

Loxwood Neighbourhood Plan Decision Statement.

1. Summary

1.1 Following an Independent Examination, the Authority (Chichester District Council) recommends that the Loxwood Neighbourhood Plan proceeds to referendum subject to the modifications set out in section 3.

2. Background

2.1 Loxwood Parish Council, as the qualifying body successfully applied for Loxwood 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 The Neighbourhood Plan was published by Loxwood Parish Council for Regulation 14 pre submission consultation in November 2013.

2.2 Following the submission of the Loxwood Neighbourhood Plan Examination Version ('the plan') to the Council in December 2013, the plan was publicised and comments were invited from the public and stakeholders. The consultation period closed on 28th February 2014.

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 Loxwood 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 Loxwood 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 Authority has considered whether to extend the area in which the Referendum is to take place. The Authority has 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 24 July 2014.

Recommendation reference	Policy / Paragraph/ section	Change	Reason for the change
1	paragraph 14.3	Modification to paragraph 14.3 by deleting reference to a sustainability assessment. Re-title section 15. This can be 'The Natural Environment'. Delete paragraph 15.4. Section 16 to be re - titled 'Equality'. Delete paragraph 16.3.	To modify the plan in line with the Examiner's recommendation.
2	Policy 1	Recommendation: insert 'a minimum of' after 'allocate' in Policy 1.	To modify the plan in line with the Examiner's recommendation.
3	Paragraph 17.2.2	Recommendation: the deletion of paragraph 17.2.2. A replacement paragraph inserted to explain that: 'There is a presumption in favour of sustainable development throughout the Plan area in accordance with the NPPF. It is the intention to concentrate development within the Settlement Boundary in the context of a presumption in favour of sustainable development. This does not preclude sustainable development in the rural areas outside the Settlement Boundary in accordance with this Neighbourhood Plan, the Chichester District Saved and Emerging Local Plan and the NPPF. The rural area policy in this	To modify the plan in line with the Examiner's recommendation.

Recommendation reference	Policy / Paragraph/ section	Change	Reason for the change
		Neighbourhood Plan is Policy 13.'	
4	Policy 2	<p>Recommendation: modification to Policy 2 as follows: Within the Neighbourhood Plan area, there is a presumption in favour of sustainable development as defined in this Neighbourhood Plan, the Chichester District Saved and Emerging Local Plan and the National Planning Policy Framework. The Settlement Boundary of Loxwood village is defined in figure 6 below. Any land within the parish of Loxwood which is outside the Settlement Boundary of Loxwood village is deemed to be rural.</p>	To modify the plan in line with the Examiner's recommendation.
5	Policy 4	<p>Recommendation: to meet the Basic Conditions, modification to paragraph 17.4.5 to express the number of dwellings as a minimum and recommend modification to Policy 4 to read as follows:</p> <p>This land is allocated for a mixed development of affordable and market houses with community facilities as follows:</p> <p>a. A residential development with a minimum number of seventeen houses consisting of affordable and open market houses is recommended taking into consideration desirable densities in accordance with policy 10 of the Plan. The proportion and tenure mix of affordable housing to be in line with current Chichester District Council requirements and allocations policies.</p> <p>b. Community benefits to be considered for inclusion:-</p>	To modify the plan in line with the Examiner's recommendation.

Recommendation reference	Policy / Paragraph/ section	Change	Reason for the change
		<p>☑ land to the south and east of the housing development area for use as a Community Parkland.</p> <p>☑ 8 additional car parking spaces for the doctor's surgery.</p> <p>☑ Central community green.</p> <p>☑ Contribution towards village traffic calming.</p> <p>The community benefits to be subject to meeting the tests in paragraph 204 in the NPPF and subject to viability and deliverability in accordance with paragraph 173 in the NPPF.</p>	
6	Policy 5	<p>To meet the Basic Conditions; modification to paragraph 17.5.6 to express the number of dwellings as a minimum; modification to paragraph 17.5.7 to reflect that the required mix of affordable dwellings may alter during the plan period and recommend modifications to Policy 5 to read as follows:</p> <p>A proportion of this area of land equivalent to approximately 2.1 hectares is allocated for a mixed development of affordable and market housing and community facilities as follows:</p> <p>a. Mixed Residential development of market and affordable housing.</p> <p>An indicative number of a minimum of forty three dwellings is recommended located towards the front of the site, taking into</p>	To modify the plan in line with the Examiner's recommendation.

Recommendation reference	Policy / Paragraph/ section	Change	Reason for the change
		<p>consideration densities in accordance with policy 10 of the Neighbourhood Plan. The proportion and tenure mix of affordable housing to be in line with current Chichester District Council requirements and allocations policies. Space should be reserved for a small retail development and small business premises should they prove viable.</p> <p>b. Community Benefits to be considered for inclusion comprising:-</p> <ul style="list-style-type: none"> ☑ A small retail development ☑ Car parking for shoppers ☑ Village green ☑ Small Business premises ☑ Designs to incorporate village traffic calming <p>The community benefits to be subject to meeting the tests in paragraph 204 in the NPPF and subject to viability and deliverability in accordance with paragraph 173 in the NPPF.</p> <p>The above community benefits are subject to a viability study to ensure acceptable take up of retail and small business premises. If proven to be viable, Loxwood Parish Council would support the inclusion of a small number of shops and business units - the</p>	

Recommendation reference	Policy / Paragraph/ section	Change	Reason for the change
		<p>type, size and scope to be established by consultation with Loxwood Parish Council, Chichester District Council and the developers.</p> <p>The remaining area of land to the rear of the site of approximately 2.3 hectares is excluded from development as shown by the Settlement Boundary defined in Policy 2 of the Neighbourhood Plan.</p>	
7	Policy 6	<p>Recommendation: to meet the basic conditions, I recommend modification to paragraph 17.6.3 to refer to figure 7; 17.6.3 d to refer to an intention for the future designation of this site as a Local Green Space; the removal of land south of Farm Close from figure 7; and modification to Policy 6 as follows:</p> <p>In accordance with the NPPF paragraphs 76, 77 and 78, this Neighbourhood Plan designates the Land at North Hall, the Jubilee Gardens and the Loxwood Sports Association playing fields as Local Green Spaces. The specific designation of the land is shown in Figure 7.</p>	To modify the plan in line with the Examiner's recommendation.
8	Policy 7	Recommendation: in order to meet the Basic Conditions, deletion of Policy 7 and modification of the supporting text to remove reference to local connection in perpetuity.	To modify the plan in line with the Examiner's recommendation.
9	Policy 8	Recommendation: modification of Policy 8 to read as follows:	To modify the plan in line with the Examiner's

Recommendation reference	Policy / Paragraph/ section	Change	Reason for the change
		Unless it is required to mitigate a potential road safety hazard or other requirement of the highway authority, all new roads built as part of a housing development should not feature street lighting.	recommendation.
10	Policy 9	Recommendation: modification of Policy 9 to include at the end 'or can be provided in time to serve it.'	To modify the plan in line with the Examiner's recommendation.
11	Policy 12	Recommendation: modification of Policy 12 as follows: instead of the word 'adjacent' in Policy 12 a, the phrase 'away from but connected' is inserted.	To modify the plan in line with the Examiner's recommendation.
12	Policy 13	Recommendation: modification to paragraph 17.13.3 and Policy 13 to clarify that development supported in Policy 13 is in addition to that allowed under the General Permitted Development Order.	To modify the plan in line with the Examiner's recommendation.
13	Policy 14	Recommendation: modification to Policy 14 by deleting reference to Permitted Development Rights and to extensions typically not exceeding '50% of the original building'.	To modify the plan in line with the Examiner's recommendation.
14	Policy 17	<p>Recommendation: modification to paragraph 17.17.9 to refer to developer contributions rather than Section 106 agreements and CIL. The first paragraph of Policy 17 to be modified as follows:</p> <p>Traffic calming along the B2133 and Station Road in the parish of Loxwood will be progressively introduced during the Plan period by means of developer contributions on any open market</p>	To modify the plan in line with the Examiner's recommendation.

Recommendation reference	Policy / Paragraph/ section	Change	Reason for the change
		development greater than one house in size.	
15	Policy 18	Recommendation: in the interest of clarity, after 'new' in the second sentence, replace the word 'developments' with the word 'dwellings'. In the interest of viability and deliverability insert at the end of this policy: 'These requirements will be subject to viability and deliverability in accordance with paragraph 173 in the National Planning Policy Framework.'	To modify the plan in line with the Examiner's recommendation.
16	Policy 19	<p>Recommendation : modification to Policy 19 as follows:</p> <p>Development in areas of flood risk zones 2 & 3 as identified by the environment agency flood risk maps will only be permitted in accordance with the NPPF.</p> <p>New development outside flood risk zones 2 & 3 should be subject to a site-specific flood risk assessment where relevant, in accordance with the NPPF.</p> <p>Surface water mitigation techniques should be employed to ensure that there is no net increase in surface water run-off.</p>	To modify the plan in line with the Examiner's recommendation.
17	Appendix 3	Recommendation: in the interest of clarity, modification to Appendix 3 by the deletion of the second sentence under 'spaces and outlook' and the paragraph regarding the nursery site.	To modify the plan in line with the Examiner's recommendation.

Minor Changes			
Recommendation reference	Policy / Paragraph/ section	Change	Reason for the change
MC1	Executive Summary para iii	Delete reference to “Promotion of affordable housing for those with a defined local connection to the parish”	Consequential change following deletion of affordable housing policy
MC2	Paragraph 1.5	Amend website link to read http://www.loxwoodpc.co.uk	Website has been updated
MC3	Paragraph 2.2	Amend website link to read http://www.loxwoodpc.co.uk	Website has been updated
MC4	Paragraph 3.1	Amend to read “An Independent Examination has been carried out by an Examiner. The Examiner recommended that the Neighbourhood Plan proceed to Referendum subject to amendments detailed in Chichester District Council’s Decision Statement dated May 2014. The changes recommended by the Examiner have been carried out and accepted by CDC.”	To reflect that the examination has taken place
MC5	Paragraph 18.6.4	Amend to read ‘Figure 7 below show the ...	Typographical error - the Figure is on a different page not below.
MC6	Appendix 3	Under Alford Bars remove reference to Sheaves Farmhouse	Sheaves Farmhouse is no longer of historic interest

MC7	Paragraph 17 onwards	Following the insertion of section 17 (see FM2 below) the subsequent paragraphs to be renumbered	Typographical change
MC8	Policy 7 affordable housing	Following the deletion of Policy 7 affordable housing – all subsequent policies are renumbered	Typographical change
MC9	Whole Plan	Following renumbering any cross referencing of policies or paragraphs should reflect the updated renumbering	Typographical change
MC10	Index	Following any changes in numbering the index should be amended	Typographical change
Major Changes			
FM1	Policy 1	The Loxwood parish Neighbourhood Plan will provide for allocate a minimum of 60 houses on allocated and windfall sites located within the Settlement Boundary defined in accordance with policy two of this Plan.	<p>The Parish Council had expressed concerns about referring to a ‘minimum’ number of houses that the examiner has requested. While they were uneasy with the examiners suggestion and may have considered challenging the examiner, they were willing to accept the proposed change if reference to ‘on allocated and windfall sites located’ was made.</p> <p>Following this amendment the text has been amended to ‘provide for’ in order for the policy to read clearly.</p>

			An email from the examiner Janet Cheesley (13 May) confirms that she has no objection.
FM2	Section 17 and supporting text (paragraphs 17.1 – 17.7)	Section 17 and supporting text (paragraphs 17.1 – 17.7) have been introduced to the Plan	<p>The examiners recommendation was to delete Policy 7 (Affordable Housing) and modify the supporting text. This was carried out under modification 6 in Table 1. When modifying the text as requested by the examiner the Parish Council did not feel it sat correctly in the original position the text was moved to Section 17 of the Plan.</p> <p>An email from the examiner Janet Cheesley (1 May) confirms this is in the spirit of her recommendation and has no objection.</p>