

Chichester District Council Local Planning Authority

Loxwood Neighbourhood Development Plan 2013-2029

DECISION STATEMENT

1. Introduction

- 1.1 Under the Town and Country Planning Act 1990 (as amended), the Council has a statutory duty to assist communities in the preparation of Neighbourhood Plans and Orders to take plans through a process of examination, referendum and adoption. The Localism Act 2011 (Part 6 Chapter 3) sets out the local planning authority's responsibilities under Neighbourhood Planning.
- 1.2 This report confirms that the modifications proposed by the examiner's report have been accepted, the draft Loxwood Neighbourhood Plan has been altered as a result of it; and that this plan may now proceed to referendum.

2. Background

- 2.1 The Loxwood Neighbourhood Development Plan relates to the area that was designated by Chichester District Council as a neighbourhood area on 8 March 2013. This area is coterminous with the Loxwood Parish Council boundary that lies within the Chichester District Council local planning authority area.
- 2.2 The Loxwood Neighbourhood Plan was first examined in March 2014 and proceeded through to referendum. Following a legal challenge it was subsequently agreed that the submission and examination stages of the Loxwood Neighbourhood Plan process would be repeated.
- 2.3 Following the re-submission of the Loxwood Neighbourhood Plan to the Council, the plan was publicised and representations were invited. The publicity period ended on 4 December 2014.
- 2.4 Ms Janet Cheesley was appointed by Chichester District Council, with the consent of Loxwood Parish Council, to undertake the examination of the Loxwood Neighbourhood Development Plan and to prepare a report of the independent examination.

- 2.5 The examiner’s report concludes that subject to making minor modifications recommended by the examiner, the Plan meets the basic conditions set out in the legislation and should proceed to a Neighbourhood Plan referendum.
- 2.6 Having considered each of the recommendations made by the examiner’s report, and the reasons for them, the Parish Council has decided to make the modifications to the draft plan referred to in Section 3 below, to secure that the draft plan meets the basic conditions set out in legislation.

3. Decision

- 3.1 The Neighbourhood Planning (general) Regulations 2012 require the local planning authority to outline what action to take in response to the recommendations of an examiner made in a report under paragraph 10 of Schedule 4A to the 1990 Act (as applied by Section 38A of the 2004 Act) in relation to a neighbourhood development plan.
- 3.2 Having considered each of the recommendations made by the examiner’s report, and the reasons for them, Chichester District Council in consent with Loxwood Parish Council has decided to accept the modifications to the draft plan. Table 1 below outlines the alterations made to the draft plan under paragraph 12(6) of Schedule 4B to the 1990 Act (as applied by Section 38 A of the Act) in response to each of the examiner’s recommendations and the justification for them.

Table 1: Recommendations by the Examiner and further modifications agreed by Chichester District Council in consent with Loxwood Parish Council

POLICY	MODIFICATION RECOMMENDED	JUSTIFICATION
Policy 1	<p>At the request of CDC and the Parish Council, I consider that the suggested amendment to Policy 1 to refer to ‘provide’ rather than ‘allocate’ meets the Basic Conditions. Policy 1 to read as follows:</p> <p>The Loxwood Parish Neighbourhood Plan will provide 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>	At the request of CDC and the Parish Council and meets the Basic Conditions.
Policy 2	To meet the Basic Conditions, I recommend modification to Policy 2 by the deletion of ‘and development should comply with policy 12 of this neighbourhood plan.’	To meet the Basic Conditions.

Policy 8	<p>Modification to the last sentence of Policy 8 to read as follows:</p> <p>New development will be permitted only if the network can accommodate the additional demand for sewerage disposal either in its existing form or through planned improvements to the system in advance of the construction of the development, or can be provided in time to serve it.</p>	Re ordering of phrases to meet the Basic Conditions.
Policy 12	<p>In the interests of clarity and precision, I recommend modification to the first paragraph of Policy 12 to read as follows:</p> <p>Development within the rural area will be in accordance with the NPPF paragraph 55, the CDC Emerging Local Plan and the General Permitted Development Order. The re-use of farm and rural buildings outside the Settlement Boundary for agricultural/business purposes or to provide dwellings for agricultural workers, which is not allowed under the General development Order, will be subject to the following criteria:</p>	In the interests of clarity and precision.
Policy 16	<p>To have regard to Planning Policy Guidance, I recommend the inclusion of the wording 'where applicable' in Policy 16 and for clarity I recommend a similar amendment to paragraph 18.6.9. The first sentence of Policy 16 to read 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 where applicable.</p>	To have regard to Planning Policy Guidance and for clarity.
Policy 17	Modify Policy 17 by the deletion of the second sentence.	On the basis of the indication of the direction and intentions of National Policy.

4. Conclusion

- 4.1 The Authority (Chichester District Council) confirms that the Loxwood Neighbourhood Development Plan 2013-2029, as revised, complies with the legal requirements and basic conditions set out in the Localism Act 2011, and can therefore proceed to referendum.

- 4.2 It is recommended that the Loxwood Neighbourhood Development Plan 2013-2029 should proceed to referendum based on the neighbourhood area defined by Chichester District Council on 8 March 2013.
- 4.3 This decision has been made according to the advice contained in the above report in response to the recommendations of the examiner made in a report under paragraph 10 of Schedule 4B to the 21990 Act (as applied by Section 38A of the 2004 Act) in relation to the Neighbourhood Development Plan.

(As agreed by Cabinet 24 April 2015)