

Lavant Neighbourhood Development Plan Decision Statement: May 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 Lavant Neighbourhood Development Plan has been altered as a result of it; and that this plan may now proceed to referendum.

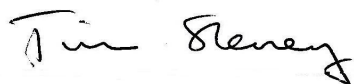
2. Background

- 2.1 The Lavant Neighbourhood Development Plan relates to the area that was designated by the South Downs National Park Authority as a neighbourhood area on 14 March 2013 and Chichester District Council on 18 March 2013. This area corresponds with the Lavant Parish Council boundary that lies within the South Downs National Park and Chichester District Council Local Planning Authority Areas. 78% of the parish lies within the South Downs National Park and the SDNPA is the lead Local Planning Authority for neighbourhood planning.
- 2.2 Following the submission of the Lavant Neighbourhood Development Plan to the National Park Authority, the plan was publicised and representations were invited. The publicity period ended on 21 February 2017.
- 2.3 John Slater MRTPI was appointed by the South Downs National Park Authority with the consent of Lavant Parish Council, to undertake the examination of the Lavant 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 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 Lavant 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 Examiners 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: 11th May 2017

Table 1

Recommended Modification to the Lavant NDP	Examiners Report Reference & Justification	Proposed Decision
Policy LNDP 1 – Spatial Strategy and Settlement Boundaries Replace “constitute sustainable development” and insert “be approved” Include Church Farm Barn and the residential allocation at Pook Lane LNDP21 site within the settlement boundary Replace the last paragraph by “Land outside the settlement boundaries is considered to be countryside and development will only be allowed if it is the subject of a specific policy in this neighbourhood plan or can demonstrate a need to be located in the countryside, as set out in national and local plan policies”	Remove potential conflict with national guidance. Provide clarity to the decision maker.	Accept
Policy LNDP2 South Downs National Park Insert after National Park “where it affects its setting” Delete “where possible” Insert after development proposals in the last paragraph “except residential extensions or other minor development” and add at the end of the policy “or subsequent revisions of that document”	Ensure policy is in line with national guidance. Remove instances where application of policy would not be appropriate.	Accept
Policy LNDP3 Local Gaps Include in the Local Gap designation the Woodland north of Maddoxwood and triangle of land on opposite side of Midhurst Road Insert, “other community uses” after “sport” in both the penultimate and final sentences.	Amend omission to the local gap. Amend policy wording to provide more flexibility.	Accept
Policy LNDP5 High-Quality Design Delete “All” and insert “New residential” In criterion 3 – add at the end of the first sentence “where it is necessary to maintain	Amend policy to apply to residential development.	Accept

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<p>the existing character of the immediate locality” Delete criterion 5 and insert “ Incorporate Sustainable Urban Drainage Systems”</p>	<p>Revise criteria to be in line with national guidance.</p>	
<p>Policy LNDP6 Development Principles Delete “All” at the start of the policy Delete criterion 1 and insert “density,” after” form” in the second criterion Replace criterion 3 with “Ensure neighbouring properties maintain a good standard of amenity” In criterion 4 remove “and undesignated” Delete criterion 5.</p>	<p>Revise policy so it is consistent with policies elsewhere in the NDP. Revise wording to be in line with national guidance.</p>	<p>Accept</p>
<p>Policy LNDP7 New Dwelling Sizes and Affordable Housing Delete from the first sentence “and affordable housing” Delete the final paragraph of the policy.</p>	<p>Revise policy to be in line with national guidance and adopted Local Plan policy.</p>	<p>Accept</p>
<p>Policy LNDP9 Local Economy, Business and Employment In the final sentence of the first paragraph Replace “need for” with “market interest having marketed for at least 6 months” Insert “in residential properties or other non-commercial premises” and delete everything in brackets</p>	<p>Clarify the intention of the policy for the decision maker.</p>	<p>Accept</p>
<p>Policy LNDP10 Local Green Space In the second sentence replace “are” with “could include” Delete the designation of the land on the north side of Lavant Down Road as Local Green Space</p>	<p>Ensure policy and designations are in line with national guidance.</p>	<p>Accept</p>
<p>Policy LNDP11 Local Community Space Add to Map Extract 2, the Land on the north side of Lavant Down Road as Local Community Space</p>	<p>Apply appropriate designation to open space</p>	<p>Accept</p>
<p>Policy LNDP12 Retention of Assets of Community Value Replace all references to “valued asset or facility” with “registered Assets of Community Value”</p>	<p>Clarify policy wording</p>	<p>Accept</p>
<p>Policy LNDP13– Biodiversity Opportunity Areas Insert “greenfield “after “All”</p>	<p>Apply policy in appropriate circumstances</p>	<p>Accept</p>

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<p>Policy LNDPI4– Landscape character and key views After “Applications”, insert “other than residential extensions and alterations and other minor developments”</p>	Apply policy in appropriate circumstances	Accept
<p>Policy LNDP 15 Floodplain and reducing flood risk On Map Extract 3 remove “Core Floodplain “and insert into the Neighbourhood Plan a separate plan showing the Environment Agency Areas at Risk from Flooding for the neighbourhood plan area. Replace the wording of LNDPI 5a with “No development should take place in areas at risk from flooding on the Flood Map, unless it can be shown that there are no sites where it would be possible to locate that development, in an area at lower flood risk. If having adopted a sequential approach, it shows the development must be sited in a flood risk area, then it must be designed to be flood resilient and resistant and have a safe means of escape. The need for a sequential test does not apply to changes of use or residential extensions” Delete in the final paragraph of LNDP 15b everything after “will be” and insert “as close as reasonably practical to the greenfield run off rates from the development for the same rainfall event but should never exceed the rate of discharge from the site prior to its redevelopment”</p>	Ensure policy complies with national guidance	Accept
<p>Policy LNDPI7 Conserving and Enhancing Local Heritage Assets In the first sentence of the second paragraph replace “the impacts do not detract from the significance of the asset” with “the potential harmful impacts to the asset’s significance has been clearly identified and avoided or minimised where possible and that unavoidable harm would be clearly justified by public benefits delivered by the scheme.” Delete “its landscape”</p>	Ensure policy complies with national guidance	Accept
<p>Policy LNDPI9 residential off road parking Replace “All” with “New” Remove item 2)</p>	Apply policy in appropriate circumstances Remove excessive requirement for visitor parking which could lead to an urbanising effect	Accept
<p>Policy LNDP20 Effective Traffic Management That the policy be deleted and moved into the Community Matters section of the Neighbourhood Plan</p>	Policy does not relate to use and development of land.	Accept

Recommended Modification to the Lavant NDP	Examiners Report Reference & Justification	Proposed Decision
<p>Policy LNDP 21 Land adjacent to Pook Lane</p> <p>In 1) delete “2 bedroom”</p> <p>In 6) insert at the end “if approved by the Local Highway Authority”</p> <p>In 7) after “provided” insert “before building operations are commenced on the new houses”</p> <p>Insert a new requirement 11) “Any application should be informed by a programme of archaeological survey and investigation according to a written scheme of investigation agreed by the council’s archaeological advisor. The design of the development should take the findings of these investigations into account in order to preserve any remains of national significance in situ, the unavoidable loss of any remains of local interest will need to be robustly justified.”</p>	<p>Remove conflict with policy elsewhere in the NDP.</p> <p>Ensure there is no loss of the playing fields in line with national guidance.</p> <p>Ensure the policy meets the basic conditions.</p>	<p>Accept</p>
<p>Policy LNDP22 Church Farm Barns</p> <p>Insert “amenity and highway safety” between “local” and “interests”</p> <p>Remove text from 2) and replace with “Any application must be accompanied by a site-specific flood risk assessment that demonstrates that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, wherever possible, reduce flood risk overall. Flood risk management measures which may be incorporated include;</p> <ul style="list-style-type: none"> · Floor levels raised 300mm above the modelled 1 in 100 year + climate change flood level · Appropriately sized attenuation, for the safe retention of surface water on site in order to control flows, to ensure that post-development surface water run-off will be no higher than existing; and · Use of Sustainable Drainage Schemes (SuDS) e.g. permeable paving and swales, to drain surface water from the proposed areas of hardstanding. Such measures may include rainwater harvesting and associated management plan. · Provision of raised walkways and vehicular access to ensure safe, dry egress and access from the site during a flood event · Preparation of a Flood Evacuation Plan · New residents should be encouraged to sign up to Environment Agency 	<p>Clarify the wording of the policy for the decision maker and include additional criteria to accord with national advice for development at risk from flooding.</p>	<p>Accept</p>

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flood alerts”		
<p>Policy LNDP 23 Eastmead Industrial Estate Insert after “viability assessment” “including a realistic allowance for any public-sector grant funding” Insert 2 additional requirements “6) The development will need to provide a connection to the nearest point of adequate capacity in the sewerage network, as advised by the service provider” And “7) The layout of the development must be planned to ensure future access to the existing sewerage infrastructure for maintenance and upsizing purposes”</p>	<p>Ensure any financial appraisal takes account of public sector funding. Ensure requirements regarding drainage capacity are included in the policy.</p>	<p>Accept</p>
<p>Policy LNDP 24 Maddoxwood House Insert after 1) “or a connection to the nearest point of adequate capacity in the sewerage network will be made, as advised by the service provider” Delete 3)</p>	<p>Remove unnecessary requirement on the developer. Ensure requirements regarding drainage capacity are included in the policy.</p>	<p>Accept</p>
<p>Policy LNDP25 – small-scale housing sites Delete everything after “supported” and insert “subject to compliance with other policies in the development plan”</p>	<p>Ensure policy is in line with policies elsewhere in the development plan.</p>	<p>Accept</p>