

# **CLYMPING NEIGHBOURHOOD PLAN**

## **EXAMINER'S REPORT**

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## CONTENTS

### Page

3	Introduction & Background Documents
5	The Examination, Site Visit and Procedural Matters
6	Public Consultation
7	Basic Conditions
8	Sustainable Development
9	EU Obligations, Human Rights Requirements and Prescribed Conditions
10	General comments and Recommendations in relation to Basic Conditions
11	Specific Recommendations regarding the Policies and Basic Conditions
25	Summary

## INTRODUCTION

1. This is an independent examination of a Neighbourhood Plan prepared by Clymping Parish Council in consultation with the local community. The Localism Act 2011 provided local communities with the opportunity to have a stronger say in their future by preparing neighbourhood plans, which contain policies relating to the development and use of land.

2.If the plan is made following a local referendum, which must receive the support of over 50% of those voting, it will form part of the statutory development plan. As such it will be an important consideration in the determination of planning applications as these must be determined in accordance with development plan policies unless material considerations indicate otherwise.

3.The Plan covers the whole of Clymping Parish, which had a population of 771 in the 2011 census.

4.I have been appointed by Arun District Council, in consultation with the Parish Council, to carry out this independent examination.

5.I confirm that I am independent of the Parish Council and the local planning authority and have no interest in any land, which is affected by the Neighbourhood Development Plan. I am a Chartered Town Planner with over 30 years experience working at a senior level in local government and as a private consultant. I am a member of the Royal Town Planning Institute.

6.This report is the outcome of my examination of the Publication Version of the Plan. My report will make recommendations based on my findings on whether the Plan should go forward to a referendum. If the District Council puts the plan forward to a referendum and it then receives the support of over 50% of those voting, then the Plan will be made by the Council as the Local Planning Authority.

## BACKGROUND DOCUMENTS

7.The main documents which I have used in the examination are those supplied by the District Council as follows:

1.The Submitted Plan

Reg15 Submission Final Plan

Basic Conditions Statement

Consultation appendix Statement

2.Appendix 1 Character Assessment .

3.Appendix 1 Character Assessment Photo Annex Submission.

4.Appendix 2 Maps (from emerging Arun Local Plan)

5.Appendix 3 Schedule of Evidence

5.1 Appendix 3 Biodiversity Report

- 5.2 Appendix 3 Biodiversity-BOA
- 5.3 Appendix 3 Natural-England-SSSI-information
- 5.4 Appendix 3 EA-Sea-Defence-strategy
- 5.5 Appendix 3 Clymping Parish Profile 2013
- 5.6 Appendix 3 Survey - Household September 2012
- 5.7 Appendix 3 Clymping Businesses Report July 2013.
- 5.8 Appendix 3 Youth Survey September 2013
- 5.9 Survey - ACVs, beach, housing March 2014
- 5.10 Appendix 3 Open Day Sept 2013 Housing-questionnaire.
- 5.11 Appendix 3 Agricultural Land info from Natural England
- 8.1. A. Reg14 Presubmission Consultees record for Consultation Statement.
- 8.2 B. Submission-Responses-to-Reg-14-Consultation-by-the-NPSG-Final-June-151.
- 8.3 C. Reg14Clymping NP to resident's Final version3.
- 8.4.1 D Clymping NP Pre-Submission consultation noticeboard and poster roadside.
- 8.4.2 D Clymping NP Pre-submission consultation flyer to businesses.
- 8.5.1 E. Newsletter June 2012 extract.
- 8.5.2 E. 2012 first drop-ins and 5 minute questionnaire.
- 8.6.1 F. Neighbourhood Plan Booklet \_Household Survey Q3 2012.
- 8.6.2 F. Open Day 2012 diary date household flyer.
- 8.6.3 F Photos taken at the Open Day held on 23 September 2012.
- 8.6.4 F 2012 household survey leaflet drop - Reminder closing date.
- 8.6.5 F Clymping Village Newsletter Dec\_2012 Survey results.
- 8.7.1 G. Business Survey 2013 hand delivered and collected.
- 8.7.2 G Youth Survey NP Household Booklet Q3 2013 extract.
- 8.7.3 G ACVs, Beach Facilities, Housing Survey Clymping News March 2014 - extract.
- 8.7.4 G Open Day Sept 2013 Housing Questionnaire.
- 8.8.1 H NP Household Booklet Vision and Objectives Q3 2013.
- 8.8.2 H NP Open Day 2013 booklet to businesses.
- 8.8.2 H NP Open Day 2013 booklet to businesses.
- 8.8.3 H Open Day 2013 21st September Noticeboard and roadside posters.
- 8.8.4 H Newsletter October 2013 Follow up extract.
- 8.8.5 H Newsletter December 2013 Feedback extract.
- 8.9 I SEA-Assessment Arun response.
- 8.9.1 J Steering Group Notes all.

### **Reg.16 representations received by ADC**

ADC Reg.16 Representations summary

MMO

Natural England

Historic England

Southern Water

WSCC

Environment Agency

ADC Reg.16 Comments

ADC 2003 local plan and saved policies  
Arun Local Plan 2011 - 2031 Publication version  
ADC Sustainability Appraisal  
ADC local plan examination

ADC comments on Reg.14 submission  
ADC Reg.16 publication checklist  
ADC Compliance of Arun 2003 local plan with 2012 NPPF  
ADC Compliance with the NPPF of the ADC local plan (summer 2013) using the  
PAS self-assessment checklist  
Schedule of 2003 Policies

## THE EXAMINATION

8.The nature of the independent examination is set out in Section 8 of Schedule 4B to the Town and Country Planning Act 1990. (as amended)

9.The examiner has to make a recommendation as to whether the Plan should be submitted to a referendum, with or without modifications, and whether the area for the referendum should extend beyond the plan area.

10.As a general rule the examination should be carried out on the basis of written representations unless a hearing is necessary to allow adequate consideration of an issue or to allow a person a fair chance to put a case. I am satisfied from the information that has been made available to me that the examination can be carried out without a hearing.

## SITE VISIT

11.I carried out an unaccompanied site visit of the Plan area on 16<sup>th</sup> September 2015.

## PROCEDURAL MATTERS

12.It is necessary to determine that the plan complies with the following procedural matters<sup>1</sup>;

- The Plan has been prepared and submitted by a qualifying body
- The Plan has been prepared for an area that has been properly designated
- The Plan specifies the period to which it has effect, does not include provisions about excluded development and does not relate to more than one neighbourhood area
- The policies relate to the development and use of land for a designated neighbourhood area.

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<sup>1</sup> Paragraph 8(1) of Schedule 4 B of the Town and Country planning Act 1990 (as amended)

13. The Parish Council is authorized as the qualifying body<sup>2</sup> to act for the purposes of a neighbourhood development plan if the area of the plan includes the whole or any part of the area of the Council.

14. In 2012 the Parish Council applied to the District Council for the designation of the parish as a Neighbourhood Area. Following advertisement and public consultation the Council approved the neighbourhood area application on the 10<sup>th</sup> December 2012

15. The Plan clearly states that it relates to the period 2015-2030. This accords with the timescale for the emerging Local Plan (2011-2031)

16. The Plan does not include any provision about development that is “excluded development”<sup>3</sup>, such as minerals, waste disposal and major infrastructure projects.

17. I am satisfied that the plan does not relate to more than one neighbourhood area.

18. The Neighbourhood Plan refers to aspirational policies that relate to wider community matters. These need to be distinguished from those relating to the core issues under examination concerning the development and use of land. I have made some recommendations below to explain this more clearly in the Plan and exclude some matters as policies and include them as aspirations. I am satisfied that the Plan does adequately distinguish these non-land use issues and refers to some further matters to be addressed in a forthcoming Community Action Plan.

## PUBLIC CONSULTATION

19. The submitted consultation statement identifies the public consultation process and notes that a range of relevant organisations and local people were consulted during the Plan process. It is clear the Steering Group have been thorough in consulting and documenting the process at appropriate stages of the emerging Plan.

20. The consultation process has been inventive and wide to encompass a range of individuals, businesses and organizations. It has involved formal and informal meetings, newsletters, and notices on public boards, an informative web site, open days, drop-ins and posters in key locations.

21. There was a good response to the household survey in September 2012 and further targeted surveys to Businesses, Youth and relating to specific subjects including Housing and Development and Assets of Community Value. These efforts are to be commended.

22. There have been regular updates in the Parish newsletter.

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<sup>2</sup> as determined by Section 61G(2) of the Town and Country Planning Act 1990

<sup>3</sup> as defined in Section 61K, of the Town and Country Planning Act 1990

23. There has been communication with neighbouring parishes to discuss progress and explore common issues.

24. The Pre-submission Plan was delivered to every household and a drop-in session was held in the Village Hall on the 7th February 2015. This represents an excellent effort at seeking to reach out to the community and 205 representations were received.

25. The Consultation Statement provides a comprehensive breakdown of the nature and extent of consultation, responses and how these have been taken into account.

26. I am satisfied that the consultation exercise has been sufficient and has properly been integrated into the policies which have emerged subject to the modifications, I have suggested below in this report.

## BASIC CONDITIONS

27. It is necessary to decide whether the Neighbourhood Development Plan meets the “basic conditions” specified in the Act.<sup>4</sup> This element of the examination relates to the contents of the Plan.

28. The Plan meets the basic conditions if:

- a) having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the plan,
- b) the making of the plan contributes to sustainable development,
- c) the making of the plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area),
- d) the making of the plan does not breach, and is otherwise compatible with, EU obligations and human rights requirements,
- e) not be likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects.

29. The analysis of conformity with the basic conditions is carried out below

## SUSTAINABLE DEVELOPMENT

30. The Plan seeks to give a local dimension to national and local policies concerning sustainable development. It concentrates on maintaining the particular environmental attributes of this sensitive area, which contains a number of important environmental,

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<sup>4</sup> Contained Paragraph 8(2) of Schedule 4B of the Town and Country planning Act 1990 (as amended)

and nature conservation designations. The Plan also promotes a social and economic balance through recognition of the need to promote business development and future infrastructure to maintain sustainable communities.

31. The Plan seeks to put its policies in a wider local context by acknowledging pressures in the plan area from development outside of it.

32. I am satisfied that it contributes to sustainable development.

#### EU OBLIGATIONS, HUMAN RIGHTS REQUIREMENTS AND PRESCRIBED CONDITIONS

33. A neighbourhood plan must be compatible with European Union Directives as incorporated into UK law, in order to be legally compliant. Key directives are the Strategic Environmental Assessment Directive, the Environmental Impact Assessment Directive and the Habitats and Wild Birds Directives. A neighbourhood plan should also take account of the requirements to consider human rights.

34. A Strategic Environmental Assessment (SEA) Screening Determination was made on 12<sup>th</sup> February 2015 concluding that an Environmental Assessment of the emerging Neighbourhood Plan is not required as it is unlikely to have significant environmental effects. This decision is based on consultation with the statutory bodies, Natural England, the Environment Agency and English Heritage. The reasoning in the screening opinion is that the main environmental characteristics have been taken into account, the plan will not be making significant housing and employment allocations and there are a number of policies for protection and enhancement.

35. The Basic Conditions Statement refers to the EU Habitats Regulations with respect to the need for an appropriate assessment and concludes that this is not required. Further clarification, was provided as part of this examination and a letter of 14<sup>th</sup> September 2015 from Arun District Council provides a screening opinion that on the basis of consultation with Natural England, the plan will not have a significant effect on a designated habitat site. The plan therefore complies with sections 102 of the Conservation of Habitats and Species Regulations 2010 and the requirements of 6(2) of European directive 92/43/EEC.

36. I am satisfied that there are no human rights issues, which need addressing

#### GENERAL COMMENTS and RECOMMENDATIONS ON THE PLAN IN RELATION TO BASIC CONDITIONS

37. I will set out the recommendations separately in bold type.



38. In order to comply with the NPPF requirements development plan policies should be clear to allow the public to easily interpret them and avoid any unnecessary confusion. The Plan is on the whole successful in achieving this but I wish to make recommendations of a general nature.

39. The map shown as figure 1 in paragraph 3.2 is rather blurred in the version forward to me by the District Council and on the online version It is particularly difficult to read the references in the key to the map. This needs to be remedied

#### **RECOMMENDATION 1**

***Improve the clarity of the map, figure 1 in paragraph 3.2***

40. The statement in paragraph 3.3 referring to the strategic plans for waste and minerals is incorrect as these matters are excluded from neighbourhood plans <sup>5</sup>

#### **RECOMMENDATION 2**

**Omit the following from paragraph 3.3**

***“West Sussex County Council strategic plans for minerals and waste”***

41. There is a need for a minor typing correction.

#### **RECOMMENDATION 3**

***The font in the third bullet in paragraph 4.20 in the section on “A stronger and more cohesive community should be adjusted to match the rest of the document.***

42. The introduction of a Glossary at the end of the document would be helpful to the public to understand some of the technical terms and acronyms and have ready access to them.

#### **RECOMMENDATION 4**

***Include a glossary at the end of the document explaining any acronym or technical term which may be considered difficult for the public to readily understand***

#### **CONFORMITY WITH NATIONAL AND LOCAL STRATEGIC POLICIES**

43. The Plan expresses the national and local strategic planning policy context in appropriate detail.

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<sup>5</sup> regulation ?

44. The format for expressing conformity of the Plan policies with national and local strategic policies is effective and involves an explicit reference after each policy and a cross referencing table in the Basic Conditions Statement. The inclusion, as evidence, of the saved Local Plan policies and the compliance of these and the emerging Local Plan with the NPPF is useful

45. There appears to have been appropriate recognition of the emerging Arun Local Plan. However, in paragraph 4.26, in the interests of clarity, there is a need to explain in a little more detail for the benefit of the public, the stage that the emerging Local Plan is at.

#### **RECOMMENDATION 5**

***Insert as a final sentence in the Planning Policy Context, paragraph 4.26 the following***

***“The Plan is at the formal examination stage.”***

#### **SPECIFIC RECOMMENDATIONS REGARDING THE DRAFT POLICIES AND BASIC CONDITIONS**

46. There is a need to make a distinction in the Plan between the land use policies and the aspirational intentions which are either part of this document or intended for inclusion in the Community Action Plan.

#### **RECOMMENDATION 6**

***Insert as a new paragraph 6.2 The policies in the Plan are set out in the format of boxes and each policy has a numbered reference. There are some aspirations and intentions referring to matters which are associated but not strictly land use matters, which can be in the Plan for reference, but cannot be formal policies. These are included in the text accompanying the policies for reference, in some cases, in an amount of detail. In other cases, these aspirations are referred to as subjects for further work in a “Community Action Plan” and are listed as a separate section on page 40’***

47. There is a need to explain the relationship of the Plan with the saved policies of the 2003 Local Plan and the emerging Local Plan.

## RECOMMENDATION 7

***Whilst, in accordance with the basic conditions the Neighbourhood Plan must be in general conformity with the saved policies of the adopted 2003 Local Plan, it is recognized that an emerging Plan which is at the examination stage is of material relevance and it is good practice to take it into account***

### POLICY CPN1 Protect Community Facilities

48. The comments from Southern Water during the consultation process that specific reference should be given to recognize that provision of utility infrastructure is accepted. The NPPF paragraph 76 refers to “very special circumstances” in relation to the loss of Green Space which could relate to the Village Hall Playing Field in both policies CPN1 and CPN 2 (see below). The Plan needs to acknowledge this.

49. The policy would be more easily read if the various criteria were set out as bullet points.

50. A reference is needed in the policy justification section to the independent process for valuing and marketing of community facilities.

## RECOMMENDATION 8

**Amend the final paragraph of policy CPN 1 as follows :**

***Development proposals that will result in the loss or significant reduction in the scale and value of a community facility will not normally be permitted unless :***

- ***It is essential to meet utility infrastructure needs and there is no viable alternative or***
- ***Alternative facilities of equal or better accessibility, size and suitability are provided or***
- ***It can be clearly demonstrated that the operation of the asset or it's ongoing delivery is no longer of value to the community or***
- ***It is no longer economically viable for its current use and has been marketed at an independently agreed price by a property professional for at least a year as a community use or other suitable employment or service trade uses and it is verified that no interest in acquisition has been expressed.***

**Add to Conformity Reference , NPPF para 76**

**Add as a new sentence to the end of paragraph 7.2**

***There is a need to allow for flexibility for redevelopment of sites where it is not possible to continue such a use or find a alternative community facility or suitable employment use. In these cases, there must be a rigorous marketing attempt at a reasonable price which is supported in writing by a property professional ,who is a member of the Royal institute of Chartered Surveyors. If it can be demonstrated that it is not possible to find an alternative community or employment use and there has been the appropriate marketing then it is reasonable for other uses to be considered in terms of other relevant planning policies.***

#### Policy CPN 2 Designation and Protection of Local Green Spaces

51.The Clymping Village Hall Sports/Playing field is referred to differently in policies CPN 1 and CPN 2 and in the interests of avoiding any confusion and possibly to reflect its wider recreational role it would seem most appropriate to refer to it singularly as “a playing field”.

52.Similar comments apply to this policy to those stated above regarding policy CPN1 in relation to the NPPF reference to “very special circumstances” and Southern Waters request for an exclusion in relation to utility infrastructure.

#### **RECOMMENDATION 9**

***Amend “Clymping Village Hall Sports Field” to “ Clymping Village Hall playing Fields”.***

***Amend the sentence in the second paragraph as follows :***

***“Development that does not enhance their value as Local Green Space will not normally be permitted unless very special circumstances apply, including to meet utility infrastructure needs where there is no viable alternative.***

#### Policy CPN 3 Protection of Open Spaces

53. In the last paragraph the term “development” is more appropriate than “facility”.

#### **RECOMMENDATION 10**

**In the final sentence of the policy replace “facility” with” development’.**

## SECTION 8 TOURISM and EMPLOYMENT POLICIES

54. It would be clearer if the title reflected the order and nature of the content of this section more accurately. Furthermore, retention of car parking is not just related to tourism and employment and it should therefore have its own Section

### **RECOMMENDATION 11**

***Alter title to EMPLOYMENT AND TOURISM POLICIES***

***Create new section titled CAR PARKING***

POLICY CPN4 protection of existing commercial premises or land.

55. In the first bullet the term “amenities” should be qualified as a reference to something that is enjoyed by people rather than properties.

56. Protection of views is only justified as a planning matter in exceptional circumstances. The accepted manner of covering this issue is to refer to protection of “openness” from intrusive development. This is the term used in the NPPF in relation to Green Belt areas and is a more relevant term for use in the countryside with this policy .

57. The term “traffic impact” in the fourth bullet is imprecise and needs embellishment to relate to matters which are planning considerations including highway safety and living conditions. In order to conform to the NPPF and NPPG and meet the concerns of West Sussex County Council, further, explanation is required of the type of traffic impact analysis or and mitigation required in order to ensure it is proportionate to the scale of the proposal.

58. There is a need to ensure the sustained marketing campaign is carried out to the full extent and in a professional manner in the same way as suggested above in relation to the policies CPN1 and 2.

59. The bullet “the new use will improve the traffic situation” is rather vague and subjective. Furthermore, the NPPF and NPPG establish that planning obligations and conditions should be subject to a number of tests including that they are directly related to the development and fairly and reasonably related in scale and kind.<sup>6</sup> It is not therefore possible to “improve” the traffic situation beyond the impact of the development being considered. The policy needs to be made more explicit in recognizing the wider objectives in the Plan to reduce traffic impact and improve accessibility and road safety.

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<sup>6</sup> NPPF paragraph 204 and NPPG “Planning Obligations”

60. There is a need to link the requirements of bullet points 5 and 6 in order that there is control of the highway aspects of the new use.

61. The requirement for a new use to provide “significant community benefits” is unclear, imprecise and capable of subjective interpretation. It is not possible to justify an open-ended requirement of this nature.

62. There are some minor grammatical corrections required.

## RECOMMENDATION 12

***Add in first bullet after amenities “enjoyed by occupants of”.***

***Amend second bullet to “they do not compromise the character of the area or openness of the countryside or beach; and***

***Amend third bullet to “traffic impact is acceptable in terms of highway safety and living conditions of residents. Proposals should include a traffic impact analysis or transport assessment which is proportionate to the development and demonstrates traffic impact and measures which may be taken to mitigate impacts.”***

***Alter fifth bullet final sentence as follows :***

***After “proven through a...”Insert” independent”. Add “and” after the colon***

***Alter the sixth bullet as follows :***

***The new use will not be hazardous to road safety or the living conditions of residents and the scope for mitigation of any impacts is identified and implemented.***

***Add a paragraph 8.4 at the end of this section as follows :***

***“In many cases traffic impact assessments can be a relatively straightforward estimation of traffic generation and identification of the scope for mitigation. In the case of developments which have significant traffic generation or impacts”the NPPF in paragraph 32 and the NPPG in its advice on “Travel Plans, transport assessments and statements in decision-taking” establishes Local planning authorities must make a judgment as to whether a development proposal would generate significant amounts of movement on a case by case basis .The need for an impact assessment may be a lower threshold where road capacity is already stretched or a higher threshold for a development in an area of high public transport accessibility. West Sussex County Council***

*have expressed a desire to incorporate further advice in the emerging Local Plan.”*

**Add a paragraph 8.5**

***There is a need to allow for flexibility for redevelopment of sites where it is not possible find an alternative and suitable employment use. In these cases, there must be a rigorous marketing attempt at a reasonable price which is supported in writing by a property professional , who is a member of the Royal institute of Chartered Surveyors. If it can be demonstrated that it is not possible to find an alternative employment use and there has been the appropriate marketing then it is reasonable for other uses to be considered in terms of other relevant planning policies.***

***Delete the bullet ”the new use will provide significant alternative community benefits”***

POLICY CPN 5 Support and Promote Recreation and Tourism

63.This relates to small-scale development where an independent traffic impact analysis may not be justified.

**RECOMMENDATION 13**

***Alter third bullet to “the traffic impact is acceptable in terms of highway safety and the living conditions of residents” .***

POLICY CPN6 retention of Car Parking

64.The policy needs to refer to public car parking. The loss of private parking is covered by other policies

**RECOMMENDATION 14**

**Insert “public” after “existing”.**

POLICY CPN 7 Countryside and Village Definition

65.It is not possible to have a commitment to support a policy in an emerging plan as a policy itself. Whilst the emerging Plan is at an advanced stage undergoing its Examination it is not adopted and could change.

66.The existing Local Plan saved policies together with the advanced stage of the emerging Local Plan and the NPPF are material considerations providing sufficient policy direction for the strategic development approach in the Plan area.

67. It is nevertheless appropriate for the references to the support for the emerging Plan, as written, be retained in the Plan but as contextual information rather than a policy.

#### **RECOMMENDATION 15**

**Remove the wording of Policy CPN7 out of the box format for displaying policies and turn it into a paragraph with a number. Omit the title Policy CPN 7 countryside and Village Definition and (Conformity reference: NPPF para 58)**

**Retain the text of this section but insert “saved’ before “2003 Arun Local Plan” in paragraph 9.4.**

#### POLICY CPN 8 Protection of Open Views

68. The singular protection of views is a concept that is difficult to apply in planning apart from views of particular iconic nationally recognized buildings or landscape settings where the impact is most tangible. Impact on a view can be a relatively subjective and imprecise assessment. Such issues are normally encapsulated in the concept of ‘openness’, as referred to in the NPPF with respect to Green Belt policy. This concept relates more to the idea of the landscape character in countryside areas and the need to give wide protection to retain its open and natural character.

69. Policy GEN 3 In the Local Plan provides policy criteria to protect the countryside but this Neighbourhood Plan gives a further local aspect. It was a worthwhile exercise to identify important views in the Character Assessment as these can be referred to in decision making but the policy needs to be based on the concept of “openness” in the landscape.

#### **RECOMMENDATION 16**

***Amend Policy CPN 8 as follows :***

***“ All development will be considered with regard to the need to protect the open landscape character of the countryside and beach. The Clymping Character Assessment will be used as a reference to assess the impact of proposals.”***

***(Conformity Reference :NPP Para 58 and LP saved policy, GEN3)***

***Alter paragraphs 9.5 and 9.6 as follows :***

***The policy seeks to protect the distinct open rural character of the area as expressed in the Clymping Character Assessment. The Character Assessment***



***highlights important buildings, landscape features and views that require protection.***

***Retaining the open character is valued by residents and tourists and crucial for maintenance of visual separation in the gaps between settlements .In the household survey 2012, 87% agreed that the rural character is the most important feature of Clymping.***

***Development proposals which have a significant visual impact on the open landscape should be subject to a landscape impact appraisal carried out by the applicant.***

#### POLICY CPN9

70.This policy extends the protection offered by Local Plan policy GEN 28 to all trees of arboricultural and amenity value which is justified. It expands the protection offered by TPO and hedgerow protection legislation. However, it is rather absolute and inflexible in stating that there are no circumstances in which impacts on these trees may be acceptable. A limited element of flexibility needs to be introduced, as in policy GEN 28, to allow for isolated cases where removal is justified and there is scope for replacement planting.

71.The concept of ancient trees is too vague.

#### **RECOMMENDATION**

***Delete “of ancient trees”***

***Add to the end of the first sentence of the policy “unless the benefits of the proposed development outweigh the amenity value of the protected trees.”***

***Add sentence to end of paragraph 9.7***

***This policy expands the protection to trees and hedgerows by Tree Preservation Orders footnote), conservation areas footnote) and hedgerow regulations footnote).***

***Footnotes :***

***TPO-Part 3 of the T &CP Act1990 and the T&CP (Tree Preservation)(England) Regulations 2012:***

***Conservation Areas-section 211 of the T&CP Act 1990***

***Hedgerows- Hedgerow Regulations 1997***

***Add to Conformity Reference “policy GEN28 of the Local Plan 2003”.***

### POLICY CPN 10 Protection of Natural Habitats

72.This policy provides protection to important natural habitats. There is a need for some minor alterations to make it more flexible and clear.

73.Natural England has suggested that some further sites such as ditches , watercourses and those referred to in the Biodiversity Action Plan should be included. It is not absolutely necessary to map all these but their needs to flexibility to allow their consideration and inclusion of new sites covered by this policy. In this case it is necessary to relocate the reference to “Climping Nature Designations map” to the justification section of the policy and refer to the fact it is not exclusive.

74.It is consistent to make a reference to the Climping Beach SSSI as a designation of particular importance

### **RECOMMENDATION 17**

***Delete the last paragraph of the policy***

***Add to paragraph 9.9, Some wildlife and natural habitat sites of importance are identified on the Climping Nature Designations map below, see Figure 4. There may be other habitats which are worthy of protection under this policy.***

***Add to paragraph 9.12 after along the coastal plain “including the Climping Beach SSSI ”.***

***Add to Conformity Reference “policy GEN29 of the Local Plan 2003”.***

***Need to show the Climping Beach SSSI on the Climping Nature Designations map.***

### CPN11 Protection of high grade Agricultural Land

75.The policy requires some clarification regarding its degree of flexibility in order to comply with the NPPF, which does not rule out all development. Similarly the emerging Local Plan policy SO DM1 lists criteria which may make a development acceptable.

76.The requirement to carry out a detailed site specific survey may not be necessary in all cases or, at some stage in the Plan period, where there is a more detailed survey of the area. This is a matter for the planning information requirements of Arun District Council but it can be referred to as advice in the policy justification and explanation

## RECOMMENDATION 18

**Delete “normally in the first sentence”**

**At the end of the first sentence add**

**“unless special circumstances can be demonstrated which may include**

- **There is an overriding need for the development in the proposed location and development on the site is demonstrated as the most sustainable option**
- **The development conforms to other statutory national and local planning policies**

**Add a further paragraph after 9.14**

**In order to demonstrate there are exceptional circumstances whereby development is acceptable on higher grade land it will be necessary to provide evidence of options for the location of the development and the reasons these are not acceptable.**

**Planning applications for development of agricultural land may need to include an updated survey of land quality in accordance with current guidelines.**

## POLICY CPN 12 Quality of Design

77.This policy provides a range of informative design guidance criteria. Design assessment has an element of judgment and some of the criteria need more flexibility or clarity.

78.The Conformity Reference should be with regard to the 2003 Arun Local Plan . The emerging Local Plan has relevance due to its advanced status and it is good practice to refer to it but it is not strictly necessary to conform to it

## RECOMMENDATION 19

**In b) replace “than” with “that”**

**In d) after importance insert “ and setting”**

**In f) delete “meeting” and insert “taking into account”; after Secure by Design insert a footnote to explain it as follows “Established in 1989, this is a government initiative, via the Police, to encourage the designing out of crime.” In the Conformity reference delete ‘emerging LP Policy D SP1, and insert “Policy GEN7 of the Local Plan 2003”**

POLICY CPN 13 reducing the risk of flooding

79.The policy promotes sustainable development and is in accordance with the NPPF.

80.There is a need to make the policy a little more clear and proportionate. There are requirements in the NPPF and NPPG for flood risk assessments in high flood risk areas which covers surface water management.

81.Coast protection and flood defence works are necessary and by nature utilitarian and may have limited scope to be assimilated with the local environment. A degree of flexibility should be introduced in the policy to cover this.

82.The protection of habitats is covered by policy CPN10 but reducing the risk of flooding, identified in the NPPF as sustainable development, and any conflict between the two issues has to be carefully assessed. There is a need to refer to the need for balanced judgment in the policy

**RECOMMENDATION 20**

***In the first paragraph delete ‘when compared to current risk in the parish’.***

***Delete “All development proposals other than minor household or commercial extensions (less than 10% increase in floor space) will be required to provide a surface water management plan detailing methods of dealing with surface water.”***

***Amend the third sentence as follows ; “Proposals for flood prevention works including that for coast protection and sea flooding defence will be supported provided that every attempt is made to reflect the visual character of the area , maintain the attractiveness and access to the beach.”***

***Make the third sentence a separate paragraph as follows : ”Where there is potential harm to existing coastal and inland habitats as part of any flood defence , an assessment of the environmental impact and proposed mitigation measures must be submitted and will be considered by taking into account the environmental benefits of the protection measures”***

SOUTHERN WATER COMMENTS regarding a further policy for provision of infrastructure

83.Southern Water have concerns that the Plan does not make accommodation for potential improvements to waste water treatment facilities and there is an increased drive for improvements due to higher technical standards and a population growth. The Plan is silent on these matters and it is not specifically addressed in the 2003 Local Plan.

84. In this situation the NPPF advises in paragraph 14 that permission should be granted unless the impacts would outweigh the benefits, when assessed against the policies in the Framework or specific policies in the Framework indicate development should be restricted.

85. I note that the emerging local plan has a draft policy INF SP 1 which supports provision of utility infrastructure subject to other policies.

86. My role is to consider compliance with basic conditions and in view of the provisions of the NPPF and the emerging policy, I do not consider the omission of the requested policy makes the Plan not in conformity with basic conditions.

#### Policy CPN14 Reducing the risk of Drought

87. This is a matter which is controlled under the Building Regulations and is not appropriate as a planning policy. It could be included in the Community Action Plan.

#### **RECOMMENDATION 21**

***Delete Policy CPN14 and all associated paragraphs.***

#### POLICY CPN15 Energy Efficiency of New Development

88. In a ministerial statement of 25/3/15 relating to “Energy Efficiency in buildings and the planning system” it is stated that Neighborhood Plans should not be used to apply the new national technical standards. These measures are now controlled by the Building Regulations. This section could be included in the Community Action Plan.

#### **RECOMMENDATION 22**

***Delete the policy box and the reference to POLICY CPN15 in the section on Energy Efficiency and turn it into supporting text. Alter the final sentence of the paragraph as follows. Development proposals are required to implement national standards applicable by the Building Regulations but are encouraged to improve on these, if possible.***

#### POLICY CPN16 retain buildings or structures of character

89. This policy protects heritage assets in accordance with the NPPF and local policies. Minor additions and alterations are required for clarity.

90. The reference in 9.30 to the Village School seems random and gives this building a specific reference for no obvious reason

## RECOMMENDATION 23

***At the end of the first paragraph after “4.14” , insert “, in this Plan”***

***Delete paragraph 9.30.***

Policy CPN17 Mitigating the adverse impacts traffic effects of development

91.I concur with the comments from Arun District Council that as this relates to development outside the Plan area it should be expressed as a commitment in commenting on Plans and applications in neighbouring Districts and not as a policy. It is appreciated it refers to the consequential “works” within the Plan area but these works will most likely be of the nature of associated traffic management and highway improvements which do not require planning permission. The role of the Parish is therefore to seek to influence the decisions and terms of planning permissions granted outside the Plan area.

92.Traffic matters are clearly an important issue for residents and it may, therefore, be advised to keep this text in the Plan but not framed as a policy. The alternative would be to wait and include it in the Community Action Plan.

## RECOMMENDATION 24

***As this not policy there is some flexibility in my recommendations apart from the need to make this background text as part of a community actions rather than policy.***

***Turn POLICY CPN17 into text rather than a policy and relocate the text after paragraph 10.2***

POLICY CPN18 Traffic and the Environment

93.The Steering Group have stated that this refers to development in the Plan area in response to the concerns from Arun District Council that it refers to development outside.

94.The term “material traffic implication” lacks clarity and their needs to be direct reference to the highway issues which will result in a development being unacceptable.

95.The policy relates to the need for planning obligations from development of a scale which generates “material” traffic implications. The policy needs to be clear that in accordance with the NPPF, paragraph 204, such obligations may only constitute a reason for granting planning permission, if they meet the tests that they are necessary to make the development acceptable in planning terms, directly

related to the development, and fairly and reasonably related in scale and kind. The policy could list the priorities expressed in paragraph 10.6 in order that these have more weight in determining the nature of any obligations relating to off-site highway improvements. A reference needs to be made for the scope for increasing highway capacity in appropriate circumstances. A further reference is made to facilities for pedestrians and cyclists which is transferred from policy CPN19 for reasons explained below. It is not possible to require enforcement as part of a policy.

## **RECOMMENDATION 25**

***Alter the first sentence of the policy as follows : “Development which will have a detrimental impact on highway safety and the living conditions of residents will be resisted. Consideration will be given towards securing planning obligations which meet the national policy guidance in NPPF paragraph 204, in relation to increasing highway capacity, traffic management and traffic calming measures which will make the development acceptable.”***

***Add to the end of the policy***

***“Priorities for Clymping are***

- ***Increasing and enhancing pedestrian and cycle networks***
- ***Safe crossing points for pedestrians, cyclists and equestrians to reduce the severance effect of the A259, traffic calming measures on local roads whilst retaining their essentially rural character***
- ***Measures that reduce the impact of heavy goods vehicles on local roads such as:***
  - ***restrict commercial traffic to designated routes;***
  - ***provide a signing strategy to ensure that only the most appropriate roads are used and unsuitable traffic is kept away from residential areas;***
  - ***control traffic speeds to improve road safety and reduce environmental impact;”***

***After the first sentence in paragraph 10.5 insert***

***In some cases, it may be possible to make development acceptable if planning obligations are entered into in accordance with the relevant test expressed in paragraph 204 of the NPPF, to carry out off-site works to increase capacity, traffic calming and traffic management***

***At the end of the paragraph after “Priorities for Clymping ” insert “has been formulated based on consultation with residents and businesses in the area. These are expressed in the policy.”***

***Delete the words which are now in the policy***

POLICY CNP19 Encouraging walking and cycling

96.This relates to the provision of infrastructure and intentions to influence provision of these facilities and is not appropriate as a policy but could be included in the Community Action Plan.

97.There is scope to negotiate provision of improved facilities for pedestrians and cyclists as part of planning obligations. This clearly a priority for residents and it is included in the list in the recommended alterations to policy CNP 18 , above.

**RECOMMENDATION 26**

***Reformat Policy CPN19 as supporting text rather than a policy in order that it becomes an aspiration and part of the Community Action Plan. Transfer references to enhancing the capacity of pedestrian and cycle networks to Policy CNP18.***

POLICY CPN20 Improving Provision and Access to Public Transport

98.This does not refer to land use matters and therefore cannot be a policy and should form an aspiration as part of the Community Action Plan.

**RECOMMENDATION 27**

***Reformat Policy CPN20 as supporting text rather than a policy in order that it becomes an aspiration and part of the Community Action Plan.***

SUMMARY

99.I have completed an independent examination of the Clymping Neighbourhood Development Plan.

100.The Parish Council has carried out an appropriate level of consultation and has clearly shown how it has responded to the comments it has received. I have taken into account the further comments received as part of the consultation under Regulation 16 on the Neighbourhood Planning Regulations 2012.

101.I have recommended some modifications to the wording of the policies in order to satisfy the basic conditions and to ensure that they provide a clear basis for decision making in accordance with the National Planning Policy Framework and local development plan policies.

102. Subject to these modifications I am satisfied that the plan meets the basic conditions, as follows :



- has been prepared in accordance with the Neighbourhood Planning Regulations 2012
- has regard to national policies and advice contained in guidance issued by the Secretary of State;
- contributes to the achievement of sustainable development;
- is in general conformity with the strategic policies of the development plan for the area;
- does not breach and is compatible with European Union obligations and the European convention of Human Rights;
- prescribed conditions are met in relation to the plan and prescribed matters have been complied with in connection with the or neighbourhood plan

103. I am required to consider whether the referendum area should extend beyond the Neighbourhood Plan area and if to be extended, the nature of that extension.<sup>7</sup> There is no evidence to suggest that the referendum area should extend beyond the boundaries of the plan area as they are currently defined.

104. I recommend that the Neighbourhood Plan should proceed to a referendum based on the neighbourhood area authorised by Arun District Council on 10<sup>th</sup> December 2012

**105. I am therefore pleased to recommend that the Clymping Neighbourhood Development Plan as modified by my recommendations should proceed to a referendum. I see no reason why the area for the referendum should be altered or extended.**

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<sup>7</sup> Paragraph 8(1)(d) Schedule 4B Town and Country Planning Act 1990

