

## **Kirdford Neighbourhood Plan Decision Statement.**

### **1. Summary**

1.1 Following an Independent Examination, the Authorities (Chichester District Council and the South Downs National Park Authority) recommend that the Kirdford Neighbourhood Plan proceeds to referendum subject to the modifications set out in section 3.

### **2. Background**

2.1 Kirdford Parish Council, as the qualifying body successfully applied for Kirdford Parish to be designated as a Neighbourhood Area, under the Neighbourhood Planning (General) Regulations (2012), which came into force on 6 April 2012. A Neighbourhood Area was subsequently designated.

2.2 Kirdford Parish is covered by two Local Planning Authorities: Chichester District Council and the South Downs National Park Authority. (SDNPA) The Authorities agreed that Chichester District Council should be the lead Authority for the Kirdford Neighbourhood Plan, as the village of Kirdford and the majority of the parish fall outside the South Downs National Park.

2.2 The Neighbourhood Plan was published by Kirdford Parish Council for Regulation 14 pre submission consultation in December 2012.

2.2 Following the submission of the Kirdford Neighbourhood Plan Examination Version ('the plan') to the Council in June 2013, the plan was publicised and comments were invited from the public and stakeholders. The consultation period closed on 2nd September 2013.

2.3 Chichester District Council appointed an independent Examiner; Janet Cheesley, to review whether the plan met the Basic Conditions required by legislation and should proceed to referendum.

2.4 The Examiner's Report concludes that the plan meets the Basic Conditions, and that subject to the modifications proposed in her report, the plan should proceed to a Referendum.

### **3. Recommendations**

3.1 The Authorities are looking to make the modifications to the Kirdford Neighbourhood Plan in line with the recommendations set out in Examiners report. The schedule of modifications is set out below.

3.2 With the Examiner's recommended modifications the Kirdford Neighbourhood Plan meets the Basic Conditions mentioned in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990, and is compatible with the Convention rights and complies with provision made by or under Section 38A and B of the Planning and Compulsory Purchase Act 2004.

3.3. The Authorities have considered whether to extend the area in which the Referendum is to take place. The Authorities have decided that there is no reason to extend the Neighbourhood Plan area for the purpose of holding the Referendum. The Referendum area will be the same as the designated Neighbourhood Area covering the entire parish.

3.4 The Referendum will take place on the 1<sup>st</sup> of May 2014.

Recomm endation reference	Policy / Paragraph/ section	Change	Reason for the change
1	Section 2	Deletion of the issues and objectives from section 2.	To provide clarity. To modify the plan in line with the Examiners recommendation.
2	Page 9	Move the Kirdford Village Today and context sections to the first chapter.	To provide clarity. To modify the plan in line with the Examiners recommendation.
3	SD1	Modification to the first sentence of the informative as follows: <i>'Informative: In the context of Kirdford, sustainability is particularly relevant with regard to:'</i>	To ensure the policy has regard to national policy in the National Planning Policy Framework, in regard to the definition of 'sustainable'  To modify the plan in line with the Examiners recommendation.
4	SDNP1:	Modify the wording from "The National Park Authority is expected to adopt." Change to: The National Park Authority has adopted the Management Plan.	To provide clarity in regard to the emerging SDNPA Management Plan.
5	SDNP2	Delete ' <i>draft</i> ' in the last sentence.	To provide clarity in regard to the emerging SDNPA

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			<p>Management Plan.</p> <p>To modify the plan in line with the Examiners recommendation.</p> <p>South Downs Partnership Management Plan (2014-2019) has been adopted by the National Park Authority.</p>
6	EM.1	<p>Replace <i>'surface water management plan'</i> in the first sentence with <i>'site-specific flood risk assessment'</i>. Replace <i>'any'</i> in the first criterion with <i>'the'</i>. Delete the third criterion.</p>	<p>To provide clarity and to modify the plan to be in line with the NPPF.</p> <p>To modify the plan in line with the Examiners recommendation.</p>
7	EM.2	<p>Addition of the following sentence at the end of Policy EM.2. <i>'The level of protection to be commensurate with their status.'</i> In the interest of clarity, reference to <i>'Saved Plan Policy R7 and R8'</i> in the Conformity Reference should be amended to <i>'Saved Local Plan Policies RE7 and RE8.'</i></p> <p>Change Intention paragraph to read : A third of the Parish lies within the South Downs National Park. Delete: Committed to a number of projects to improve the local habitat and landscape, the community considers nature conservation a positive contribution to managing sustainable development growth in its Plan area. The para. already has referred to Western Weald</p>	<p>To provide clarity on the levels of protection afforded to sites according to their status.</p> <p>To modify the plan in line with the Examiners recommendation.</p>

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		Landscape Project.	
8	EM.3	<p>To reword the policy as follows: <i>The historic environment within the Plan Area will be <b>conserved</b> and enhanced through positive action.</i></p> <p><i>The significance of designated heritage assets, including nationally protected listed buildings and their settings, archaeological sites and conservation areas and their settings, as well as undesignated heritage assets (including locally listed buildings), will be recognised and they will be given the requisite level of protection.</i></p> <p><i>Development proposals which <b>conserve</b> and enhance a heritage asset will be supported where this is <b>clearly and convincingly demonstrated</b> by way of an assessment of the significance of the asset or its setting.</i></p> <p><i>The sustainable re-use, maintenance and repair of listed buildings and other heritage assets will be supported. Particularly for those identified as being at risk. In conservation areas, the built form will be <b>conserved</b> and enhanced and there should be no net loss of trees. Physical improvements to conservation areas should be linked to the objectives contained within the Kirdford Village Design Statement, the Kirdford Conservation Area Appraisal and Management Proposals and the accompanying Townscape</i></p>	<p>To ensure continuity with the NPPF.</p> <p>To take account of English Heritage comments.</p> <p>To modify the plan in line with the Examiners recommendation.</p>

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		<p><i>Analysis Map where appropriate.</i></p> <p><i>Development proposals should seek to maintain local distinctiveness through the built environment, in terms of buildings and public spaces – and enhance the relationships and linkages between the built and natural environment.</i></p>	
9	CP.1	Deletion of <i>'and any percentage payment of New Homes Bonus or any other contribution that may become available to Kirdford Parish Council'</i> from the first paragraph.	<p>To provide clarity on the position regarding the new homes bonus.</p> <p>To modify the plan in line with the Examiners recommendation.</p>
10	CP.1	The list of proposed community development projects identified in this policy is included in the Action Plan. To clarify the policy intention, it is recommended that there is cross-referencing to the specific projects in the Action Plan i.e. (Countryside and Environment Project No. 1).	<p>To provide clarity on policy intention.</p> <p>To modify the plan in line with the Examiners recommendation.</p>
11	CP.1	<p>The first two paragraphs of Policy CP.1 are modified as follows and the list of community development is cross-referred to projects in the Action Plan, where appropriate.</p> <p>Any planning applications for new development within the Plan Area must demonstrate how they can contribute towards the delivery of community development. <i>This may be through contributions via a Section 106 Agreement or through payment of</i></p>	<p>To ensure that the plan meets the Basic Conditions.</p> <p>To modify the plan in line with the Examiners recommendation.</p>

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		<p><i>any future Community Infrastructure Levy.</i></p> <p>Provision towards community development, either through direct provision of new facilities or through financial contributions, will be expected from all development subject to the guidance set out in the National Planning Policy Framework, <i>including the ability for development to be delivered viably.</i></p>	
12	CP.2	<p>Deletion of Policy CP2. It can be incorporated into the Non - Statutory Community Aspirations and Action Plan Section as a Non - Statutory Community Aspiration.</p> <p>Subsequent Policy CP3 will require renumbering.</p>	<p>Removal of a non-land use policy.</p> <p>To modify the plan in line with the Examiners recommendation.</p>
13	H.1	<p>Recommendation: include 'for affordable housing' at the end of the Policy title. Delete reference to market housing from Policy H.1 and from the definition of 'local' preceding Policy H.1.</p>	<p>Rewording the policy to ensure continuity with the NPPF.</p> <p>To modify the plan in line with the Examiners recommendation.</p>
14	H.2	<p>Deletion of the first two paragraphs of Policy H.2 and editing of the accompanying text accordingly. Retention of the last paragraph of the policy with specific explanation that criterion 1 and criterion 3 only apply to affordable housing. Reference to housing for older people be deleted from the site specific policies</p>	<p>Rewording the policy to clarify the position relating to elderly persons and affordable housing.</p> <p>To modify the plan in line with the Examiners recommendation.</p>

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		and replaced where appropriate with residential development.	
15	H.3	Deletion of criteria in relation to flood risk.	To ensure conformity with NPPF.  To modify the plan in line with the Examiners recommendation.
16	H.4	Inclusion of <i>'if it can be determined that there is an up to date local need'</i> at the end of the first sentence. Deletion of allocations of work/live units in site specific Policies KSS1 and KSS2a and replacement where appropriate with residential development.	To clarify the intent of the policy.  To modify the plan in line with the Examiners recommendation.
17	H.5	Removal of the cross reference to Policy G2 and removal of reference to <i>'Replacement Dwellings'</i> in the title and accompanying text.	To clarify the intent of the policy.  To modify the plan in line with the Examiners recommendation.
18	DS.4	Insert after <i>'minimum'</i> in the fourth sentence <i>'and subject to viability and deliverability in accordance with paragraph 173 in the National Planning Policy Framework'</i> . Re-number this Policy as Policy DS.4.	To clarify the policy and to ensure viability and deliverability of development.  To modify the plan in line with the Examiners recommendation.

Recommendation reference	Policy / Paragraph/ section	Change	Reason for the change
19	DS.5	Insert at the end of this policy: <i>'and subject to viability and deliverability in accordance with paragraph 173 in the National Planning Policy Framework.'</i> Deletion of <i>'and adjoining the settlement'</i> and replacement with <i>'the Plan'</i> .	To clarify the policy, to ensure the policy meets the Basic Conditions and to ensure viability and deliverability of development.  To modify the plan in line with the Examiners recommendation.
20	R.1	Identify Local Green Spaces on the development proposals map. Delete reference in the policy to land to the north east of Growers Green/Bramley Close and land to the south of Townfield and Cornwood. Delete the last sentence. Include a sentence in the intention to the policy to read as follows: <i>'any public open space to be provided as part of the site specific policies in this plan shall be considered for designation as Local Green Space in a review of this plan if they meet the criteria in the NPPF.'</i>	To ensure conformity with the NPPF.  To modify the plan in line with the Examiners recommendation.
21	R.2	Deletion of Policy R.2.	To ensure conformity with the NPPF. The proposed policy appears to mix the level of protection of designated and non-designated open spaces together. Existing open space, sports and recreational buildings and land is already afforded protection by the NPPF (para. 74).  To modify the plan in line with the Examiners recommendation.
22	R.3	Amend Policy R.3 to read as follows: <i>Within the Plan Area, existing public rights of way and means of public access, provide a</i>	To clarify the Policy, to ensure the policy meets the Basic



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		<p><i>high level of amenity value, and will be protected, and where possible enhanced, by development. In the event that a Public Right of Way crosses a proposed development site, the proposal will not be supported unless it can be demonstrated to the satisfaction of <b>the relevant local planning authority</b> that either the current course of the right of way can be retained or that any diversion would not result in any adverse impact on residential amenity, the safety of the general public, <b>or the enjoyment of the special qualities of the National Park by residents and visitors.</b></i></p> <p>Add sentence to the justification: “The South Downs National Park Authority has identified a set of seven special qualities, tailored to the context of the National Park”.</p>	<p>Conditions.</p> <p>To modify the plan in line with the Examiners recommendation.</p>
23	R.4	<p>Insert ‘<i>and contribute towards the enjoyment of the special qualities of the National Park by residents and visitors</i>’ at the end of Policy R.4.</p> <p>Add sentence to the justification: “The South Downs National Park Authority has identified a set of seven special qualities, tailored to the context of the National Park”.</p>	<p>To ensure the policy meets the Basic Conditions.</p> <p>To modify the plan in line with the Examiners recommendation.</p>
24	R.6	Deletion of ‘ environmental’	<p>To clarify the Policy.</p> <p>To modify the plan in line with the Examiners recommendation.</p>

Recommendation reference	Policy / Paragraph/ section	Change	Reason for the change
25	E.1	Deletion of ' environmental'	To clarify the Policy.  To modify the plan in line with the Examiners recommendation.
26	KSS policies	The land use proposals in Section 3 are incorporated into a new Section with the site specific policies. The new Section would be titled ' <i>Site Specific Land Use Policies.</i> ' This new Section should to be placed within the Plan directly after the ' <i>Policies</i> ' Section which should be re-titled ' <i>General Land Use Policies.</i> '	To clarify the structure of the plan.  To modify the plan in line with the Examiners recommendation.
27	KSS policies	The site specific maps in Section 3 can be incorporated into this new Site Specific Land Use Policies Section for each allocated development site. They should be clearly labelled as being for illustrative purposes only and amended where appropriate to remove reference to elderly accommodation and work/live units.	To clarify the structure of the plan.  To modify the plan in line with the Examiners recommendation.
28	KSS policies	Section 3 includes non - statutory community aspirations for some of the allocated development sites. These can be incorporated into the new Site Specific Land Use Policies Section after each land use policy where appropriate. They should have the title 'non - statutory community aspirations' and be written in a distinctly different type face to the land use policies to ensure that they do not appear as part of policy. This will provide one reference point for each allocated development site and will provide a clear distinction between land use policy and	To clarify the plan.  To modify the plan in line with the Examiners recommendation.

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		community aspirations.	
29	KSS policies	Inclusion of an introductory paragraph at the beginning of this new Section to explain that planning applications will be determined against the land use policies only and the illustrative maps and non - statutory community aspirations are provided as non-statutory background.	To clarify the plan.  To modify the plan in line with the Examiners recommendation.
30	KSS policies	The remaining non-land use proposals in Section 3 should be incorporated into the Action Plan as 'non - statutory community aspirations', to be referred to later.	To clarify the structure of the plan.  To modify the plan in line with the Examiners recommendation.
31	KSS policies	Illustration 7 should have the title 'Land Use Development Proposals' and the Table of Objectives after Policy KSS5 should be deleted.	To clarify the plan.  To modify the plan in line with the Examiners recommendation.
32	KSS policies	The land use proposals in Section 3 are incorporated into a new Section with the site specific policies to be titled 'Site Specific Land Use Policies.' This new Section should to be placed within the Plan directly after the 'Policies' Section which should be re-titled 'General Land Use Policies.'	To clarify the structure of the plan.  To modify the plan in line with the Examiners recommendation.
33	KSS policies	Deletion of upper limits where mentioned in the accompanying text to Policies KSS1 and KSS5 and in Section 3.	To ensure policy flexibility.  To modify the plan in line with the Examiners

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		<p>Deletion of the Summary in Section 3.</p> <p>A new paragraph at the beginning of the new Section '<i>Site Specific Land Use Policies</i>' should explain that the minimum number of dwellings allocated on these sites is 61. The maximum numbers will be determined on a site - by site basis, taking into consideration site constraints and emerging Local Plan Policy.</p>	<p>recommendation.</p>
34	KSS1	<p>Remove reference to housing for older people and work/live units. Incorporate relevant parts of the text and site specific proposal map from Proposal 1(A) into the preceding '<i>objective and intention</i>'. Remove upper limit on housing figures in the accompanying text.</p>	<p>To ensure flexibility of the policy.</p> <p>To modify the plan in line with the Examiners recommendation.</p>
35	KSS2a	<p>Remove reference to work/live units. Incorporate relevant parts of the text and site specific proposal map from Proposal 2(B) into the preceding '<i>objective and intention</i>'.</p>	<p>To ensure flexibility of the policy.</p> <p>To modify the plan in line with the Examiners recommendation.</p>
36	KSS2b	<p>Remove the last paragraph with regard to Local Green Space. Incorporate relevant parts of the text and site specific proposal map from Proposal 2(B) into the preceding '<i>objective and intention</i>'.</p>	<p>To ensure flexibility of the policy.</p> <p>To modify the plan in line with the Examiners recommendation.</p>
37	KSS3	<p>Incorporate relevant parts of the text and site specific proposal map from Proposal 11(A) into the preceding '<i>objective and</i></p>	<p>To ensure flexibility of the policy.</p> <p>To modify the plan in line with the Examiners</p>

Recommendation reference	Policy / Paragraph/ section	Change	Reason for the change
		<p><i>intention'</i>. Re word the second paragraph as follows:</p> <p><i>The redevelopment of the site with an element of Work/Live Units will be considered <b>in accordance with Policy H.4</b>, provided it can be demonstrated that there will be no detrimental impact to the amenity of future residents.</i></p>	recommendation.
38	KSS4	<p>Incorporate relevant parts of the text and site specific proposal map from Proposal 14(A) into the preceding '<i>objective and intention'</i>. Remove the incorrect reference to Policy TR.2 and replace with Policy DS.3.</p>	<p>To ensure flexibility of the policy.</p> <p>To modify the plan in line with the Examiners recommendation.</p>
39	KSS5	<p>Remove reference to elderly person's housing. Incorporate relevant parts of the text and site specific proposal map from Proposal 15(A) into the preceding '<i>objective and intention'</i>. Remove upper limit on housing figures in the accompanying text.</p>	<p>To ensure flexibility of the policy.</p> <p>To modify the plan in line with the Examiners recommendation.</p>
40	Section 5	<p>Policy CP2 and the non-land use proposals in Section 3 are grouped together in the Action Plan. This Section should have a new title 'Non - Statutory Community Aspirations and Action Plan.' The title of each proposal should include the wording 'Non - Statutory Community Aspiration'. A preceding paragraph should remind readers that these are community aspirations and not land use policies. It should make clear that these non-statutory community aspirations are not part of the development and land use policies in the Plan and do not go forward to referendum.</p>	<p>To clarify the structure of the plan.</p> <p>To modify the plan in line with the Examiners recommendation.</p>

<b>Recommendation reference</b>	<b>Policy / Paragraph/ section</b>	<b>Change</b>	<b>Reason for the change</b>
41	Section 6	Remove reference to elderly homes in Proposal 15.	To ensure conformity with earlier policy changes.  To modify the plan in line with the Examiners recommendation.