

Kingston Parish Neighbourhood Plan 2104-2029

Report by Independent Examiner

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Summary and Conclusion

1. The Kingston Parish Neighbourhood Plan 2014-2029 has a clearly defined statement of intent and vision. Whilst the Plan does not allocate development, it seeks a presumption in favour of sustainable development and includes policies to guide development and protect the natural environment.
2. I have recommended modification to the policies in the Plan in order that they meet the Basic Conditions. Many of these recommendations are to clarify the policy intention, to ensure that the Plan provides a practical framework for decision making, having regard to this requirement in the National Planning Policy Framework. The following are summaries of my main recommendations for modifications to the policies.
3. KPNP 1: modification to clarify the policy intention and to accord with the principles of sustainable development.
4. KPNP 2: 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.
5. KPNP 3: minor modification to the wording to clarify the policy intention.
6. KPNP 4: minor modification to the wording to clarify the policy intention.
7. KPNP 5: 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.
8. KPNP 6: 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.
9. KPNP 7: 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.
10. KPNP 8: modification to delete reference to the 'opposition in principle' to new radio or telecommunications masts or base stations.
11. KPNP 9: minor modification to the wording to clarify the policy intention.
12. KPNP 10: modification to remove reference to restrictions on the provision of cycle routes in the Parish.
13. The reasons for my recommendations are set out in detail below. My recommendations ensure that the Plan meets the Basic Conditions. Subject to my recommendations being accepted, I conclude that the Kingston Parish Neighbourhood Plan 2014-2029 will provide a strong practical framework against which decisions on development can be made.

Introduction

14. I was appointed as an independent Examiner for the Kingston Parish Neighbourhood Plan 2014-2029 in October 2014.
15. On 18 October 2012, Arun District Council (ADC) approved that the Kingston Parish Neighbourhood Area be designated in accordance with the Neighbourhood Planning (General) Regulations 2012. The Area covers the whole of the parish of Kingston.
16. The qualifying body is Kingston Parish Council. The plan has been prepared by a Steering Group on behalf of the Parish Council, with Working Parties formed to work on policy proposals. The plan covers the period to 2029.

Legislative Background

17. As an independent Examiner, I am required to determine, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, whether:
 - the policies in the Plan relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act (PCPA) 2004;
 - the Plan meets the requirements of Section 38B of the 2004 PCPA where the plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one Neighbourhood Area; and
 - that the Plan has been prepared for an area that has been designated under the Localism Act 2011 and has been developed and submitted for examination by a qualifying body.
18. Subject to the modifications I have recommended in this report, I am content that these requirements have been satisfied.
19. I am obliged to determine whether the plan complies with the Basic Conditions. These are that the Plan is required to:
 - have regard to national policies and advice contained in guidance issued by the Secretary of State;
 - contribute to the achievement of sustainable development;
 - be in general conformity with the strategic policies contained in the Development Plan for the area; and
 - not breach, and is otherwise compatible with, EU obligations and human rights requirements.

20. ADC has prepared a Strategic Environmental Assessment Screening Report, within which it has stated that the Plan does not require a full Strategic Environmental Assessment on the basis that: *there are no sites being allocated for development within the proposed Neighbourhood Plan; and there are sufficient measures factored into the Plan that there will be no significant environmental impact.*
21. I am satisfied that the Plan is compatible with EU obligations and does not breach the European Convention on Human Rights obligations.

Policy Background

22. *The National Planning Policy Framework 2012 (NPPF)* sets out the Government's planning policies for England and how these are expected to be applied. The *Planning Practice Guidance* provides Government guidance on planning policy.
23. Kingston Parish is within the local authority area of Arun District Council (ADC). The development plan for the Kingston Neighbourhood Plan 2014-2029 Area comprises the saved policies in The Arun District Local Plan 2003. The saved strategic policies in the Local Plan include policies regarding the protection of the natural and built environment.
24. The emerging Arun Local Plan 2011-2031 has been published for public consultation during the period 30 October to 11 December 2014. This Local Plan and the Kingston Parish Neighbourhood Plan have been advancing in parallel. There is no legal requirement to test the Neighbourhood Plan against emerging policy.

The Neighbourhood Plan Preparation

25. I am required under The Localism Act 2011 to check the consultation process that has led to the production of the Plan. The requirements are set out in Regulation 14 in The Neighbourhood Planning (General) Regulations 2012.
26. The initial consultation process was via an open meeting on 24th May 2012 to start the process of producing a Neighbourhood Plan. Subsequently a Steering Group was selected and working groups set up. There was an initial survey undertaken on the issues and topics the community considered needed addressing, which led to the production of a Draft Plan. This Draft Plan was released for consultation. An Open Day was held on 8 June 2013 for local residents to view the Draft Consultation Document. The Plan was held in abeyance after this initial consultation period, as the plan was built heavily on certain parts of the emerging Arun Local Plan, which was changing. The Draft Plan was subsequently updated and the Pre-Submission Plan was published for consultation.

27. The Consultation period ran from 1 April 2014 to 15 May 2014. The Consultation Statement does not specify precisely how the consultation process met the requirements of Regulation 14. As part of this Examination, I sought clarification in writing from the Parish Council.
28. I was informed via email that local residents were notified of the Plan, and the right to comment and by when, via: a Parish Newsletter delivered to each household; a notice on the various Parish notice boards; and a specific message on the Parish Website. They were invited to attend the Open Day on 11th May 2014 to view the Plan, to discuss any issues with members of the Steering Group, and make written comments. All non-resident landowners, and some resident landowners, were sent an individual copy of the Plan, with a covering letter and tear out response form for comments. Following this consultation period, the Plan was amended to incorporate the representations received.
29. I am satisfied that the pre-submission consultation and publicity has met the requirements of Regulation 14 in The Neighbourhood Planning (General) Regulations 2012. The consultation and publicity went beyond the requirements and it is clear that the qualifying body went to considerable lengths to ensure that local residents were able to engage in the production of the Plan. I congratulate them on their efforts.
30. ADC publicised the submission Plan for comment during the publicity period between 10 September and 22 October 2014 in line with Regulation 16 in The Neighbourhood Planning (General) Regulations 2012. A total of nine responses were received. I am satisfied that all these responses can be assessed without the need for a public hearing.
31. Some responses suggest additions and amendments to policies. My remit is to determine whether the Plan meets the Basic Conditions. Where I find that policies do meet the Basic Conditions, it is not necessary for me to consider if further suggested additions or amendments are required. Whilst I have not made reference to all the responses in my report, I have taken them into consideration.

The Kingston Parish Neighbourhood Plan 2014-2029

Background To The Neighbourhood Plan

32. The Plan area covers the whole Parish of Kingston. There are three main settlements of East Kingston, West Kingston and Kingston Gorse in this rural community. Background information in the Plan includes a state of the parish report and a summary of the consultation process.
33. I have been provided with detailed evidence base in background supporting documents. This has provided a useful and easily accessible source of background information.

Statement of Intent and Vision

34. 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).
35. **Recommendation: remove reference to proposals in paragraph 5 (iii) in the interest of clarity.**
36. It is necessary for Neighbourhood Plans to provide *a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency* as stated in the core planning principles in paragraph 17 in the NPPF. I do refer to clarity with regard to a number of my recommendations for modifications to the Plan. Where I do so, I have in mind the need to provide a practical framework in accordance with these core principles.

Policies

KPNP 1 - Sustainable Development

37. It is not necessary to repeat national policy in a Neighbourhood Plan, but where it does, it needs to have regard to that national policy.
38. Policy KPNP 1 seeks a presumption in favour of sustainable development in accordance with paragraph 14 in the NPPF. However, this policy appears to confuse the definition of the development plan and seeks to redefine a presumption in favour of sustainable development.
39. The development plan, by definition, includes adopted Neighbourhood Plans and adopted Local Plans. For clarity, I recommend incorporating criterion i. into the first sentence of the policy.
40. Criterion iv. is reference to the environmental role of sustainable development. This is taken from the definition of the three roles of sustainable development outlined in Paragraph 7 of the NPPF. These roles should not be undertaken in isolation. The presumption in favour of sustainable development as defined in paragraph 14 in the NPPF does not specifically single out this role. Therefore, to meet the Basic Conditions, I recommend the deletion of criterion iv.
41. **Recommendation: to meet the Basic Conditions, having regard to national policy in the NPPF, I 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:

- 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.**

KPNP 2 - Built-Up Area Boundary

- 42. The intention of this policy includes protecting the countryside. This policy refers to safeguarding against inappropriate development in the countryside, but does not define inappropriate development. This is a term commonly used in respect to development within Green Belts. Rather than using such terminology, this policy should reflect a presumption in favour of sustainable development in the countryside outside the built-up area, reflecting the wording in the core principles in the NPPF.
- 43. I note that the conformity reference below the policy refers to NPPF paragraph 83. This is an incorrect reference as paragraph 83 is Green Belt policy. The Plan area does not lie within a statutory Green Belt area.
- 44. **Recommendation: to meet the Basic Conditions I 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.
- 45. **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 paragraph 17.**

KPNP 3 - Settlement Structure & Green Infrastructure

- 46. This policy seeks to protect the gap between settlements.
- 47. The justification for this policy states that '*any development would enhance the risk of flooding*'. This may not be so for small-scale development. Therefore, I recommend rewording of this sentence to read '*development must not enhance the risk of flooding*'.

48. The stated intention of this policy requires the enhancement of the biodiversity of the corridors within the gap as part of any development proposals. This intention is not reflected in the policy, which only requires, (in criterion v.), that the biodiversity is not endangered. For clarity, the intention needs to be modified to accord with the policy.
49. To ensure that development has to comply with all the criteria listed in the policy, I recommend, in the interest of precision and clarity, the insertion of 'and' after criterion vii.
50. The conformity reference to NPPF paragraphs 79 to 81 is incorrect as those paragraphs refer to Green Belts. Instead, I recommend referring to Section 11 in the NPPF with regard to conserving and enhancing the natural environment.
51. **Recommendation: in the interest of clarity to meet the Basic Conditions with respect to providing a practical framework for decision making, I recommend modification as follows;**
- the insertion of 'and' after criterion vii in Policy KPNP 3;**
- the last sentence of the fourth point in the justification to read '*Development must not enhance the risk of flooding*';**
- the Policy intention to be modified to be in accordance with criterion v in Policy KPNP 3; and**
- modification to the conformity reference by deleting reference to NPPF paragraphs 79 to 81 and replacing with NPPF Section 11.**

KPNP 4 - Natural Environment

52. This policy seeks to conserve and enhance biodiversity and the natural environment. Criterion iii. requires any development proposal to incorporate tree planting. It may not always be appropriate to provide tree planting and this should be reflected in the policy by the inclusion of 'where possible' at the end.
53. The list of criteria implies that the only development permitted in the natural environment is essential utility infrastructure. The accompanying justification and intention do not make this implication and therefore I can only assume that this is an editing error. In the interest of clarity, I recommend modification to the policy to allow for other development apart from essential utility infrastructure and to include 'and' after criterion iv to make it clear that all criteria apply.
54. **Recommendation: in the interest of clarity to meet the Basic Conditions with respect to providing a practical framework for decision making, I recommend modification to Policy KPNP 4 as follows:**

KPNP 4 – NATURAL ENVIRONMENT

1. Planning permission will normally be approved, providing:

- 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.

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.

KPNP 5 - Water

55. This policy seeks to restrict development in areas at risk of flooding. The NPPF seeks to avoid inappropriate development in areas at risk of flooding by directing development away from areas of high risk. The Planning Practice Guidance states that *the aim should be to keep development out of medium and high flood risk areas (Flood Zones 2 and 3) and other areas affected by other sources of flooding where possible*. Sequential tests and exceptions tests and site-specific flood risk assessments may be required for proposed development in these flood zones in accordance with the NPPF and the Planning Practice Guidance. To meet the Basic Conditions, I recommend inclusion of these requirements in the list of criteria in Policy KPNP 5.
56. To ensure that development has to comply with all the criteria listed, I recommend, in the interest of precision and clarity, the insertion of 'and' after criterion iv.
57. **Recommendation: to meet the Basic Conditions I recommend the insertion of 'and' after criterion vi in Policy KPNP 5; and modification to Policy KPNP 5 to include the following criterion:**

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.

KPNP 6 - Soil, Horticulture, Equine & Shepherding

58. This policy covers a range of matters concerning the countryside, with the intention of maintaining the rural tranquil setting of Kingston Parish.
59. Paragraph 28 in the NPPF encourages the conversion of existing buildings and well designed new buildings in rural areas to support sustainable growth and expansion of all types of business and enterprises in rural areas. In addition, it seeks to support economic growth in rural areas by taking a positive approach to sustainable development. Neighbourhood plans should promote the development and diversification of agricultural and other land-based rural businesses.
60. Criterion B II in Policy KPNP 6 is restrictive with regard to the re-use of buildings in the rural area, contrary to the NPPF. To meet the Basic Conditions, criterion B II requires modification to show regard to national policy.
61. It may be that existing constraints to development prevent there being suitable sites for garden centres or farm shops as outlines in criterion B III. Nevertheless, criterion B III does not have regard to the positive approach in national policy and thus should be deleted. Indeed, it may be that these enterprises, on a small scale, would assist in the diversification of agricultural activities.
62. I note that there is unlikely to be any suitable site for traveller or show people accommodation throughout the plan period due to flood plain and agricultural land constraints. Nevertheless, national policy requires criteria based planning policies for the provision of traveller sites. Criteria should be set to guide land supply allocations where there is an identified need. Where there is no such need, policies should provide a basis for decisions in case applications nevertheless come forward. It may be that there are no suitable sites within the Parish for traveller accommodation. Nevertheless, the negative stance in criterion B IV. does not have regard to the national policy approach and thus should be deleted.
63. Criterion B V. refers to unspecified exceptional circumstances within which allotments will be allowed and then lists criteria against which such proposals would be assessed. On this basis, even if the list of criteria was met, other unspecified exceptional circumstances would prevent such development. This does not provide clarity for decision making. Reference to exceptional circumstances should be removed from Policy KPNP 6 and replaced with alternative wording referring to the need to be subject to compliance with other policies in the plan.

64. In order to ensure compliance with all the criteria, 'and' is required at the end of B I. viii. and C viii. I have recommended modification to Policy KPNP 6 with new numbering where appropriate.

65. **Recommendation: in the light of my comments above, to meet the Basic Conditions I recommend modification to Policy KPNP 6 to read as follows:**

KPNP 6 – SOIL, HORTICULTURE, EQUINE & SHEPHERDING DEVELOPMENTS

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.

B. Horticulture:

I. The construction of new glasshouse, polytunnels and associated packhouse development where planning permission is required will only be permitted where:

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.

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.

III. Allotments will be approved for use by Kingston Parish residents subject to compliance with other policies in this Neighbourhood Plan and providing:

- a. They are situated immediately adjacent to the built up area boundary;**
- b. The land is not subject to flooding and is easily accessible;**
- c. Adequate water supply and parking facilities exist;**
- d. Located so that natural surveillance can be maximised; and**
- e. Surrounded by secure boundaries.**

C. Equine/ Shepherding Development: Non-residential planning permission will be approved for horse or sheep related activities provided that:

- 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.**

KPNP 7 - Design & Development

- 66. The Plan does not allocate development, but lists detailed criteria against which proposals for development will be assessed.
- 67. In the justification for this policy there is no clear detailed evidence base to support the statement that ‘that any buildings converted to commercial use

would have a negative impact on the residents of Kingston Parish'. This may not be the case for all types of commercial development. Reference to there being no land for traveller sites should be removed from the justification in the light of my comments on KPNP 6.

68. The reference to brownfield sites, generally referred to as previously developed land, is factually incorrect as residential gardens are not previously developed land as defined in the NPPF.
69. It is not for me to re-write the Plan. I recommend, in the interest of clarity, that the justification be re-written in accordance with my concerns above.
70. The NPPF requires Neighbourhood Plans to develop robust and comprehensive policies that set out the quality of development expected. Design policies should avoid unnecessary prescription.
71. Section 1 of Policy KPNP 7 is a list of compliance criteria for new development within the built up area. As a general point, an overriding policy on design and development has to take into account both potential small scale and larger scale development. I have had this in mind in my consideration of this policy.
72. Section 1 of Policy KPNP 7 refers to development within the built up area. Therefore, it is not appropriate to include criterion iii with regard to encroaching outside of that area. Other policies protect that area.
73. Kingston is a small rural Parish and I appreciate that there may be limited development opportunities. However, there is no reasoned evidence base to justify all new development having to be small scale or community based. Therefore, the last sentence of criterion iv. in Section 1 should be deleted.
74. Whilst national policy actively supports green technology, it is an unacceptably onerous requirement for all new development to incorporate all the list of green technology in criterion vi in Section 1. Therefore, I recommend that this criterion be modified to require all new development to demonstrate how it will incorporate green technology where possible and be energy efficient.
75. As many domestic solar panels and wind turbines may be permitted development, for clarification, criterion ix in Section 1 should refer to those requiring planning permission.
76. The way Section 2 has been written, stating that development will be supported unless a list of criteria is met, is somewhat confusing. In particular, criterion i does not allow development if front gardens include impermeable surfaces. This would preclude new development that includes any impermeable areas in the front gardens. There is no justification to this approach. I suggest amendment to this criterion to read 'any change in nature of front gardens includes predominately impermeable surfaces'.
77. Criteria ii and iii in Section 2 do not have regard to national policy to deliver a wide choice of high quality homes, as they preclude the sub division of any

plots and seek a housing needs assessment for any new development. Therefore, I recommend deletion of these criteria. I realise that the local community is concerned about the adverse effect of new development in residential gardens. However, I am satisfied that policy in Section 1 would ensure that any such development proposals would only be allowed if they retained local character and protected local amenity.

78. Criterion iv in Section 2 is somewhat confusing. There is little point in asking for a tree protection plan if it is to be felled, or a tree constraints plan. It appears that the purpose of this criterion is to prevent the loss of trees unless there is an Arboricultural Assessment that clearly states that the tree(s) has no environmental or amenity value, is diseased or requires felling for safety reasons. I recommend modification to criterion iv in Section 2 to clarify this matter.
79. Criterion v in Section 2 should start with 'where' rather than 'it' to avoid a double negative and make it easier to understand.
80. I note that there are no commercial properties in this predominately residential Parish. However, I see no reasoned justification for criterion vi in Section 2. National Policy does not preclude the change of use of all properties and there may be circumstances where the commercial use of an existing property would not harm the residential character of the area, or local amenity. Therefore, I recommend deletion of criterion vi in Section 2.
81. I see no reasoned justification for criterion vii in Section 2. I see no justification to preclude agricultural, forestry and horticultural workers dwellings. This does not have regard to National Policy. It may be that this is an editing error and it was meant to support such dwellings. If so, it would preclude general housing. As neither would have regard to national policy, I recommend deletion of criterion vii in Section 2.
82. Criterion viii in Section 2 is not clear in its intention. The justification for the policy implies that there should be no more beach huts. In which case, I recommend modification to this criterion to make this abundantly clear.
83. It is not necessary to include policy regarding the protection of listed buildings as these are covered by national legislation. However, as Section 3 of this policy seeks to protect the listed buildings in the Parish, I consider that rather than seeking to preserve them for future generations, the policy should be modified to reflect the statutory obligation to preserve a listed building or its setting or any features of special architectural or historic interest which it possesses.
84. Section 4 lists two locally listed Buildings of Character for preservation for future generations. These are non-designated heritage assets, which have less protection than listed buildings. The NPPF at paragraph 135 does not preclude development affecting such heritage assets, providing a balanced judgement has been made having regard to the scale of any harm or loss and the significance of the heritage asset. Section 4 does not have regard to

this national policy. To meet the Basic Conditions, I recommend modification to Section 4 to accord with paragraph 135 in the NPPF.

85. ADC has raised concern regarding the status of the Kingston Design Statement referred to in Section 5 of this policy. I have been provided with a draft version of the Design Statement dated September 2014. I note that a final draft is now being developed. If it proceeds to adoption as supplementary planning guidance, greater weight can be attached to it.
86. The Design Statement has been incorporated into the Plan as an appendix. As such, it provides general design guidelines for the Parish. As Section 5 in KPNP 7 requires the policies in the Neighbourhood Plan take precedent, I consider the inclusion of the guidelines in the Kingston Design Statement as an appendix to the Plan is acceptable and contributes towards planning positively for the achievement of high quality and inclusive design, as outlined in the NPPF.
87. In order to ensure compliance with all the criteria, 'and' is required at the end of Section 1. viii. and Section 2 viii. I have recommended modification to Policy KPNP 7 with new numbering where appropriate.
88. **Recommendation: to meet the Basic Conditions, I recommend the re-writing of the justification in the light of my comments above; and the 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:

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 twitten 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;

v. 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 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.

2. Any new development proposals, including self-building, rebuilding or alterations, will be supported, unless:

- 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:
 - 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.

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.

Listed are:

a. Kingston Manor

- b. East Kingston House**
- c. The Old Cottage**
- d. Sea Lane House**
- e. Sea Barn**
- f. Runnymede**

4. Buildings contained in the 2014 ADC Local List of Buildings of Character should be preserved in accordance with policy in the NPPF. Contained in the 2014 ADC Local List of Buildings of Character are:

- a. Driftstone Manor**
- b. The Tower (Old Water Tower).**

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.

KPNP 8 - Telecommunications Infrastructure, Employment and Enterprise

- 89. The justification for this policy states that residents think that the mobile phone reception in the vicinity of the Parish is poor. The justification recognises the importance of views from the Landscape Constraints Area towards the coast and towards the South Downs National Park and states that any new radio or telecommunications masts would interfere with these views. This justification raises a conflict between the need for better reception and the need to protect important views.
- 90. The Mobile Operators Association has raised concern regarding the wording of Policy KPNP 8 with regard to its compliance with national policy. The NPPF supports the expansion of electronic communications networks and at paragraph 44 it states that ‘local planning authorities should not impose a ban on new telecommunications development in certain areas’.
- 91. Criterion ii in Policy KPNP 8 opposes in principle new radio or telecommunications masts or base stations. This does not have regard to national policy. The Mobile Operators Association has requested that this part of the policy be reworded to show support for such development.
- 92. To meet the Basic Conditions, I consider that this policy does not have to state support for such installations as it refers to the need to be compliant with ADC policy on telecommunications, but ‘opposition in principle’ should be deleted.
- 93. The policy does not preclude development in the Landscape Constraints Area; rather it seeks to avoid development in that area where operationally

and technically possible. In this respect, I consider that this part of criterion ii has regard to national policy.

94. There is an editing error in this policy as The Landscape Constraints Map is map 7(iii) not 7(ii). ADC has raised concern regarding the exclusion of a field from the Area of Landscape Constraint on this map. In the interest of clarity, I recommend modification to this map to ensure the accurate boundary of the Area of Landscape Constraint is shown.
95. **Recommendations: to meet the Basic Conditions I recommend modification to the landscape constraints boundary on The Landscape Constraints Map and modification to Policy KPNP 8 ii. to read as follows:**
- 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).**

KPNP 9 - Transport Infrastructure

96. This policy supports a range of transport infrastructure measures including ensuring that new development is not detrimental to the character of the Parish, reduces the need to travel by car and protects the green infrastructure network. The objectives of this policy meet the Basic Conditions, where it has regard to the promotion of sustainable transport as outlined in the NPPF.
97. For clarity, I recommend the deletion of 'in any new development' from criterion ii as not all of this criterion is relevant to all new development.
98. The precise meaning of 'and must be of a high quality design to ensure they are safe' is unclear in criterion iv. For clarity, I recommend deletion of this part of criterion iv.
99. **Recommendation: in the interest of clarity, to meet the Basic Conditions with respect to providing a practical framework for decision making, I recommend modification of Policy KPNP 9 ii and iv to read as follows:**
- 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.**
- iv. Makes provision for off-road parking for all vehicles intending to use the development.**

POLICY KPNP 10 – Cycle Routes

100. There is an identified gap in the designated South Coast Cycle Route between Goring and Littlehampton. The charity Sustrans and the Four Village Cycling Forum have raised concern regarding Policy KPNP 10 restricting designated cycle routes through the Parish.
101. The West Sussex Transport Plan 2011-2026 provides strategic direction for transport in West Sussex. At paragraph 2.2.2 it aims to encourage sustainable travel in Arun District by improving the cycle network by connecting routes where appropriate.
102. Whilst Policy KPNP 10 supports a joined up cycle network, it does not support designated cycle routes in the Parish. The justification explains the local constraints, including the nature of Kingston Lane and the private roads. I appreciate the nature of these constraints. However, the second part of this Policy is not in general conformity with the strategic aims of the West Sussex Transport Plan and does not have regard to the promotion of sustainable transport as outlined in the NPPF. For these reasons, I recommend deletion of this part of the Policy and deletion of the third point in the justification.
103. **Recommendation: to meet the Basic Conditions, I 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

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.

Referendum and the Kingston Parish Neighbourhood Plan Area

104. I am required to make one of the following recommendations:
- the Plan should proceed to Referendum, on the basis that it meets all legal requirements; or
 - the Plan as modified by my recommendations should proceed to Referendum; or
 - the Plan does not proceed to Referendum, on the basis that it does not meet the relevant legal requirements.
105. **I am pleased to recommend that the Kingston Parish Neighbourhood Plan 2014-2029 as modified by my recommendations should proceed to Referendum.**

106. I am required to consider whether or not the Referendum Area should extend beyond the Kingston Parish Neighbourhood Plan Area. I see no reason to alter or extend the Neighbourhood Plan Area for the purpose of holding a referendum.

Janet Cheesley

Date 13 November 2014

Appendix 1 Background Documents

The background documents include

The National Planning Policy Framework (The Framework) (2012)
The Planning and Compulsory Purchase Act 2004
The Localism Act (2011)
The Neighbourhood Planning Regulations (2012)
The Planning Practice Guidance (2014)
The Arun District Local Plan 2003 and saved policies
ADC Consultation Draft Local Plan Consultation 2012
ADC Local Plan (Summer 2013)
The Arun Local Plan 2011-2031 Publication Version October 2014
Regulation 16 Representations

Supporting Documentation:

KNP Consultation Statement
KNP Basic Conditions Statement
Agricultural Land Classification
Arun Green Infrastructure Plan
Coastline Map - Durham University
Community Profile for Kingston Parish 2012
Countryside and Rights of Way Act 2000
English heritage guide for NP
Gypsy Assessment 2013 Coastal West Sussex
Kingston Design Statement September 2014
Natural England Character
South Downs NP Access Network and ANG
Soils and Agricultural Land Assessment 2013
South Downs NP Access Network and ANG Study Main Report 2014
Sustainability Appraisal Final 2013
Sustainable energy assessment
TVRIGS Geodiversity Action Plan 2011
West Sussex Landscape Strategy County wide landscape guidelines
West Sussex Transport Plan 2011-2026
WSCC Broadband
WSCC SSCI Initiative