

Chichester District Council



Chichester District Council Local Planning Authority

Selsey Neighbourhood Plan 2014 - 2029

DECISION STATEMENT

1. 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 Plans and Orders and to take plans through a process of examination, referendum and adoption. The Localism Act 2011 (Part 6 Chapter 3) sets out the local planning authority's responsibilities for Neighbourhood Planning.
- 1.2 This report confirms that the modifications proposed in the examiner's report have been accepted, the draft Selsey Neighbourhood Plan has been altered as a result of it and that this plan may now proceed to referendum.

2. Background

- 2.1 The Selsey Neighbourhood Development Plan relates to the area that was designated by Chichester District Council as a neighbourhood area on 4 December 2012. This area is coterminous with the Selsey Town Council boundary that lies within the Chichester District Council local planning authority area.
- 2.2 Following the submission of the Selsey Neighbourhood Plan to the Council, the plan was publicised and representations were invited. The publicity period ended on 23 March 2018.
- 2.3 Mr John Slater was appointed by Chichester District Council, with the consent of Selsey Town Council, to undertake the examination of the Selsey Neighbourhood Development Plan and to prepare a report of the independent examination.
- 2.4 The examiner's report concludes that, subject to making modifications recommended by the examiner, the Plan meets the basic conditions set out in the legislation and should proceed to a Neighbourhood Plan referendum.
- 2.5 Having considered each of the recommendations made in the examiner's report, and the reasons for them, the Town Council has decided to make the

modifications to the draft plan referred to in Section 3 below, to ensure that the draft plan meets the basic conditions as set out in the legislation.

3. Decision

- 3.1 The Neighbourhood Planning (General) Regulations 2012 require 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, Chichester District Council with the consent of Selsey Town Council, has decided to accept the recommended modifications to the draft plan. However, in the light of changes to legislation and subsequent legal advice, further procedures relating to the Habitats Regulations Assessment and Strategic Environmental Assessment were identified as being required prior to the agreement of the Decision Statement. These procedures are now complete and conclude the policies in the plan will not result in a significant negative impact on the environment. 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 38 A of the Act) in response to each of the examiner’s recommendations and the justification for them.

Table 1: Recommendations by the Examiner agreed by Chichester District Council in consent with Selsey Town Council

POLICY	MODIFICATION RECOMMENDED	JUSTIFICATION
All text	Modification to the text throughout the Plan, where necessary, to reflect consequent changes required to the text as a result of the examiner’s recommendations and the current development plan situation.	For precision and to meet the Basic Conditions.
Policy 001	<p>Retitle the section heading “Design” rather than “Design and Heritage”</p> <p>In the first bullet point replace “dwellings” with “buildings”.</p> <p>Insert a new bullet point “Contemporary and innovative materials and design will be supported.”</p> <p>At the end of the second bullet point, delete all the text after “vernacular” and insert “by being in keeping with the materials used in</p>	For clarity and to meet the Basic Conditions.

	<p>the immediate area”.</p> <p>In the third bullet point replace “careful account of height and roof elevations” and replace with “account of the height and scale of building elevations”</p> <p>In the fourth bullet point insert “where appropriate” after “landscaping”</p>	
Policy 002	<p>Reword the policy as follows:</p> <p>“Any new development that will affect either directly, or the setting of any listed buildings or a conservation area, will be expected to recognise, respect, conserve or enhance and seek to better reveal the significance of that building or area. The effect of development on the significance of locally listed buildings and other non-designated historical assets will be judged having regard to the scale or harm of any loss and the significance of the heritage asset”</p>	To meet the Basic Conditions.
Policy 003	<p>In the first bullet point replace “sustainable” with “residential, employment, leisure and community”</p>	In the interests of clarity, to meet the Basic Conditions.
Policy 004	<p>In the first bullet point delete “look to”</p>	To meet the Basic Conditions.
Policy 006	<p>Delete the final bullet point.</p>	To meet the Basic Conditions.
Policy 007	<p>Insert the paragraph currently in the supporting text into the policy after the last paragraph of the policy:</p> <p>“Proposals for essential infrastructure (where essential relates to major utilities, coast protection schemes or security projects) will be supported in special circumstances, where the benefit outweighs any harm or it can be demonstrated there are no reasonable alternative sites available.”</p>	For clarity.
Policy 008	<p>That the policy be deleted and be replaced as a Community Aspiration.</p>	To meet the Basic Conditions. This could be included in a section on

		Community Aspirations.
Policy 009	That the policy be deleted and be replaced as a Community Aspiration.	To meet the Basic Conditions. This could be included in a section on Community Aspirations.
Policy 010	<p>Move the first sentence of the policy to the supporting text.</p> <p>Insert a new first sentence as follows “The employment site shown on the map in Appendix 2 is allocated for employment uses.”</p> <p>In the second paragraph of the policy replace “with a commercial usage classification” with “within Use Classes A1- A5, B1, B2 and C1” and replace all text after “retained” with “or redeveloped for that use or similar commercial uses, unless it can be shown that there is no demand for the continued use and the site has been marketed continually and effectively for a period of 12 months.”</p>	For precision and to meet the Basic Conditions.
Policy 011	Replace “refurbishment, upgrading or modernisation” with “extension or alteration”	For clarity
Policy 012	<p>In the first sentence after “centres” insert “as shown on the Policies Map shown in Appendix 2”.</p> <p>Delete all of the text in the first sentence of the second paragraph after “supported where” and also delete the first and third bullet points.</p>	To meet the Basic Conditions.
Policy 013	<p>At the end of the first paragraph replace “where” with “provided it is demonstrated that it complies with all the relevant policies contained in the Neighbourhood Plan, Policies 26 and 29 of the Chichester Local Plan and where”.</p> <p>In the first bullet point replace “provision” with “development” and insert at the end “and/ or”.</p>	For clarity and to meet the Basic Conditions.

	<p>Replace all of the second and third criteria with:</p> <ul style="list-style-type: none"> • “The development enhances the tourist offering and/ or • The development delivers enhanced community facilities” 	
Annex A and Annex B	<p>Insert the following text on the front cover of both documents:</p> <p>The contents of this annex do not form part of the development plan and its contents should not be used for the determination of planning applications”</p>	For clarity

4. Conclusion

- 4.1 Taking account of the conclusion that the policies will not result in a significant negative impact on the environment, the Authority (Chichester District Council) confirms that the Selsey Parish Neighbourhood Development Plan 2014-2029, as revised, meets the basic conditions mentioned in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 (as amended) and complies with the provisions made by or under Sections 38A and 38B of the Planning and Compulsory Purchase Act 2004. The Selsey Parish Neighbourhood Plan can now proceed to referendum.
- 4.2 It is recommended that the Selsey Neighbourhood Development Plan 2014-2029 should proceed to referendum based on the neighbourhood area defined by Chichester District Council on 4 December 2012. However, the poll will not take place until 6 May 2021 by virtue of Regulation 13 of the Local Government and Police and Crime Commissioner (Coronavirus) (Postponement of Elections and Referendums) (England and Wales) Regulations 2020.
- 4.3 This decision has been made according 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.