

Arun District Council Local Planning Authority

Kingston Neighbourhood Development Plan 2014-2029 DECISION STATEMENT

Prepared by: Donna Moles (ADC Neighbourhood Development Plan Officer)
November 2014

1.0 INTRODUCTION

- 1.1 Under the Town and Country Planning Act 1990 (as amended), the Council 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 report confirms that the modifications proposed by the examiner's report have been accepted, the draft Kingston Neighbourhood Development Plan has been altered as a result of it; and that this plan may now proceed to referendum.

2.0 BACKGROUND

- 2.1 The Kingston Neighbourhood Development Plan relates to the area that was designated by Arun District Council as a neighbourhood area on 29th November 2012. This area is coterminous with the Kingston Parish Council boundary that lies within the Arun District Council Local Planning Authority Area.
- 2.2 Following the submission of the Kingston Neighbourhood Development Plan to the Council, the plan was publicised and representations were invited. The publicity period ended on 22nd October 2014.
- 2.3 Janet Cheesley was appointed by Arun District Council with the consent of the Parish Council, to undertake the examination of the Kingston Neighbourhood Development Plan and to prepare a report of the independent examination.
- 2.4 The examiner's report concludes that subject to making the minor modifications recommended by the examiner, the Plan meets the basic conditions set out in the legislation and should proceed to a Neighbourhood Planning referendum.

2.5 Having considered each of the recommendations made by the examiner’s report, and the reasons for them, the Parish Council has decided to make the modifications to the draft plan referred to in section 3 below, to secure that the draft plan meets the basic conditions set out in legislation.

3.0 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, Arun District Council in consent with Kingston 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 and the justification.

**Table 1:
Recommendations by the Examiner agreed by Arun District Council in consent with Kingston Parish Council**

POLICY	MODIFICATION RECOMMENDED	JUSTIFICATION
KPNP 1 - Sustainable Development	<p>Recommend modification to Policy, KPNP 1 to read as follows: KPNP 1: The Presumption in Favour of Sustainable Development Planning applications, which accord with the policies in this Neighbourhood Plan (and with policies elsewhere in the development plan), will be approved without delay, unless material considerations indicate otherwise. Planning permission will also be granted where relevant policies in the development plan are out of date or silent unless:</p> <ul style="list-style-type: none"> i. Any adverse impacts of the proposal would significantly and demonstrably outweigh its benefits when assessed against the policies in the National Planning Policy Framework taken as a whole; or ii. Specific policies in the National Planning Policy Framework indicate that development should be restricted. 	<p>Modification to clarify the policy intention and to accord with the principles of sustainable development.</p>
KPNP 2 - Built-Up Area Boundary	<p>Recommend modification to Policy KPNP 2 by the deletion of the second sentence and replacement as follows: Account should be taken of the intrinsic character and beauty of the countryside outside the Built-Up area and the need to support thriving rural communities within it, in the context of a presumption in favour of sustainable development. Recommendation: In the interest of clarity, I recommend modification to the conformity reference by deleting reference to NPPF paragraph 83 and replacing the reference with NPPF</p>	<p>Modification to have regard to a presumption in favour of sustainable development in the countryside outside the built-up area and reflect the wording in the core principles in the NPPF.</p>

	paragraph 17.	
KPNP 3 - Settlement Structure & Green Infrastructure	<p>Recommend modification as follows;</p> <p>the insertion of 'and' after criterion vii in Policy KPNP 3;</p> <p>the last sentence of the fourth point in the justification to read 'Development must not enhance the risk of flooding';</p> <p>the Policy intention to be modified to be in accordance with criterion v in Policy KPNP 3; and</p> <p>modification to the conformity reference by deleting reference to NPPF paragraphs 79 to 81 and replacing with NPPF Section 11.</p>	Minor modification to the wording to clarify the policy intention.
KPNP 4 - Natural Environment	<p>Recommend modification to Policy KPNP 4 as follows:</p> <p>KPNP 4 – NATURAL ENVIRONMENT</p> <p>1. Planning permission will normally be approved, providing:</p> <ul style="list-style-type: none"> i. it would contribute positively to the quality of the natural environment of Kingston Parish whilst having due regard to Natural England's standing advice for protected species, and not be detrimental to the biodiversity of the area; ii. it plans for any future climate change effects and works in harmony with the environment to conserve natural resources; iii. it does not entail any loss of trees or hedgerow, ancient or otherwise, that contribute to local amenity; and incorporates tree planting, in particular native species in context with the local landscape character, as an integral part of any development proposals where possible; iv. it does not have a detrimental effect on any water bodies, through waste management, or contribute to any pollution; water, air, noise, light or odour; and v. it does not impinge, either directly or indirectly, on the Site of Nature Conservation Importance (SNCI) of the Ferring Rife and Meadows (Site Ar12) or its boundaries with Ferring or East Preston Civil Parishes, and including any SNCI's that may be designated in the future. <p>2. Development for essential utility infrastructure will normally be approved, providing the need for which clearly outweighs the harm or loss, and no reasonable alternative site is available.</p>	Minor modification to the wording to clarify the policy intention.
KPNP 5 - Water	<p>Recommend the insertion of 'and' after criterion vi in Policy KPNP 5; and modification to Policy KPNP 5 to include the following criterion:</p> <p>Where relevant sequential tests and exceptions tests have been applied and site-specific flood risk assessments have been carried out, in accordance with the approach to flood risk in the NPPF.</p>	Modification to include reference to the requirement for new development in areas of flood risk to be subject to sequential tests and exceptions tests and site-specific flood risk assessments, where relevant, in accordance with the approach to flood risk in the NPPF.

<p>KPNP 6 - Soil, Horticulture, Equine & Shepherding</p>	<p>Recommend modification to Policy KPNP 6 to read as follows:</p> <p>KPNP 6 – SOIL, HORTICULTURE, EQUINE & SHEPHERDING DEVELOPMENTS</p> <p>A. Soil: The use of soil of Grades 1 or 2 as defined by Agricultural Land Classification for any form of development not associated with agriculture or forestry will not be permitted unless need for the development outweighs the need to protect such land in the long term.</p> <p>B. Horticulture:</p> <p>I. The construction of new glasshouse, polytunnels and associated packhouse development where planning permission is required will only be permitted where:</p> <ol style="list-style-type: none"> i. It is of a height and bulk which will not significantly damage the character or appearance of the surrounding landscape; ii. It relates sympathetically to the natural, built and historic environment; iii. There is no generation of pollution to soil, water or air in the surrounding environment; iv. Long public views across substantially open land are maintained; v. Adequate water resources are available and adequate surface water drainage capacity exists or can be provided; vi. Vehicular access from the site to the strategic road network is adequate and uses roads capable of accommodating the vehicle movements likely to be generated by the development without detriment to highway safety or residential amenity; vii. There is no impact resulting from artificial lighting after sunset on residents of Kingston Parish or on the appearance of the site in the landscape; viii. There is no impact on noise levels resulting from machinery usage, vehicle movement, or other activity on the site, which when measured against the existing ambient noise levels in the locality would not be likely to unacceptably disturb occupants of Kingston Parish or be likely to cause unacceptable harm to the enjoyment of the countryside; and ix. When they become redundant they are removed along with any contaminated material and the land returned to its original form. <p>II. Redevelopment of under-used, redundant or derelict farm buildings will be permitted where the new use supports the development or diversification of agricultural activities.</p> <p>III. Allotments will be approved for use by Kingston Parish residents subject to compliance with other policies in this Neighbourhood Plan and providing:</p> <ol style="list-style-type: none"> a. They are situated immediately adjacent to the built up area boundary; b. The land is not subject to flooding and is easily accessible; 	<p>Modification to delete reference to a restriction on the development of garden centres, farm shops and traveller accommodation and modification to the policy regarding the re-use of farm buildings.</p>
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	<p>c. Adequate water supply and parking facilities exist; d. Located so that natural surveillance can be maximised; and e. Surrounded by secure boundaries.</p> <p>C. Equine/ Shepherding Development: Non-residential planning permission will be approved for horse or sheep related activities provided that:</p> <ul style="list-style-type: none"> i. It does not harm in any way an area of nature conservation; ii. It will not lead to the irreversible loss of Grade 1 or 2 agricultural land; iii. It will not detract from the landscape quality of the area; iv. It will make use of existing buildings where possible and any new buildings and structures will blend into the landscape in terms of their siting, design and materials; v. It does not have a detrimental impact on water quality; vi. The cumulative impact of the development will not adversely affect the character, appearance and amenities of the area; vii. Sufficient land (1-1.5 acres per horse) is available for grazing and exercise where necessary to prevent overuse of the land; viii. The associated access and parking is acceptable; and ix. It is very well-related to an existing bridleway network which is able to accommodate the scale of use from the proposed development. 	
<p>KPNP 7 - Design & Development</p>	<p>Modification to Policy KPNP 7 to read as follows: KPNP 7 – DESIGN & DEVELOPMENT 1. Planning Permission will normally be approved for development within the Built-up Area Boundary, subject to compliance with other policies of the plan, providing:</p> <ul style="list-style-type: none"> i. The design and location of the development is appropriate and sympathetic to the Parish’s character and appearance in terms of scale, massing, aspect, siting, layout, density, building materials (colour, texture), landscaping, design features, and specifically does not encroach upon any roadway or tway so as to alter the outstanding landscape, coastline, historic build and archaeological environment; ii. It seeks to protect and enhance onsite habitats and associated networks thus protecting biodiversity. iii. It is in-scale with adjacent buildings, takes account of the ridgeline of existing structures and is of a size that does not dominate the surroundings, or the wider Parish; iv. It has a minimal impact on users and occupiers of nearby property and land and does not cause loss of sunlight, over-shadowing, over-looking issues, loss of privacy, anti-social noise/disturbance or have an over-bearing presence; vi. It has been demonstrated how the development will incorporate green technology where possible and be energy efficient; vi. It does not add to air, light or noise pollution and in any way increase the flood risk to the Parish; vii. It provides sufficient off-road car parking for its intended use; and viii. In the case of the installation of solar panels and/or wind 	<p>Modification to the wording to clarify the policy intention and deletion of reference to sub division of plots; housing needs assessments; commercial use of properties; and agricultural workers dwellings.</p>

	<p>turbines to residential properties that require planning permission, they sympathetically relate to and are visually integrated, and are compatible with the landscape in both scale and positioning to not intrude upon the skyline, or generate noise or vibration nuisance for neighbours.</p> <p>2. Any new development proposals, including self-building, rebuilding or alterations, will be supported, unless:</p> <ul style="list-style-type: none"> i. Any change in nature of front gardens includes predominately impermeable surfaces; ii. where it includes tree felling, with or without Preservation Orders, an Arboricultural Assessment concludes that the tree(s) has no environmental or amenity value, or is diseased or requires felling for safety reasons; iii. where it involves alterations and extensions which do not retain and enhance the condition and character of the existing building, then the proposals must: <ul style="list-style-type: none"> o Not erode the spatial character and pattern of the area o Not alter frontages to the detriment of the street scene o Enhance the building and its surroundings, maintaining form and style o Use materials which reflect the current character of the building o Remain in-keeping with the original scale and proportion of the original building o Ensure that important features of the original building are not lost; vi. It proposes to increase the number of beach huts situated along the coastline of Kingston Parish; and v. It proposes development of any commercial solar array or wind turbine farms for the purpose of electricity generation that will have adverse impacts to landscape, habitats, the historic environment and residential amenity including visual, noise and odour impacts. <p>3. Grade II Listed buildings within Kingston Parish, as depicted on Map 7(i) - Heritage Designations, and their setting and any features of special architectural or historic interest which they possess should be preserved.</p> <p>Listed are:</p> <ul style="list-style-type: none"> a. Kingston Manor b. East Kingston House c. The Old Cottage d. Sea Lane House e. Sea Barn f. Runnymede <p>4. Buildings contained in the 2014 ADC Local List of Buildings of Character should be preserved in accordance with policy in the NPPF.</p> <p>Contained in the 2014 ADC Local List of Buildings of Character are:</p> <ul style="list-style-type: none"> a. Driftstone Manor b. The Tower (Old Water Tower). <p>5. Planning proposals will normally be approved for development which accords with the Appendix 4 - "Kingston Design Statement", providing it is consistent with the policies of this plan.</p>	
<p>KPNP 8 - Telecommunications Infrastructure, Employment and Enterprise</p>	<p>Recommend modification to the landscape constraints boundary on The Landscape Constraints Map and modification to Policy KPNP 8 ii. to read as follows:</p> <ul style="list-style-type: none"> ii. Erection of new radio or telecommunications mast or base station are in full compliance with Arun District Council's policy on Telecommunications and KPNP7, and where operationally and technically possible, the siting of telecommunications equipment should aim to avoid sensitive landscape such as that depicted in the Arun Landscape Constraints map 7(iii). 	<p>Modification to delete reference to the 'opposition in principle' to new radio or telecommunications masts or base stations.</p>

<p>KPNP 9 - Transport Infrastructure</p>	<p>Recommend modification of Policy KPNP 9 ii and iv to read as follows:</p> <p>ii. Will reduce the need to travel by car by identifying opportunities to improve access to public transport routes and community transport services whilst making provision for car use through improvements to the existing road network and the promotion of vehicles which use low-carbon energy by installing charge points, including 'rapid charge' points.</p> <p>iv. Makes provision for off-road parking for all vehicles intending to use the development.</p>	<p>Minor modification to the wording to clarify the policy intention.</p>
<p>POLICY KPNP 10 – Cycle Routes</p>	<p>Recommend the deletion of the third point in the policy justification and modification to Policy KPNP 10 to read as follows: KPNP 10 – CYCLE ROUTES</p> <p>This Plan supports the provision of a joined up cycle network which provides convenient, accessible, safe, comfortable and attractive routes for pedestrians and cyclists within Arun District.</p> <p>Kingston Parish has deleted this policy:</p> <p>The Steering Group felt that as there was no longer a proposal in the Arun Local Plan, Publication Version, October 2014, to designate a Cycle Route through Kingston Parish that this policy had no local significance and should therefore be omitted from the final Plan.</p>	<p>Modification to remove reference to restrictions on the provision of cycle routes in the Parish.</p>
<p>Statement of Intent and Vision</p>	<p>Recommendation: remove reference to proposals in paragraph 5 (iii) in the interest of clarity.</p>	<p>A clear statement of intent and vision has been identified. This includes seeking to retain the local character and maintain the outstanding landscape, with limited new development to meet needs. Paragraph 5 (iii) states that this vision is to be delivered through the policies and proposals in the Plan, where possible using a presumption in favour of sustainable development. I note that the Plan does not include proposals - only policies. Therefore, in the interest of clarity, I recommend removal of reference to 'proposals' in paragraph 5 (iii).</p>

4.0 **CONCLUSION**

- 4.1 I confirm, that the **Kingston Neighbourhood Development Plan 2014-2029**, as revised, complies with the legal requirements and basic conditions set out in the Localism Act 2011, and can therefore proceed to referendum.
- 4.2 I recommend that the Kingston Neighbourhood Development Plan 2014-2029 should proceed to a referendum based on the neighbourhood area defined by Arun District Council on 29th November 2012.
- 4.3 I am taking the above mentioned decision as I concur with the advice contained in the above report in response to the recommendations of the examiner made in a report under paragraph 10 of Schedule 4B to the 1990 Act (as applied by section 38a of the 2004 Act) in relation to the Neighbourhood Development Plan.
- 4.4 I declare that I have no personal or prejudicial interest in respect of this decision.

Signed:

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Assistant Director Planning and Economic Regeneration

Date:

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Decision published on: 4th December 2014