Patching Neighbourhood Development Plan Decision Statement: January 2018

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 Patching Neighbourhood Development Plan has been altered as a result of it; and that this plan may now proceed to referendum.
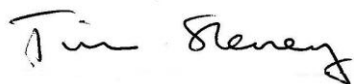
2. Background

2.1 The Patching 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. This area corresponds with the Patching Parish Council boundary that lies wholly within the South Downs National Park.

2.2 Following the submission of the Patching Neighbourhood Development Plan to the National Park Authority, the plan was publicised and representations were invited. The publicity period ended on 24 July 2017.

2.3 John Slater MRTPI was appointed by the South Downs National Park Authority with the consent of Patching Parish Council, to undertake the examination of the Patching 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 Patching 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 (signature)

Tim Slaney
Director of Planning, South Downs National Park Authority

Date: 2nd January 2018

Table 1

Recommended Modification to the Patching NDP	Examiners Report Reference & Justification	Proposed Decision
Policy COMM1 – Protection of Assets Community Value Retitle policy "Protection of Community Facilities" and Map 3(a) and in the first sentence insert "community" after "following" and delete "as assets of community value" Retitle Map 3a as Community Facilities rather than Assets of Community Value	The neighbourhood plan should not pre-empt the registration of Assets of Community Value.	Accept
Policy PLACES 1– Historic buildings, other buildings and structures of merit and sites of archaeological interest Replace the second bullet point with "non-designated heritage assets shown on Map 4 (b)" and add a new bullet point "Brick and flint walls which add to the distinctiveness of Patching Parish as shown on Map 4 (c)" In the second paragraph, insert "statutorily protected, designated" before "historic assets" Add at the end of the policy. "Proposals affecting the non-designated heritage assets shown on Map 4(b) will be judged on the basis of the scale of harm or loss against the significance of the asset. Development proposals which seek to remove or replace any of the brick and flint walls shown on Maps 4(c) will not be supported. Applications affecting archaeological notification areas will be expected to be accompanied by an appropriate desk based assessment and where necessary a field evaluation"	Use same terminology as the NPPF. Cover flint and brick walls under a separate element of the policy as these are not necessarily 'heritage assets'. Amend error in mapping. Ensure policy affords same level of protection as the NPPF.	Accept

Recommended Modification to the Patching NDP	Examiners Report Reference & Justification	Proposed Decision
Amend the maps on Map 4(c) No 1 and No2 The Street to remove the designation shown running to the south of the southernmost garage block to Glebe House.		
Policy PLACES 2 - Patching conservation area Delete "as described in paragraph 4.14 below". Move the second paragraph to a Community Action.	It is not necessary for the policy wording to refer to text in supporting paragraph. The exploration of specific ways of enhancing the conservation area would be better placed as a Community Action	Accept
Policy PLACES 4 – Design of new development In the third paragraph replace "must" by "where required, should". Move the final paragraph to Community Actions.	Not all applications are required to submit a Design and Access Statement. The intention of the parish council to prepare a Parish Design Statement should be expressed as a Community Action.	Accept
Policy PLACES 5 – Conservation and enhancement of the natural Environment Add an additional bullet point - "the international nature conservation designated site as shown on Map 6(a)"	Implement HRA screening recommendation.	Accept
Policy PLACES 9 – Protection of trees, woodlands and hedgerows Move the second paragraph to become a Community Action.	Future intentions of the Parish Council should be moved to Community Actions.	Accept
Policy PLACES 11 - Lighting in new development Delete "and draft Policy SD9 of the South Downs Local Plan".	Remove inappropriate reference to emerging South Downs Local Plan policy.	Accept
Policy PLACES 13 - Renewable energy on domestic property Replace "Neighbourhood" by "development".	Proposals need to comply with other policies in the Development Plan.	Accept
Policy HBT1 – New residential development Delete all text in the first paragraph after "Arun Local Plan (2003)". Delete all text in the first bullet after "meet" and insert "the essential need for a rural worker to live permanently at or near their place of work in the "countryside". Delete all text after "redundant" and insert "building and lead to an enhancement to the immediate setting".	Ensure policy complies with the NPPF. Remove inappropriate reference to emerging South Downs Local Plan policy.	Accept

Recommended Modification to the Patching NDP	Examiners Report Reference & Justification	Proposed Decision
Policy HBT2 – Subdivision of residential gardens Delete "exceptionally" Insert "significant" before "adverse impact"	Remove word *exceptionally*, as unnecessary where a proposal meets the policy criteria. Threshold of impact on neighbouring amenities set too low.	Accept
Policy HBT 3 - Replacement and extension of existing dwellings And "and 5" after "HBT4"	Require schemes to have regard to Policy HBT5 re parking.	Accept
Policy HBT 6 - New commercial development Delete the second sentence of the second paragraph. Delete the last paragraph.	Planning controls do not differentiate between uses falling within the same use class. Remove preference for uses which serve residents of the parish.	Accept
Policy HBT9 – Parking provision for visitors to the parish In the last criterion, delete everything after "Myrtlegrove."	Transport assessments are required only from developments that generates "significant amount of movement" – a rural car park for recreational walkers is unlikely to meet this criteria.	Accept