

John Slater Planning

Clapham Neighbourhood Development Plan 2015- 2035

Submission Version

A Report to South Downs National Park Authority on the Examination of
the Clapham Neighbourhood Development Plan

John Slater BA (Hons), DMS, MRTPI

John Slater Planning

johnslaterplanning@gmail.com

10th December 2015

Contents

	Page
Introduction	3
The Examiner's Role	3
The Examination Process	5
The Consultation Process	5
Regulation 16 Consultation	6
The Basic Conditions	6
Compliance with the Development Plan	6
Compatibility with EU Obligations and Human Rights Legislation	7
The Neighbourhood Plan: An Overview	8
The Neighbourhood Plan Policies	9
The Referendum Area	26
Summary	26

Introduction

Neighbourhood planning is a process introduced by the Localism Act 2011 which allows local communities to create the policies which will shape the places where they live and work. The Neighbourhood Plan provides the community with the opportunity to allocate land for particular purposes and to prepare the policies which will be used in the determination of planning applications in their area. Once a neighbourhood plan is made, it will form part of the statutory development plan alongside, which currently is the Arun District Plan adopted in 2003 and in time by the South Downs National Plan Local Plan. Decision makers are required to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.

The neighbourhood plan making process has been led by Clapham Parish Council. A Steering Group was appointed to undertake the plan preparation made up of Parish Councillors and lay members. Clapham Parish Council is a “qualifying body” under the Neighbourhood Planning legislation.

This report is the outcome of my examination of the Submission Version of the Clapham Neighbourhood Development Plan. My report will make recommendations based on my findings on whether the Plan should go forward to a referendum. If the plan then receives the support of over 50% of those voting at the referendum then the Plan will be “made” by South Downs National Park Authority , which is the Local Planning Authority.

The Examiner’s Role

I was formally appointed by South Downs National Park Authority in August 2015, with the agreement of the Parish Council, to conduct this examination. My role is known as Independent Examiner. My selection has been facilitated by the Neighbourhood Planning Independent Examiner Referral Service which is administered by the Royal Institute of Chartered Surveyors (RICS)

In order for me to be appointed to this role, I am required to be appropriately experienced and qualified. I have over 37 years’ experience as a planning practitioner, primarily working in local government, which included 8 years as a Head of Planning at a large unitary authority on the south coast, but latterly as an independent planning consultant. I am a Chartered Town Planner and a member of the Royal Town Planning Institute. I am independent of both South Downs National Park Authority and Clapham Parish Council and I can confirm that I have no interest in any land that is affected by the Neighbourhood Plan.

John Slater Planning

Under the terms of the neighbourhood planning legislation I am required to make one of three possible recommendations:

- That the plan should proceed to referendum on the basis that it meets all the legal requirements.
- That the plan should proceed to referendum if modified
- That the plan should not proceed to referendum on the basis that it does not meet all the legal requirements.

Furthermore, if I am to conclude that the Plan should proceed to referendum I need to consider whether the area covered by the referendum should extend beyond the boundaries of area covered by the Clapham Neighbourhood Development Plan area.

In examining the Plan, the Independent Examiner is expected to address the following questions

- a. Do the policies relate to the development and use of land for a Designated Neighbourhood Plan area in accordance with Section 38A of the Planning and Compulsory Purchase Act 2004?
- b. Does the Neighbourhood Plan meet the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 namely that it specifies the period to which it is to have effect? It must not relate to matters which are referred to as “excluded development” and also that it must not cover more than one Neighbourhood Plan area.
- c. Has the Neighbourhood Plan been prepared for an area designated under Section 61G of the Localism Act and has been developed and submitted by a qualifying body.

I am able to confirm that the Plan, if amended in line with my recommendations, does relate to the development and use of land covering the area designated by South Downs National Park Authority for the Clapham Neighbourhood Plan on 13th November 2014.

I can also confirm that it does specify the period over which the plan has effect namely the period between 2015 and 2035.

I can confirm that the plan does not cover any “excluded development”.

There are no other neighbourhood plans covering the area covered by the Plan designation.

Clapham Parish Council as a parish council is a qualifying body under the terms of the legislation.

The Examination Process

The presumption is that the neighbourhood plan will proceed by way of an examination of written evidence only. However, the Examiner can ask for a public hearing in order to hear oral evidence on matters which he or she wishes to explore further or if a person has a fair chance to put a case.

I am required to give reasons for each of my recommendations and also provide a summary of my main conclusions.

I am satisfied that I am in a position to properly examine the plan without the need for a hearing. No parties have requested a hearing.

I carried out an unaccompanied visit to the area on 18th October 2015 to familiarise myself with the village and I viewed all the sites referred to in the Plan.

The Consultation Process

The Consultation Statement describes how the neighbourhood planning exercise has been carried out. The process commenced with setting up of a working group in the summer of 2014. The public launch was at the Village Show in September and this was followed in October by a survey that went to all the households in the village. This produced a 52% response rate which was commendable and gave a clear indication of the public's views on a number of issues that were of importance to the residents. There was a separate children's survey and another one for businesses in the parish. There was regular communication on the work of the Working Group via the Parish Council magazine and website and items in the Parish Magazine. The findings of the survey were presented at a public meeting held in January. A further drop in session was held on the Regulation 14 version on 19th May 2015. The Pre Submission consultation ran from 21st May and consultation took place with various statutory and non statutory bodies as well as being put on the Parish Council website

The Consultation Statement sets out the response to the consultations and summarises the responses received both from residents and other bodies and stakeholders and sets out how the plan was amended to take account of the feedback received, which were then incorporated in to the Submission Version of the Plan- the Regulation 16 Consultation.

I am satisfied that there has been full and proper consultation during the preparation of the Neighbourhood Plan and that all stakeholders have had an ample opportunity to comment and influence the Neighbourhood Plan.

Regulation 16 Consultation

I have had regard, in carrying out this examination, to the comments made during the period of final consultation which took place between 21st August 2015 and 2nd October 2015. This consultation was organised by South Downs National Park Authority who had received the Submitted Plan, prior to it being passed to me for its examination. This stage is known as the Regulation 16 Consultation.

In total 6 responses were received. These from from Arun DC, South Downs National Park Authority, West Sussex CC, representations on behalf of Travis Perkins, Natural England plus a supportive representation which appears to have come from the consultant who assisted the Parish Council with the preparation of the plan!. I will refer to the results of the Regulation 16 consultation where relevant in the specific sections dealing with the Proposed Policies.

The Basic Conditions Test

The neighbourhood planning examination process is different to a Local Plan examination, in that the test is not one of "soundness". The Neighbourhood Plan is tested against what is known as the Basic Conditions which are set down in legislation. It will be against these criteria that my examination must focus.

The 5 questions which constitute the basic conditions test seek to establish that the Neighbourhood Plan: -

- Has had regard to the national policies and advice contained in the guidance issued by the Secretary of State
- Will contribute to the achievement of sustainable development
- Will be in general conformity with the strategic policies set out in the Development Plan for the area?
- Does not breach or is otherwise incompatible with EU obligations or human rights legislation?
- Whether the making of the Plan will have a significant effect upon a European site or a European offshore marine site, either alone or in combination with other plans and projects.

Compliance with the Development Plan

To meet the basic conditions test, the Neighbourhood Plan is required to be in general conformity with the strategic policies of the Development Plan, which in this case is

the Arun Local Plan which is now somewhat out of date having been adopted in 2003. However, a number of the policies are saved in 2007. The Neighbourhood Plan was being prepared in parallel with the early stages of the National Park's Local Plan, which whilst a useful context is not the document that the examination must refer to in assessing compliance with the strategic policies in the development plan.

Compliance with European and Human Rights Legislation

The Parish Council requested South Downs NPA to screen whether the Clapham Neighbourhood Development Plan should be the subject of a Strategic Environmental Assessment (SEA) as required by EU Directive 2001/42/EC which is enshrined into UK law by the "Environmental Assessment of Plans and Programmes Regulations 2004".

The Park responded on 24th March 2015 to the effect that an SEA was required and I have been sent a copy of that screening opinion. A document entitled Strategic Environmental Assessment has been submitted dated May 2015 and whilst the SDNPA has made a small number of comments, for example, that the document could accentuate some of the positive impacts of increasing housing numbers in the Parish to support the retention of village facilities, they agree with the broad conclusions of the assessment. They confirm the absence of real alternatives to the identified sites meaning the consideration of alternatives is very constrained and they conclude that the issue has been fully considered in forming the plan. I agree with their assessment particularly as the emerging planning proposals from the National Park are not proposing any additional housing allocations or housing numbers for the settlement, which is effectively the do nothing situation.

Arun DC has commented that the document is somewhat convoluted in areas, mixing ideas and points. That is as maybe; but I note that the document does not appear to have been produced by specialist planning consultants and that is the prerogative of neighbourhood planning. My test is whether it does achieve the desired outcome of the assessment process and in my opinion it meets the requirements of the European legislation. I have received no representations that there is any incompatibility with the European or Human Rights legislation and I am satisfied that this element of the Basic Conditions test is met.

The Neighbourhood Plan: An Overview

This Plan has been produced against a background of a historic local plan that is now some 12 years old. Work is underway on the preparation of the South Downs Local Plan but this is still at a relatively early stage in its preparation. However, in the emerging plan, the National Park Authority has not identified Clapham as a village where land is to be allocated for new housing. Clapham does not appear in the list of settlements, identified in the Strategic Policy SD22 of the Preferred Option version of the Plan, which is to have a defined settlement boundary.

The Development Strategy Policy (SD22) presumes against development proposals outside settlement boundaries and in the countryside. If the Neighbourhood Plan was not being prepared, the likelihood of development taking place in the village would be more limited, essentially restricted to sites that came forward as previously developed land under the final criteria of Policy SD22.

However, this is a classic example where a community has recognised the need to continue to grow to be able to retain its community facilities and to meet the housing and employment needs of those who already live in the Parish. It is fully entitled and is indeed encouraged by Government policy and legislation to use the neighbourhood planning process to promote more development in its community, albeit accepting the constraints (and opportunities) of being within the National Park

That does provide a challenge for the examiner, in clarifying in the plan where developments should be going within the village. In the normal course of events, the plan would identify a settlement boundary to distinguish between the built up areas and the countryside. It is essential to have a plan showing the areas where specific policies will apply. Such a plan was absent from the Submission Version of the Plan. Indeed, three different policies used three different ways of describing areas where the development could go.

The National Park Authority was understandably anxious that my recommendations should not call for a settlement boundary, as that would have implications for their emerging local plan. I was clear that I needed to identify a line on a plan the areas where development was to be considered acceptable and have a consistent description. Both the National Park Authority and the Parish Council agreed that a suitable title should be “Recognised Village Envelope” and I propose to use that title throughout my recommendations. I also invited the NPA and the Parish Council to work together to draw a boundary that they would both be happy for me to recommend. I am pleased that they have been able to help me by coming up with a line on the plan which was attached to a letter/ email sent to me dated 10th November 2015 entitled Village Envelope. I propose by way of a recommendation to suggest that the the Map entitled Recognised Village Envelope be inserted at an appropriate point in the Plan.

The Clapham Plan can be described as a concise neighbourhood plan, containing a total of 36 policies in its 51 pages, for a settlement of 130 households. National guidance is that there is no prescribed length of planning document and it is for the plan promoters to prepare the plan in the way it feels appropriate. However, the guidance is that the planning policies do need to be properly justified and be supported by evidence. I do have to record some reservations as to the level and depth of justification for some of the policies being set out in the documentation and the evidence base. There have a small number of instances that I did not feel that the plan had been sufficiently justified and I have had to recommend the deletion of that policy.

In making my recommendations I have made specific proposals as to how the wording of the policy needs to be changed so as to meet Basic Conditions. In certain instances, I have made modifications that particular pieces of text should be added to the justification / supporting text and in some cases that the text should be removed. However, as a result of my changes to policies, some aspects of the narrative may require some additional editing to make sense where changes to the policy have been recommended. This will be a matter for the Parish Council and the National Park Authority planners to work together on.

Recommendation

That the Recognised Village Envelope Plan prepared by the Parish Council and the LPA, be inserted at an appropriate location within the document

The Neighbourhood Plan Policies

Policy GA1 Connections to sustainable transport, local networks and green infrastructure

This policy is well constructed and meets the objective of sustainable development, is in line with national and local policy and as such meets the Basic Conditions without any modifications

Policy GA2 Footpath and bridle/cycle path network

This is a commendable policy but as worded could be interpreted as offering support for any scheme that made improvements to the network but which would not comply with other policies. This can be corrected easily by inserting "subject to compliance with other development plan policies" at the end of the first sentence of the policy

Recommendation

The wording "subject to compliance with other development plan policies" at the end of the first sentence

Policy GA3 School Travel Planning

Government guidance is clear that neighbourhood plan policies should only relate to the use and development of land. Arun DC have stated that this is not a policy, but should be included as a community aspiration. The requirement to have a Travel Plan would only arise as a planning issue if there was a planning application for any development that generates large amounts of movement. A requirement to develop or review a Travel Plan for existing establishments such as a school, cannot be imposed by a neighbourhood plan policy. I propose to delete this as a development plan policy but recommend its inclusion within the aspirational policies and the Parish with the revised wording as suggested by the SDNPA

Recommendation

The policy be deleted but that the following text be inserted within the supporting text "Working with the school, community and the Local Highway Authority school travel plans will be reviewed/ developed and promoted. Safer routes to the school and school bus stops may be identified as part of these plans and necessary improvements or additions will be provided, including restricting access to Clapham school by car. Measures, to include traffic calming, to ensure appropriate traffic speeds are achieved as part of overall schemes that fit within the landscape of the SDNP and improved cycling and walking opportunities for students and their families will be supported."

Policy BT1 Support for Business

It has been suggested by Arun DC that the wording of this policy is ambiguous and in particular they question how the impact on the amenities of surrounding properties is to be measured when dealing with a planning application. Rather than creating uncertainty as to whether an impact is acceptable, it would be better to put the policy in a positive form such that such proposals will be approved unless it will cause unacceptable harm to the amenities of local residents

Recommendation

Delete "provided that the impact of the use on the amenities of surrounding properties is acceptable" and replace with "unless the proposal would cause unacceptable harm to the amenities of local residents"

Policy BT2 Retention of Employment land

I have a concern regarding the wording of the final paragraph. It raises an expectation that "existing businesses will be protected from closure or relocation due to noise nuisance caused to local residents". It is not possible for a planning policy to restrict the ability of another enforcement regime to take action. If for example, a statutory nuisance under environmental health legislation is caused to local residents from an existing business, even if the new residents arrived after the existing company, legal action can still be taken by that enforcement regime. This is covered by different legislation which will have its own criteria for taking action. The planning system should

not be locating residential development in such a location where the amenities of future residents will be so adversely impacted by commercial operations, but in the event of it occurring, a neighbourhood plan policy cannot prevent a matter being resolved by other legislative responses.

Recommendation

Delete the second paragraph

Policy BT3 Support for new commercial uses

Arun has again pointed to the wording of the policy in terms of the impact of uses being acceptable. The same response as in the case of Policy BT1 is recommended.

I can understand that the policy resists Class B2 general industrial uses because of the issues of close proximity of residential properties. However, I am not certain that the presumption against B8 storage and distribution is justified by evidence. I can understand the concerns about heavy goods traffic but this to a large extent depends on the scale of development. Clearly a large scale distribution centre would be unacceptable in a village situation but small scale trade units which often operate under B8 consents are unlikely to generate large volumes of HGV movements. In terms of the development of the WSCC Depot this is a use which is already generating a volume of lorry movement.

This policy encourages the change of use of buildings to Class B1 and the construction of new buildings for this use, subject to the impact on residential and community amenity is acceptable. It is unlikely that there will be many opportunities for such development to be carried out, having regard to the qualifying criteria. It is clear that the community is looking to allow additional employment within the Parish and there are sites where such uses could be accommodated.

The main determinate with regard to the propensity of B8 units to generate large amounts of heavy good traffic tends to be the size of the individual unit. In my experience, smaller units under 500 sq. m would be unlikely to generate significant large scale lorry movements. These are the types of uses that can stand successfully adjacent to B1c light industrial developments. Indeed under Class I of Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 there is the ability to change the use of B1 units to B8 for units up to 500 sq. m.

The final part of the policy relates to the WSCC Depot site which the policy allocates for small, light industrial start up units or retail units. As written the policy is somewhat problematic. Firstly, under the first part of the policy there is a positive encouragement to new development for B1 usage within the Plan area. There is no limitation on size which is proposed to be imposed on an existing single occupier commercial site. I do not think that the policy can require that only small scale light industrial units to be considered acceptable on the depot site. Similarly, planning policy cannot itself direct

that units can only be occupied by *start up* enterprises. Whilst this may be a laudable ambition for the neighbourhood plan, to allow local residents to start up their new business, it is not reasonable to prevent employment generating occupier who may not be start up businesses. The supporting text can state that the development of such units can offer accommodation to local businesses to become established but these are matters best left to market forces or through the ownership controls restricting occupancy.

The allocated site has an area over a hectare and a half. I am concerned that a retail proposal coming forward for a site of this size would not accord with national or indeed local policy regarding the location of new retail development. Certainly no evidence of need has been submitted to justify this possible scale of retail use that the policy would allow, nor has there been any evidence of the impact of development of this scale on retailing within existing town centres. It may have not been the intention behind the neighbourhood plan policy to propose a retail park in this location but the wording of Policy BT3 would, as written, allow that. I propose a recommendation to remove reference to retail uses.

The last sentence of the policy requires improvements to the access to the site. The plan acknowledges that this site already generates high traffic generation by HGVs. Highway improvements can only be required if there there is a worsening of the current situation arising from the development and if a transport assessment should show that a proposed redevelopment would not worsen the current situation, the plan would not be justified in requiring improvements, for a scheme that might generate less traffic, especially as it may well be shown to generate fewer lorries. This matter should be left to the development management stage of the development process.

Recommendations

Delete 'is acceptable' and insert "is not unacceptable" in the first sentence.

Insert "for units over 500sq.m "after (storage and distribution) in the second sentence.

Delete "start up or retail" in the third sentence.

Delete the last sentence

Policy BT4 The Village Shop/ Café

The objective of this policy is clear and is clearly a locally important and distinctive intention. However a Neighbourhood Plan policy cannot keep an unviable facility open. It can however protect the building from being changed into an alternative change of use. Equally planning policy can facilitate a new location, or support its improvement or extension. This is in line with the objectives set out in Para 28 of the NPPF. As the SDNPA have noted the current site is situated with the Conservation Area and the policy could usefully refer to any alterations being promoted, needing to preserve and enhance the area.

Recommendation

Insert at the end “Any proposal to alter or extend the current shop will need to show that it will preserve and enhance the Conservation Area”

Policy BT 5 Improving Signage

This policy addresses signage for local facilities. Applications for advertisement consent are required to be considered to be against the interest of amenity and public safety. The need to “enhance” their surroundings goes beyond what is normally required except for proposals in Conservation Areas. Whilst Arun DC has recommended the deletion of the policy, I believe that it, if amended, does have a role. A total ban on illuminated signage would not be appropriate but the insert of “normally” will permit the decision maker a degree of discretion to consider the individual circumstances of a proposal.

Recommendation

Delete “enhance their” and insert “are appropriate to their “

Insert “normally” after “will not” in the second sentence

Policy BT6 Recreational and tourism activities

I am recommending that the title be amended to include the word “Sustainable “to the title to better reflect the aspiration of the policy.

In order to avoid uncertainty as to what actually constitutes “sustainable tourism”, I propose to change the policy from “Sustainable “to “Appropriate rural tourism development”.

The SDNPA suggest that the policy may be superfluous bearing in mind the proposed Policy SD20 may cover the issue, however the Park Local Plan is only at Preferred Option stage and has not gone through its examination and that policy may in time be subject to change.

The reference to the “promotion of the unique characteristics of the area” has been challenged by Arun as difficult to quantify at planning application stage. I accept that it would be somewhat ambiguous and I therefore propose the deletion of that element of the policy.

The second element refers to land outside the recognised village residential boundary. All policies should be unambiguous regarding whether a policy does or does not apply. As previously referred to, the submitted version of the plan does not contain a map where the boundary lies and I invited the qualifying body to set out the limits of the recognised village boundary which they have agreed with the National Park Authority. This Plan needs to be referred to in the wording of this and a number of other policies.

Recommendations

Insert “Sustainable” into the title of the policy

Replace “residential boundary” by “envelope as shown on the Proposal Map” in the second sentence

Delete “but will promote the unique characteristics of the area”

Policy BT 7 Communications Infrastructure

This is a planning policy only to the extent to which operators need to site infrastructure to be able to supply communication services to customers. At its simplest this can be through a phone line, cable or mobile telephony. Previous ministerial letters have encouraged planning authorities to consider this aspect in considering new development and I believe that it is right for the neighbourhood plan to address this important issue although it is unlikely to be something that directly affects recipients of the services as opposed to service providers. However, I do also acknowledge the concerns of SDNPA that infrastructure such as telecommunication towers and masts should not have an adverse effect upon the landscape quality of the National Park. I will suggest a modification to cover that point.

Recommendation

Insert “subject to them not having an undue impact upon the landscape of the National Park”

Policy BT 8 Sustainable Commercial Buildings

This policy is a way that sustainable development is delivered and it meets basic conditions without amendment. I believe the SDNPA in their representations, have misinterpreted the policy and its relationship to the Ministerial Statement of the 25th March 2015 which covered car parking rather than cycle parking which this policy seems to address. Equally the governments comments on new technical standards being imposed in neighbourhood plans appear to me to relate to new dwellings rather than commercial buildings.

Policy BT9 Agricultural/ Horticultural/ Horsiculture Employment

This policy seeks to retain land in any of the above 3 uses. The policy refers to a class of use but there is no such Use Class set out in the Use Classes Order. However under Section 336 of the Town and Country Planning Act, the definition of agriculture includes farming and horticulture. Under some circumstances the keeping of horses for grazing can also be classed as agriculture. However, planning permission would not be required say if the land was given over to forestry purposes. The justification of the policy is a single sentence “The Parish is a rural area with employment in this sector which it is important to protect”. This is more assertion rather than being a justification for the policy that is based on evidence. For example, no information is given as to the number of jobs that the sector currently provides with in the Parish.

John Slater Planning

National Planning Policy does not seek to protect all agricultural land, although it is recognised that it is important from a landscape point of view, particularly important in the National Park context. The NPPF refers to policies protecting the best and most versatile land (Para 112). The policy as written would prevent agricultural diversification, which if carefully carried out, could actually protect employment levels in farming. I do not believe that the policy has been adequately evidenced or justified or indeed is in accordance with Secretary of State policy. Other policies are capable of protecting the special landscape characteristics of the area. I am therefore recommending the deletion of the policy.

Recommendation

The policy be deleted

Policy CFW1 Support Independent Living

This policy supports the provision of independent living and care homes within the parish subject to a number of amenity criteria. As written this could potentially allow the construction of a new facility outside the recognised village envelope. This could have an adverse effect upon the National Park objectives. I am generally satisfied that it meets the basic conditions but with the modification limiting these developments to within the Recognised Village Boundary.

Recommendation

Insert 'and the site falling within the Recognised Village Envelope as shown on the Proposals Map.'

Policy CPW2 Recreation Facilities

The supporting text refers to the facilities that the policy is seeking to protect as the Village Hall and also as encouraging the revitalisation of the former BMX track. No modification is required to the policy.

Policy CFW3 Protection of Assets of Community Value

The designation of a building as an Asset of Community Value can be a material consideration in the determination of a planning application. I note from the Arun website that the Church, the School and the Junction Shop /café have now been entered on the register. The policy allows development that will enhance the viability and community value of the Church, Clapham and Patching C of E Primary School and the Junction shop and café. The policy seeks to resist the loss of the facilities and opposes proposal until the site has been marketed for a year which goes beyond the marketing requirements of ACV legislation. Apart from the church, the other two properties have specific policies in the Plan covering their reuse/ redevelopment. Therefore, on the face of it the policy only has limited value and could be seen as contradictory to the site specific policies

However, the register of assets of community value is not fixed and new properties can be added in the future. Therefore, I propose to retain the policy but I propose modifications that ensure the policy covers buildings that **have** been registered as opposed to **may be** included in the register. I propose the removal of the final sentence as the inclusion of a building on the register is a mechanism that controls the marketing and disposal of such a building.

Recommendation

Replace “ may be “ with “ has been“

Delete the final sentence of the policy

Policy CFW4 Designation of local green spaces.

This policy is in line with the provisions of the NPPF and I note that the 3 spaces meet the criteria set out in the Framework. The policy has be written so that it allows utility companies the ability to site infrastructure in these areas in exceptional circumstances. No changes are recommended.

Policy HD1 The Presumption in favour of Development

This policy sits in the Housing and Design Chapter. It does not restrict itself to residential applications but should relate to **all** development within the Parish. Accordingly, I recommend that the policy be moved to the front of the Neighbourhood Plan Policies Section after Paragraph 5.1 Introduction, so that it becomes the first policy of the Neighbourhood Plan. Secondly I propose to retitle the policy to be Presumption in favour of *Sustainable* Development. The wording does reflect the NPPF up to a point, so I propose to recommend the addition of a caveat “unless material circumstances dictate otherwise”. Furthermore, the neighbourhood plan will be but one element of the development plan and so I propose to expand the wording as my recommendation. I agree with the SDNPA that the supporting text could also explain more fully the context created by the National Park designation

Recommendation

Insert “Sustainable” in the title of the policy before “Development”

Move the policy and the supporting text to a new section after the Introduction to the Neighbourhood Plan Policies in Chapter 5

Insert at the end of the policy “unless material circumstances dictate otherwise. Planning permission will also be granted where relevant policies of the Neighbourhood Plan are out of date or silent unless:

- Other relevant policies in the development plan for Arun or the South Downs National Park indicate otherwise:
- or any adverse impacts of the policies would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF taken as a whole
- or specific policies in the Framework or other material considerations indicate that development should be restricted.”

Insert in the supporting text “Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in these areas, and should be given great weight in National Parks and the Broads

Policy HD2 Quality of Design

This policy includes a requirement for all proposals to be assessed against a design brief to be agreed with the SDNPA, in consultation with the Parish Council, to demonstrate how the character of the Parish will be reinforced. The requirement for a design brief to be prepared in respect of every application in respect of all new developments and alterations goes well beyond what can reasonably be expected of an applicant or the resources of the planning service. Clearly the development management process will assess the development against its impact upon the character and appearance of the village and the National Park. Only major or developments of a new house or more or a new building over 100sq m are required to provide a Design and Access Statement upon submission under the reduced requirements contained in the latest Development Management Procedure Order 2015. I recommend that the policy be deleted as too onerous as it goes beyond what the Government requires for new development to explain the way that development fits within the local context.

Recommendation

That the policy be deleted.

Policy HD3 Housing Mix

As written the policy does not work as it relates just to new housing without establishing thresholds. For example, an application for one or two houses cannot provide the range of housing types as required by the policy. Nor do I consider that it would be good development in every case for the development to provide a range of house types and tenures and certainly not the complete range of types as set down in the policy. I do accept that within the National Park the emphasis needs to be for any new housing to be addressing local housing need and I therefore would support the requirement for the applicant to demonstrate how their development will meet local housing need, including affordable homes.

Following the Secretary of State's Statement to the House of Commons dated 25th March 2015 it is no longer appropriate for neighbourhood plans to set down "any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings." The reference to Lifetime Homes Standard should therefore be removed. Equally I do not consider that it is appropriate for the Parish Council to specifically approve the social housing provider which is the responsibility of the Housing Authority.

Recommendations

Delete the text of the policy and replace with "All applications for new housing will need to demonstrate how the proposal meets the specific housing needs of the current and future households within the parish of Clapham"

Policy HD4 Housing Density

This policy seeks to establish a maximum density of 24 dwellings per hectare to small infill development. The wording in the Submission Version of the Plan refers to development within the "settlement boundary", which needs to be brought into line with the use of the "recognised village envelope" that will be used throughout the Plan in accordance with my recommendation for the sake of consistency.

I do not consider that quoting a density in terms of maximum numbers of units per hectare to be particularly helpful. For example, 24 five bedroom homes on a hectare site would have a very different physical manifestation than say 24 two bedroom bungalows or 24 flats.

Essentially the policy is seeking to ensure that the density of new development reflects the existing characteristics of its immediate locality and is not an over development of the site. I believe the first sentence of the policy achieves that objective without setting an arbitrary maximum which has no regard to the type of development being proposed.

The final element of the policy relates to the percentage of affordable housing which is an entirely different matter to the question of housing density. However, I do find it strange that the policy is quoting a **maximum** level of 40% affordable housing being sought on all sites. That could result in say a development of 10 units coming forward with 1 affordable unit which would be compliant with the policy but a scheme incorporating 5 affordable homes would be in breach of the policy. I cannot see that there is sufficiently robust evidence that justifies a different percentage of affordable housing than is covered by existing planning policy

Recommendations

Delete paragraph 2 and 3

Policy HD5 Housing Site Allocation

This policy relates to the single housing allocation in the Plan on the site currently occupied as a builder's merchants. Partially for the reasons I have already referred to

in Policy HD4, I consider that it would be inappropriate to refer to a maximum number of units in the policy. Whilst the NPPF requires that policies should be prepared positively with regard to housing, and I have seen representations suggesting that the policy should refer to a “minimum of 30 dwellings” I believe the policy should be better expressed as an approximate number of units, which then gives flexibility depending on the type and form of development that comes forward. That will provide some protection from a development which has a scale that would be inappropriate in a small village on the edge of the National Park and give sufficient flexibility to allow variations when considering the actual planning proposal that emerges through the development management process. The Parish Council would have liked a design brief to be prepared for this allocation site for consultation. I do not think is necessarily appropriate and that it would be better that the developer to consult local residents, the Parish Council and the LPA upon a pre application proposal which they are required to do, under Section 61W of the Town and Country Planning Act 1990 as amended by the Localism Act.

The policy as proposed includes a requirement to “redevelop the former BMX track site to a recreation/ leisure site” of an unspecified nature and also requires the provision of a replacement / enhancement of the existing shop / café, within the existing site, within the new housing development or adjacent to the Village Hall.

The underlying requirements set out in legislation for matters such as off site enhancements sought through planning obligations, is repeated in para 204 of the Framework, namely that the benefit must be: -

- necessary to make the development acceptable in planning terms
- directly related to the development
- fairly and reasonably be related in scale and kind to the development

Whilst I could understand the need for a development of this scale to require on site open space provision I do not believe that there is justification arising from the development to require a new leisure facility for the village on the former BMX site or to require the building of a new shop for the Village either on the site or offsite.

However, if the site were to be developed if and when the SDNPA has introduced its Community Infrastructure Levy, then the parish could potentially be in receipt of 25 % of the CIL payment (assuming that the Plan passes referendum), in which case the enhancement of the village’s retail and leisure facilities can be funded from the development’s CIL contributions.

I do not consider that the requirement for a new access has been justified by the evidence. The existing builders yard will already be generating a certain level of traffic and I have seen no evidence that the residential development will generate higher levels of traffic movements but once completed it is certainly likely to involve less heavy goods vehicles. Similarly, I have seen no evidence that the residential use will

have a greater impact on road safety than that caused by the use of heavy goods vehicles and commercial traffic sharing the junction with residential traffic. Therefore, requiring the creation of a new access is not based on the evidence of need in policy terms. However, if a transport assessment associated with an application were to show that a new access is required then that can be addressed at the development management stage.

Recommendations

Delete "maximum" and insert "approximately" in the first sentence

Delete paragraph 2 and 3 and Insert "The development will be expected to provide a housing mix to meet the specific housing needs of the existing and future residents of Clapham in terms of house types and tenures including an appropriate level of affordable housing."

Insert into the supporting text "The developers are encouraged to consult with the local residents, the Parish Council and the SDNPA prior to the submission of a planning application"

Policy HD 6 Windfall Sites

This policy is generally well structured however there are a number of concerns.

I do not consider that it is appropriate to have a policy criteria based upon regard to the "cumulative impact of extant permissions within the Parish as a whole" (criteria (ii)). Whilst cumulative impact can in certain scenarios be material in decision making, such as in terms of traffic impact or in environmental impact, it is not normally seen as an acceptable criterion for general development management, as the matters are outside the direct control of the applicant, who has no control as to whether other sites with planning consent are to be implemented. Generally, the guidance is that the planning process and the development plan should give certainty as to the outcome of a planning application.

Under criteria (iii) the wording needs tightening as it is not the Parish that needs protecting and enhancing but the built environment and the landscape.

Criteria (iv) creates a sequential approach to the acceptability of sites within the recognised village envelope. That would be contradictory to the underlying policy in favour of sustainable development i.e. development within the settlement. Such a differential approach within the recognised village envelope of Clapham is not justified.

Setting the limit at 5 units is a somewhat arbitrary approach as it pays no regard to the actual size of the site or the type of development being promoted. Indeed, it runs contrary to the laudable objective set out in criteria (v) which requires all sites to be used effectively and comprehensively.

Recommendations

Delete “small” and “up to 5 units”.

Criteria i) delete “Neighbourhood”.

Criteria ii) delete the second sentence.

Criteria iii) delete “Parish” and insert “built”.

Criteria iv) delete the second sentence.

Policy HD7 Outdoor Space

This is a policy requiring the provision of good quality amenity space and gardens. I do think the requirement to contribute to native tree cover and improving biodiversity goes beyond what planning policy should be seeking to provide in people’s gardens whose use of that space will depend on their individual requirements and circumstances. Equally placing inappropriate native trees close to people’s homes may not be a sensible in the long term. Landscaping should concentrate on the public domain rather than imposing on people’s private space.

Recommendations

Delete “and should contribute to providing native tree cover and improved biodiversity”

Policy HD8 Attention to Detail

Whilst I understand the sentiment behind the policy the wording is written as a mandatory requirement and in some areas cover matters that go beyond what is normally covered by the development management process. Rather than being over prescriptive, the policy is recommended to be a matter where full consideration is encouraged. In many instances the matters being addressed go beyond planning control.

Recommendation

The wording be amended by “The design of new housing should give full consideration to the following items.....”

Policy HD9 Local Connections

Whilst Arun DC are concerned that this policy is not justified by sufficient evidence and is too prescriptive, I am conscious that the thrust of policy in national parks is to meeting local community’s housing needs. The policy is based on some basic evidence of housing need derived from the resident’s questionnaire. I do have some concerns regarding the quality this evidence of housing need. Many housing needs assessments look at other issues of income levels and affordability. On balance, I conclude that it does demonstrate a level of local need to justify a local connection policy for the affordable housing in this national park location.

I do have concerns regarding the fairness of the final criteria (f) in that a person who say had been employed for 4 years would not be eligible but someone who has just been offered a job in the parish would qualify. I do not believe that the location of the village is so remote from urban areas to justify a requirement for affordable housing within the parish so I propose to delete the final criteria.

Finally, the policy makes special provision for essential agricultural dwellings being only occupied by persons being employed or last employed as such. However, this policy only relates to windfalls or the site allocation all will fall within the recognised village envelope. Agricultural workers' dwellings which will have an occupancy condition will by their nature only be required on land outside the settlement itself. It is therefore not appropriate to be part of a policy that deals with affordable housing within the village envelope, and so this part is proposed for deletion.

Recommendations

Delete criteria f and delete the last paragraph of the policy.

Policy HD10 Car Parking

From what I observed on my site visit to the Clapham, I can understand the village's concerns about car parking particularly along the The Street. The Ministerial Statement of 25th March 2015 states that car parking standards are only justified" where there is clear and compelling justification that it is necessary to manage their local road network". I am content that such a policy is required but over the lifetime of the plan , parking standards may change and it may be that car parking standards are no longer expressed as a range. My reading is that the current documents establishes maximum figures, which are no longer considered in line with Government policy. I consider the plan is right to refer to the parking standard which is that quoted as the maximum figure in the current County Standard. I do not think that causes a conflict with the national policy position which seeks to eliminate maximum standards which prevents additional parking being provided. I do not propose to recommend any amendment to that policy.

Policy HD11 Integration of New Housing

This policy accords with good planning practice and meets the basic condition test.

Policy HD12 Clapham and Patching School

The suggested sheltered housing/assisted accommodation for the elderly would be an appropriate after use if the educational use ceased and no modifications are required. However, the policy would not prevent other changes of use which would be permitted development within Use Class D1.

Policy ES1 Surface Water Management

I believe that the wording of this policy is too prescriptive. It is not appropriate for the policy to impose a requirement on small scale residential extensions or minor additions

to commercial buildings. I believe that the wording can be simplified with some of the technical information going into the supporting text. The suggested wording refers to matters that need to be covered by conditions and allows solutions to be put forward rather than following the prescriptive route that the policy currently takes. The first sentence of the final bullet point is not a land use planning policy and is recommended for deletion.

Recommendations

That the policy be reworded as follows: -

“New development, apart from small residential and commercial extensions, will not be approved unless it can be demonstrated that the development will not increase the risk of flooding either to itself or other land, arising from the carrying out and the use of the development.

Any planning permission for new development will be subject to a condition requiring that full details of the proposed surface water drainage scheme has been submitted (including details of its route, design and specification and details of its management and maintenance) and have been approved in writing by the Local Planning Authority. The development shall not be occupied until the drainage scheme has been implemented in accordance with the agreed details”

The supporting text needs to be amended to indicate that Sustainable Drainage Systems may be appropriate and to include details as to it not being acceptable in areas with a high water table. The representations from WSCC offer appropriate wording.

Policy ES2 Protection of Trees and Hedgerows

Generally, a planning policy can only offer protection when a planning application is being considered. It cannot offer any protection where works are carried out prior to or not in conjunction with the carrying out of development. As such the most effective method to achieve the aspirations of the policy is through the protection offered by a Tree Preservation Order or through Hedgerow Protection legislation. However, where trees and hedges are found on a development site it is quite appropriate for a policy to offer a degree of protection, allowing the proper consideration of the value of the trees to be taken into account. Natural England broadly support the wording but have suggested a caveat that brings the policy into line with the NPPF(para118) which I intend to incorporate. The requirement for the submission of a Tree Survey and Management Plan is properly done through the inclusion of it on the Local List as to what documents that need to accompany a planning application. Some sites which may be presently developed may not contain any trees or hedgerows and it would be unnecessary to have a requirement for a survey and management plan to cover the on going maintenance of amenities that do not currently exist on the site.

The inclusion of the sentence “Development on agricultural land will not be permitted” is essentially a planning policy rather than a piece of supporting text. I am recommending the exclusion of this piece of text as the matter is covered by other policies in the development plan and in any event may be contradictory when considering the next plan policy that deals with development proposals on agricultural land of lower quality.

Recommendations

Insert “irreplaceable” before “habitat” in the first sentence and add to the end of that sentence, “unless the need for, and benefits of, the development in that location clearly outweigh the loss”

Insert “which affect sites with existing trees or hedgerows” after “Proposals “at the start of the final sentence of the policy.

Delete “development on agricultural land will not be permitted” from para ES2.3.

Policy ES3 Renewable Energy

On the face of this the policy is restricted to small scale proposals to serve an individual or a group of properties however on closer reading it also deals with larger scale energy generating infrastructure on agricultural land classified as Grade 3 or higher. It is therefore proposed that the policy removes reference to “proposals serving individual or groups of buildings”. The last sentence is superfluous as all applications have to be weighed against the development plan and all other material considerations.

Recommendation

Delete” to serve individual properties or groups of properties”

Remove last sentence

Policy ES4 Buildings and Structures of Character

The National Park Authority has recommended that the title be amended to Buildings and Structures of *Special* Character, which I agree. Rather than to recommend to the South Downs NPA, the inclusion of these buildings as Buildings of Special Character, the Plan itself can give the buildings the status as non designated heritage assets as set out in the NPPF. However in this regard the policy as written goes beyond what the NPPF requires, which is that the “ scale of harm or loss to these properties should be balanced against their significance”.

The desire to seek Article 4 Directions is not a land use policy but can sit within the supporting text.

Recommendation

Insert into the title “Special Character”

John Slater Planning

Delete the first paragraph of the policy and insert

“The Neighbourhood Plan identifies the following buildings and structures as locally important heritage assets which contribute to Clapham’s distinctiveness...”

Delete the final paragraph and insert:

“The effect of a proposal on the significance of these non designated heritage assets will be taken into account in determining an application in order to avoid or minimise conflict between the heritage asset’s conservation and their contribution to Clapham’s distinctiveness and any aspect of the proposal.”

Insert the final sentence of the policy relating to the Parish Council requesting the SDNPA to serve Article 4 Directions be placed in the supporting text.

Policy ES5 Conservation Areas

This policy should be more appropriately entitled “Protecting the Setting of Conservation Area.

Recommendation

Change the title of the policy to “Protecting the Setting of the Conservation Area”

Policy ES6 Open Access and Permissive Paths

This is not a land use planning policy but a statement of what the Parish Council intends to do. As such it should be deleted as a policy but can be included in the text as an aspiration of the neighbourhood plan.

Recommendation

Delete policy and insert within supporting text

Policy ES7 Unlit Village Status

The policy is broadly in line with national and emerging local policy. However, the installation of street lighting is not a land use planning matter I do feel that allowing lighting until midnight may be too late in some situations depending on the neighbouring uses. The establishment of appropriate hours of operation would be better dealt with by the development management process rather than as a development plan policy.

Recommendation

Delete the third sentence

Remove the examples in brackets in the third sentence

Policy ES4 Old Flint and Brick Walls

This policy seeks to protect the special character that establishes the distinctiveness of the village and as such meets the Basic Conditions tests and no changes are necessary

Formatted: Normal

The Referendum Area

If I am to recommend that the Plan progresses to its referendum stage, I am required to confirm whether the referendum should cover a larger area than the area covered by the Neighbourhood Plan. In this instance I can confirm that the area of the Neighbourhood Plan as designated by South Downs National Park Authority on 13th November 2014 is the appropriate area for the Referendum to be held and the area for the referendum does not need to be extended.

Summary

The Parish Council are to be congratulated in taking such a positive and proactive approach to planning for development within its boundaries. It has grasped the opportunities to promote new housing and employment through the neighbourhood planning process whilst respecting the need to protect the special qualities of this village and its beautiful setting in the South Downs. The Working Group who have produced the Plan are to be congratulated for the hard work that has clearly gone into the Plan which has been delivered in a relatively short period. Whilst I have had some reservations about the level of evidence and justification behind some policies and I have had to make some changes to ensure the plan meets the Basic Conditions, the underlying Plan remains intact

Finally, I can confirm that my overall conclusions are that the Plan, if amended in line with my recommendations, meets all the statutory requirements including the basic conditions test.

I am therefore delighted to recommend to South Downs National Park Authority that the Clapham Neighbourhood Development Plan, as modified by my recommendations, should now proceed to referendum

JOHN SLATER BA(Hons), DMS, MRTPI

John Slater Planning

10th December 2015