

# Pulborough Parish Neighbourhood Plan 2015 - 2031

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## **Submission Version**

A Report to Horsham District Council and the South Downs National Park Authority on the Examination of the Pulborough Neighbourhood Plan

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## Executive Summary

My examination has concluded that the Pulborough Neighbourhood Area Plan should proceed to referendum, subject to the Plan being amended in line with my recommended modifications, which are required to ensure the plan meets the basic conditions. The more noteworthy include –

- Extend the built-up area boundary to include all the allocation sites and the whole Broomers Hill Industrial Estate.
- All the policies should refer to the allocation of land rather than the neighbourhood plan supporting the development.
- Removing requirements as to what documents should accompany a planning application.
- Removing the requirements for the allocation site at Glebelands, within the built-up area boundary, can only be developed for affordable housing and self-build.
- Requiring that large commercial development at Broomers Hill extension should only be built to BREEAM Very Good standard.
- Defining the extent of Pulborough Garden Centre on a plan.
- Including support for a landscape car park to be provided on the West Glebe Field site.
- Removing the Roman Catholic Church and the River Arun from the list of community facilities.
- Amending the policy for the management of development on local green spaces, to align with NPPF policy.
- Moving the policy on cycle ways to the community aims section.

The referendum area does not need to be extended beyond the Plan area.

## Introduction

1. Neighbourhood planning is a process introduced by the Localism Act 2011 that allows local communities to create the policies that will shape the places where they live and work. A neighbourhood plan provides the community with the opportunity to allocate land for particular purposes and to prepare the policies that will be used in the determination of planning applications in their area. Once a neighbourhood plan is made, it will form part of the statutory development plan alongside the Horsham District Planning Framework, adopted in November 2015, and the South Downs Local Plan adopted in July 2019. Decision makers are required to determine planning applications in accordance with the development plan, unless material considerations indicate otherwise.
2. The neighbourhood plan making process has been undertaken under the supervision of Pulborough Parish Council. A Steering Group was appointed to undertake the Plan's preparations made up of Parish Councillors and local residents.
3. This report is the outcome of my examination of the Submission Version of the Pulborough Neighbourhood Plan. My report will make recommendations, based on my findings, on whether the Plan should go forward to a referendum. If the Plan then receives the support of over 50% of those voting at the referendum, the Plan will be "made" by Horsham District Council and South Downs National Park Authority, which are the Local Planning Authorities covering the plan area. Horsham District Council has been identified as the "lead authority" in terms of the liaison between the Parish Council and the local planning authorities, in accordance with the Secretary of State advice set out in the Planning Practice Guidance, where a neighbourhood plan includes land covered by more than one planning authority.

## The Examiner's Role

4. I was initially appointed by Horsham District Council in January 2021, with the agreement of Pulborough Parish Council to conduct the examination of the Pulborough Parish Neighbourhood Plan.
5. In order for me to be appointed to this role, I am required to be appropriately experienced and qualified. I have over 43 years' experience as a planning practitioner, primarily working in local government, which included 8 years as Head of Planning at a large unitary authority on the south coast, but latterly as an independent planning consultant and director of my neighbourhood planning consultancy, John Slater Planning Ltd. I am a Chartered Town Planner and a member of the Royal Town Planning Institute. I am independent of Horsham

District Council, the South Downs National Park Authority and Pulborough Parish Council and I can confirm that I have no interest in any land that is affected by the Neighbourhood Plan.

6. Under the terms of the neighbourhood planning legislation, I am required to make one of three possible recommendations:
  - That the Plan should proceed to referendum on the basis that it meets all the legal requirements.
  - That the Plan should proceed to referendum, if modified.
  - That the Plan should not proceed to referendum on the basis that it does not meet all the legal requirements
7. Furthermore, if I am to conclude that the Plan should proceed to referendum, I need to consider whether the area covered by the referendum should extend beyond the boundaries of the area covered by the Pulborough Neighbourhood Plan area.
8. In examining the Plan, the Independent Examiner is expected to address the following questions
  - Do the policies relate to the development and use of land for a Designated Neighbourhood Plan area in accordance with Section 38A of the Planning and Compulsory Purchase Act 2004?
  - Does the Neighbourhood Plan meet the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 - namely that it specifies the period to which it is to have effect? It must not relate to matters which are referred to as “excluded development” and also that it must not cover more than one Neighbourhood Plan area.
  - Has the Neighbourhood Plan been prepared for an area designated under Section 61G of the Localism Act and been developed and submitted by a qualifying body?
9. I am able to confirm that, if amended in line with my modifications, the Plan does only relate to the development and use of land, covering the area jointly designated by Horsham District Council on 25<sup>th</sup> February 2014 and South Downs National Park Authority on 17<sup>th</sup> February 2014 for the Pulborough Parish Neighbourhood Plan.
10. I can also confirm that it does specify the period over which the Plan has effect, namely the period from 2015 up to 2031.
11. I can confirm that the Plan does not contain policies dealing with any “excluded development”.
12. There are no other neighbourhood plans covering the area covered by the neighbourhood area designation.
13. I am satisfied that Pulborough Parish Council as a parish council can act as a qualifying body under the terms of the legislation.

## **The Examination Process**

14. The presumption is that the Neighbourhood Plan will proceed by way of an examination of written evidence only. However, the Examiner can ask for a public hearing in order to hear oral evidence on matters which he or she wishes to explore further or if a person has a fair chance to put forward a case.
15. I am required to give reasons for each of my recommendations and also provide a summary of my main conclusions.
16. I am satisfied that I can properly examine the Plan without the need for a hearing.
17. I carried out an unaccompanied visit to Pulborough on the afternoon of 27<sup>th</sup> July 2021. I approached the parish from the north down the A 29. I was able to gain an appreciation of the relationship of Codmore Hill to Pulborough. I started off by visiting each of the housing sites in the village and this included walking the footpaths through the New Place Farm Nursery site. I then concentrated on visiting each of the proposed local green spaces and community facilities before visiting Broome Hill Industrial Estate and the Toat Café site. Upon returning to Pulborough I crossed the bridge over the River Arun and I saw the river meadows to the south of the village. My final destination was the Pulborough Garden Centre, before I headed out of the parish along the A283.
18. Following my initial site visit, I prepared a document seeking clarification on a number of matters, which I sent to both the Parish Council and Horsham District Council, entitled Initial Comments of the Independent Examiner, dated 28<sup>th</sup> July 2021. This document, as well as seeking comments from the District Council and the Parish Council, also included an invitation to be sent to the Regulation 16 parties to advise me whether they thought that the recent changes to the NPPF were material to the examination. I received 5 responses on 26<sup>th</sup> August 2021 which were separate to the Parish and District Council response which arrived the day before.

## **The Consultation Process**

19. Work on the initial public neighbourhood plan started as far back as 2013. The initial plan making process has included two information events held on 29<sup>th</sup> March and 2nd April 2014. Initially there were six focus groups established, but this was subsequently reduced to 4 groups. Part of their role was to set out the questions to be asked in a household survey, which was then distributed to every household in the plan area, in August 2014. That generated 807 returns, a 35% response rate. That survey also includes a call for sites.
20. Analysis of the results showed that the responses from the under 40-year-olds were under-represented, but closer analysis revealed that there was no significant divergence of their views compared to the older age group. A planning policy

workshop for local stakeholders was held on 4<sup>th</sup> December 2014. The first call for sites had identified 33 potential sites, some which had also been submitted as part of the Horsham SHLAA. These were assessed against agreed criteria in the Site Assessment Report.

21. This first version of the plan went through its Regulation 14 consultation and was then submitted to Horsham District Council. Early in 2016, the District Council identified that the parish needed to reappraise its site assessment. Rather than see the plan fail at examination, I understand that the Parish Council agreed to withdraw that version of the plan.
22. Work commenced on a second version of the neighbourhood plan and that was to be informed by a newly commissioned Housing Needs Assessment and a new site assessment report commissioned from AECOM. A new call for sites was issued in 2017.
23. That led to the preparation over the following few years, of a new neighbourhood plan which contained revised policies. In July 2020, a second Pre-Submission version of the neighbourhood plan was published. This Regulation 14 consultation ran from 6<sup>th</sup> July to 31<sup>st</sup> August 2020. This was during the COVID-19 pandemic and no public meetings or exhibitions were possible but public consultation included virtual public meetings held via Zoom. In total there were 84 responses received, which are set out in full in Appendix 28 of the Consultation Statement and a summary of the key issues are set out in Appendix 29.
24. I am satisfied that the Parish Council has actively sought the views of local residents and other stakeholders and their input has helped shape the Plan despite the pandemic.

## **Regulation 16 Consultation**

25. There have been two Regulation 16 consultations since the October 2020 version of the plan was submitted, both of which were organised by Horsham District Council. The first consultation took place over an eight -week period, between 18<sup>th</sup> November 2020 and 13<sup>th</sup> January 2021. That produced a total of 62 representations in total, of which 40 came from local residents and the remainder from stakeholders and other statutory organisations. These included West Sussex County Council, Horsham District Council, Surrey County Council, Historic England, Natural England, Pulborough Community Land Trust, South Downs National Park Authority, Southern Water, 3 district councillors, Andrew Griffith MP and UK Power Network. Representations on behalf of land owners included from Tetra Tech Planning on behalf of Chichester Diocese, Neame Sutton Ltd on behalf of Aitchison Developments Ltd, Catesby Estates, LRM Planning on behalf of W.T. Lamb Ltd, and Millwood Designer Homes. Of particular importance were the objections to Policies 2 and 3 submitted by Historic England, in its comments which prompted Horsham District Council to advise the Parish Council to again withdraw that current version of the submitted plan and resubmit under Regulation 15 with a new version of the policies, in April 2021, which addressed the historical

importance of the two allocation sites alongside a revised evidence base and an updated SEA.

26. That April 2021 version of the revised plan and accompanying document was the subject of its own Regulation 16, although the persons who submitted comments to the previous Regulation 16 consultation were advised that their comments would be still considered as part of the examination. That new Regulation 16 consultation ran for a six-week period from 26<sup>th</sup> April 2021 until 7<sup>th</sup> June 2021 and this generated, in total, an additional 12 new responses including 5 from local residents and the remainder from the Environment Agency, West Sussex County Council, Natural England, Historic England (who no longer had any objections), Waverley Borough Council, LRM on behalf of W.T. Lamb Ltd and Savills on behalf of Catesby Strategic Land Ltd.
27. I have carefully read all the correspondence and I will refer to the representations where relevant to my considerations and conclusions in respect of specific policies or the Plan as a whole.

### **The Basic Conditions**

28. The Neighbourhood Planning Examination process is different to a Local Plan Examination, in that the test is not one of “soundness”. The Neighbourhood Plan is tested against what are known as the Basic Conditions as set down in legislation. It will be against these criteria that my examination must focus.
29. The five questions, which seek to establish that the Neighbourhood Plan meets the basic conditions test, are: -
- Is it appropriate to make the Plan having regard to the national policies and advice contained in the guidance issued by the Secretary of State? For the sake of clarity, this examination will look at how the plan has regard to the most up-to-date version of the NPPF, published on 20<sup>th</sup> July 2021 and the paragraph numbers of that version will be quoted throughout this report.
  - Will the making of the Plan contribute to the achievement of sustainable development?
  - Will the making of the Plan be in general conformity with the strategic policies set out in the Development Plan for the area?
  - Will the making of the Plan breach or be otherwise incompatible with EU obligations or human rights legislation?
  - Will the making of the Plan breach the requirements of Regulation 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017?



## Compliance with the Development Plan

30. To meet the basic conditions test, the Neighbourhood Plan is required to be in general conformity with the strategic policies of the Development Plan, which in this case is in part the Horsham District Planning Framework adopted in November 2015. The part of the plan area along the west edge of the parish, which is within the National Park, is covered by the South Downs Local Plan, which was adopted in 2019.
31. Pulborough and Codmore Hill lie within the second tier of the settlement hierarchy established by the Horsham District Planning Framework, within the category entitled Small Towns and Large Villages, which are defined as settlements with a good range of services and facilities, strong community network and local employment provisions, with reasonable rail and/or bus services. This is set out in Strategic Policy 3.
32. Strategic policy 4 allows the expansion of settlements, outside of their built-up area boundaries so long as it meets five criteria. Policy 10 allows sustainable rural economic development to generate local employment.
33. Overall, the Horsham District Planning Framework provides for at least 16,000 new homes for the period up to 2031, including at least 1500 homes on sites allocated through neighbourhood plans, as well as 750 windfall sites. Policy 16 refers to schemes meeting local housing needs and sets varying levels of affordable housing across different thresholds. Policy 17 allows exception sites, which are to meet solely the needs of a particular parish, where the site would not normally be considered acceptable for housing. Policy 26 is a countryside protection policy, protecting undeveloped sites from inappropriate development. Policy 33 establishes development principles and Policy 43 supports both new and the retention of existing community facilities.
34. There are no specific policies for that part of the plan area which falls within the South Downs National Park. However, part of the neighbourhood area will be covered by generic strategic policies covering such matters as landscape character, design, safeguarding views etc. The South Downs Local Plan does make specific reference to the proximity of Pulborough as a gateway to the National Park. I conclude that the plan's policies are in general conformity with the strategic policies in both the Horsham District Planning Framework and the South Downs Local Plan.
35. The District Council had been working on a new local plan. A Regulation 18 consultation has been completed and the Regulation 19 version was due to be considered by Full Council on 29<sup>th</sup> July 2021. However, the publication of the new version of the NPPF resulted in a decision by the District Council to suspend further consultations on the current format of the emerging local plan, in view of the need to undertake further work to reflect a 30-year timescale.

36. That draft plan had been proposing a figure of 275 new dwellings to be allocated for Pulborough and Codmore Hill. Because the plan was only in its early stages, it is not relevant in terms of the general conformity issues. However, I am placing weight on that housing figure as the most up-to-date figure for the purpose of paragraph 66 with the NPPF, establishing the housing requirements for the neighbourhood area.

### **Compliance with European and Human Rights Legislation**

37. Horsham District Council has issued generic advice which states that any neighbourhood plan which includes allocations requires a full strategic environmental assessment (SEA), as required by EU Directive 2001/42/EC, which is enshrined into UK law by the “Environmental Assessment of Plans and Programmes Regulations 2004. This is a somewhat unusual approach and I am assuming, in view of the number of neighbourhood plans in its area, that this has been accepted as constituting a screening opinion under the SEA Regulations.

38. The Parish Council commissioned Place Services to carry out an SEA and they initially prepared a Scoping Report that was issued in August 2019 and the full SEA was submitted in April 2020. I am satisfied that the SEA was carried out in accordance with good practice and meets all the regulatory requirements such as considering reasonable alternatives.

39. The District Council, as the competent authority, also commissioned Place Services to carry out, on its behalf, a full Habitat Regulation Assessment under the Conservation of Habitat and Species Regulations 2017, having earlier carried out the screening of the neighbourhood plan which concluded that significant effects on European protected sites could not be ruled out. Of particular concern was a potential loss of functionally linked land such as hedgerows and woodland used by Barbastelle bats in the Mens SAC. The other area of concern was the impact on water quality and quantity affecting the Arun Valley Habitat sites. The plan policies include mitigation measures that mean that any potential harm to the protected sites can be screened out.

40. I am satisfied that the basic conditions regarding compliance with European legislation, including the more recent basic condition regarding compliance with the Habitat Regulations, are met. I am also content that the Plan has no conflict with the Human Rights Act.

### **The Neighbourhood Plan: An Overview**

41. The Parish Council is to be commended for its stamina and perseverance with this neighbourhood plan, which has taken 8 years to reach this point. This April 2021 Submission Version is the third plan that has been submitted under Regulation 15 and is the first one to have been submitted to independent examination.

42. The plan has chosen to tackle the difficult issue of allocating land for both residential and employment development. The overall quantum of housing

development the plan is catering for has been set by the now stalled draft Horsham Local Plan, which is 275 units. That figure is based on the most up-to-date housing assessment provided for the neighbourhood area by the District Council.

43. I am also conscious that there is a significant level of support for the provision of new affordable housing for Pulborough. This is shown through, for example, by the creation of a Community Housing Trust. Conversely, I have also received representations that suggests that the neighbourhood plan should not be countenancing any further housing development because of the lack of capacity within the village's infrastructure. A neighbourhood plan cannot disregard the housing needs of both existing and future residents and development brings opportunities to fund infrastructure improvements that arise as a result of the development through means such as the Community Infrastructure Levy, which is available to both Horsham District Council as well as the Parish Council.
44. Whilst there have been calls for a greater emphasis to be placed on the development of brownfield sites (or previously developed land) when it came to site selection, the Parish Council recognised early on, that the scale of land required for the quantum of housing that the plan had to accommodate, dictates that greenfield sites must make up the majority of the sites. The plan has adopted a clear objective site selection methodology and has through the final phase early this year, provided the necessary evidence that two of the largest housing sites proposed by Policies 2 and 3 have been informed by clear evidence for dealing with the potential archaeological significance of the site lying within an Archaeological Notification Area. Importantly this has allowed Historic England to be able to withdraw its objection to the neighbourhood plan.
45. The neighbourhood plan has made clear choices as to where land should be allocated for housing, with a clear choice being made to concentrate the new homes on sites to the south of the railway line, where they will be closer to village facilities. I am satisfied that, despite the assertions of some representations, that all the allocation sites are available and deliverable for development within the plan period.
46. It will be noted that there are a number of recurring themes in my recommendations. Firstly, the plan needs to be positive in allocating sites for development rather than supporting the development on these sites. Most of the allocation policies set out which documents are required to be submitted with the planning application. That is not something a neighbourhood plan policy can do. Another theme is that the plan policies seek to extend the remit of the South Downs National Park lighting policies to those parts of the plan area outside the national park.
47. There are a range of other minor changes which are required to ensure the plan has regard to Secretary of State policy and advice.
48. I do need to address the question of whether the neighbourhood plan meets another of the basic conditions- will it be delivering sustainable development. In this regard, through its allocation of land for both housing and employment the plan addresses the economic and social needs of the present and future

generations and therefore the social strand of sustainable development. The plan seeks to protect community facilities and important areas of open space. It seeks to set high standards of design and incorporates the requirements of an existing design guidance as a material consideration and seeks to limit light pollution all of which are part of the environmental strand of the definition of sustainable development.

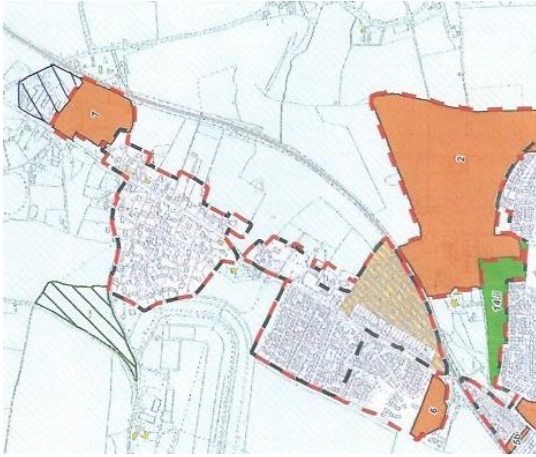
49. A couple of different planning consultants have referred me to 2 basic conditions which relate to the impact of the plan proposals on listed buildings and conservation areas. However, they are clearly unaware that these two basic conditions only cover Neighbourhood Development Orders and Community Right to Build Orders (see paragraph 8 (3) and (4) of Schedule 10 of the Town and Country Planning Act 1990.)
50. My recommendations have concentrated particularly on the wording of the actual policies against which planning applications will be considered. It is beyond my remit as an examiner, to comprehensively recommend all editorial changes to the supporting text. Such changes are likely as a result of my recommendations, in order that the Plan will still read as a coherent planning document.
51. Following the publication of this report, I would urge the Parish Council and Horsham's planners to work closely together to incorporate the appropriate changes which will ensure that the text and policies of the Referendum Version of the neighbourhood plan accord with my recommended modifications. There will also need to be editorial matters to resolve such as policy numbering, as a consequence of my recommended changes.

## **The Neighbourhood Development Plan Policies**

### **Policy 1: A Spatial Plan for the Parish**

52. It is entirely appropriate for the neighbourhood plan to update the built-up area for Pulborough (BUAB) for the purpose of establishing which development plan policies apply within and outside the boundary. The current boundary was defined within the District Planning Framework and was set over 6 years ago. The Policies Map repeats that boundary, already set out in Figure C, which is an extract from the Framework.
53. In my Initial Comments I invited the Parish Council to consider whether the boundary should be extended to include, within the BUAB, the proposed allocation sites, otherwise development within them, would in the future still be subject to countryside policies. I also suggested that the boundary should be updated to include the new housing development which is underway at Brookfield.
54. The Parish Council response proposed the inclusion of all the residential sites and the Broomers Hill Industrial site and allocation. It also accepted the suggestion to incorporate the land north of the Brookfield allocation within the built-up area. The submitted plan did include within the revised BUAB, a site which I believe is called land at Greendene, but I understand that this was included in error and was not intended to be included.

55. I have had regard to the Regulation 16 comments on behalf of the owners of the Broomers Hill Industrial Estate and agree that it would be more appropriate for the whole site including the area covered by the extant planning permission to be covered by the built-up area. It would not be sensible for them to be subject to the countryside protection policies. The boundary should include the area cross-hatched in blue as follows



56. In terms of the presentation of the boundary, I consider that a single plan of the BUAB would avoid the issues of the gap between the inset plans, along the A29 where the scale of the plan is too small to decipher the boundary line with confidence. The plan provided by the Parish Council is clear but it needs to remove the disclaimer in the map which states that *“Please note this is indicative only and subject to planning”*. I did question this statement as it is the neighbourhood plan which is actually setting the planning policy and needs to be specific, not illustrative. I received a response that stated *“It was felt prudent for the Council to refrain from presumption and not appear to be predetermining future planning outcomes, hence the statement that this is indicative etc.”* That is precisely the role of a neighbourhood plan, to establish the policies against which future planning applications will be determined. The Parish Council has now indicated that it is happy that I recommend that the caveat be removed and I will indeed be recommending accordingly.

#### ***Recommendations***

***Add a new Map entitled Insert Map as provided by the Parish Council on 25<sup>th</sup> August 2021 but amended by the inclusion of the land crosshatched in blue at Broomers Hill Industrial Estate and remove the following wording “Please note this is indicative only and subject to planning” and removing the site at Greendene.***

***Remove the built-up area boundary from the Policies Map***

#### **Policy 2: Land at New Place Farm, Pulborough**

57. Rather than having a policy that states that the Pulborough Neighbourhood Plan “supports the development of the site”, I believe that the plan should be planning positively, as required by paragraph 16 of the NPPF, and actually state that the site is allocated for this development. The policies use this phraseology throughout the plan and this recommendation will similarly apply to the other allocations.

58. In requirement (ii) the policy refers to the site delivering predominantly smaller dwellings, “to meet local needs”. In order to avoid possible confusion as to whether this implies some local connection requirement, which would not be justified in planning terms, I will recommend the wording be amended to state that the requirement for smaller units “reflect the housing needs of the plan area.”
59. I will also clarify that the sizes of the affordable element of a scheme should reflect the particular requirements of those in housing need within the district rather than just the plan area.
60. A neighbourhood plan cannot dictate what documents need to be submitted with the planning application. According to the Town and Country Planning (Development Management Procedures) Order 2015, that is the remit of the local validation checklist which covers the whole district. I will propose an alternative wording which does not prescribe which documents are to be submitted with a planning application. This similarly applies to the other requirements set out in the plans policies which may refer to a full ecological and biodiversity survey, contamination assessment and a comprehensive transport statement. The requirement can be retained by referring to the proposal demonstrating that these aspects have been properly assessed before planning permission is granted.
61. West Sussex County Council suggests that the requirement that any transport mitigation must be implemented in full, may not meet the tests of Regulation 122 of the Community Infrastructure Levy Regulations 2010 as such measures could involve making a contribution to a larger improvement scheme. Rather than delete the requirement as suggested, I will allow the principle of a contribution to wider improvements to be acceptable.
62. As the allocation is not within the National Park, I cannot see that it is appropriate to rely on lighting guidance for sites within the National Park. Furthermore, the lighting policy is duplicated, between requirements (xii) and (xvii).
63. I am satisfied that requirement (xiv) addresses the question of whether a large residential development should still be being allocated in an area of known archaeological and historical interest and I note that based on the supplemental evidence produced and the revised wording that Historic England has now removed their objections to the most recent version of this policy.

#### ***Recommendations***

***In the first sentence, replace “supports” with “allocates”***

***In (ii) replace “meet local need” with “reflect the housing needs of the plan area.”***

***In (iv) after “need” insert “within Horsham district”***

***In (vi) replace the first sentence with “The development must be informed by a comprehensive transport statement” and add at the end of the second sentence “or a contribution made to wider transport improvements as may be agreed with the Highway Authority”***

***In (ix) replace the first sentence with “Any development shall be informed by a full ecological and biodiversity survey and assessment report “In the second sentence replace “survey “with assessment report”***



***In (x) replace the first sentence by “Any proposals should be informed by a contamination assessment”***

***In (xii) delete all text after “light pollution”***

***In xiii delete “in accordance with the Policy Map”***

***Delete (xvii)***

### **Policy 3: Land off Glebelands, Pulborough**

64. The policy requires, through the statement that any proposal *must* be delivered in accordance with the following principles that the site will come forward as a Community Land Trust own site and deliver affordable housing. The text in paragraph 4.22 states that land has been made available for this type of housing. It must be appreciated that the intentions of the landowner are not necessarily coincidental with what can be required by planning policy. This allocation site is proposed to be included within the built-up area of Pulborough and therefore the residential potential could include both market housing and an appropriate, policy consistent, element of affordable housing within it. I am aware that there is considerable support for the provision of affordable housing and the Community Land Trust. However, a policy restriction to only that form of housing, would not be in accordance with the wider local plan policy. Clearly if the land is acquired by a Community Land Trust and it proposes purely affordable housing that would still be possible under the terms of the modification to the policy that I am recommending.
65. I do not consider that a neighbourhood plan policy can stipulate who should be offered the tenancy of affordable houses. That is not a matter that should be covered by a policy covering the use and development of land but rather is a matter which is covered by the District Council’s Housing Allocation Policy which is administered by the Housing Authority rather than the Local Planning Authority. It may be that that the Allocation Policy does give preference to persons with the local connection, but apart from a rural exception site, it cannot be a planning stipulation.
66. I agree with the Highway Authority, who do not consider that a development of 20 houses will necessarily be of a scale that justifies the requirement for an applicant to have to prepare a comprehensive transport assessment. The local validation checklist stipulates that such documents are only to be submitted with a planning application where the development will have a significant transport implication. I do not consider that this relatively small-scale allocation meets the threshold.
67. Beyond the above and similar comments related to the plan’s allocation I believe the policy meets the basic conditions.

### ***Recommendations***

***In the first sentence, replace “supports” with “allocates”***

***Delete (i) and (ii)***

***Delete (iv)***

***In (ix) replace the first sentence with “Any development shall be informed by a full ecological and biodiversity survey and assessment report “In the second sentence replace “survey “with assessment report”***

***In (vi) delete all text after “light pollution”***

***Delete (xi)***

#### **Policy 4: Land off Station Approach**

68. Whilst the policy allocates the site for approximately 18 dwellings, the first principle requires that there should be a mixed-use development. I considered the clarity of the policy could be improved by the allocation actually proposing a mixed-use development.

##### ***Recommendation***

***In the first sentence, replace “supports” with “allocates” and after “Maps for” insert “a mixed-use development comprising retail and office uses (new Class E plus hot food takeaways) primarily in the ground floor and approximately 18 dwellings above”***

***Delete (i)***

#### **Policy 5a): Land at Harwoods Garage, Pulborough**

69. Again, I recommend that the site should come forward as a mixed-use development allocation as that is what the policy is actually proposing.

70. I believe that the requirements (iii) and (ix) are requiring the same information and therefore will be recommending that requirement (iii) be deleted.

##### ***Recommendations***

***In the first sentence, replace “supports” with “allocates” and after “Maps for” insert “a mixed-use development comprising retail, commercial or community uses and approximately 15 dwellings above”***

***Delete the first part of the sentence of (i) before “In line”***

#### **Policy 5b): Harwoods Car Park on Western side of A29**

71. I have no specific comments to make on this allocation.

##### ***Recommendation***

***In the first sentence, replace “supports” with “allocates”***

#### **Policy 6: Land at Highfields**

72. The landowners have submitted information to justify the development could be accessed directly from the A29. I note that the Parish Council has not set out any evidence to substantiate why the plan requires that access cannot be directly from the A29. I find that I do not have sufficient evidence to counter the technical evidence submitted on behalf of the landowner, but I consider that this is a matter that can be resolved at the development management stage and I will propose that requirement (i) be omitted.

73. I note that the landowners are promoting an extension to the allocation site to the south as an omission site. One of the principles which has guided the plan's choices as to where to allocate land is to limit the amount of new development



north of the railway line and I have no reason to undermine the community's wishes.

#### ***Recommendations***

***In the first sentence, replace “supports” with “allocates”***

***Delete (i)***

***In (vii) delete all text after “planning authority”***

#### **Policy 7: Broomers Hill Industrial Estate, Codmore Hill**

74. Similar comments regarding new requirements of information to accompany a planning application apply equally to this policy.
75. The owners of the site are generally supportive of the submission policies and from their extensive submission, I consider that there are some matters upon which I need to make recommendations.
76. I consider that requirement (iii) is justified in terms of making provision for access by non-motorised forms of transport, but I do not believe that it is necessary to tie it to the proposed footway/ cycleway having regard to my conclusions regarding Policy 16. I will recommend that the requirement should stop, after “non – motorised travel”.
77. I note that requirement (viii) requires development over 1000sq.m. should be built to BREEAM Excellent standard whilst the draft Local Plan was proposing adopting BREEAM Very Good as the benchmark. There has been no assessment as to the impact of adopting the higher standard, on the viability of development. The landowners have suggested that it could adversely affect scheme viability and in the absence of evidence from the Parish Council justifying this higher standard, I will follow the lead from Horsham District Council and suggest that the BREEAM Very Good standard should be inserted.
78. As this site is not within the National Park, I do not think that adopting the park's standards is justified and the aim should be to minimise light pollution.

#### ***Recommendations***

***In the first sentence delete “commercial uses at”***

***In (iii) delete the rest of the sentence after “travel”***

***In (v) replace the first sentence with “Any development shall be informed by a full ecological and biodiversity survey and assessment report” and in the final sentence, replace “recommended” with “required”***

***In (viii) replace “Excellent” with “Very Good”***

***In (x) delete all text after “light pollution”***

***Delete (xiii)***

#### **Policy 8: Land formally known as TOAT Café, Stane Street, Pulborough**

79. It is clear that the site has a recent history of commercial uses and I have no concerns regarding this commercial allocation and the basic conditions.

#### ***Recommendations***

***Replace the first sentence up to “Land formerly known as” with “The Pulborough Neighbourhood Plan allocates the”***

***After “map for “insert redevelopment comprising” and add a closed bracket after “F2”***

***In (iii) delete all text after “light pollution”***

***In (v) replace “planning application” with “proposal”***

***Delete (viii)***

### **Policy 9: Pulborough Garden Centre, Stopham Road**

80. I have sought clarification as to the extent of the garden centre site which was not shown on the Policies Map. I have been provided with a map showing the boundary of the Garden Centre which should be referred to in the policy.

#### ***Recommendation***

***Replace “Policies Map” with “Map X” and insert into the document the plan provided by the Parish Council on 25<sup>th</sup> August 2021***

### **Policy 10: Multipurpose Community and Sports Centre, Pulborough**

81. I have no comments to make on this policy

### **Policy 11: West Glebe Field, Pulborough**

82. The policy refers to proposals not harming the openness of the “local green space”. I consider that it would be more appropriate to refer to the openness of the site, as that pre-supposes the status of the land and this policy is not dependent upon the land having local green space status.

83. The final paragraph is not actually a statement of planning policy but an assertion from the Steering Group that the land meets the requirements to qualify as local green space, which is a matter that is more appropriately covered by Policy 14 and in any case the justification for its inclusion is set out in the Local Green Spaces Study. I will recommend that this paragraph be removed.

84. A significant number of representations refer to the Church’s objective of creating a car park on the site to serve the church, especially as the car parking allowed at the nearby Catholic Church is likely to be lost. I do not consider that a new car park would be inconsistent with its local green space status as it would preserve the site’s openness, as would the extension to the churchyard and the creation of the footpath link. I understand that is still proposed by the church, so I will recommend that it be added to the policy as an element that will be supported by the neighbourhood plan.

85. The landowners have objected to the policy on the basis that the land should be used for a housing scheme which would deliver a new parsonage as well as a car park and cemetery extension. I do not believe that this valuable area of open space, which is an important part of the Conservation Area and is valued by the local community, is necessarily suitable for residential development as it would not preserve or enhance the Conservation Area, where I feel that the sites openness contributes to its special qualities.

### *Recommendations*

***In the first sentence, insert after “lay out a” insert “landscaped car park and” and replace “Local Green Space” with “site”***  
***Delete (iii)***

### **Policy 12: Tourism Development**

86. I have no comments to make on this policy

### **Policy 13: Community Facilities**

87. I do not consider that consideration of the impact on a facility's viability is necessary for proposals to be supported for extensions or part redevelopment.

88. I understand from the representations that the Roman Catholic Church and its car park has closed and the site has been put onto the market. I therefore do not consider that it is appropriate to retain its status as a community facility.

89. I will also propose that the River Arun and the adjacent Wildbrooks be removed from the list of community facilities. I appreciate that the river and its meadows are used as a recreational resource, enjoyed by both local residents and visitors, but it is a natural feature in the same way that a mountain or a forest are, which will be also be used for recreational purposes, but would not be classed as a community facility. Neither would not meet the definition of community facilities found in the Glossary of the Horsham District Planning Framework. Furthermore, I am confirmed in my view by virtue of the fact that development would not result in the loss of the river or have an effect on its ongoing viability. Similarly, it could not be replaced in the way that other community facilities could be.

### *Recommendation*

***Delete 10. and 11.***

### **Policy 14: Local Green Spaces**

90. I visited each of the proposed local green spaces. The two most controversial designations have been the land owned by the Chichester Diocese, at East Glebe Field and West Glebe Field.

91. The land at East Glebe Field is in private ownership, and it only provides unrestricted public access along the route of the public footpath which crosses the site. I understand that part of the site is used by arrangements with the landowner for the Annual Harvest Fair.

92. West Glebe Field is also privately owned and there is no public access. However, it has been described as a “green lung” in the village and it lies in the heart of the Conservation Area. The Local Green Space Study refers to the site being of significance to the community for its wildlife and flora interest. As mentioned under Policy 11 the Diocese has aspiration to sell much of the site to a developer to provide housing, a car park and churchyard extension and oppose the designation.

93. The test for designation is whether the sites meet the criteria set out in paragraph 102 of the NPPF which states that designation should only be conferred if the green space is

- *in reasonably close proximity to the community it serves.* In both cases, the open space lies within the heart of the Pulborough village.
- *is demonstrably special to the local community and holds a particular local significance.* The NPPF gives some examples as to why an open space could be considered to be locally significant, such as for its beauty, historical significance, recreational value, tranquillity or richness of its wildlife. I am not sure that the East Glebe Field site meets the specific examples per se but I consider that its open space and especially its elevated position which offers stunning views across the South Downs is one of the best features of the village and therefore is, I believe, treasured by the vast majority of local residents.

I am satisfied that the case has been made that West Glebe Field is valued by the community in terms of its biodiversity and its undeveloped state within the conservation area.

- *is local in character and is not an extensive tract of land.* I am satisfied that both sites are local in character and are certainly not extensive tracts of land.

94. Overall, I am satisfied that all the open spaces put forward meet all the criteria for LGS designation.

95. In terms of the policy requirements affecting the local green spaces, I consider that the proviso that development is ancillary to the use for a public benefit would not be consistent with the approach set out by Secretary of State in paragraph 103 of the NPPF framework which requires that development should be consistent with policies for the management of development within the Green Belt. I note that it would allow the open-air recreational uses but the public benefit test could open the possibility of new buildings being erected on the green spaces, which could undermine the objectives of the policy e.g. a building for a sports facility for indoor uses could meet the test of the policy as submitted. I consider that the reference to the criteria set out in the NPPF will ensure that the policy meets basic conditions and not undermine the uses that are supported by Policy 11.

#### ***Recommendation***

***In the final paragraph of the policy, delete all the text after “unless they” and insert “meet the requirements set out in paragraph 103 of the National Planning Policy Framework.”***

#### **Policy 15: Design**

96. Many planning applications within the plan area will have no impact on the conservation areas and it is unnecessary to impose a requirement that “any proposed development should respect any conservation area within the parish”. Such a requirement should only be imposed where is relevant to the proposal and the conservation area.

97. The policy will be quoted in other documents beyond the plan itself, for example, on planning decision notices and I will recommend that reference to the design principles in the Pulborough Design Statement should be referred to by its title

“Pulborough Design Principles and Guidelines” rather than by reference to those “which start on page 43...”.

#### ***Recommendations***

***In the final sentence of the second paragraph, after “development” insert “with “in a Conservation Area or affects its setting” and replace the rest of the sentence after “respect” with “the particular special characteristics of that area”***

***In the third paragraph replace” which start on page 43” with “contained within the Pulborough Design principles and Guidelines”***

#### **Policy 16: Cycleways**

105. I am not confident that this policy, which refers to separating pedestrians and cyclists from the A283 and A29, is actually a policy for the use and development of land which can be used determine a planning application. It refers to new signage on existing highways and widening /re-surfacing of routes. These matters would generally be dealt with under highways legislation rather than planning powers.
98. I consider that this policy should be removed as a development plan policy, but it can be moved to the non-statutory community action section of the plan.

#### ***Recommendation***

***That the policy be deleted but can be moved to the Community Aims Section of the document***

#### **The Referendum Area**

99. If I am to recommend that the Plan progresses to its referendum stage, I am required to confirm whether the referendum should cover a larger area than the area covered by the Neighbourhood Plan. In this instance, I can confirm that the area of the Pulborough Neighbourhood Plan as designated by Horsham District Council on the 25<sup>th</sup> February and the South Downs National Park Authority on 17<sup>th</sup> February 2014 is the appropriate area for the referendum to be held and the area for the referendum does not need to be extended.

#### **Summary**

100. I congratulate Pulborough Parish Council on reaching this important stage in the preparation of the neighbourhood plan. I appreciate that a lot of hard work has gone into its production over many years. I am sure that the process has at times been frustrating, but the Parish Council can be proud of the final document.
101. The plan has taken the difficult decisions by deciding where the new development in Pulborough should be taking place. I am satisfied that the extra work carried out in recent months exploring in greater detail the heritage significance of the two sites covered by Policies 2 and 3, has satisfied the tests set out in national policy and now justify these allocations in historically sensitive locations.

102. To conclude, I can confirm that my overall conclusions are that the Plan, if amended in line with my recommendations, meets all the statutory requirements including the basic conditions test and that it is appropriate, if successful at referendum, that the Plan, as amended, be made.
103. I am therefore delighted to recommend to Horsham District Council and the South Downs National Park Authority that the Pulborough Parish Neighbourhood Plan, as modified by my recommendations, should proceed, in due course, to referendum.

JOHN SLATER BA(Hons), DMS, MRTPI  
John Slater Planning Ltd  
18<sup>th</sup> September 2021