSCC Guidance”.	For purposes of clarity
<b>Policy LC1</b>	Policy LC1 relates to Independent Living. I Recommend two minor changes. First, the reference in the second line to Village envelopes should be corrected to the Village envelope. Consistent with the comment of ADC, the following should be added to the end of the Policy: as well as being compliant with other policies in this plan.	for clarity and consistency
<b>Policy LC2</b>	For the reason given by ADC, (that a proposal cannot make a financial contribution through CIL to allotments) or anything else)) the reference to “All the community Infrastructure Levy” should be deleted.	For purposes of clarity
<b>Policy LC3</b>	I therefore Recommend a simple policy to add to the existing LC3: <b>Development, other than that entirely ancillary to the use of the land as an open area, will only be permitted in exceptional circumstances.</b>	Policy LC3 designates the three areas listed in Schedule A and shown on Map A as Local Green Spaces (LGS). The evidence in Schedule A shows, in my view, clear justification for the three designations in accordance with NPPF criteria. However, neither the policy, nor the ALP, provides a development management policy for such spaces. Green Belt policy in the NPPF paragraphs 149-150 seems quite inconsistent with local circumstances.
<b>OTHER MATTERS</b>		
The Structure of the NP	I so Recommend. (Alternatively, paginated reference to the Policies could be indented within the existing chapter heading).	I find it helpful for neighbourhood plans to have – perhaps below the content on page 2 – a paginated reference to each of the Policies, and for the purposes of clarity and easy navigation

Assessment of NP	I Recommend that (at least) the maps on page 7, page 10, page 60 and page 61 show this extent (perhaps by a line or pale wash so as not to obscure the contents of the maps – see, for example, the Map of Sites in the Site Assessment Report January 2021). An appropriate reference(s) should be made in the text (for example, paragraphs 2.5, 3.5.5).	The extent of the SDNP is not shown on any of the maps. This is plainly an important matter needing clarification.
	There are several references in the NP to the Arun District Local Plan. I Recommend that these be corrected to the Arun Local Plan.	For accuracy
Para 3.5.4	I Recommend that paragraph 3.5.4 is modified accordingly.	Paragraph 3.5.4 addresses Non-Designated Heritage Assets. It refers to a 2005 SPD issued by ADC. That SPD no longer exists and has been replaced by a Local List of Non-Designated Heritage Assets. This list contains all of the Areas of Character and Buildings or Structures of Character, and is updated when a new asset is identified.

## Appendix 1: Further Modification

### Further Modification (FM) agreed by ADC, SDNPA and Lyminster and Crossbush Parish Council

Only 1 further modification in addition to examiner's recommendations was made

**FM 1** – A New sentence is added to criterion (e) of Policy H1 is shown in red below.

#### Policy H1

##### Land east of Lyminster Road

e. the design and layout of the development should demonstrate a sensitive approach to the settings of the non-designated heritage assets at Old Vicarage and Vicarage Cottage, Lyminster Road, including landscaping to boundaries, layout of gardens, buildings and public space and massing, form and materials of buildings. **The housing scheme must not prejudice the delivery of the northern section of the Lyminster Bypass** ; and

**Justification:** Text added to be more accurate about the setting of the site. Please note: The details of the housing scheme as per policy H1 is a matter to be tested through a planning application.

4.0 **CONCLUSION**

- 4.1 I confirm, that the **Lyminster and Crossbush Neighbourhood Development Plan 2020-2031**, as revised, complies with the legal requirements and basic conditions set out in the Localism Act 2011, and can therefore proceed to referendum.
- 4.2 I recommend that the Lyminster and Crossbush Neighbourhood Development Plan 2020-2031 should proceed to a referendum based on the neighbourhood area defined by Arun District Council and South Downs National Park Authority on 13<sup>th</sup> March 2019.
- 4.3 I am taking the above mentioned decision as I concur with the advice contained in the above report in response to the recommendations of the Examiner made in a report under paragraph 10 of Schedule 4B to the 1990 Act (as applied by section 38a of the 2004 Act) in relation to the Neighbourhood Development Plan.
- 4.4 I declare that I have no personal or prejudicial interest in respect of this decision.

**Signed:**

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**Group Head of Planning**

**Decision published on : 25<sup>th</sup> August 2022**