



Lewes District Council

CHAILEY NEIGHBOURHOOD DEVELOPMENT PLAN

**The Neighbourhood Planning (General) Regulations 2012 (as amended)
Regulation 18 – Publication of the examiner’s report and plan proposal
decisions**

Decision Statement

March 2021

1. Introduction

- 1.1 Under the Town and Country Planning Act 1990 (as amended), Planning and Compulsory Purchase Act 2004 and the Neighbourhood Planning Act 2017, 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 process of examination, referendum and to ‘make’ (adopt) them. The Localism Act 2011 (Part 6 chapter 3) and Neighbourhood Planning Act 2017 set out the Local Planning Authority’s responsibilities under Neighbourhood Planning.
- 1.2 This Decision Statement confirms that the modifications proposed in the Examiner’s Report have been accepted, the draft Chailey Neighbourhood Plan will consequently be amended; and that this plan may proceed to referendum.
- 1.3 Ordinarily Lewes District Council would hold a relevant referendum as soon as possible and within prescribed timeframes following the Independent Examination of a Neighbourhood Plan and the publication of the Decision Statement under Regulation 18¹. However, due to measures put into place as a result of the coronavirus pandemic, the Local Government and Police and Crime Commissioner (Coronavirus) (Postponement of Elections and Referendums) (England and Wales) Regulations 2020² has postponed all Neighbourhood Plan referenda until after 5th May 2021.

¹ The Neighbourhood Planning (General) Regulations 2012 - <https://www.legislation.gov.uk/uksi/2012/637/contents>

² <https://www.legislation.gov.uk/uksi/2020/395/contents/made>

- 1.4 The publication of this Decision Statement demonstrates the Council's intention to take the Chailey Neighbourhood Plan to referendum, however there will be a notable delay until it may do so. In the meantime, to ensure that Neighbourhood Plans awaiting referendum benefit from some weight in the decision-making process, the Government's planning guidance³ has been amended to allow the decision-makers to give the Neighbourhood Plans significant weight when making relevant decisions.
- 1.5 Therefore, from the date of this Decision Statement, the policies of the Chailey Neighbourhood Plan may be afforded significant weight so far as the Plan is material to the application.

2. Background

- 2.1 The Chailey Neighbourhood Area corresponds with the Chailey Parish Council boundary and covers the Plan period 2019-2034.
- 2.2 The Neighbourhood Area lies entirely within Lewes District. It was designated by Lewes District Council on 17th March 2015.
- 2.3 The Chailey Neighbourhood Plan was submitted to Lewes District Council in December 2019. The Regulation 16 consultation took place between 12th February - 27th March 2020, whereby the Plan was publicised and representations invited.
- 2.4 Mr John Slater was appointed by Lewes District Council, with the approval of the Parish Council, to undertake the examination of the Chailey Neighbourhood Plan and to prepare a report of the Independent Examination.
- 2.5 The Examiner's Report concluded that subject to a series of modifications, the Plan met the basic conditions set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 and should proceed to a Neighbourhood Planning referendum.

3. Decision

- 3.1 The Neighbourhood Planning (General) Regulations 2012 (as amended) require local planning authorities to outline what actions they will take in response to the recommendations in an Examiner's report made under

³ <https://www.gov.uk/guidance/neighbourhood-planning--2#covid-19>

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 consultation with Chailey Parish Council 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.

4. Conclusion

- 4.1 The Independent Examiner recommended that, subject to the modifications proposed, the Chailey Neighbourhood Plan should proceed to referendum. Lewes District Council is satisfied that the Chailey 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. Therefore, the Neighbourhood Plan can proceed to referendum.
- 4.2 As a result of the amendments made to the Government's planning guidance⁴, the Chailey Neighbourhood Plan may be afforded significant weight at decision-making stage when the Plan is material to the planning application from the date of this Decision Statement, due to the restrictions on holding referenda as a result of the coronavirus pandemic.
- 4.3 The Independent Examiner considered the neighbourhood area (as defined by Lewes District Council on 17th March 2015) to be appropriate for the purposes of holding a referendum. Lewes District Council has taken account of this advice; therefore the neighbourhood area is the same as the referendum area.
- 4.4 The referendum, when held, will pose the following question:

'Do you want Lewes District Council to use the Neighbourhood Plan for Chailey Parish to help it decide planning applications in the neighbourhood area?'

⁴ <https://www.gov.uk/guidance/neighbourhood-planning--2#covid-19>



Signed.....

Ian Fitzpatrick
Director of Regeneration and Planning
Lewes District Council

Date: 1st March 2021



Signed.....

Councillor Emily O'Brien
Lead Member for Planning
Lewes District Council

Date: 1st March 2021

Table 1

Policy / Map / Para. / Page in draft NP	Position in Examiner's Report	Independent Examiner's Recommended Modification	Justification
Neighbourhood Plan Policies			
Policy HO1 Development Boundaries, page 34	Paras. 62-64, page 14	Delete the policy. Agreed and modify accordingly.	To ensure the Neighbourhood Plan meets the Basic Conditions
Policy HO2: Design, page 34	Paras. 65-67, page 14	Delete all of the first sentence after " <i>rural settlements</i> " and insert " <i>as described in the Chailey Parish Character Assessment</i> " and omit the last paragraph. Agreed and modify accordingly.	To ensure the Neighbourhood Plan meets the Basic Conditions
Policy HO3: Housing mix, page 35	Paras. 68-70, page 15	In the first sentence, remove " <i>an agreed</i> " and insert " <i>a</i> " at the end of the first sentence after " <i>elderly</i> ", remove the comma and insert " <i>which should be</i> ". Agreed and modify accordingly.	For clarity
Policy HO4: Building materials, pages 35	Paras. 71-74, pages 15-16	Delete the first sentence of the first paragraph. Replace the second sentence with, " <i>New residential buildings should use locally appropriate, external building materials, which reflect the existing rural character of buildings in the locality.</i> " Delete the third sentence.	To ensure the Neighbourhood Plan meets the Basic Conditions

Policy / Map / Para. / Page in draft NP	Position in Examiner's Report	Independent Examiner's Recommended Modification	Justification
		Delete the second and third paragraphs. Agreed and modify accordingly.	
Policy HO5: Building heights, page 36	Para. 75, page 16	Delete the first three sentences. Agreed and modify accordingly.	For clarity
Policy HO6: Pedestrian connections, page 36	Paras. 76-77, page 16-17	Delete everything after the first paragraph. Agreed and modify accordingly.	For clarity
Policy HO7: Development of residential gardens, page 36	Para. 78-79, page 17	Delete the policy. Agreed and modify accordingly.	To ensure the Neighbourhood Plan meets the Basic Conditions
Policy HO8: Conservation areas, page 37	Paras. 80-82, page 18	Delete from the first sentence "and sites adjacent to or with views from and into the conservation areas" Insert a new sentence after the first sentence "Development on land adjacent to the conservation areas or which affect views from and into the conservation areas will not be supported if it detracts or adversely impact the special character of the conservation areas" Delete the second sentence. In the first sentence of the second paragraph, after "structures" insert	To ensure the Neighbourhood Plan meets the Basic Conditions

Policy / Map / Para. / Page in draft NP	Position in Examiner's Report	Independent Examiner's Recommended Modification	Justification
		<p>"within the conservation area"</p> <p>Agreed and modify accordingly.</p>	
Policy HO9: Historic buildings, page 37	Paras. 83-87, page 19	<p>In the first sentence, before "<i>listed buildings</i>" insert "<i>the significance of</i>" In the second sentence, replace "<i>historic buildings or features (including traditional farm buildings)</i>" with "<i>heritage assets</i>".</p> <p>Agreed and modify accordingly.</p>	For clarity
Policy HO10: Housing considerations, Page 38	Paras. 88-90, page 19	<p>Delete the remainder of the first sentence after "<i>local need</i>"</p> <p>Delete the remainder of the policy after "<i>future generations</i>)"</p> <p>Agreed and modify accordingly.</p>	To ensure the Neighbourhood Plan meets the Basic Conditions
Policy ENV1: Landscape, Page 38	Paras. 91-92, page 20	<p>Replace the policy with</p> <p>"New development will be supported which incorporates landscape proposals which will</p> <ul style="list-style-type: none"> • Sympathetically integrate the development with its surroundings • Provide a landscape setting for the proposed building(s) • Create a high-quality environment." <p>Agreed and modify accordingly.</p> 	To ensure the Neighbourhood Plan meets the Basic Conditions
Policy ENV2: Wildlife	Para. 93-94, pages 20-21	<p>Replace the policy with:</p> <p>"<i>Development proposals should be designed to retain trees or hedgerows</i></p>	For precision and clarity

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protection, Page 39		<p><i>of good arboricultural or amenity value, wherever possible, and proposals that damage or result in their loss will not be supported unless the benefits of the proposed development outweigh the amenity or arboricultural value of the trees and / or hedgerows. In addition, proposals will be expected to enhance the wildlife opportunities on the site by retaining or providing wild life corridors and stepping stones such as hedgerows, ditches, strips of tree planting, green open spaces with trees and grass verges to roads."</i></p> <p>Agreed and modify accordingly.</p>	
Policy ENV3: Countryside protection and village setting, page 40	Paras. 95-104, pages 21-23	<p>Replace the policy with:</p> <p><i>"Development will be supported which protects the landscape character of the countryside outside of the planning boundary and, where relevant, the setting of the villages within that countryside."</i></p> <p>Agreed and modify accordingly.</p>	To ensure the Neighbourhood Plan meets the Basic Conditions
Policy ENV4: Historic environment, page 40	Paras. 105-109, pages 23-24	<p>Retitle policy "<i>Locally Listed Building(s)</i>"</p> <p>In the first paragraph, delete "<i>SEE ANNEX 1: Maps</i>", replace "<i>with</i>" by "<i>having</i>" and insert "<i>significance of the</i>" before "<i>heritage asset</i>".</p> <p>Delete the last two paragraphs.</p> <p>Agreed and modify accordingly.</p>	To ensure the Neighbourhood Plan meets the Basic Conditions
Policy ENV5: Conservation of the environment, ecosystems and	Paras. 110-111, page 24	<p>In the second paragraph delete "should be informed by an Ecological Impact Assessment, and"</p> <p>After "identify" insert "significant" and after "avoidance," insert "mitigation,"</p>	To ensure the Neighbourhood Plan meets the Basic

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biodiversity, page 41		Agreed and modify accordingly.	Conditions
Policy ENV6: Protection of open views, page 41	Para. 112-114, pages 24-25	Delete all the text after the first sentence. Agreed and modify accordingly.	To ensure the Neighbourhood Plan meets the Basic Conditions
Policy ENV8: Chailey Common buffer zone, page 42	Para. 116-118, page 25	Delete the policy. Agreed and modify accordingly.	To ensure the Neighbourhood Plan meets the Basic Conditions
Policy COM1: Development contributions, page 43	Para. 119, page 25	Delete the policy. Agreed and modify accordingly.	To ensure the Neighbourhood Plan meets the Basic Conditions
Policy COM2: Community leisure/cultural facilities, page 44	Paras. 120-121, page 26	In the first sentence delete "normally" Delete the second sentence. Agreed and modify accordingly.	For clarity
Policy COM3: Assets of	Paras. 122-124,	At the end of the end of the policy insert " <i>unless it is demonstrated that the local community has not been able to acquire the building or the building is</i>	For clarity

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community value, page 44	page 26	<i>no longer on the Register of Assets of Community Value</i> Agreed and modify accordingly.	
Policy TRA1: Sustainable Access– provision for public transport/ cycling and walking, page 45	Para. 125, page 26	Delete the policy. Agreed and modify accordingly.	To ensure the Neighbourhood Plan meets the Basic Conditions
Policy TRA2: Road Safety, page 46	Para. 126, page 27	Insert " <i>significant</i> " before " <i>impacts</i> ". Agreed and modify accordingly.	To ensure the Neighbourhood Plan meets the Basic Conditions
Policy TRA3: Supporting Connectivity – Cycling and Walking, page 46	Paras. 127-129, page 27	Delete the policy. Agreed and modify accordingly.	To ensure the Neighbourhood Plan meets the Basic Conditions
Policy TRA 4: Adequate and	Paras. 130-132,	Replace " <i>must</i> " with " <i>will generally be expected</i> "	To ensure the Neighbourhood Plan

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appropriate car parking, page 46	page 27-28	Delete " <i>recognised safety standards</i> " and " <i>and local identified needs</i> " In the second paragraph, omit " <i>on street and/ or</i> " Agreed and modify accordingly.	meets the Basic Conditions
Policy EC01: Retail provision, page 47	Paras. 133-135, page 29	Delete all text in the first sentence after " <i>supported</i> ". Replace the second sentence with " <i>Where planning permission is required, the conversion of retail units to residential use will be resisted, unless it is shown that there is no market interest in retaining its commercial use.</i> " Replace the second paragraph with " <i>Retail or business proposals introduced into Conservation Areas will be expected to incorporate a shopfront, lighting and/ or external signage in a way that protects the character of the locality. Where the proposal reintroduces a retail use into a building which already has a historic shopfront, the presumption will be that the shopfront will be retained and if necessary restored.</i> " Agreed and modify accordingly.	To ensure the Neighbourhood Plan meets the Basic Conditions
Policy EC02: Communications Infrastructure, page 48	Paras. 136-137, page 29	Replace " <i>development</i> " with " <i>buildings</i> " Delete all text after " <i>broadband</i> " Agreed and modify accordingly.	For clarity
Policy EC03: Rural businesses, page 49	Paras. 138-144, page 30	Delete the policy. Agreed and modify accordingly.	To ensure the Neighbourhood Plan meets the Basic

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			Conditions
Policy ECO6: Encouraging employment and tourism, page 49	Para. 147, page 30	At the end of the final paragraph insert " <i>subject to compliance with the requirements of Policy ECO4</i> " Agreed and modify accordingly.	For clarity
Other Matters			
Throughout	Paras. 59-60, page 13	Renumber the policies, amend the supporting text and adjust the format/layout of the Chailey Neighbourhood Plan so that it is a coherent and accessible document as a result of the recommended modifications. Resolve many of the minor textual issues that have been raised by the District Council in the Regulation 16 representations Agreed and modify accordingly.	For clarity