



Summary of Representations made on the Regulation 16. Submission version of the Clapham Neighbourhood Plan.

1. This document provides a summary of the representations submitted in accordance with Regulation 16 of the Neighbourhood Planning (General) Regulations 2012 to the Clapham Neighbourhood Development Plan (CNDP). This document is produced in compliance with the Neighbourhood Plan (Referendum) Regulations 2012.
2. The South Downs National Park Authority (SDNPA) published the CNDP for consultation from 21 August to 2 October in accordance with Part 5 of the Neighbourhood Planning (General) Regulations 2012. Representations were submitted during the publicity period by 7 respondents. The representations were received from statutory consultees, developers, their agents, and other organisations.
3. Paper copies of the representations can be viewed on request at the South Downs Centre, North Street, Midhurst, West Sussex, GU29 9DH and The Junction Village Stores and Tea Room, Clapham, The Street, Clapham, Worthing BN13 3UU
4. Set out below is a summary of the issues raised in the representations. The South Downs National Park Authority Representation can be seen in full on our website by following this [link](#).

Name / Organisation	Date received	Method of submission	Summary of representation
Highways England	29/9/15	Email	<p>Thank you for inviting Highways England to comment on the Clapham Neighbourhood Development Plan Pre Submission consultation.</p> <p>Highways England has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the strategic road network (SRN). The SRN is a critical national asset and as such Highways England works to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.</p>

			<p>We will therefore be concerned with proposals that have the potential to impact the safe and efficient operation of the strategic road network.</p> <p>We do not have any comments.</p>
Arun District Council	1/10/15	Email	<p>The Council fully supports the community's initiative to produce a Neighbourhood Development Plan. Neighbourhood planning aims to give people greater ownership of plans and policies that affect their area. The government is clear that the intention of Neighbourhood Development Plans should be to set out policies on the development and use of land in a neighbourhood area and that the local planning authority has a duty to support production of the plan.</p> <p>Our approach at this stage is therefore to make final representation on the Clapham Neighbourhood Development Plan to the Examiner for a forthcoming examination.</p> <p>As part of good planning practice, ADC previously made comments on the pre-submission plan. Therefore the comments below are a natural progression and are on the plan proposal submission.</p> <p>The following list is intended to be a guide on some key issues identified in the plan:</p> <ol style="list-style-type: none"> 1. The paragraph numbering is inconsistent and would be helpful for referencing if it was all done as per our comments at Reg.14. 2. Page 5: 4th para - The structure Plan is not part of the development plan any longer. For consistency, if the SDNP emerging local plan is listed then ADC emerging local plan should probably be listed as well. 3. 3.3 community profile – community profile 2013 compiled by ACRE. Consider ACRE should be written in full if an abbreviation. 4. Para 2.2.3: AREA5 – the point of this policy is to provide protection for existing defined/recognised areas of open space, which generally correlate to those which the council has some maintenance role with.

			<ol style="list-style-type: none"> 5. Policy GA3 School Travel Planning - This is not a policy and should be deleted but its contents could be included as a community aspiration/project. 6. Policy BT1 Support for business – this is ambiguous and needs re-wording. What is the definition of acceptable? How will DC measure this? 7. Policy BT3 support for new commercial uses - What is the definition of 8. acceptable? How will DC measure this? What is the evidence to support this policy? 9. Policy BT5 Improving signage – What is the definition of signage ‘clutter’? There seems to be confusion of what a neighbourhood plan can do and what is the responsibility of the Local Planning Authority. This policy should be deleted. 10. Policy BT6 Recreational and tourism activities - Whilst we understand the intention of this policy, it is not useable in its form by DC. What are the ‘unique characteristics of the area’? 11. Policy BT9 Agricultural/horticultural/horsicultural employment – This needs to be more positively framed. What is the evidence for this? 12. Policy CFW1 support Independent Living: What is the character of the location? 13. Policy CFW2 Recreational facilities: What is the character of the location? 14. Policy CFW4 designation of local green spaces – do they meet the criteria expressed in the NPPF? 15. Policy HD1 The presumption in favour of development: The neighbourhood plan cannot approve planning applications. 16. Policy HD2 Quality of Design: What is this design brief? When will it be produced? How can DC use a policy with something which does not exist? 17. Policy HD3 Housing mix – This policy needs to be re-worked. It is unwieldy and mixes policy with supporting text. It also requires evidence and justification. 18. Policy HD4 Housing Density – How has the density number in this policy been reached/determined? What is the evidence to support the maximum 40% affordable housing figure or maximum density of 24 units per Ha in this policy? 19. Policy HD5 Housing site allocation – As advised at Reg.14 the use of the term “for a maximum of 30 new homes” by imposing a ceiling or cap on total
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			<p>development does not have regard to national policy in which there is a presumption in favour of sustainable development. It is however understandable that those people preparing a neighbourhood plan will seek to estimate individual site capacities in order to appreciate whether or not provision will meet local need. Actual numbers of homes achieved on sites will be determined on a site by site basis when detailed schemes are prepared and assessed taking into consideration site constraints. It is therefore recommended that it be reworded as “The Neighbourhood Plan provides for the development of a minimum of 30 new homes ...”</p> <ol style="list-style-type: none">20. Policy HD6 Windfall sites – impacts from extant unimplemented permissions cannot be taken into account in the determination of applications.21. Policy HD7 Outdoor Space – Unsure how this will be measured and therefore seems like it would not be useable to DC officers. Perhaps this needs fine tuning to add some clarity.22. Policy HD9 local connection – Does this accord with the NPPF and the LPA’s local connection policy? There appears to be insufficient evidence to support the policy and it is too prescriptive and seems inflexible to promote sustainable development.23. Policy HD10 Car parking – the current standards under the Local Plan (2003 ALP) have become the County ones, so best to just refer to these.24. Is it practical to require ‘enforceable provision’ – what would the impact be on work by SDNPA or WSCC? Is there agreement for this from either?25. Policy ES1 – the reference to SAB should be removed as there is not going to be one. What is the definition being used for ‘deliverable and sustainable’? That policy is unwieldy and can do with separating.26. Policy ES4 Building and structures of character: Have these been accepted by SDNP as being locally listed? Article 4 directions are the remit of the LPA not the PC.27. Policy ES6 Open access and permissive paths: This is not a policy and should be deleted but its contents could be included as a community aspiration/project.
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			<p>28. Policy ES7 Unlit village status: How will DC use this? What is the evidence?</p> <p>29. The policies could be strengthened by including a cross reference evidence base and conformity reference to the local plan and the NPPF as recommended at Reg.14.</p> <p>Clapham NDP SEA document Summary The overriding comment on this document is that further work should be done to provide clarity as the document is convoluted in areas. Although some very useful points are identified, it equally mixes ideas/points together.</p> <p>Conclusion The main issue with this plan is that the justification and evidencing for the policies need clarity and a lot of the actual policies require clarity. The general layout needs improving for ease of reading. We have made the suggestions in this document in the spirit of easing the draft plan's progress to adoption, and they should not be taken as the District Council requiring or requesting changes to the document, as ultimately any decisions over the eventual contents and whether to take comments on board rest with the Clapham Neighbourhood Plan Group and the Parish Council. The Council fully supports the community's initiative to produce the neighbourhood Development Plan.</p>
QUOD	2/10/2015	Email	<p>We are instructed by our client, Travis Perkins (Properties) Limited ('TPP'), to submit the enclosed representations on the Submission Version of the Clapham Neighbourhood Plan 2015 - 2035 (August 2015) (The Plan). Our client is the freehold owner of the existing builders' merchants at Clapham, identified as the 'Travis Perkins Site' (the Site) in the Plan, which has an established <i>sui generis</i> builders' merchant use.</p> <p>As a long standing local business in Clapham, our client welcomes the opportunity to engage with the Parish Council on the future of the Site; however, TPP strongly objects to the maximum unit numbers, inflexible housing mix and planning obligations proposed in Policy HD5, which is in direct conflict with the national planning policy requirement for Neighbourhood Plans to support development and not place unnecessary policy burdens that may threaten viability.</p> <p>a) Site Context This site is located in a residential area within an Area of Outstanding Natural Beauty and the South Downs National Park. Residential properties are situated directly to the south</p>

			<p>and west, with greenspace and further residential properties to the north. Industrial units are situated in the adjacent site to the east. The site continues to operate as a builders' merchant and there are no immediate plans to cease trading.</p> <p>b) Policy Context</p> <p>The Government requires that the National Planning Policy Framework (NPPF) is taken into account in the preparation of local and neighbourhood plans. In developing neighbourhood plans, the NPPF requires communities to:</p> <p>“develop plans which support the strategic development needs set out in Local Plans, including policies for housing and economic development” (our emphasis)</p> <p>One of the 12 key principles of the NPPF is that neighbourhood plans be succinct and set out a positive vision for the future of the area based on joint working and co-operation to address larger than local issues.</p> <p>The National Planning Policy Guidance (NPPG) sets out that neighbourhood plans:</p> <p>“should support the strategic development needs as set out in the Local Plan and plan positively to support local development”</p> <p>The NPPG advises that the policies within a local or neighbourhood plan must be based on a clear and deliverable vision for the area, meaning that the:</p> <p>“sites and scale of development identified on the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened” (our emphasis)</p> <p>The NPPG further advises that local and neighbourhood plan policies should reflect the desirability of re-using brownfield land, taking into account the fact that brownfield land is often more expensive to develop. The guidance recommends that Gross Development Value is taken into account and that landowners should be engaged in considering options to secure the successful development of sites, stating that whilst it is not possible to assess each individual site for viability:</p> <p>“site typologies should be used to determine viability at a policy level”</p> <p>Finally, the NPPG requires policies to be concise, precise and supported by appropriate evidence.</p>
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			<p>housing in the village. This has resulted in an amendment to the wording of Policy HD5 which states:</p> <p>“Permission will be granted, within the Plan period, for a maximum of 30 new homes on the land identified on the Proposals Map (5.8).</p> <p>The development will provide a housing mix as defined in policy HD3; it will also redevelop the former BMX track site to a recreation/leisure site and provide a replacement/ enhancement of the existing shop/café site either on the existing site, within the new housing development site, or adjacent to the Village Hall. Any such development proposal would be expected to provide alternative, safe access to the site”</p> <p>This is a highly sustainable site, adjoining the existing rural community and would form a logical extension to the existing housing sites to the south and north. Whilst our client welcomes the allocation of the site for housing, Policy HD5 includes onerous requirements which are not compliant with the CIL Regulation 122.</p> <p>CIL Regulations 122 states:</p> <p>“A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—</p> <ul style="list-style-type: none">a) necessary to make the development acceptable in planning terms;b) directly related to the development; andc) fairly and reasonably related in scale and kind to the development”<p>The existing policy requirement to redevelop the BMX site and to provide a replacement shop / café would be secured through a Section 106 Agreement linked to any planning consent. However, the requirement for the developer of this site to redevelop the former BMX track for leisure use is not necessary to make any future housing development on this site acceptable, nor is it directly related to the development or related in scale to what could be a small residential development.</p><p>As such, this wording should be removed in line with the recommended wording set out below.</p><p>Turning to the maximum limits placed on the number of residential units which will be granted consent on the site, this is contrary to national planning guidance. Given the significant housing need in the District, the policy should not limit the site’s potential to deliver much needed housing.</p>
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			<p>f) Summary</p> <p>The current business operations on this site are commercially successful and our client has no immediate plans to release the site; however, TPP need to consider the draft policies within the Plan, should they seek to sell or redevelop the Site in the future.</p> <p>There is a proven need for housing within the District and the wider sub-region and developers should be encouraged to provide this housing on suitable and sustainable sites such as our clients' site in Clapham, without limiting its development potential.</p> <p>The policy in its current form is too prescriptive, is not compliant with the CIL Regulations and does not take into consideration the potential for changing economic circumstances during the life of the Plan. This may result in a vacant undevelopable site in the future.</p> <p>To conclude and in line with national planning policy, the Neighbourhood Plan should provide flexibility within Policy HD5 to allow for a viable residential development to come forward in the future. Furthermore, and notwithstanding that a future residential developer of this site may wish to offer facilities to the local community, the obligation to redevelop the BMX track and to provide a replacement shop as part of any planning permission is contrary to the CIL Regulations and should be removed from the policy.</p> <p>We trust this letter is of assistance and that the Council will reconsider the wording of Policy HD5 to allow for flexibility in the housing numbers and unit mix, as well the removal of the unreasonable planning obligations. We would be grateful if you would keep us informed of the progress of the Clapham Neighbourhood Plan.</p>
West Sussex County Council	2/10/2015	Email	<p>Thank you for the opportunity to comment upon the Parish Council's Consultation Submission Neighbourhood Plan for Clapham. Given that the Submission Neighbourhood Plan for Clapham includes the proposed allocation of a small scale housing site, it should be noted that this will be subject to the resolution of any highway safety and access issues at the planning application stage or as part of a consultation on a Community Right to Build Order. The County Council provided general Development Management guidance in response to the Pre-Submission consultation.</p> <p>Policy ES1: It is suggested that the first sentence and first bullet point is re-worded to the following:</p> <p>'New development should aim to reduce the overall level of flood risk from surface water run-off in the area through negotiations and use of developer contributions:</p>

			<ul style="list-style-type: none"> · Surface water management measures will be required for development proposals to ensure that the risk of flooding both on-site and off-site is not increased...' <p>It is suggested that the second bullet point is re-worded to the following:</p> <ul style="list-style-type: none"> · 'Consideration must be given to the use of Sustainable Urban Drainage Systems (SUDS) as alternatives to conventional drainage where appropriate, but infiltration techniques may not be suitable where the winter water table is less than 0.7 of a meter below ground level. Sustainable drainage systems on private property, whether they are private or adopted, must be approved by the relevant Local Planning Authority SDNPA, prior to the commencement of development and must conform to the recommendations of the SUDS Manual produced by CIRIA. All approved sustainable drainage systems shall be recorded on the flood risk register and maintenance arrangements identified for the lifetime of the development.' <p>For the third bullet point, please add 'if possible' at the end of the first sentence.</p>
Natural England	2/10/2015	Email	<p>Thank you for giving Natural England the opportunity to comment on Clapham's Neighbourhood Plan. Comments are as follows:</p> <p>We note that the Plan area is largely within the South Downs National Park (SDNP) and that the Plan defers to the emerging National Park Authority Local Plan in many respects.</p> <p>We support the proposals laid out in section 5.6 Environment & Sustainability (p41) and particularly welcome the commitment to protect agricultural land and prevent light pollution which may damage the "Dark Skies" quality of the SDNP.</p> <p>Policy ES2 (protection of trees and hedgerows) could be given additional weight by referring to the relevant quote from the National Planning Policy Framework (para 118) "... planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss". That said, the policy is already robust in itself.</p>
Process Matters	28/09/15	Online submission	<p>I think the Core Objectives are fully supportive of the aims of the SDNP as well as the aim of the village to be sustainable into the future</p>

			<p>I am supportive of all the policies but would highlight the following:</p> <p>Policy GA3 - children living in Clapham Common have to cross the main road without benefit of a pelican crossing. Anything that improves that situation is essential.</p> <p>Policy BT3 - as can be seen from the photo montage in the Evidence Base, the traffic issues caused by the existing industrial use are intolerable. Allowing the site to be used for small industrial units is consistent with the areas high number of SME's and their need for small business units.</p> <p>Policy HD5 - this shows that the village is forward thinking and looking at ways to use a future brownfield site to provide local housing to meet their needs. The supporting policies relating to design and local connection show that they want their village to grow but in a sustainable manner and in a way that supports the aims of the SDNP.</p> <p>Support all of the proposals on the proposals map Support all the attached schedules (Assets of Community Value, Local Green Spaces, Flint Wall map)</p> <p>The consultation statement shows a good level of consultation and engagement</p> <p>The Basic Conditions Statement shows that the Plan meets the Basic Conditions. No weight can be given to the emerging SDNP Plan spot this Plan is in conformity with the 2003 ADC Plan.</p> <p>The Strategic Environmental Assessments clearly shows that the policies have taken environmental constraints into account. The fact that the Plan proposes to enhance the beauty of an industrial site with a well-planned and designed housing development is to be congratulated.</p>
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