

# **YAPTON NEIGHBOURHOOD PLAN**

## Modification Proposal Statement

Prepared in accordance with Regulation 14(a)(v) of the Neighbourhood Planning (General) Regulations 2012 (as amended) in respect of the Modification Proposal to the 'made' Yapton Neighbourhood Plan.

**DECEMBER 2020**

# Table of Contents

Introduction .....	3
Background .....	4
Modification .....	6
Conclusion .....	9

## Introduction

As a 'Qualifying Body', Yapton Parish Council ("the Parish Council") proposes to modify the made Yapton Neighbourhood Plan ("the Made Plan") of 5 November 2014. This Statement is published as part of the 'Pre-submission' consultation on the proposed modified Neighbourhood Plan ("the Modified Plan"). The Modification Proposal is published separately.

In due course, the Modified Plan and this Statement will be finalised and submitted for examination alongside a Basic Conditions Statement and a Consultation Statement, in accordance with the Neighbourhood Planning (General) Regulations 2012 (as amended).

The Parish Council consider that the proposals represent material modifications to the 'Made' Plan, but they are not considered so significant or substantial as to change the nature of the Made Plan. The Local Planning Authority, Arun District Council, is yet to make a formal determination on this matter. However, should the Local Planning Authority agree, the modifications may be made without a referendum in accordance with the Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2017/1243. Regulation 14 of the amended 2012 Regulations requires:

*"in relation to a modification proposal, a statement setting out whether or not the qualifying body considers that the modifications contained in the modification proposal are so significant or substantial as to change the nature of the neighbourhood development plan which the modification proposal would modify, giving reasons for why the qualifying body is of this opinion".*

This Statement serves this purpose and notes the following additional requirements in the Planning Practice Guidance (PPG):

- *the qualifying body must (at the pre-submission publicity and consultation stage and when the modified plan is submitted to the local planning authority) state whether they believe that the modifications are so significant or substantial as to change the nature of the plan and give reasons*
- *the local planning authority must (when sending the modified plan to the independent examiner) state whether they believe that the modifications are so significant or substantial as to change the nature of the plan and give reasons. The local planning authority must also submit a copy of the original plan to the independent examiner*
- *the qualifying body must decide whether to proceed with the examination after the examiner has decided whether the modifications proposed change the nature of the plan*

In accordance with the requirements of the PPG as stated above<sup>1</sup>, this document is therefore setting out the background reason to this modification, sets out what the modification is and will set out the reasons as to why the Parish Council believe that this modification of the plan is not so significant or substantial as to change the nature of the plan.

---

<sup>1</sup> Paragraph: 085 Reference ID: 41-085-20180222

## Background

The 'Made' Plan covers the period 2014 – 2029. The designated neighbourhood area covers the same area as the Parish boundary. On 5 November 2014 it was agreed by Arun District Council to 'make' the Yapton Neighbourhood Plan, following a referendum which took place on Thursday 23 October 2014. The results showed 94.45% of those who voted were in favour of the plan.

There are two primary reasons for the Parish Council proposing to make modifications. Firstly, the revised National Planning Policy Framework (NPPF) of February 2019 has incorporated a previous Written Ministerial Statement of 2016 in respect of maintaining the full weight of 'made' neighbourhood plans in decision making. Paragraph 14 requires that where a neighbourhood plan has been made within two years and has allocated housing land to meets its identified housing requirement, then the presumption in favour of sustainable development of its §11 will not be engaged unless the local planning authority cannot demonstrate a three-year supply of housing land or has failed its housing delivery test.

In this respect, Arun District Council has confirmed that the 'Made' Plan has allocated housing land and met its indicative housing requirement, as identified in the emerging Non-Strategic Sites Development Plan Document. There is therefore no need for the Modified Plan to make provision for new housing allocations, but it will benefit from an additional two years of 'protection' from NPPF paragraph 14 once 'made'.

Secondly, the 'Made' Plan has been used in determining planning applications and in the light of some issues raised the Parish Council considers that policies on design, and other development management matters, requires modifying to more clearly set out the local community's expectations.

In addition to these primary reasons, it is now timely to update the 'Made' Plan to take account of the new Local Plan. The Arun Local Plan 2011-2031 was adopted by Arun District Council on 18 July 2018. Its evidence base informed the preparation of the Made Plan and it recognises the allocations of the Made Plan as a housing commitment. The Local Plan also continues to define Yapton as 'a sustainable village' where new development will occur at strategic housing sites identified in the Local Plan, at locations identified in made neighbourhood plans and within the defined Built Up Area Boundary.

## Modification

The Parish Council proposed to modify the Made Plan in amending the Built-Up Area Boundary of Policy BB1 to bring it up to date. It will include the Made Neighbourhood and Adopted Local Plan allocations, as well as the recently approved planning applications which meet the indicative housing requirement set out in the emerging Non-Strategic Sites Development Plan Document. It also makes minor amendments to the policy wording to clarify its application. In re-drawing the Yapton Built Up Area Boundary (BUAB), Yapton CE Primary School and playing field and all land at Stakers Farm now fall within the BUAB.

Policy H1 demonstrates that no additional site allocations are necessary to meet the housing requirement, and how the modified Plan meets the housing requirement. However, with the emergence of stronger policies relating to the built environment and design both nationally and at District level it is felt these aspects should be highlighted and reinforced with the proposed modifications.

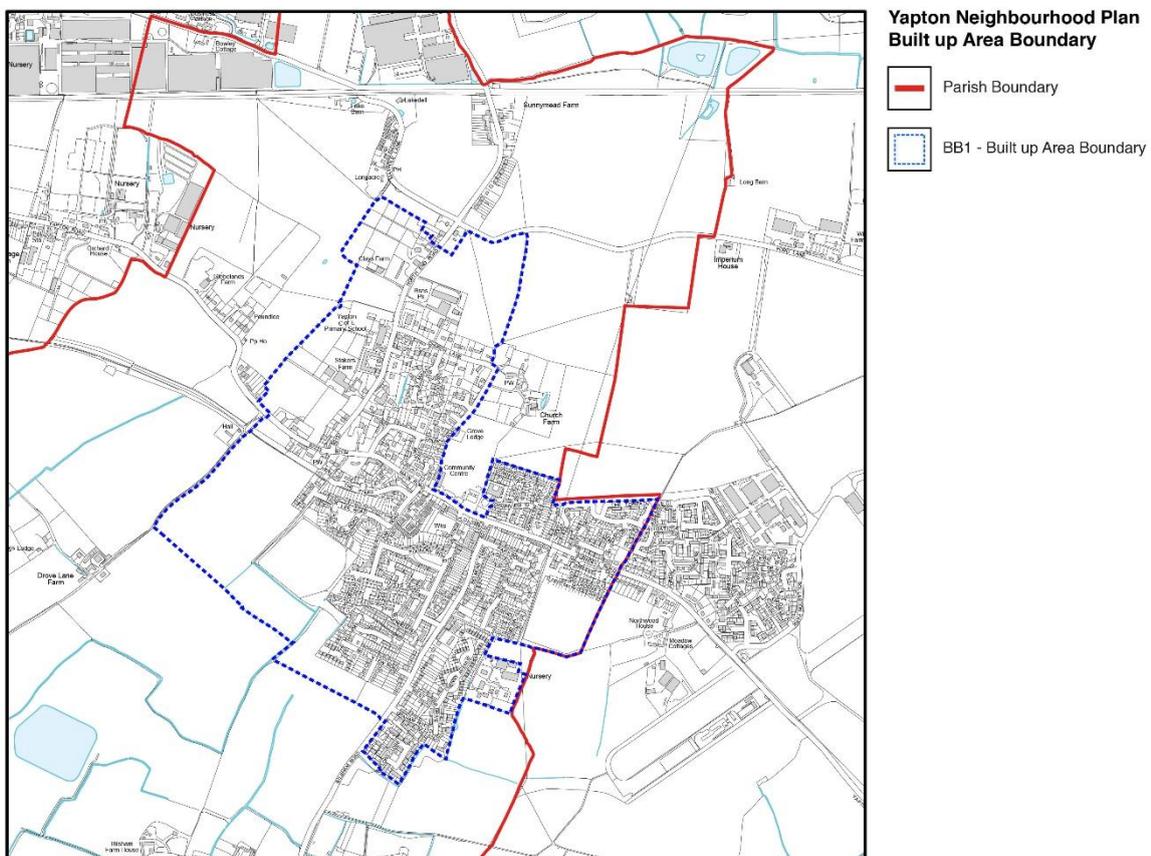


Figure 1: Yapton Built-Up Area Boundary

The Parish consider there is merit in expanding the Plan to include additional policies to ensure sympathetic and sustainable design when considering new developments; whether modifications to existing buildings or new buildings. These being:

- Policy H4 - Quality and Design. Housing should be well designed to meet local needs and respect the character and heritage of the Parish

- Policy H5 - Flood Prevention/Avoidance. As a result of the events of 2012, flooding has been highlighted as a national problem and must be addressed at the design stage, if new developments are to be genuinely sustainable.
- Policy H6 - Energy Efficiency/Environmental Sustainability. It is essential that any new developments meet the highest possible standards of environmental and energy efficiency.
- Policy H7 – Light Pollution. Yapton has a number of areas where light pollution is minimal and the full night sky can be seen.

The Parish Council also consider that there is merit in modifying:

- Policy E1 – to identify the landscape sensitivity of Yapton's rural, agricultural setting and safeguard its value;
- Policy E2 – to highlight the significance of new open spaces as a climate change adaptation/biodiversity measure;
- Policy E4 – to encourage the retention of trees, hedgerows and verges
- Policy E5 – to support 'net gains' in biodiversity in line with the 25-year Natural Environment Plan;
- Policy E6 – to extend the Green Infrastructure Network which includes a requirement for proposals to maintain or enhance the connectivity, maintenance and improvement of the Network whilst also identifying where those opportunities are and encourage proposals that create new green infrastructure;
- Policy E7 (including KS1 and KS2) – to identify Yapton's community facilities for the purpose of protecting them and encourage proposals to sustain or extend the viable use. The modification will also encourage new community facilities;
- Policy E8 – to identify key characteristics of distinct areas (e.g. Conservation Areas, and Flansham and Bilsham hamlets) to encourage specific design proposals.
- Policy E9 – the main modification is to designate Bilsham and Flansham as Areas of Character
- Policy BE1 – to support new business hubs to recognise their value and support their expansion for the purposes of delivering flexible employment floor space; and
- Policy PK1 – to improve road safety in Yapton.

The provisions of the Made Neighbourhood Plan policies will continue to apply as demonstrated in the Modification Proposal which accompanies this Statement.

### **The 'Change the Nature of the Plan' Test**

The Parish Council considers that, although material, the proposed modifications do not individually or collectively change the nature of the 'Made' Plan.

Policies H4 to H7 are introduced to ensure sympathetic, sustainable design, respond to climate change concerns, and to reflect national and Arun District Council policies.

Policy E1 seeks to highlight not only the importance of protecting the most versatile agricultural land, but in protecting and enhancing the character and qualities of the mainly flat, open landscape dominated by these highly productive arable fields.

In Policy E2, the Parish Council is using the opportunity of the modification to bring the policy up to date with the addition of the Land north of Navigation Drive as a local green space.

In relation to Policy E5, the Parish Council is simply using the opportunity of the modification to bring the policy up to date in relation to the 25-year Natural Environmental Plan.

Policy E6 extends the Green Infrastructure Network established by the Arun Local Plan, by including existing green infrastructure assets missing from the published Yapton Green Infrastructure Network map, that contribute to the Network and identifying opportunities to make the network more inclusive and make new connections. It also clarifies the application of the policy in setting out how development proposals should consider the Network. There is an associated small modification to Policy E10.

Policy E7 (including KS1 and KS2) is also updated in the same spirit, by identifying facilities for the original purpose of the policy – to protect them and encourage proposals to sustain or extend their viable use. Policy wording is amended to clarify its application.

Policy E8 clarifies design principles with regard to the Conservation Areas and designated Areas of Character.

Policy E9 has been modified to designate Bilsham and Flansham as Areas of Character, with justification at Appendix 2.

Policy BE1 has been modified to support new business hubs to recognise their value and support their expansion for the purposes of delivering flexible employment floor space in line with the intention of the original policy, to protect employment in the Parish.

Lastly, Policy PK1 has been modified to improve road safety in Yapton.

The modifications to the policies (and the Proposals Map as necessary) are considered to remain within the spirit and stated intentions of the original policies and thus is not so substantial nor so significant to warrant consideration as a change to the nature of the plan. Arun District Council has not formally confirmed their position in relation to this matter, however early discussions on the proposals of the plan indicate that there are no major objections. The Parish Council hopes to secure the District Council's formal opinion on the 'Change the Nature of the Plan' test in response to the Regulation 14 consultation.

### **Strategic Environmental Assessment and Habitat Regulations Assessment**

Arun District Council confirmed in its screening opinion that the policies of the Made Plan would not have any significant environmental effects and would therefore not be required to prepare a Strategic Environmental Assessment (SEA) in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 and European Directive 2001/42/EC.

Similarly, given that the designated neighbourhood area is not in close proximity to any European designated nature sites, Arun District Council also confirmed that a Habitats Regulations Assessment (HRA) of the Made Plan was not required in accordance with the Conservation of Natural Habitats and Wild Flora and Conservation of Habitats and Species Regulations 2010 (as amended) and European Directive 92/43/EEC.

Arun District Council has now re-screened for the need to prepare an SEA and HRA in light of the Modification Proposal, which included consultation with the statutory bodies. It has

reaffirmed that the proposals do not alter the plan in such a way that would now require an SEA or HRA to be undertaken.

## **Conclusion**

The proposed modifications are necessary and timely. They will bring clarity and consistency to aid decision making. The modification is in conformity with the spirit of the plan and is not so significant or substantial as to change the nature of the plan for the reasons set out above.