

Findon Neighbourhood Development Plan Update Decision Statement: January 2020

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 and the draft Findon Neighbourhood Development Plan Update has been altered as a result of it.

2. Background

- 2.1 The Updated Findon Neighbourhood Development Plan relates to the area that was designated by the South Downs National Park Authority as a neighbourhood area on 13 September 2012. This area corresponds with the Findon Parish Council boundary that lies within the South Downs National Park Local Planning Authority Area.
- 2.2 Following the submission of the updated Findon Neighbourhood Development Plan to the National Park Authority, the plan was publicised and representations were invited. The publicity period ended on 16 September 2019.
- 2.3 Mr Robert Bryan BA (Hons), MRTPI was appointed by the South Downs National Park Authority with the consent of Findon Parish Council, to undertake the examination of the updated Findon Neighbourhood Development Plan and to prepare a report of the independent examination.
- 2.4 The examiner's report concludes the housing and local gap policies do not meet the basic conditions and should be deleted. Further minor modifications are recommended by the examiner, to account for the South Downs Local Plan and amend the Local Green Space. The SDNPA and Findon Parish Council consider these to be minor (non-material) amendments which do not require consultation, examination or referendum.

3. Decision

- 3.1 The Neighbourhood Planning (General) Regulations 2012 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, South Downs National Park Authority in consultation with Findon 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 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 Examiners report for conciseness. This statement should be read alongside the [Examiner's Report](#).

Table I

Recommended Modification to the updated FNP	Justification	Decision
Policies HD1, HD9, HD10a, HD10b, HD11, HD12, HD13, HD14		
The policies are contrary to the basic conditions	The Plan’s housing policies HD1, HD9, HD10a, HD10b, HD11, HD12, HD13, HD14 and Gap policy ESI cannot supersede the housing policies in the SDLP. The proposed housing allocations will effectively be in addition to those in the SDLP and therefore the intentions of the Plan cannot be achieved. The policies are therefore confusing and contrary to national guidance on neighbourhood plans that require clarity and precision.	Accept recommendation and delete policies so that the plan meets the legal requirements.
Policy ESI		
The policy is contrary to the basic conditions	Policy ESI establishes a “gap” between the southern end of Findon and the Findon Valley settlement. The boundary of the gap as drawn on maps 2A and 5 is clearly flawed as a result of the unacceptability of the housing allocations. I also consider that in principle this policy that, seeks to prevent coalescence of these settlements is unnecessary. The SDLP policy SD4 Landscape Character Development Strategy adequately deals with the control of development in these areas to prevent coalescence. To partially repeat the policy in the Plan is confusing and contrary to basic conditions.	Accept recommendation and delete policy so that the plan meets the legal requirements.
Appendix 2 Local Green Spaces		
The Appendix 2 Local Green Spaces amendment could be incorporated into the updated Plan.	Inclusion of these further areas as local green space provides continuity and consistency with the existing Plan policy. This is in accordance with national guidance in the NPPG aimed at clarity. It has been demonstrated that these areas are of	Accept modification

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	appropriate location, scale and value to the local community to justify designation in accordance with the NPPF criteria.	
Policy BT2 Retention of Employment land		
The policy should be deleted.	This is effectively repeated by SDLP policy SD35: Employment Land and adds nothing further. It should be removed from the Plan	Accept modification
Policy BT4 Retention of Retail Frontages		
The policy should be deleted.	There is now a discrepancy in the marketing/vacancy window whereby changes to non-retail uses may be acceptable. The Plan states 12 months whilst the SDLP policy SD37: Development in Town and Village Centres uses 24 months.	Accept modification
Policy BT9 Communications Infrastructure		
The policy should be deleted.	SDLP policy SD44: Telecommunications and Utilities Infrastructure adds extra criteria to the consideration of communications infrastructure.	Accept modification
Policy CFW5 Protection of assets of community value		
The policy should be deleted.	The SDLP policy SD43: New and Existing Community Facilities adds new criteria in the consideration of these proposals.	Accept modification

Recommended Modification to the updated FNP	Justification	Decision
Policy ES3 Protection of trees and hedgerows		
The policy should be deleted.	The SDLP policy SD11: Trees Woodland and Hedgerows effectively supersedes this policy. It contains more explicit criteria.	Accept modification
Policy ES4 Renewable Energy		
The policy should be modified to account for the reference to the need to avoid siting of infrastructure on grades 1, 2 and 3a agricultural land.	This policy and SDLP policy SD51: Renewable Energy complement each other apart from the reference to protection of agricultural land. There is merit in retaining the Plan policy as it adds to the SDLP policy SD51 and it should be modified	Accept modification
Policy HD2 Local Connection		
The policy should be deleted.	These criteria do not match those expressed in paragraph 7.61 of the SDLP.	Accept modification
Policy HD3 Live/Work units		
Provide cross-reference to SDLP policies.	Make clear to which areas the policy applies.	Accept modification