



Hamsey Parish Council Neighbourhood Plan

Regulation 18 Publication of the examiner's report and plan proposal decisions - Decision Statement

April 2016

1. Introduction

1.1 Under the Town and Country Planning Act 1990 (as amended), Lewes District Council has a statutory duty to support and advise communities in the preparation of neighbourhood development plans and to take such plans through the examination and referendum stages. 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 in the Examiner's Report have been accepted, the draft Hamsey Neighbourhood Development Plan consequently amended; and that this plan may now proceed to referendum.

2. Background

2.1 The Hamsey Neighbourhood Area, covering the entire Parish, was designated by Lewes District Council on 1st October 2012. This area is split between the Lewes District Council and South Downs National Park Authority planning authority areas and so the Neighbourhood Area was also designated by the SDNPA at Planning Committee on 13 September 2012. Lewes District Council and the South Downs National Park Authority have an agreement in place to determine which authority provides the support in parishes straddling both planning authorities. This agreement confirms that support will be given by the planning authority where the main centre of population is based and so, as Cooksbridge village is located outside of the National Park, the decision was made that Lewes District Council would assume responsibility.

2.2 The Hamsey Neighbourhood Plan was submitted to Lewes District Council in September 2015. The Regulation 16 consultation took place between the 29th September and 10th November 2015 whereby the Plan was publicised and representations were invited on the Plan.

2.3 Mr John Parmiter was appointed by Lewes District Council with the consent of the Parish Council, to undertake the examination of the Hamsey 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 in the Examiner's Report, and the reasons for them, Lewes District Council in consent with Hamsey Parish Council has decided to accept the modifications to ensure that the Plan meets the basic conditions set out in legislation.

3.3 Table 1 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 and the justification for this.

3.5 One of the modifications varies slightly from that proposed by the Examiner, primarily to improve the readability of the Plan. Lewes District Council is confident that this change does not impact on the Plan meeting the basic conditions. Also, some further minor modifications have been made to the Plan and listed in Table 1 which are in addition to the Examiner's recommendations. These are minor modifications to correct mistakes, update information for accuracy and align the Plan with the Examiner's recommendations and have been agreed with officers of Lewes District Council.

Table 1. Recommendations by the Examiner, further modifications agreed by Lewes District Council and Hamsey Parish Council and the justification for these changes.

Policy/Section	Independent Examiner's Recommended Modification	Justification
Introductory Sections		
Para 1.5 of Welcome Page and individual topic chapters	<p><i>"I recommend that in all cases, given the extensive nature of these Projects, that they all should form a separate annex at the end of the plan document"</i></p> <p>LDC and HPC have agreed to retain the Projects where they currently sit within the Plan. However, they have been clearly separated from the policies by green boxes to ensure it is clear to Plan users that they are distinct from the land use policies.</p>	This change has been made to ensure that the policies and projects are sufficiently distinct and that the plan is clear and concise for plan users.
Landscape and Environment		
EN1	<p><i>"I recommend that Policy EN1 be modified to be made clearer, by simply referring to the "New" Cooksbridge Settlement Boundary (and give the plan on page 42 a number and that title)"</i></p> <p>LDC and HPC have modified the policy accordingly. The Plan is now titled Map R Cooksbridge Settlement Boundary Map.</p>	For conformity with the Basic Conditions and to clearly reference the Lewes District Local Plan (2003) settlement boundary (policy CT1)
EN2	<p><i>"I recommend that Policy EN2 be modified by minor clarifications, related to Settlement Boundary references (As Per EN1), which needs to be followed through to EN2; that the word "projected" be deleted from the plan on page 42; and that the designated sites each be given a number, which is cross-referenced to the mapping references – which should be those on pages 24, 26, 27 and 28, not the summary map; and that all related mapping be given unique reference numbers"</i></p> <p>LDC and HPC have modified the policy and maps accordingly.</p>	For conformity with the Basic Conditions and to ensure the policy is clear and concise for users.
EN3	<p><i>"I recommend that the word "any" in the last line is replaced by "materially"</i></p> <p>LDC and HPC have modified the policy accordingly.</p>	For conformity with the Basic Conditions
EN7	<p><i>"I recommend that the policy and supporting text be modified accordingly (in line with Historic England's recommendations). Historic England also had valuable comments on the plan's treatment of heritage assets – in both description and mapping – and I suggest these factual matters are taken on board in the plan's narrative, if it proceeds further".</i></p>	For conformity with the Basic Conditions and to ensure the accuracy and clarity of the policy and supporting text for plan users.

	Historic England's suggested wording has been incorporated into the policy and supporting text immediately before. Paragraph 7.6 and Map N has been re-titled "Parish heritage Assets" to align with the amended policy wording.	
Housing Growth and Development		
H1	<i>"I recommend that all the text after the word "boundary" be deleted and that the walkability distances be removed from the plan on page 42"</i> LDC and HPC have modified the policy accordingly.	For conformity with the Basic Conditions
H2	<i>"I recommend Policy H2 be deleted"</i> LDC and HPC have deleted this policy	For conformity with the Basic Conditions
New Policy (H11)	<i>"I recommend an additional policy to support new or improved utility infrastructure... "New and improved utility infrastructure will be encouraged and supported in order to meet the identified needs of the community, subject to other policies in the plan" The supporting text to note that: Development will be coordinated with the provision of infrastructure"</i> LDC and HPC have included a new policy now referenced "H2"	For conformity with the Basic Conditions and to ensure that development is coordinated with the provision of infrastructure
Transport and Travel		
TT1	<i>"I recommend inclusion of a requirement for a Road Safety Audit in appropriate circumstances"</i> LDC and HPC have modified the policy accordingly	For conformity with the Basic Conditions
TT3	<i>"I recommend that all the last, un-numbered bold text, after the main part of Policy TT3 be deleted"</i> LDC and HPC have modified the policy accordingly	For conformity with the Basic Conditions
Education		
	No recommendations	
Recreation and Sport		
RS1	<i>"I recommend (Policy RS1) is deleted"</i> LDC and HPC have deleted this policy	This policy does not meet the Basic Conditions
RS2	<i>"I recommend that RS2 be modified to read: "Beechwood Rural Park will be protected from development except for improvements to the park"; the second sentence is to be deleted from the</i>	For conformity with the Basic Conditions

	<p><i>policy but can be added to the Projects”</i></p> <p>LDC and HPC have modified the policy accordingly and the remaining section has been added as a project (project 6).</p>	
The Local Economy		
LE2	<p><i>“I recommend that...replace in the first line the word “businesses” with “business use””</i></p> <p>LDC and HPC have modified the policy accordingly</p>	For conformity with the Basic Conditions
LE3	<p><i>“I recommend that...in second and third lines replace all words after “the environment or” with “materially increased traffic””</i></p> <p>LDC and HPC have modified the policy accordingly</p>	For conformity with the Basic Conditions
LE5	<p><i>“I recommend...delete the word “integrated” and add after “new buildings” the words “that are well integrated with existing buildings”</i></p> <p>LDC and HPC have modified the policy accordingly</p>	For conformity with the Basic Conditions
Examiner’s Report Annex		
	<p>In the Annex of the Examiner’s Report, the Examiner listed a number of additional points to consider to aid the readability of the plan:</p> <ol style="list-style-type: none"> <i>1. Use of less elaborate paragraph numbering throughout. Not all sub-headings need a number</i> <i>2. Using a notation for all photos and a clear set of unique numbering for maps</i> <i>3. Picking up the corrections to references to the National Park, as set out in the SDNPA reps</i> <i>4. Removing the duplicate maps; and providing a key to the map on page 82.</i> <i>5. Taking up Historic England’s suggestions on heritage assets in the supporting narrative of chapter 7.</i> <p>A number of changes to the formatting of the Plan have been made. This includes the removal of raft of paragraph numbers to improve the readability of the document. All maps have been given a unique numbering reference and the duplicate maps have been removed. The map on page 82 has also been removed. In addition to the amendments to Policy EN7, efforts have also been</p>	To improve the accuracy and the usability of the Plan.

	<p>made to align chapter 7.6 with Historic England's representations and to produce a more accurate picture of the parish's designated and non-designated (Parish Heritage Assets) heritage assets. The SDNPA's constructive comments have also been incorporated throughout the document.</p>	
--	--	--

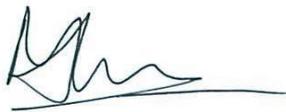
4. Conclusion

4.1 The Independent Examiner recommended that, subject to the modifications proposed, the Hamsey Neighbourhood Plan should proceed to referendum. Lewes District Council is therefore satisfied that the Hamsey Neighbourhood Plan meets the basic conditions mentioned in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act and complies with the provisions made by or under sections 38A and 38B of the Planning and Compulsory Purchase Act 2004. The Neighbourhood Plan can now proceed to referendum.

4.2 The Independent Examiner considered the neighbourhood area, as defined on the 1st October 2012 by Lewes District Council and 13th September by the South Downs National Park Authority, to be appropriate for the purposes of holding a referendum. Lewes District Council and SDNPA have taken account of this advice and therefore the neighbourhood area is the same as the referendum area.

4.3 The referendum is due to be held on 2 June 2016 which poses the following question:

‘Do you want Lewes District Council and the South Downs National Park Authority to use the Neighbourhood Plan for Hamsey Parish to help it decide planning applications in the neighbourhood area?’



Signed.....

Nazeya Hussain

Director of Business Strategy and Development

Date – 14 April 2016



Signed.....

Councillor Tom Jones

Lead Member for Planning

Date – 14 April 2016

Decision published on 14 April 2016