

Proposed Bury Neighbourhood Development Plan Decision Statement: November 2017

1. Introduction

- 1.1 Under the Town and Country Planning Act 1990 (as amended), the South Downs National Park Authority has a statutory duty to assist communities in the preparation of neighbourhood development plans and orders and to take plans through a process of examination and referendum. The Localism Act 2011 (Part 6 chapter 3) sets out the Local Planning Authority's responsibilities under Neighbourhood Planning.
- 1.2 This statement confirms that the modifications proposed by the Examiner's report have been accepted, the draft Bury Neighbourhood Development Plan has been altered as a result of it; and that this plan may now proceed to referendum.

2. Background

- 2.1 The Bury Neighbourhood Development Plan relates to the area that was designated by the South Downs National Park Authority as a neighbourhood area on 27th March 2015. This area corresponds with the Bury Parish Council boundary that lies within the South Downs National Park Local Planning Authority Area.
- 2.2 Following the submission of the Bury Neighbourhood Development Plan to the National Park Authority, the plan was publicised and representations were invited. The publicity period ended on 23rd August 2017.
- 2.3 John Slater MRTPI was appointed by the South Downs National Park Authority with the consent of Bury Parish Council, to undertake the examination of the Bury Neighbourhood Development Plan and to prepare a report of the independent examination.
- 2.4 The Examiner's report concludes that subject to making the modifications recommended by the Examiner, the Plan meets the basic conditions set out in the legislation and should proceed to a Neighbourhood Planning referendum.

3. Decision

- 3.1 The Neighbourhood Planning (General) Regulations 2012 (as Amended) requires 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, the South Downs National Park Authority in consultation with Bury Parish Council has decided to accept the majority of the modifications to the draft plan. Two minor variations to the Examiner's recommendations are however proposed. A minor change to the wording of 'BNDP Policy 3 – Allocation for new housing' is proposed to allow for the retention of either of the existing dwellings, if this proves necessary to deliver the site. In addition, it is also proposed that 'The Wharf and Common Land at The Wharf' is included in the list of Parish Heritage Assets, as set out in BNDP Policy 8 – Parish Heritage Assets. Table I below outlines the alterations made to the draft plan under paragraph 12(6) of Schedule 4B to the 1990 Act (as applied by Section

38A of 2004 Act) in response to each of the Examiner’s recommendations. The reasons set out have in some cases been paraphrased from the Examiner’s report for conciseness. This statement should be read alongside the Examiner’s report.

3.3 If the Authority is satisfied that, subject to the modifications being made, the Neighbourhood Plan meets the legal requirements and basic conditions then it can proceed to referendum.

Signed:

Tim Slaney

Director of Planning, South Downs National Park Authority

Date: 15th January 2018

Table I

Recommended Modification to the BNDP	Examiners Report Reference & Justification	Proposed Decision
All text to be added is <u>underlined</u>, all deleted text is struck through		
BNDP Policy 1 - Settlement Boundaries		
Amend Policy to include the numerical reference to the appropriate policy map. The first sentence should therefore say ‘The Settlement boundary of Bury Village is set out on the BNDP MAP <u>3</u> at the end of the document.’	No changes are required to the policy, apart from the insertion of 3 to reference appropriate Map	Accept modification
BNDP Policy 2 – Built Character		
Amend Criterion 1 to read: ‘Incorporating similar architectural features into the design as those that are found in <u>traditional</u> buildings in the near vicinity of the site <u>village</u> . Replace the wording in the first sentence of criterion 2 Avoiding building materials that do not sit well in the parish with <u>External Materials should reflect the palette of materials found in traditional buildings within the Parish.</u> Criterion 4 to read: Avoiding areas defined as back-land, <u>except for the provision of ancillary residential buildings.</u>	Criteria one requires schemes to incorporate similar architectural features to buildings in the near vicinity. However, the Examiner has concerns that the use of this phrase would allow for inappropriate modern materials to be used as paragraph 4.8 of the plan refers to parts of the plan area that have been developed in modern styles. He therefore recommends that the wording suggested by the SDNPA in our	Accept modifications

Recommended Modification to the BNDP	Examiners Report Reference & Justification	Proposed Decision
All text to be added is <u>underlined</u> , all deleted text is struck through		
	<p>comments on the Regulation 16 consultation is used instead.</p> <p>The Examiner considers that the wording 'sits well' is imprecise with regards to the development management process. Therefore he recommends alternative, more precise wording that has the same sentiment.</p> <p>In terms of criteria 4, the Examiner considers that it is appropriate to allow for some ancillary residential development in back-land areas.</p>	
BNDP Policy 3 – Allocation for New Housing		
<p>Amend BNDP Policy 3 as follows:</p> <p>Insert “<u>3</u>” after “MAP” in first sentence.</p> <p>Deletion of reference to ‘Figure 2 Illustrative Layout’ in second sentence. Text to say ‘Development proposals must be in general conformity with Figure 2 – Illustrative Allocation Layout and comply with the following criteria to be considered acceptable:</p> <p>Insert at the end of the first paragraph “<u>and publically accessible public open space. The redevelopment of the site may also require the redevelopment and replacement of the existing dwelling(s)</u>”.</p> <p>In the second paragraph delete “be in general conformity with Figure 2 – Illustrative Allocation layout and.”</p>	<p>The Examiner shares the SDNPA’s concern that the illustrative layout proposed for this site, which shows detached and semi-detached houses with extensive gardens, will not in reality deliver the type of housing the plan requires. He therefore proposes the removal of reference to this.</p> <p>He also generally agrees with the suggested revisions to this policy proposed by the SDNPA. However, he believes it would be necessary for a section of the hedgerow fronting The Street to be removed, if the communal open space is to be visually integrated and be used by the rest of the village. He therefore proposes the inclusion of some wording relating to a removal of a section of the frontage hedgerow.</p>	<p>Accept modifications apart from minor change to wording in introductory paragraph of this policy and first sentence of criteria(iii)</p>

Recommended Modification to the BNDP	Examiners Report Reference & Justification	Proposed Decision
<p>All text to be added is <u>underlined</u>, all deleted text is struck through</p>		
<p>In criterion (ii) add after “village” the following text “<u>that is informal in character, accessible to the wider community; and in accordance with the landscape strategy for the site</u>”.</p> <p>Replace criterion (iii) with “<u>Any replacement dwellings are to be laid out to the north of the site on the area identified as BNDP 3b; in order to provide a lower density of development that creates a suitable transition in settlement pattern from the existing more concentrated built up residential area out to the dispersed settlement edges</u>”.</p> <p>Insert at the beginning of criterion (v) “<u>Reinforce local distinctiveness and</u>”.</p> <p>Delete all of criterion (vi) Propose and deliver improvements to the existing island crossing point across the A29 between the site and the village school and insert “<u>Ensure that the design, layout and scale of development does not cause harm to the setting of the conservation area and the listed Manor House; and is informed by the topography of the site and mature landscaping within and around the boundaries of the site</u>”.</p> <p>Add a new criterion (viii) “<u>Retain the trees and boundary hedgerows around the site, apart from a section of the hedgerow along The Street to allow views into and pedestrian access to any communal open space, thereby to seek to preserve the verdant setting of the Conservation Area and to ensure that the development does not result in likely significant effects on the commuting foraging of the barbastelle bats associated with the Mens Special Area of Conservation.</u>”</p>	<p>While the Examiner appreciates the objective set out in the Plan to reduce the barrier effect of the A29, this will be need to be delivered as an offsite highway improvement, and would need to meet the terms of the Community Infrastructure Levy Regulations 2010. The Examiner’s conclusion is that it is unreasonable for a site for only six additional small dwellings to be expected to fund and deliver unspecified improvements to the existing island crossing point across a major classified road. He therefore recommends the deletion of criteria vi.</p> <p>He also clarifies that the illustrative layout as shown in the document should be deleted.</p> <p>The SDNPA has accepted the majority of the Examiner’s recommendations in relation to this policy apart from proposing some minor change to wording to the introductory paragraph as follows: “The redevelopment of the site will <u>may</u> also require the redevelopment and replacement of the existing two dwelling(s).</p> <p>In line with this, a minor change has also been made to the first sentence of criteria (iii) to change the words “The two” replacement dwellings with “Any” replacement dwellings so</p>	

Recommended Modification to the BNDP	Examiners Report Reference & Justification	Proposed Decision
<p>All text to be added is <u>underlined</u>, all deleted text is struck through</p>		
	<p>this now reads “The two <u>Any</u> replacement dwellings are to be laid out to the north.....”</p> <p>These changes have been made to the Examiner’s recommendations to allow for the retention of either of the existing dwellings, if the circumstances arise that makes this necessary to deliver the site. This is based on the proviso that an acceptable form of development can still be brought forwards that meets the requirements rest of the policy criteria. This clarification and explanation will be set out in the supporting text.</p>	
<p>BNDP Policy 4 – Unallocated Residential Development</p>		
<p>Replace all of the first paragraph after “unallocated sites” is not considered sustainable or appropriate with “<u>(i.e. of 4 or more dwellings) will not normally be permitted</u>”.</p> <p>In the final set of criteria for development outside the settlement boundary, after is not located on agricultural land in Criterion (i) insert “<u>(except for any rural exception sites).</u>”</p> <p>In criterion (vi) insert after: Does not unacceptably impact the Conservation Area the following “<u>or its setting</u>”.</p> <p>Add a new criterion “(viii) <u>Reuses redundant or disused buildings and leads to an enhancement to the immediate setting</u>”.</p>	<p>The Examiner considers that this policy needs to be more clear and concise, specifically stating that schemes for development larger than three units will not normally be allowed. He supports the justification for this restriction as he is of the view that Bury is not a sustainable location for large-scale development.</p> <p>In relation to the part of the policy covering development outside the settlement boundary, the Examiner explains that rural exception sites may also need to be sited on agricultural land that is</p>	<p>Accept modifications</p>

Recommended Modification to the BNDP	Examiners Report Reference & Justification	Proposed Decision
All text to be added is <u>underlined</u>, all deleted text is struck through		
	<p>close to the settlement boundary and therefore recommends that the policy allows for this as an exception.</p> <p>He also recommends that a new criterion is included, so that the policy is in conformity with paragraph 55 of the National Planning Policy Framework (NPPF) which allows for new homes in the countryside where the development would reuse redundant or disused buildings.</p>	
BNDP Policy 5 – Sunken Lanes		
<p>In the first paragraph replace: Development should preserve the sunken lanes with “<u>must</u>”.</p> <p>In the final paragraph delete after: or erode the distinctiveness of a sunken lane will not be supported and instead insert “<u>permitted</u>”.</p>	<p>This modification is required to give more certainty to decision makers as required by the SDNPA.</p>	<p>Accept modification</p>
BNDP Policy 6 - Historic Walls		
<p>At the end of end of the first paragraph replace: ‘Development that would result in a loss of or create a break in a historic stone, flint or brick wall will not be supported with the wording “<u>allowed</u>”.</p> <p>Delete the final paragraph making reference to the identification of historic walls on the BNDP MAP.</p> <p>Historic walls to be removed from BNDP MAP 3.</p>	<p>The Examiner considers that the wording of the first paragraph should be strengthened. He also considers that by showing some historic walls and not others on the policy map this will result in a two-tier system. In light of this, and for the purposes of clarity, the Examiner therefore recommends that no historic walls should be shown on the policy map and it will be for the</p>	<p>Accept modification</p>

Recommended Modification to the BNDP	Examiners Report Reference & Justification	Proposed Decision
All text to be added is <u>underlined</u>, all deleted text is struck through		
	decision maker to assess whether the proposal affects a historic wall.	
BNDP Policy 7 – Historic Walls		
Delete the second paragraph which states ‘Where possible the planting of new orchards is supported.’	The Examiner is of the view that the planting of new orchards is not relevant to a policy related to historic orchards. Furthermore, the planting of new orchards is not, in itself, development and a neighbourhood plan can only have policies dealing with the “development and use of land”. He therefore advises that this reference is deleted or moved to a separate section on Community Aspirations.	Accept modification
BNDP Policy 8 – Parish Heritage Assets		
<p>In the second paragraph delete “provide a heritage statement” and insert “<u>describe the impact of the development on the significance of the heritage asset</u>”.</p> <p>Delete Heritage Assets 3, 5, and 6 from the policy and the Map.</p> <p>In 8 (to be renumbered) add at the start “<u>The original school buildings at</u>”.</p>	<p>The Examiner considers that the requirement to have to submit a heritage statement, should not be imposed by a neighbourhood plan policy, but instead a planning application can be expected to describe the significance of the asset and the effect of the development.</p> <p>He also has some concerns with a few of the locally derived criteria to establish whether the proposed building or feature merits designation as a parish heritage asset. He thinks that these criteria appear to attach historical importance to assets and hence a need for their protection, when their importance to the Parish is more</p>	Accept modifications apart from the deletion of Parish Heritage Asset 4. The Wharf and Common Land at the Wharf which the SDNPA recommends is retained as a Parish Heritage Asset

Recommended Modification to the BNDP	Examiners Report Reference & Justification	Proposed Decision
All text to be added is <u>underlined</u> , all deleted text is struck through		
	<p>appropriately covered by other policies of the Plan. As a result of this he recommends that a number of proposed local heritage assets set out below are deleted from the policy and Map:</p> <p>3 - The Serpents Trail: the Examiner considers this to be a recreational facility;</p> <p>4 – The Wharf and Common Land at the Wharf: the Examiner thinks that this is sufficiently protected by the Conservation Area designation and the proposed Local Green Space designation. However, the SDNPA does not concur with this. Conservation Area designation does not automatically protect unlisted features within it and it is only if these features are identified as of heritage or architectural significance in other planning documents or through assessment at the time of a planning application that their value is recognised. This is the reason why unlisted buildings or features, which contribute positively to a conservation area, are often afforded additional protection by being Locally Listed. As the steering group has explained, there is no Conservation Area Appraisal for Bury Conservation Area, therefore the historic significance of the Wharf Area and its value to the community is not evidenced in any planning document.</p>	

Recommended Modification to the BNDP	Examiners Report Reference & Justification	Proposed Decision
All text to be added is <u>underlined</u> , all deleted text is struck through		
	<p>In addition, Local Green Space designation is about preventing development rather than protecting individual features or buildings within an area and therefore would not necessarily protect this feature.</p> <p>The Wharf is clearly of significance to the local community. The Parish Council has explained that all parishioners have the right to store boats in this area and launch boats on the river and a purpose built jetty or launching point has always existed here. This historic right has been bestowed on parishioners for centuries and has been maintained ever since. Furthermore, it is the location of an historic toll ferry crossing the river. The Wharf and the associated land are closely tied with every parishioner and therefore have great significance both historically and in the present day.</p> <p>The SDNPA therefore proposes that the Wharf and Common Land at the Wharf are retained within the list of Parish Heritage Assets and protected by BNDP Policy 8.</p> <p>5 –The Pill Pond and 6 – Bury Sand Pit: the Examiner is of the view that there is insufficient evidence to support their designation.</p>	

Recommended Modification to the BNDP	Examiners Report Reference & Justification	Proposed Decision
All text to be added is <u>underlined</u>, all deleted text is struck through		
	<p>While the Examiner supports the inclusion of the early Victorian Primary School as local heritage asset, he does not feel that that modern extensions should be included, as they are not of any historic interest.</p> <p>The Examiner also has no objection to the revised wording to the supporting text forwarded by the Steering Group Chairman.</p>	
BNDP Policy 9 – Recreational and Community Facilities		
<p>Delete the first paragraph saying ‘Development affecting recreational and/or community facilities will only be supported where it can be demonstrated that the development will be of benefit to the local community.’</p> <p>In 7. Replace the wording ‘Any building/land designated with the word <u>registered</u> as an Asset of Community Value.’</p>	<p>The Examiner considers that the first paragraph of the policy makes it a requirement that any development must be of benefit to the local community. However, he does not believe that this requirement would be justified in every case. He uses the example of, a planning application submitted to improve living accommodation at the pub would according to this policy as drafted would not be supported. He believes that adequate protection to these into facilities is given by the second paragraph of the policy and therefore the first paragraph can be deleted.</p> <p>In addition, he points out that Assets of Community Value are ‘registered’ rather than ‘designated.’</p>	Accept modifications
BNDP Policy 10 – Local Green Space		

Recommended Modification to the BNDP	Examiners Report Reference & Justification	Proposed Decision
<p>All text to be added is <u>underlined</u>, all deleted text is struck through</p>		
<p>Amend first sentence of policy to include reference to map BNDP MAP 3 to say: 'The following are designated as Local Green Space <u>as shown on BNDP MAP 3</u>'</p> <p>Replace the final paragraph When considering development proposals on a designated Local Green Space they should be assessed in a way consistent with national policy for Green Belts with the wording <u>"There will be a presumption against all development on Local Green Space except in very special circumstances"</u>.</p>	<p>The first recommendation is a point of clarification. In terms of the last paragraph, the Examiner points out that it is not the intention of the NPPF for Local Green Space policy to be applied in the same way as Green Belt policy which includes a range of possible appropriate uses within Green Belts. The Examiner therefore proposes that the wording relating to ruling out all development other than in very special circumstances is used instead so the policy is NPPF compliant.</p>	<p>Accept modifications</p>
<p>BNDP Policy 11 – A Strong Local Economy</p>		
<p>The wording in first section of the policy covering Key Employment Sites should be replaced Proposals that would result in Key Employment Sites (as shown on the BNDP MAP) having a net loss in Full Time Equivalent Jobs (from their last use if the site is vacant will not be permitted with the wording <u>"There will be a presumption against the redevelopment (for a different use) or the change of use of the Key Employment Sites as shown on Maps 1 and 3 for any other non-employment uses, unless it can be demonstrated by way of evidence, that the site has been actively marketed over a 12-month period and a new occupier of the site cannot be found which retains its employment use"</u>.</p> <p>Delete second section of policy relating to Large Scale Economic Development.</p>	<p>The Examiner explains in his report that it is not possible for planning decisions to be based solely on the fact of whether there will be a net gain or loss of jobs arising from the development, even if the information is known at application stage. He therefore proposes new wording to replace the first section of this policy that maintains the site's commercial usage by preventing changes of use or development for other uses. However, he recognises that it will not be in the interests of the local community if sites remain empty, for example, if the company goes out of business. He therefore proposes to include within the policy a test that will allow the change of use of such sites</p>	<p>Accept modification</p>

Recommended Modification to the BNDP	Examiners Report Reference & Justification	Proposed Decision
<p>All text to be added is <u>underlined</u>, all deleted text is struck through</p>		
<p>Large Scale Economic Development</p> <p>Due to Parish's unsustainable location and the need to protect this part of the National Park, development proposals for large scale economic development is not considered sustainable and should be refused.</p>	<p>if a marketing exercise demonstrates that a new occupier for those premises cannot be found.</p> <p>The Examiner points out that the phrase 'large-scale economic development' is too loose to be capable of being used in development management decisions. He therefore recommends the deletion of this section of the policy and instead that this type of development is assessed using SDNPA Local Plan policy and the NPPF.</p>	
<p>BNDP Policy 12 – The Small Business Economy</p>		
<p>Delete the first paragraph of the policy as follows:</p> <p>Agriculture, Horticulture, Rural Craft and the Creative Industries will be supported where they comply with the policies contained within the Development Plan</p> <p>In criterion (ii) add after "Back-land" the following "<u>except the use of ancillary residential buildings used by the householder as their workplace</u>".</p> <p>In criterion (v) insert 'would not lead to a <u>harmful</u> increase in traffic (particularly HGV or other commercial traffic) on narrow Parish roads and lanes.'</p>	<p>The Neighbourhood Plan suggests that support will be given to a commercial development, if it falls within the cited four categories of business. The Examiner points out that the implication of this is that any application that relates to any other economic sectors would be opposed. He therefore recommends that this part of the policy is removed, as it would, for example, prevent development based on tourism or the occupation of redundant buildings for employment purposes. He is also of the view that criteria (ii) will prevent homeworkers, or small businesses operating from home, erecting outbuildings or annexes in the rear garden. He therefore recommends that this policy contains an exemption to allow ancillary residential buildings used by the householder for</p>	<p>Accept modifications</p>

Recommended Modification to the BNDP	Examiners Report Reference & Justification	Proposed Decision
All text to be added is <u>underlined</u>, all deleted text is struck through		
	<p>employment purposes to be erected in rear gardens.</p> <p>In terms of criteria (v), the Examiner explains that paragraph 32 of the NPPF states that “development should only be prevented or refused on transport grounds where the residual cumulative impacts are severe”. He refers to the SDNPA’s suggestion that the policy be amended to refer to “harmful” increase in traffic instead and recommends that this qualification is used.</p>	
BNDP Policy 13 – South Downs National Park		
<p>Deletion of this policy.</p> <p>Development proposals should not have any adverse impacts on the special qualities of the National Park. The special qualities are: 1. Diverse, inspirational landscapes and breath taking views; 2. A rich variety of wildlife and habitats including rare and internationally important species; 3. Tranquil and unspoilt places; 4. An environment shaped by centuries of farming and embracing new enterprise; 5. Great opportunities for recreational activities and learning experiences; 6. Well-conserved historical features and a rich cultural heritage; 7. Distinctive towns and villages, and communities with real pride in their area.</p>	<p>The Examiner is of the view that this is a general policy, which is not specific to the plan area and accordingly is not appropriate to a neighbourhood plan. In addition, he points out that the emerging South Downs Local Plan already contains a policy to this effect.</p>	<p>Accept modification</p>
BNDP Policy 14 – Landscape and Views		
<p>That the viewpoints and a cone of visibility be shown on a map to be included in the Plan.</p>	<p>The Examiner considers that if views are to be protected by this policy, it is important to know,</p>	<p>Accept modifications</p>

Recommended Modification to the BNDP	Examiners Report Reference & Justification	Proposed Decision
All text to be added is <u>underlined</u>, all deleted text is struck through		
<p>Modify the second paragraph to say “Special attention should be made to preserving <u>the following</u> notable views which include</p> <p>Replace the final paragraph with “<u>Development proposals outside the settlement boundary will be expected to demonstrate that they will not have an adverse impact on the above views or the landscape generally.</u>”</p>	<p>with confidence, whether the proposal will affect or be affected by any of the identified views and therefore these views will need to be identified clearly on map.</p> <p>The final paragraph of this policy requires the submission of a Landscape and Visual Impact Assessment for proposals that are likely to have a negative impact on views and the landscape. This requirement, the Examiner believes, should not be made through a policy but through the SDNPA’s Local Validation List which sets out what documents are required to accompany specific types of planning application.</p>	
BNDP Policy 15 - Tranquillity		
<p>Amend Policy to insert “ Development proposals should not negatively impact the <u>relative</u> tranquillity of the Parish</p>	<p>The Examiner recommends the use of the words relative tranquillity– rather than a policy based on an expectation that the whole plan area is uniformly tranquil. This would also be in line with the approach set out in the SDNPA’s emerging Local Plan.</p>	<p>Accept modification</p>
BNDP Policy 17 – Woodland and Trees		
<p>Delete the first paragraph.</p> <p>At the end of the second paragraph ‘Development that has the potential to result in damage to or loss of woodland habitats or result in the loss of ancient trees, woodlands, amenity trees or hedgerows will not be permitted <u>unless the</u></p>	<p>The first paragraph of policy is considered to be more of a justification for the policy and is recommended to be deleted by the Examiner. In addition this policy needs to take into account paragraph 118 of the NPPF which presumes</p>	<p>Accept modifications</p>

Recommended Modification to the BNDP	Examiners Report Reference & Justification	Proposed Decision
<p>All text to be added is <u>underlined</u>, all deleted text is struck through</p> <p><u>need for, and the benefits of, the development at that location clearly outweigh the loss.</u></p>	<p>against the loss of important trees and woodland “unless the need for all benefits of development in that location outweighs the loss”. The examiner therefore recommends that this proviso is included within the policy so that it is NPPF compliant.</p>	
<p>BNDP Policy - Local Habitats</p>		
<p>Recommend replacing this policy:</p> <p>Development will only be permitted where it preserves or enhances local habitats, their flora and fauna and avoids negative impacts on statutorily and locally designated sites.</p> <p>Where development will impact important local habitats it should be demonstrated that the development would have a positive impact on those habitats. A suitable management plan, and its implementation, to ensure that impact is achieved should be secured.</p> <p>With a new policy as follows:</p> <p><u>“Development proposals that conserve and enhance biodiversity and geodiversity and comply with other relevant policies and European and National Legislation will be permitted, provided that they are in accordance with the requirements and hierarchy of designation set out below.</u></p> <p><u>Development proposals that have an adverse impact on biodiversity, which cannot be adequately avoided, mitigated or compensated for, or which harm the special qualities will be refused.</u></p> <p><u>2. Development proposals should give particular regard to ecological networks and areas with high potential for priority habitat restoration or</u></p>	<p>The Examiner’s concerns with this policy is that as currently worded it offers the same level of protection to internationally and nationally designated sites as locally designated sites and other habitats. As a result, it is not in accordance with the hierarchy of protection set out in paragraph 113 of the Framework. The Examiner explains that the NPPF requires that the level of protection for designated and other habitats “is commensurate with their status” and “given the appropriate weight to their importance and the contribution to wider ecological networks”. He points out that the Neighbourhood Plan area includes Special Areas of Conservation, Special Protection Areas, Ramsar Sites, which are all international designations, as well as two national recognised Sites of Special Scientific Interest (SSSIs).He considers it important that the policy recognises the different levels of protection and</p>	<p>Accept modifications</p>

Recommended Modification to the BNDP	Examiners Report Reference & Justification	Proposed Decision
<p>All text to be added is <u>underlined</u>, all deleted text is struck through</p> <p><u>creation and should:</u></p> <p>a) <u>retain, protect and enhance features of biodiversity and ensure appropriate management of those features; and</u></p> <p>b) <u>ensure that any adverse impacts (either alone or in-combination) are avoided, or, if unavoidable, minimised through mitigation with any residual impacts being compensated for (having regard to the hierarchy of designation).</u></p> <p><u>3. The following hierarchy of designation will apply:</u></p> <p><u>(i) International Sites: i.e. Arun Valley Special Area for Conservation and Special Protection Area (SPA), Amberley Wildbrooks Ramsar Site and Bignor Escarpment Special Area of Conservation.</u></p> <p><u>If a development proposal is considered likely to have a significant effect on one or more international sites, an Appropriate Assessment (AA) will be required (the need for AA should be assessed at the Habitat Regulations Assessment (HRA) Screening stage).</u></p> <p><u>Development proposals that will result in any adverse effect on the integrity of any international site which cannot be either avoided or adequately mitigated will be refused unless it can be demonstrated that there are:</u></p> <p>a) <u>no alternatives to the proposal;</u></p> <p>b) <u>imperative reasons of over-riding public interest why the proposal should nonetheless proceed; and</u></p> <p>c) <u>adequate compensatory provision secured.</u></p> <p><u>(ii) National Sites: i.e. Arun Valley and Duncton to Bignor Sites of Special</u></p>	<p>therefore proposes a new policy to reflect the hierarchical approach set out in the NPPF.</p>	

Recommended Modification to the BNDP	Examiners Report Reference & Justification	Proposed Decision
<p>All text to be added is <u>underlined</u>, all deleted text is struck through</p>		
<p><u>Scientific Interest (SSSI)</u></p> <p><u>Development Proposals considered likely to have an adverse effect on national sites will be required to assess the impact by means of an Ecological Impact Assessment.</u></p> <p><u>Development Proposals that will result in any adverse effect on the integrity of any national site which cannot be either avoided or adequately mitigated will be refused, unless exceptional circumstances are clearly demonstrated.</u></p> <p><u>(iii) Local Sites: Local Wildlife Sites i.e. Arun Valley, Waterfield to Arundel, Coombe Wood, Horncroft Farm Pasture and Lords Piece</u></p> <p><u>Development proposals considered likely to have an adverse effect upon local sites will be required to assess the impact by means of an Ecological Impact Assessment.</u></p> <p><u>Development proposals within locally designated sites will not be permitted unless they are necessary for biodiversity or geodiversity management work or can demonstrate no adverse impact to the biodiversity or geodiversity interest.</u></p> <p><u>(iv) Outside of designated sites: locally important habitats i.e. Grass Verges (including Notable Grass Verges), Sunken Lanes and quarries, Wetland habitat, chalk streams and ponds, heathlands, Woodlands and Orchards and hedgerows:</u></p> <p><u>Development proposals will, where appropriate, be required to contribute to the protection</u></p>		
<p>BNDP Policy 19 – Permissive and Public Rights of Way</p>		

Recommended Modification to the BNDP	Examiners Report Reference & Justification	Proposed Decision
All text to be added is <u>underlined</u>, all deleted text is struck through		
<p>Delete the second sentence of the second paragraph “Where development affects permissive or public rights of way they should be accompanied by a “Rights of Way Impact Statement”.</p> <p>Replace the final paragraph “A Rights of Way Impact Statement should include clear plans showing the development in relation to the affected right of way, a written description of how the works will impact the right of way and users of it and a package of measures to ensure that any impacts can be considered Acceptable” with “<u>Where development affects a permissive or public right of way, the application will be expected to show how the development will impact the right of way and describe any mitigation measures needed to address any adverse impacts on users of that right of way.</u>”</p>	<p>The Examiner points out that a neighbourhood plan policy cannot require the planning application to be accompanied by a specific document, in this case a Rights of Way Impact Statement. He recommends that the policy can be amended to achieve the same outcome by requiring applications to demonstrate how they have taken account of the right of way.</p>	<p>Accept modifications</p>
BNDP Policy 20 - Parking		
<p>This section of the policy - Other Uses — the quantum of parking required will depend on the proposed use. It should account for the parking needs of staff, clients and customers is deleted.</p>	<p>The Examiner is concerned that the “Other Uses” section of this policy does not actually set a standard. He explains that parking will be dependent upon the business requirements and level of use. He therefore proposes the deletion of that part of the policy.</p>	<p>Accept modification</p>