

Agenda Item 11
Report PC 20/21-51

Report to	Planning Committee
Date	10 June 2021
By	Director of Planning
Title of Report	Making of the Boxgrove, Bramber, Henfield, Upper Beeding and Stedham with Iping Neighbourhood Development Plans
Purpose of Report	To make the Boxgrove, Bramber, Henfield, Upper Beeding and Stedham with Iping Neighbourhood Development Plans part of the South Downs National Park Authority's (SDNPA) statutory Development Plan

Recommendation: The Committee is recommended to:

- 1) Note the outcomes of the Boxgrove, Bramber, Henfield, Upper Beeding and Stedham with Iping Neighbourhood Development Plan Referendums;**
- 2) Agree to make the Boxgrove, Bramber, Henfield and Upper Beeding Neighbourhood Development Plans part of the Development Plan for that part of the Parish within the South Downs National Park.**
- 3) Agree to make the Stedham with Iping Neighbourhood Development Plan part of the SDNPA's Development Plan for the parish of Stedham with Iping.**

1. Introduction and Summary

- 1.1 This report to Planning Committee is a combined report for the making of five Neighbourhood Development Plans (NDP): Boxgrove, Bramber, Henfield, Upper Beeding and Stedham with Iping. Once made, there will be a total of 36 made NDPs in the National Park.
- 1.2 Boxgrove Parish Council, Bramber Parish Council, Henfield Parish Council, Upper Beeding Parish Council and Stedham with Iping Parish Council are the 'qualifying bodies' with the responsibility for preparing their individual NDPs:
 - Boxgrove Neighbourhood Development Plan (BNDP)
 - Bramber Neighbourhood Development Plan (BNDP)
 - Henfield Neighbourhood Development Plan (HNDP)
 - Upper Beeding Neighbourhood Development Plan (UBNDP)
 - Stedham with Iping Neighbourhood Development Plan (SINDP)
- 1.3 Table one below sets out when each NDP was designated by the South Downs National Park Authority (SDNPA) and by the other Local Planning Authority (LPA).

Table one: Main dates and NDP summaries

NDP	Designation Date (SDNPA)	Designation Date (other LPA)	Qualifying body	Plan Period	Local Planning Authorities	NDP Lead
Boxgrove	14/03/2013	04/12/2012	Boxgrove Parish Council	2017-2029	Chichester	Chichester Lead
Bramber	26/02/2013	15/02/2018	Bramber Parish Council	2018-2031	Horsham	Horsham Lead
Henfield	10/12/2013	31/01/2014	Henfield Parish Council	2017-2031	Horsham	Horsham Lead
Upper Beeding	12/12/13	12/2013	Upper Beeding Parish Council	2018-2031	Horsham	Horsham Lead
Stedham with Iping	01/08/2013	N/A	Stedham with Iping Parish Council	2018-2033	Chichester	SDNPA Lead

- I.4 Four of the NDP's in this report; Boxgrove, Bramber, Henfield and Upper Beeding are split between the SDNP and a neighbouring LPA. In this case Chichester and Horsham District Councils respectively. When a neighbourhood plan is partially within the National Park but the main settlement is within another LPA, the other LPA will be the Lead Authority. This means they will take responsibility for key milestones such as the Regulation 16 consultation and sourcing the examiner. With these NDPs the SDNPA will be a statutory consultee.
- I.5 Stedham with Iping NDP is wholly within the SDNP and therefore was led by officers at the SDNPA.
- I.6 Table two sets out the key milestones for consultations, examination, decision statement and referendum.
- I.7 Due to the Covid-19 pandemic, the Government updated the Neighbourhood Planning Regulations on all referendums in March 2020. Part 3 Regulation 13 stated that any NDP referendum that would take place during the relevant period affected will be held in May 2021. These regulations have now been superseded and the five NDPs in this report were able to go to referendum on Thursday 06 May 2021.
- I.8 The Boxgrove NDP, Bramber NDP, Henfield NDP, Upper Beeding NDP and Stedham with Iping NDP's are now part of the Development Plan and the SDNPA are required to take a decision to formally 'Make' the Neighbourhood Plan within eight weeks of a successful referendum, unless to do so would breach, or would otherwise be incompatible with any EU obligation or any of the Conventions Rights (within the meaning of the Human Rights Act 1998).
- I.9 It should be noted that the Rogate and Rake NDP will proceed to referendum on 01 July 2021, subject to any changes in the Covid-19 guidance from Government.
- I.10 The referendum version of the Plan can be found here. More information on this plan will follow in July's half-yearly NDP update to Planning Committee.

2. Background and Key Milestones

Table two: Consultation, Examination and Referendum dates

Neighbourhood Plan	Regulation 14 Consultation	Regulation 16 Consultation	Independent Examiner	Date of receiving Examiner's report	Date of Decision Statement	Date of Referendum
Boxgrove	20 September – 1 November 2017 SDNPA comments	27 April – 8 June 2018 SDNPA comments	Chichester District Council appointed Mr Tony Burton	January 2020	July 2020	6 May 2021
Bramber	21 September – 2 November 2019 SDNPA comments	16 March – 18 May 2020 (9 weeks) SDNPA comments	Horsham District Council appointed Mr Andrew Ashcroft	July 2020	August 2020	6 May 2021
Henfield	7 June – 26 July 2019 SDNPA comments	8 November – 19 December 2019 SDNPA comments	Horsham District Council appointed Mr Andrew Ashcroft	May 2020	June 2020	6 May 2021
Upper Beeding	25 June – 13 August 2018 SDNPA comments	15 February – 5 April 2019 SDNPA comments	Horsham District Council appointed Mr Andrew Ashcroft	December 2019	January 2020	6 May 2021
Stedham with Iping	5 April – 17 May 2018 SDNPA comments	30 November – 1 February 2019 SDNPA comments	SDNPA appointed Mr Nigel McGurk	October 2019	January 2020	6 May 2021

- 2.1 If a Neighbourhood Area is split between both the SDNP and a neighbouring LPA then both Authorities must designate the area. The dates that each plan were designated are set out in Table 1. Stedham with Iping was only designated by the SDNPA, as the Neighbourhood Area is wholly within the SDNP. Maps of the designation areas are attached as **Appendix 1** to this report.

At pre-submission stage of the Boxgrove, Bramber, Henfield, Upper Beeding and Stedham with Iping NDPs offers made comments to the plans that were signed off under delegated authority. It was then the role of the Qualifying Body as to whether to include these comments when updating the NDP for Submission to the LPA (Regulation 15).

Boxgrove NDP (2017-2029)

- 2.2 Boxgrove village sits to the East of Goodwood House and north of the A27, within Chichester District. The plan covers four distinct villages; Boxgrove, Halnaker, Crockerhill and Strettington.
- 2.3 The BNDP covers, but is not limited to: environment and heritage and the protection of trees and hedgerows, renewable and low carbon energy, development in conservation areas, dark night skies, landscape, historic environment and a Policy on the SDNP. At Regulation 16, officers commented on a discrepancy in the settlement policy boundary along with comments on development on agricultural land and protection of trees and hedgerows. This Plan was written when the SDLP had not yet been adopted.

Bramber NDP (2018-2031)

- 2.4 Bramber village sits to the west of the River Adur and is home to Bramber Castle. The majority of the parish itself is within the SDNP, with the majority of the built up area to the north being within Horsham District.
- 2.5 The BNDP covers, but is not limited to: location of development and the built up area boundary, character and design of development, energy efficiency, protection of flora and fauna, green infrastructure and protection of local green spaces. The Plan also mentioned the protection and the opportunities of the Adur River Corridor and protection of locally significant views, several of which in and out of the National Park. At Regulation 16 officers commented on referencing the SDLP where applicable, and the setting of the National Park. The issue of informal parking on Bostal Road was reiterated (as it was previously mentioned at Regulation 14). The examiner suggested that discussions take place with the SDNPA on this matter.

Henfield

- 2.6 Henfield village sits within Horsham District, with a small section to the south within the SDNP. The Hendon Neighbourhood Development Plan (HNDP) allocates 270 new residential dwellings, agreed by Horsham District Council (HDC). None of the four allocated sites are within the SDNP, or nearby to the National Park Boundary. However, external lighting and Dark Night Skies are mentioned as a criteria to all of the Housing Allocation Policies.
- 2.7 The HNDP covers, but is not limited to: housing and employment allocations, local amenities and community infrastructure, green infrastructure, biodiversity and local green spaces. At Regulation 16, officers supported the spatial strategy of the HNDP, and references to Dark Night Skies. One final comment was made to reference the full title of the adopted SDLP.

Upper Beeding

- 2.8 Upper Beeding village sits within Horsham District, to the east of the River Adur. The plan covers the two villages of Upper Beeding and Small Dole (a small part of which is within Henfield parish). A majority of the parish itself is within the SDNP, with the two main settlements of the parish to the north. The Strategic site of Shoreham Cement Works (SDLP Policy 56) is within the Parish. The Upper Beeding Neighbourhood Development Plan (UPNDP) notes this site as important to the village. The UBNDP allocates 109 new residential dwellings, agreed by HDC.
- 2.9 There are four sites allocated in the UBNDP (Policy 3, 5, 6 and 7). Three of these sites are wholly within Horsham District, however Land East of Pound Lane (Policy 3) and Land at Greenfields (Policy 5) are nearby and adjacent to the SDNP boundary. At Regulation 16 officers welcomed the reference to the landscape-led masterplan and inclusion of views to Policy 3. Officers noted that views and visibility should be considered at an early stage for Policy 5, and emphasised the potential impact of the heights of buildings and roofscape design. Policy 7; Land at Valerie Manor is wholly within the SDNP and officers welcomed the additional text requiring a landscape led approach to this site and inclusion of dementia friendly outdoor space. The Plan also has policies on community facilities, employment sites and Local Green Spaces (LGS). None of the LGS are within the SDNP.

Stedham with Iping

- 2.10 Stedham with Iping Parish is wholly within the SDNP, and sits to the west of Midhurst. The A272 dissects the Parish.
- 2.11 The Stedham with Iping Neighbourhood Development Plan (SINDP) was led by the SDNPA, and members agreed the [Decision Statement](#) at Planning Committee in January 2020. The SINDP covers, but is not limited to local green spaces, the local economy, natural environment, local heritage (in particular barn conversions) and rural local character. The Plan started with a view to put forward an alternative to the SDLP site; SD88: Stedham Sawmills. In the draft SINDP, the plan expanded upon the drafted SDLP Policy, however at examination stage the independent examiner concluded that the policy had been “taken over by events”. That some of the Policy was not justified by evidence, there was an absence of information or was contrary to the SDLP. This Policy was deleted, although some of the policy text was put in the supporting text. The settlement boundary suggested by the Parish Council, did not fully reflect the mix use development site of Stedham Sawmills, and therefore was not considered in general conformity with the development plan. As a modification to the SINDP during the examination period, the settlement boundary now includes all of the allocation of Stedham Sawmills.

- 2.12 Referendum results - Referendums took place on Thursday 06 May 2021 with the following results:

Boxgrove

Turn out = 42.2%

Votes & % in favour = 305 (89.44%)

Votes & % against = 36 (10.56%)

Bramber

Turn out = 45.95%

Votes & % in favour = 278 (89.68%)

Votes & % against = 32 (10.32%)

Henfield

Turn out = 47.95%

Votes & % in favour = 2,085 (90.53%)

Votes & % against = 218 (9.47%)

Upper Beeding

Turn out = 39.31%

Votes & % in favour = 999 (85.24%)

Votes & % against = 173 (14.76%)

Stedham with Iping

Turn out = 44%

Votes & % in favour = 269 (88.78%)

Votes & % against = 34 (11.22%)

3. Making of the Boxgrove, Bramber, Henfield, Upper Beeding and Stedham with Iping Neighbourhood Development Plans

- 3.1 The enactment of the Neighbourhood Planning Act 2017 now means that a Neighbourhood Plan automatically becomes part of the Development Plan following a successful referendum. However, the Local Planning Authority (LPA) has a statutory duty to ‘make’ a neighbourhood plan, within eight weeks of a referendum, if more than half of those voting have voted in favour of the plan. The LPA is not subject to this duty if (and only if) the

making of the plan would breach, or would otherwise be incompatible with, any EU obligation or any of the Convention Rights (within the meaning of the Human Rights Act 1998)

Boxgrove NDP

- 3.2 The Examiner concluded that the Boxgrove NDP with modifications met these legislative obligations/rights. No information has subsequently arisen to suggest the making of the Boxgrove NDP would be in breach with or incompatible with the legislation.
- 3.3 The Boxgrove NDP is now part of the Development Plan for that part of the parish of Boxgrove located within the SDNP along with the adopted South Downs Local Plan. The Boxgrove NDP is consistent with the South Downs Local Plan.

Bramber NDP

- 3.4 The Examiner concluded that the Bramber NDP with modifications met these legislative obligations/rights. No information has subsequently arisen to suggest the making of the Bramber NDP would be in breach with or incompatible with the legislation.
- 3.5 The Bramber NDP is now part of the Development Plan for that part of the parish of Bramber located within the SDNP along with the adopted South Downs Local Plan. The Bramber NDP is consistent with the South Downs Local Plan.

Henfield NDP

- 3.6 The Examiner concluded that the Henfield NDP with modifications met these legislative obligations/rights. No information has subsequently arisen to suggest the making of the Henfield NDP would be in breach with or incompatible with the legislation.
- 3.7 The Henfield NDP is now part of the Development Plan for that part of the parish of Henfield located within the SDNP along with the adopted South Downs Local Plan. The Henfield NDP is consistent with the South Downs Local Plan.

Upper Beeding NDP

- 3.8 The Examiner concluded that the Upper Beeding NDP with modifications met these legislative obligations/rights. No information has subsequently arisen to suggest the making of the Upper Beeding NDP would be in breach with or incompatible with the legislation.
- 3.9 The Upper Beeding NDP is now part of the Development Plan for that part of the parish of Upper Beeding located within the SDNP along with the adopted South Downs Local Plan. The Upper Beeding NDP is consistent with the South Downs Local Plan.

Stedham with Iping NDP

- 3.10 The Examiner concluded that the Stedham with Iping NDP with modifications met these legislative obligations/rights. No information has subsequently arisen to suggest the making of the Stedham with Iping NDP would be in breach with or incompatible with the legislation.
- 3.11 The Stedham with Iping NDP is now part of the Development Plan along with the adopted South Downs Local Plan. The Stedham with Iping NDP is consistent with the South Downs Local Plan.

Other LPA Making of the Plan

- 3.12 Chichester District Council are taking the decision of making the Boxgrove NDP to [Cabinet on 1st June](#). It will be recommended to be made at Council on 22 June 2021.
- 3.13 Horsham District Council are taking the decision of making the Bramber, Henfield and Upper Beeding NDP's at full Council on 23 June 2021.

4. Planning Committee

- 4.1 The Boxgrove NDP, Bramber NDP, Upper Beeding NDP and Stedham with Iping NDP have not previously been presented to Planning Committee and all SDNPA responses to the plan during its preparation have been dealt with through delegated powers by officers. Members have been updated on the Plans through the half yearly Update to Planning Committee.

- 4.2 For clarity to the Committee; the Henfield NDP in its current form has not previously been presented to Planning Committee. However, [a previous version of the HNBP](#) was made at Planning Committee in June 2016. An application was then made to the High Court for a judicial review of the HNBP. A judgement to quash the HNBP was delivered on 13 October 2016.

5. Next Steps

- 5.1 The Neighbourhood Planning Regulations 2012 (as amended) require LPAs to publish a statement setting out their decision to make a NDP and reasons for making that decision. This statement should be published as soon as practical after the decision is taken to make the NDP. This report forms that SDNPA Regulation 19 'Decision Statements' for this NDP.
- 5.2 Following the 'making' of the Boxgrove, Bramber, Henfield, Upper Beeding and Stedham with Iping NDP, copies of the NDP's will be made available to the Development Management teams at the South Downs National Park Authority and Chichester and Horsham District Council respectively. The policies maps will also be entered onto the relevant electronic mapping systems.

6. Other Implications

Implication	Yes/No
Will further decisions be required by another committee/full authority?	No
Does the proposal raise any Resource implications?	<p>Boxgrove NDP:</p> <p>As Chichester District Council is the lead authority for the BNDP, the SDNPA has not incurred any direct costs, only officer time, relating to this plan, and SDNPA are not eligible to apply for New Burdens funding for this NDP.</p> <p>Bramber, Henfield and Upper Beeding NDPs:</p> <p>As Horsham District Council is the lead authority for the BNDP, HNBP and UBNDP; the SDNPA has not incurred any direct costs, only officer time, relating to this plan, and SDNPA are not eligible to apply for New Burdens funding for this NDP.</p> <p>Stedham with Iping NDP:</p> <p>To date, SDNPA has spent £10146.24 on the Examination. The Referendum costs are yet to be received from Chichester District Council. Once the NDP is Made the SDNPA will be able to claim £20,000.</p> <p>Once a NDP is made, a parish council is entitled to 25% of Community Infrastructure Levy (CIL) collected from development within the neighbourhood area, as opposed to the capped 15% share where there is no NDP. The Parish Council can choose how it wishes to spend these funds on a wide range of matters which support the development of the area.</p>
Has due regard been taken of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010?	Yes, each of the qualifying bodies prepared a Consultation Statement to support the submission version of the NDP, setting out how all sections of the local community (people who live, work or carry out business in the neighbourhood area), including hard to reach groups, have been engaged in the plan's production.

Are there any Human Rights implications arising from the proposal?	None
Are there any Crime & Disorder implications arising from the proposal?	None
Are there any Health & Safety implications arising from the proposal?	None
Are there any Sustainability implications based on the 5 principles set out in the SDNPA Sustainability Strategy?	<p>The qualifying body with responsibility for preparing the neighbourhood plan must demonstrate how its plan will contribute to the achievement of sustainable development. This is set out in the Basic Conditions Statement. The examiner who assessed the plan considered that it met the requirements if a number of modifications were made. Please note that the sustainability objectives used by qualifying bodies may not be the same as used by the SDNPA, but they will follow similar themes.</p> <p>Strategic Environmental Assessment</p> <p>Boxgrove</p> <p>CDC and SDNPA determined that an environmental assessment of the Boxgrove Neighbourhood Plan was required. A copy of the full Environmental Assessment can be found here.</p> <p>Bramber</p> <p>HDC and SDNPA determined that an environmental assessment of the Bramber Neighbourhood Plan was required. A copy of the full Environmental Assessment can be found here.</p> <p>Henfield</p> <p>HDC and SDNPA determined that an environmental assessment of the Henfield Neighbourhood Plan was required. A copy of the full Environmental Assessment can be found here.</p> <p>Upper Beeding</p> <p>HDC and SDNPA determined that an environmental assessment of the Upper Beeding Neighbourhood Plan was required. A copy of the full Environmental Assessment can be found here.</p> <p>Stedham with Iping</p> <p>SDNPA determined that an environmental assessment of the Stedham with Iping Neighbourhood Plan was required. A copy of the full Environmental Assessment can be found here.</p>

7. Risks Associated with the Proposed Decision

Risk	Likelihood	Impact	Mitigation
A legal challenge to a NDP can be launched by way of judicial review within six weeks of the LPA publishing a decision to make the NDP.	Low	Medium	Officers at SDNPA are satisfied the Boxgrove, Bramber, Henfield, Upper Beeding and Stedham with Iping NDPs meet the legal requirements. Given that it has been through the correct statutory process, including Examination and Referendum, the Authority is obliged to “make” the plan unless making the plan would breach, or would otherwise be incompatible with, any EU obligation or any of the Convention Rights (within the meaning of the Human Rights Act 1998)

TIM SLANEY

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Appendices

1. [Boxgrove Neighbourhood Area](#)
2. [Boxgrove NDP Examiners Report](#)
3. [Bramber Neighbourhood Area](#)
4. [Bramber NDP Examiners Report](#)
5. [Henfield Neighbourhood Area](#)
6. [Henfield NDP Examiners Report](#)
7. [Upper Beeding Neighbourhood Area](#)
8. [Upper Beeding NDP Examiners Report](#)
9. [Stedham with Iping Neighbourhood Area](#)
10. [Stedham with Iping NDP Examiners Report](#)

SDNPA Consultees

Legal Services; Chief Finance Officer; Monitoring Officer; Director of Planning

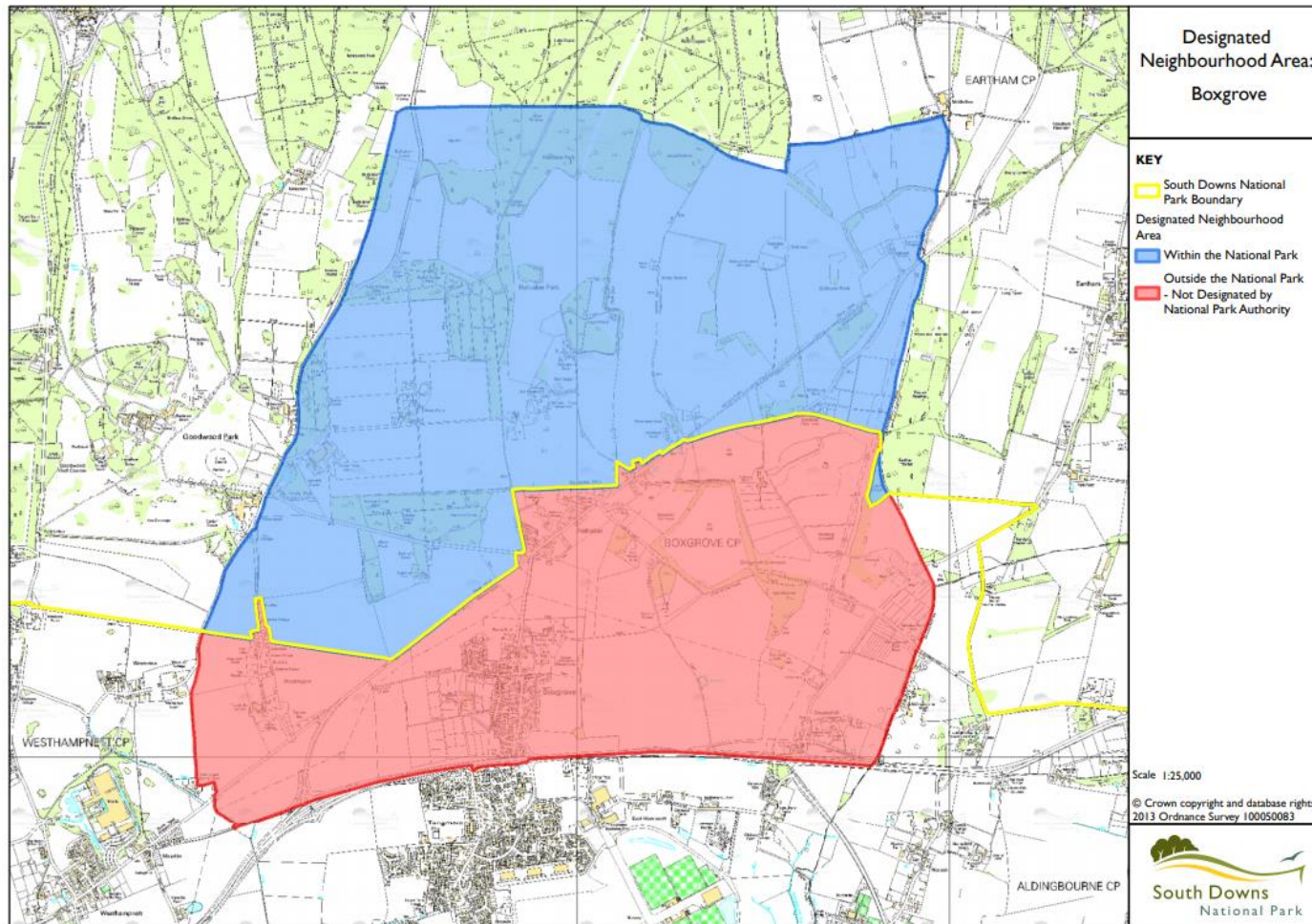
External Consultees

None

Background Documents

[Boxgrove NDP Referendum Version](#)
[Boxgrove NDP Decision Statement](#)
[Bramber NDP Referendum Version](#)
[Bramber NDP Decision Statement](#)
[Henfield NDP Referendum Version](#)
[Henfield NDP Decision Statement](#)
[Upper NDP Referendum Version](#)
[Upper Beeding NDP Decision Statement](#)
[Stedham with Iping NDP Referendum Version](#)
[Stedham with Iping NDP Decision Statement](#)

Agenda Item 11 Report 20/21-51 - Appendix I Boxgrove NDP Area



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BOXGROVE NEIGHBOURHOOD PLAN 2017-2029

Report to Chichester District Council of the Independent Examination

By Independent Examiner, Tony Burton CBE BA MPhil (Town Planning) HonFRIBA FRSA

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January 2020

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1. Executive Summary

1. I was appointed by Chichester District Council with the support of Boxgrove Parish Council to carry out the independent examination of the Boxgrove Neighbourhood Plan.
2. I undertook the examination by reviewing the Plan documents and written representations, and by making an unaccompanied visit to the Neighbourhood Area.
3. I consider the Plan to be an adequate expression of the community's views and ambitions for Boxgrove. It is based on an effective programme of public consultation which has informed a Vision Statement and Core Objectives for the Neighbourhood Area. These are translated into planning policies dealing with issues distinct to the locality. They are supported by community aspirations beyond the scope of the neighbourhood plan. The Plan is supported by a Consultation Statement, Basic Conditions Statement and Strategic Environmental Assessment. An essential minimum of supporting evidence is provided on most aspects of the Plan and there is good evidence of community support.
4. I have considered the small number of representations made on the submitted Plan and addressed them in this report as appropriate.
5. My report was completed for fact checking in September 2018. It was paused at this point to enable Chichester District Council to undertake an Appropriate Assessment and Strategic Environmental Assessment as a result of new case law. This process took until January 2020 to complete and while necessary it has caused serious delay and understandable frustration. It has also meant the Plan has not been in force during the intervening period. I have made no changes to the report since it was completed in 2018 other than to address this issue and the adoption of relevant planning policy documents.
6. Subject to the recommended modifications set out in this report I conclude that the Boxgrove Neighbourhood Plan meets all the necessary legal requirements, including satisfying the Basic Conditions. I make a small number of additional recommendations.

7. I recommend that the modified Plan should proceed to Referendum and that this should be held within the Neighbourhood Area.

2. Introduction

8. This report sets out the findings of my independent examination of the Boxgrove Neighbourhood Plan. The Plan was submitted to Chichester District Council by Boxgrove Parish Council as the Qualifying Body.

9. I was appointed as the independent examiner of the Boxgrove Neighbourhood Plan by Chichester District Council with the agreement of Boxgrove Parish Council. My selection was facilitated by the Neighbourhood Planning Independent Examiner Referral Service.

10. I am independent of both Boxgrove Parish Council and Chichester District Council. I do not have any interest in any land that may be affected by the Plan. I possess the appropriate qualifications and experience to undertake this role.

11. My role is to examine the Neighbourhood Plan and recommend whether it should proceed to referendum. A recommendation to proceed is predicated on the Plan meeting all legal requirements as submitted or in a modified form, and on addressing the required modifications recommended in this report.

12. As part of this process I must consider whether the submitted Plan meets the Basic Conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. To comply with the Basic Conditions, the Plan must:

- have regard to national policies and advice contained in guidance issued by the Secretary of State; and
- contribute to the achievement of sustainable development; and
- be in general conformity with the strategic policies of the development plan in the area; and
- be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations.

13. I am also required to make a number of other checks under paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990.

14. In undertaking this examination I have considered the following documents as the most significant in arriving at my recommendations:

- the submitted Boxgrove Neighbourhood Plan plus its Schedules and Appendices
- the Basic Conditions statement
- the Consultation Statement
- the Strategic Environmental Assessment and Habitat Regulations Assessment reports and responses
- relevant parts of the development plan for the neighbourhood area (Chichester Local Plan: Key Policies 2014-2029 and Local Plan 1999 (for areas within South Downs National Park)) and the South Downs National Park Local Plan and Chichester Site Allocation Development Plan Document which were both adopted during the period of the Examination
- representations made on the submitted neighbourhood plan
- relevant material held on Boxgrove Parish Council and Chichester District Council's websites
- National Planning Policy Framework, March 2012
- Planning Practice Guidance
- relevant Ministerial Statements

15. A revised National Planning Policy Framework was published during the Examination. This states that *“the policies in the previous Framework will apply for the purpose of examining plans, where those plans are submitted on or before 24 January 2019”* (paragraph 214). I have considered the Boxgrove Neighbourhood Plan, which was submitted in December 2017, on this basis.

16. Having considered the documents provided and the representations on the submitted Plan I was satisfied that the examination could be undertaken by written representations without the need for a public hearing.

17. I carried out an unaccompanied visit to the Neighbourhood Area on a wet August weekday. I walked around Boxgrove and parts of Halnaker and visited other parts of the neighbourhood area, including the South Downs National Park. I reviewed each of the proposed Local Green Spaces, Local Open Spaces and housing sites and the north east part of the settlement boundary.

18. It is apparent that the area has a rich and diverse historic and landscape character. Boxgrove is a village with clearly defined differences in the character of the largely detached housing stock reflecting the period of construction. It has a distinct boundary to the built up area and a strong visual and physical relationship to the surrounding farmland. Halnaker is a linear settlement along the line of Stane Street and the rest of the neighbourhood area has a strong rural character with distinct hills and slopes and significant areas of woodland punctuated by farm buildings.

19. Throughout this report my recommended modifications are bulleted. Where modifications to policies are recommended they are highlighted in **bold** print with new wording in “speech marks”. Modifications are also recommended to some parts of the supporting text. A number of modifications are not essential for the Plan to meet the Basic Conditions and these are indicated by [square brackets].

20. Producing the Boxgrove Neighbourhood Plan has clearly involved significant effort by a wide range of people and organisations, led by the Neighbourhood Planning Steering Group established by Boxgrove Parish Council. There is evidence of collaboration with Chichester District Council which will continue to be important in ensuring delivery of the Plan. I should like to congratulate all those who have worked so hard over a long period of time to prepare the Plan and to thank the officers at Chichester District Council and Boxgrove Parish Council who have supported this examination process.

3. Compliance with matters other than the Basic Conditions

21. I am required to check compliance of the Plan with a number of matters:

Qualifying body

22. I am satisfied that the Plan has been prepared by a suitable Qualifying Body – Boxgrove Parish Council – which being a parish council is the only organisation that can prepare a neighbourhood plan for the area.

Neighbourhood Area

23. I am satisfied that the Plan relates to the development and use of land for a designated neighbourhood area and that this does not overlap with any other designated neighbourhood area. The Boxgrove Neighbourhood Area was agreed by Chichester District Council on 4 December 2012 and a map depicting the area is included in the Plan.

Land use issues

24. I am satisfied that the Plan relates to relevant land use planning issues. While there are a number of wider considerations raised, the Plan identifies other mechanisms (e.g. “community aspirations”) to take these forward. The planning policies are clearly distinguished in the presentation of the Plan through the use of **bold** text.

Plan period

25. I am satisfied the period of the neighbourhood plan is clearly stated as being from 2017 – 2029 on the cover of the Plan. This is expanded on in the Basic Conditions statement as being from 1 January 2017 to 31 March 2029 and it would aid clarity to include these dates in the Plan.

- Include the Plan period of 1 January 2017 to 31 March 2029 in the main body of the Plan (e.g. Foreword)

Excluded development

26. For the reasons identified in the examination of individual policies I have concluded that Policy EH3 relates to excluded development and so cannot be included in the Plan. Otherwise, I am satisfied that the neighbourhood plan makes no provisions for excluded development (such as national infrastructure, minerals extraction or waste).

4. Consultation

27. I have reviewed the Consultation Statement and relevant information provided on the Boxgrove Parish Council website. The Statement is brief but adequately describes the process of community consultation and engagement from the genesis of neighbourhood planning in the area in 2012, through a fallow period in 2013-14, to the intense programme of consultation and plan preparation in 2015-17.

28. Public consultation on the neighbourhood plan was achieved through a range of techniques including surveys, a call for sites, community events and direct engagement with major landowners. The Statement records the consultees specifically invited to comment on the consultation draft plan and this includes relevant statutory organisations. Surveys were hand delivered to all households and businesses were surveyed separately. Both surveys attracted strong responses.

29. The Consultation Statement includes a summary table of the issues raised through consultation and how these have been addressed in finalising the Plan. There is evidence of the Plan being amended in response to consultation feedback.

30. 37 representations have been made on the submitted Plan, including 24 statements of support from individuals and comments from Chichester District Council and South Downs National Park Authority.

31. I am satisfied with the evidence of the public consultation undertaken in preparing the Plan over a long period of time and commend all those who have worked so hard over such a long time to engage and involve people in the future of the area. The Plan has been subject to adequate public consultation at different stages in its development. This has allowed community input to shape the Plan as it has developed and as proposals have been firmed up. The local planning authority has been engaged throughout the process.

5. General comments on the Plan's presentation

Vision and Core Objectives

32. I have reviewed the Vision and the five Core Objectives prepared for the 33 Policies in the Plan. The Vision takes a positive approach and reflects the feedback received through consultation. It is supportive of sustainable development which maintains the rural character of the area.

33. The policies are structured around six Chapters with headings which are similar but not identical to the five Core Objectives (e.g. the fifth Core Objective is "*Business*" and this is reflected in the Chapter heading for policies on "*Employment and Enterprise*"). The policies and objectives are also presented in a different order. The wording and ordering is also similar but different in the structure of the Plan's "*About Boxgrove*" section. This is a potential cause for confusion and it would provide greater clarity if the titles were aligned and consistently ordered.

- [Amend the Plan to use the same wording for each of the Core Objectives and Chapter headings for the Plan's policies, and present them in the same order]
- [Amend the Plan to align the headings used in Section 3.0 with those used in Sections 4.0 and 5.0]

34. There is an additional Chapter with the heading "*A Spatial Plan for the Parish*". This relates to a single policy regarding development outside the Boxgrove settlement boundary. There is a mismatch between the broad heading and the specific policy which is a potential source of confusion.

- [Replace Chapter heading "*A Spatial Plan for the Parish*" with "*Development outside Boxgrove settlement boundary*" or include Policy SB1 in the "*Environment and Heritage*" section of the Plan's policies]

35. There is a further additional Chapter "*The Presumption in Favour of Sustainable Development*" which does not include any policies and which does not add to the Plan.

- [Delete section 5.2 “*The Presumption in Favour of Sustainable Development*”]

36. The policies are clearly distinguished by being presented in **bold** text. I consider this an effective way of distinguishing the policies from the other Plan content.

37. Each policy is supported by a limited amount of text and there is only limited information on the evidence supporting each policy. The lack of evidence is a serious weakness. Many policies include a short “*Justification*” which usually comprises a simple cross-reference to the relevant Objective and an unclear reference to a relevant NPPF section. There is information provided in the Background Evidence online and in the consultation feedback but this is not well related to the Plan’s policies and the documents listed in paragraph 6.1 and 6.2 are not the same as those provided online. The online evidence is also provided in different places. There are also references in section 3 to specific documents in the evidence base referenced by a number. It isn’t immediately clear how this referencing system works.

- Reference and provide a link in the Introduction (paragraph 5.1) to a single consolidated evidence base hosted on Boxgrove Parish Council’s website which includes all the relevant documents in one place (including on housing) and update relevant references throughout the Plan
- [Include text in paragraph 5.1 explaining the way the Justification for each policy is provided, including how references are used for numbered sections of the NPPF]
- [Delete sections 6.1 and 6.2]

Other issues

38. The Plan contains Schedules but three short Appendices are provided as separate documents. It will support the Plan’s utility if these were included in the main document.

- [Include Appendices 1, 2 and 3 in the body of the Plan]

39. The Plan's Foreword indicates a Vision for "*a twenty year period and beyond*" whereas the Vision statement is for 2030 and the Plan period runs from 2017 to 2029, periods of 13 and 12 years respectively.

- [Amend Foreword to refer to a Vision to 2030]

40. Paragraph 1.2 refers to Boxgrove Parish Council as a "*relevant body*" whereas the legislation refers to the role of a "*qualifying body*".

- [Replace "*relevant*" with "*qualifying*" in paragraph 1.2]

41. Paragraph 2.1.2 refers to the Chichester Local Plan: Key Policies 2014 – 2029 as the development plan for the neighbourhood area. The development plan for that part of the area which falls within the South Downs National Park also includes the South Downs Local Plan. The South Downs National Park Authority is referred to – wrongly – as a "*secondary*" planning authority. The Plan needs to be updated to reflect adoption of both the South Downs Local Plan and Chichester District Council's Site Allocations Development Plan Document during the period of the Examination.

- Amend paragraph 2.1.2 to delete "*secondary planning authority*" and add "Authority" after "South Downs National Park"
- Update references to the South Downs Local Plan and Chichester District Council's Site Allocations Development Plan to reflect their adoption

42. The Plan includes a number of maps (A to E) in its Schedules which come from different sources. These are of varying standards and all are of too poor quality to be used for planning purposes. It is not possible to identify boundaries with any certainty. Boxgrove Parish Council has provided me with higher quality maps on request and the maps are all provided through the Parish Online mapping service which offers the facility to make maps publicly available online.

- Replace Maps A to E with higher resolution versions which can be used precisely to identify locations and boundaries and provide a link to where each map can be located online

43. The Plan uses inconsistent heading styles and numbering making it difficult to navigate. Examples are: unnumbered headings in Section 1.0, headings of equal weight but different numbering in Section 2.0 and Section 3, Section 3 starting within Section 2.0 and lacking capitalisation in the heading and “.0”.

- Amend the Plan to provide consistent and clear use of heading styles and numbering throughout

6. Compliance with the Basic Conditions

National planning policy

44. The Plan is required to “*have regard*” to national planning policies and advice. This is addressed in the Basic Conditions statement which relates the Plan’s policies to the National Planning Policy Framework (March 2012).

45. The Basic Conditions statement provides a simple explanation of the compatibility of the Plan’s policies with relevant sections of the National Planning Policy Framework. Policies EE6 and LC6 do not appear in the analysis although they are relevant to the NPPF’s sections on design and healthy communities respectively.

- [Add Policies EE6 and LC6 to an updated Basic Conditions statement in relation to the NPPF’s sections on design and healthy communities]

46. There are some areas where the drafting of the Plan’s policies needs to be amended in order to meet the National Planning Policy Framework’s requirement for plans to provide a clear framework within which decisions on planning applications can be made. In addition the policies should give a clear indication of how a decision-maker should react to a development proposal (paragraphs 17 and 154). It is also important for the Plan to address the need expressed in Planning Practice Guidance for policies in neighbourhood plans to be drafted with sufficient clarity for a decision-maker to apply them consistently and with confidence when determining planning applications (paragraph 41). Policies should also be concise, precise and supported by appropriate evidence.

47. Generally, the Plan has regard to national planning policies and guidance but there are exceptions set out in my comments below. These cover both conflicts with national planning policy and the need for some policies to be more clearly expressed and/or evidenced. The lack of a strong evidence base is a significant issue for some of the Plan.

48. I am satisfied that the Plan meets this Basic Condition other than where identified in my detailed comments and recommendations on the Plan policies.

Sustainable development

49. The Plan must *“contribute to the achievement of sustainable development”*. This is addressed in the Basic Conditions statement albeit under the heading of showing conformity with the development plan. The analysis scores the policies against their economic, social or environmental role on a scale of positive, neutral or negative. Policies EH9, GA3, GA4, LC6 and LC7 are omitted from this analysis. It is also notable that no policy is considered to have a negative impact on sustainability. Some of the assessments could be questioned. Nevertheless, my own assessment is that the Plan encourages economic, environmental and social progress and I am satisfied that the Plan meets this Basic Condition. It takes a positive approach to meeting the social and economic development needs of the Neighbourhood Area and respecting the natural and historic environment.

- [Complete the sustainability assessment for Policies EH9, GA3, GA4, LC6 and LC7 in an updated Basic Conditions statement]
- [Provide a separate heading in an updated Basic Condition statement for the assessment of how the Plan contributes to the achievement of sustainable development]

Development plan

50. The Plan must be *“in general conformity with the strategic policies of the development plan”*. The statement simply asserts this is the case and indicates there is no intention to replicate policies in the development plan. It is unfortunate that no further assessment is provided. On request Chichester District Council has confirmed its view that *“In terms of conformity, it is considered that the policies are in general conformity with the strategic policies in the adopted Local Plan and emerging Site Allocations DPD.”* This is despite some reservations about particular policies and potential areas of duplication. South Downs National Park Authority did not raise any issues about development plan conformity in its representations.

51. There have been no representations on development plan conformity. My own assessment is that the Plan is in general conformity subject to addressing my detailed comments and recommendations on the Plan policies.

Strategic Environmental Assessment and Habitats Regulations Assessment

52. The Plan must be informed by a Strategic Environmental Assessment if it is likely to have significant environmental effects and by a Habitats Regulations Assessment if it is likely to lead to negative significant effects on protected European sites.

53. There has been some disagreement over the likely impact of earlier Plan proposals for a site allocation at Halnaker Crossing which Chichester District Council concluded would require a full assessment to be undertaken. This allocation was withdrawn from the Plan and the subsequent Screening Report by Chichester District Council of the pre-submission draft plan published in March 2017 concluded that *“an environmental assessment of the Boxgrove Neighbourhood Plan is not required”*. The Environment Agency, Historic England, Natural England and South Downs National Park Authority agreed with this assessment, including after assessing a later version of the Plan.

54. Subsequent to this assessment and during the Examination Chichester District Council chose to undertake further assessments as a result of changes in the law following various European Court of Justice decisions and the subsequent interpretation of new case law that it is inappropriate to take account of mitigating measures at the screening stage and an Appropriate Assessment should be undertaken. This also meant an SEA of the Plan was necessary. The process of the Examination was paused in September 2018 to allow this work to be completed. This took until January 2020. The additional work comprised:

- SEA Scoping Report (April 2019)
- SEA Scoping Report – representations received (May 2019)
- SEA Draft Environmental Report (July 2019)
- SEA Environmental Report (October 2019)
- SEA Environmental Report – non-technical summary (October 2019)

- Habitats Regulations Assessment Screening Matrix and Appropriate Assessment (agreed 2 April 2019)
- Habitats Regulations Assessment Screening Matrix and Appropriate Assessment – representations received (undated)

55. Chichester District Council determined that the SEA work should follow rather than run in parallel with that required for the purposes of the Habitats Regulations Assessment. This extended the process. All the work was subjected to consultation, including with the statutory conservation bodies and South Downs National Park Authority.

56. The Habitats Regulations Screening Assessment concluded that *“the proposals could lead to likely significant effects in combination with other plans and likely development proposals within 12km of the Singleton and Cocking Tunnels SAC”*. This SAC is significant for bats. As a result an Appropriate Assessment was undertaken which addressed the appropriateness of the mitigation measures proposed in the Plan, including the lack of site allocations in sensitive locations and policies relating to open space and tree/hedgerow protection and controls over external lighting. The Appropriate Assessment states that *“having considered the mitigation measures Chichester District Council concludes that the Boxgrove Neighbourhood Plan will not lead to any significant or adverse effects on the integrity of the Singleton and Cocking Tunnels SAC.”* Natural England agrees with this conclusion and no other substantive responses were received during consultation.

57. Where an Appropriate Assessment is required then an SEA is mandatory. The scoping report identified *“biodiversity, flora and fauna”* as the only issues where significant effects are likely. A single assessment criterion (*“Will the option prevent disturbance of Bat Flight Lines?”*) was identified for the Assessment Framework. This approach was supported during public consultation with only minor changes made to the Framework. The subsequent Environmental Report concluded that: *“A Strategic Environmental Assessment of the policies within Boxgrove Neighbourhood Plan has been undertaken against the SEA framework and the results are presented in this Environmental Report. Since SEA can consider the mitigation measures, the assessment concluded that all the policies, included the allocations under policy H5, will not result in a significant negative impact on the*

environment.” This was subject to consultation after which it was concluded “*no amendments to the Environmental Report were required.*” The Plan’s supporting text should be updated to reflect this work:

- [Amend Section 1.4 to briefly describe the SEA and HRA process undertaken for the Plan]

58. The Plan meets this Basic Condition.

Other European obligations

59. The Plan must be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations. The Basic Conditions Statement includes a short Equality Impact Assessment undertaken by the Steering Group and this has not identified any issues. I am satisfied that the Plan has appropriate regard to the rights and freedoms guaranteed under the ECHR and complies with the Human Rights Act 1998 and no contrary evidence has been presented. There has been every opportunity for those with an interest in the Plan to make their views known and representations have been handled in an appropriate and transparent manner with changes being made. The Plan meets this Basic Condition.

7. Detailed comments on the Plan policies

60. This section of the report reviews and makes recommendations on each of the Plan's policies to ensure that it meets the Basic Conditions. I provide comments on all policies in order to give clarity on whether the Plan meets the Basic Conditions. The final Policy numbers will need to be amended to take account of the recommended changes.

A Spatial Plan for the Parish

61. **Policy SB1** – This excludes development other than for specified purposes outside a defined settlement boundary.

62. The Boxgrove settlement boundary was established in the Chichester Local Plan – First Review (April 1999). The settlement boundary proposed in Map E differs in two areas, one relating to a recent planning consent off Priors Acre and the other relating to an area including four buildings in the north east section east of Priory Cottage which is included in the Plan's boundary but excluded by the development plan. I note South Downs National Park Authority's concerns about the latter amendment. Bargate Homes is also unhappy with the differences in the settlement boundary. There are other small differences which appear to reflect drafting issues on a low resolution map. An amended boundary reflecting the planning consent is included in Chichester District Council's Site Allocation Development Plan Document which has completed its Examination.

63. Neighbourhood plans have an important role to play in establishing or amending settlement boundaries. Where a boundary is established it is necessary to justify any changes and no justification is provided. The amendment of the settlement boundary following planning consent for development off Priors Acre is sensible and has been accepted at Examination of Chichester District Council's Site Allocation Development Plan Document. There is merit in the proposed amendment to include four buildings east of Priory Cottage within the settlement boundary and align the boundary along the entrance road to The Old Granary but the combination of a lack of justification and uncertain drafting of the proposed boundary brings me to the conclusion that the settlement boundary should

be aligned with that established in the Chichester Local Plan – First Review (April 1999) as amended by the adopted Site Allocations Development Plan Document.

64. Policy SB1 is negatively worded in excluding all development other than that for the purposes specified. This conflicts with the need to “*plan positively*” established in national planning policy (NPPF paragraph 16) and is not consistent with the approach established in Chichester District Council’s Local Plan Policies 45 and 46.

- Amend the settlement boundary shown in Map E to align with that established in the Chichester Local Plan – First Review (April 1999) as amended by the adopted Site Allocations Development Plan Document
- **Amend Policy SB1 to replace “*not be acceptable other than*” with “*will only be supported*” and replace “*or where other policies within this plan indicate otherwise*” with “*where this is consistent with other development plan policies*”**
- Add “Chichester Local Plan Policies 45 and 46 establish the criteria to be met by development outside the settlement boundary.” to the end of paragraph SB1.1
- [Replace Chapter heading “*A Spatial Plan for the Parish*” with “Development outside settlement boundary” or move Policy SB1 into the Environment and Heritage section, with appropriate renumbering of the policies]

Environment and Heritage

65. **Policy EH1** – This establishes a policy approach for protection of trees and hedgerows.

66. Policy EH1 does not meet the Basic Conditions. It presents a negative approach to development that “*will be resisted*” and is also unduly prescriptive in its requirements for what development proposals “*must*” provide. The lack of references to supporting evidence for the importance of trees and hedgerows also supports a less prescriptive approach and it is unreasonable to expect all development of whatever size to include a tree survey and management plan. The Policy seeks to support delivery of a Government target for “*net*

gain for nature” but does not provide any reference to where this target is set out (e.g. NPPF paragraphs 9 and 109). The Policy also goes beyond trees and hedgerows to address *“priority habitat”* but does not define this. Priority habitats are already addressed in Chichester Local Plan Policy 49.

- **Amend Policy EH1 to:**
 - **Replace the first paragraph with “Development proposals that result in the loss of or adverse impacts on trees or hedgerows of arboricultural, amenity or historic value should demonstrate that the benefits clearly outweigh the harm or loss.”**
 - **Replace “must” with “should”**
 - **Insert “significantly” between “which” and “affect” in the third paragraph**

67. **Policy EH2** – This establishes requirements for the development of renewable and low carbon energy infrastructure

68. Policy EH2 provides a positive approach and establishes relevant criteria for development. The Policy does not support proposals on *“best and most versatile agricultural land”* on the grounds that this supports both employment and biodiversity. This blanket approach is not consistent with national planning policy (e.g. NPPF paragraph 112) and the opportunities for using existing industrial or farm buildings are addressed in other aspects of the policy. Planning policies are only relevant where a decision on a planning application is needed and so the restriction of Policy EH2 to occasions *“where planning permission is required”* is confusing. As drafted the Policy is also unclear as to whether all of the criteria apply to development proposals.

- **Amend Policy EH2 to:**
 - **Delete “Where planning permission is required”**
 - **Add “and” at the end of criterion d)**
 - **Delete section f)**
- **Delete paragraph EH2.2**

69. **Policy EH3** – This supports restoration of specified mineral workings.

70. Neighbourhood plans cannot include policies relating to “excluded development” and under section 61K of the Town and Country Planning Act 1990, excluded development includes development that consists of a ‘county matter’ which includes ‘the carrying out of operations in, on, over or under land, or a use of land, where the land was or formed part of a site used or formerly used for the winning and working of minerals and where the operations or use would conflict with or prejudice compliance with a restoration condition or an aftercare condition’.

71. West Sussex County Council (as minerals planning authority) and Chichester District Council have confirmed in their representations that restoration conditions apply to the existing quarry workings and the Policy relates only to land in current use as a quarry. While there is unlikely to be any conflict between the general intention of the Policy and these conditions I conclude that the Policy does relate to excluded development as it may impact on compliance with these conditions and so cannot be included in the Plan. The desire to seek to re-instate historic footpaths may be addressed through other policies.

- **Delete Policy EH3**

72. **Policy EH4** – This seeks to manage development likely to increase flooding.

73. This Policy is generally worded and not prescriptive. It has not been raised in any representations. Policy EH4 meets the Basic Conditions.

74. **Policy EH5** – This seeks to protect agricultural land other than in specified circumstances

75. Policy EH5 is negatively worded and introduces an undefined category of “*fertile*” agricultural land. It is understood this equates to “*best and most versatile*” land as defined in national planning policy (NPPF Annex 2). No evidence relating to the incidence of best and most versatile agricultural land is referenced in the supporting text. Policy EH5 is not

consistent with the approach established in Chichester Local Plan Policy 48 and national planning policy (NPPF paragraph 112) to seek development of poorer quality land in advance of considering the use of the best and most versatile land. The criteria are presented as simple bullets rather than being identified by separate letters as in Policy EH2

- **Amend Policy EH5 to**
 - **Replace “*fertile*” with “best and most versatile”**
 - **Replace “*will be resisted unless it can be demonstrated*” with “any proposal which would involve its significant loss should demonstrate”**
 - **Add “and” after “*harm;*” in second criterion**
 - **Add a third criterion “c) Development of poorer quality agricultural land has been fully considered”**
 - **Replace bullets with lettered criteria a) to c)**

76. **Policy EH6** – This seeks to protect landscape character and important views.

77. Policy EH6 presents a sweeping approach to protection of Conservation Areas which is prescriptive in specifying what development “*must*” provide. It is not consistent with the legal requirement for development in Conservation Areas to “*preserve or enhance*” their character or appearance. It also lacks clarity on both the heritage assets and views to be protected and the attributes and the significances which give rise to their character. Gladman Developments Limited has expressed concern about the lack of clarity in the Policy. There are helpful references to Conservation Area Character Appraisals (which include Townscape Appraisals). Some of the text is italicised for an unclear purpose. Overall, the Policy lacks the clarity and definition necessary to provide a clear framework within which decisions on planning applications can be made. There are also overlaps with Policy EH8 which means that Policy EH6 should address only Conservation Areas.

- **Replace Policy EH6 with the following “Development proposals in Conservation Areas should preserve or enhance their historic, townscape and landscape character, including the attributes of significant views and vistas and heritage assets making a positive contribution to the townscape, as identified in the**

Conservation Area Character Appraisals and Townscape Appraisals for Boxgrove and Halnaker.”

- Amend Policy title to “Development in Conservation Areas”
- Include references and links to the Conservation Area Character Appraisals and Townscape Appraisals for Boxgrove and Halnaker in the supporting text and locate the Character and Townscape Appraisals together in the evidence base provided online
- Delete Appendices 2 and 3

78. **Policy EH7** – This seeks to protect dark skies.

79. Policy EH7 takes an overly restrictive approach to development generating light pollution – it *“will not be permitted”* - and seeks specific controls over the time when external lighting can be used. It addresses matters outside planning control, such as street lighting, and introduces a novel community consent mechanism for determining what lighting is required. The Policy helpfully acknowledges recognition since 2016 of the South Downs as an International Dark Sky Reserve. Policy SD8 of the adopted South Downs Local Plan addresses light pollution and dark skies within the National Park and Chichester District Council’s representations encourage consistency with its approach.

- **Replace Policy EH7 with the following “Development proposals should respect the unlit environment of the neighbourhood area, including the special qualities of dark skies in the South Downs National Park, and take all appropriate opportunities to reduce light pollution.”**
- Add “The special qualities of the dark skies in the South Downs National Park are recognised in its International Dark Sky Reserve status as reflected in the South Downs Local Plan.” to the supporting text

80. **Policy EH8** – This encourages development to respect and enhance local landscape character and the historic environment.

81. Policy EH8 prescribes criteria to be met by development and that it “*must*” both respect “*and enhance*” the landscape and heritage. The requirement to “*enhance*” is not consistent with national planning policy and too onerous and broad ranging. There are significant overlaps with Policy EH6 as proposed. The Policy is specific about the heritage assets to be considered but much wider ranging and confusing over its scope in respect of landscape, cultural heritage, beauty and wildlife. The Policy requires all development proposals to demonstrate “*all the following criteria have been met*” but does not provide clear criteria and does not distinguish between those having an impact on the landscape and historic environment and those which do not.

- **Amend Policy EH8 as follows:**
 - **Replace “*New development must respect and enhance*” with “Development proposals should respect”**
 - **Replace “*must demonstrate that all the following criteria have been met*” with “that have an impact on the landscape and historic environment should demonstrate how they”**
 - **Replace the second bulleted section of the Policy with:**
 - **“protect the setting of designated and non-designated heritage assets**
 - **respect landscape character**
 - **maintain the individual identity of settlements; and/or**
 - **protect the predominantly open and undeveloped character of the area”**
- **Amend Policy title to “Respecting Landscape and the Historic Environment”**

82. **Policy EH9** – This addresses development in that part of the neighbourhood area which falls into the South Downs National Park.

83. Policy EH9 is negatively worded in that development will “*only be permitted*” where it contributes to the special qualities of the South Downs National Park. The Policy has not attracted any comment from the South Downs National Park Authority. Confusingly, the

latter part of the Policy relates to the whole of the neighbourhood area. The Policy refers to the Parish rather than the neighbourhood area.

- **Amend Policy EH9 to:**
 - **[Replace “*Parish*” with “neighbourhood area”]**
 - **Replace “*only be permitted*” with “be supported”**
 - **[Replace “*SDNP*” with “South Downs National Park”]**
 - **Delete the second paragraph**

84. **Policy EH10** – This supports the provision of new and improved utility infrastructure

85. Policy EH10 is positively worded and encouraging. It meets the Basic Conditions.

Employment and Enterprise

86. **Policy EE1** – This establishes the policy approach to employment and retail development on new, extended and existing sites and to changes of use.

87. Policy EE1 covers both new retail and employment development on existing sites, development which involves the loss of employment uses and mitigation for residential development from new employment and retail development. This broad range of issues is not consistent with the Policy title and results in an unnecessarily complex structure. The Policy and supporting text also refers variously to employment, retail, enterprise, business, and service trade uses without providing any definitions and so there is a lack of clarity over the development which is covered. There is also a lack of evidence of the scale and nature of employment uses in the neighbourhood area.

88. It is recommended that a separate Policy relating to proposals which would result in the loss of employment uses is introduced and to word this policy more positively. For the reasons cited below Policy EE1 should be amalgamated with Policy EE6 to cover new buildings for employment use.

- **Amend Policy EE1 to:**
 - **Insert “for new buildings for employment use or” after “proposals” in the first paragraph**
 - **Delete second paragraph**
 - **Replace “When new development is proposed, appropriate mitigation will be required for both uses” with “Development proposals for employment uses which have a significant adverse impact on residential or public amenity should provide appropriate mitigation.”**
- **Add new Policy EE2 titled “Loss of land and buildings in employment use” - “Development proposals for the redevelopment or change of use of land or buildings in employment use to non-employment use should demonstrate that the existing use is no longer economically viable or compatible with adjoining uses. Evidence should be provided that the site has been actively marketed in accordance with the Chichester Local Plan: Key Policies Appendix E Appropriate Marketing Guidance or any successor guidance.”**
- **Add “Employment uses in these policies are defined as development in Classes A, B and C1 of the Use Classes Order” to the supporting text**
- **Make appropriate consequential amendments to the Policy numbering for this section of the Plan**
- **Change the Policy title of Policy EE1 to “Employment uses”**

89. **Policy EE2** – This sets out policy requirements for tourism related development.

90. The Policy sets out general requirements for development not to have an adverse impact although there is a lack of clarity as to whether it relates only to that part of the neighbourhood area in the South Downs National Park or more broadly throughout the whole neighbourhood area. There is a lack of evidence of the contribution of tourism to the neighbourhood area and the nature and scale of existing development. The policy requirements for applicants to demonstrate that proposals are “sustainable” and to provide “appropriate” level of parking are unclear. The Policy refers to the “built up area boundary” which lacks the definition provided by the “settlement boundary”. It includes grammatical and syntax errors.

- **Amend Policy EE2 to:**
 - **Delete “Policy SD23 of the emerging South Downs Local Plan and”**
 - **Delete “or impacts on” and insert a comma after “amenity”**
 - **Replace the second paragraph with “Development proposals relating to land outside the Boxgrove settlement boundary should be appropriate in terms of form and design and demonstrate they will not have an adverse impact on the rural landscape and will, where appropriate due to their location, contribute positively to the natural beauty, wildlife and cultural heritage of the South Downs National Park.”**
 - **Replace the third paragraph with “Parking provision should be contained within the site where possible.”**

91. **Policy EE3** – This supports improved access to mobile communications

92. Policy EE3 is positively worded. It is overly prescriptive in setting out requirements that “*must*” be met and unclear in its requirement for “*high quality*” communications infrastructure.

- **Amend Policy EE3 to replace “*must*” with “*should*”**
- Add “For the purposes of this Policy high quality communications infrastructure has the same meaning as Super-fast broadband in the Chichester Local Plan - broadband connections of 20 Megabits per second (Mbps) or above.” to the supporting text.

93. **Policy EE4** – This seeks to control the loss of employment uses outside the settlement boundary for agricultural and similar purposes.

94. Policy EE4 duplicates the requirements of Policy EE1 (as amended through the introduction of a new Policy EE2). It should be deleted and the particular needs of these uses recognised in the supporting text for Policy EE2.

- **Delete Policy EE4** and its supporting text
- Add “Employment uses also relates to agricultural, horticultural, equine and viticultural activity” to the supporting text for new Policy EE2

95. **Policy EE5** – This establishes the approach to the use of existing farm buildings

96. Policy EE5 is positively worded and sets reasonable criteria except that it is unduly restrictive to require no adverse impacts from development in these cases. The Policy is unclear as to whether all of the criteria have to be met. The criteria are presented as bullets rather than letters as in other Plan policies.

- **Amend Policy EE5 to**
 - **Replace “an” in the fifth criterion with “any significant”**
 - **Add “and” to the end of the fifth criterion**
 - **Replace bullets with lettered criteria a) to f)**

97. **Policy EE6** – This sets out policy requirements for new and extended commercial buildings.

98. Policy EE6 overlaps significantly with Policy EE1 in respect of extended and altered commercial buildings. It is recommended that Policy EE6 is deleted and addressed through an extended Policy EE1 to include new buildings. This will aid clarity and avoid confusion over the different terminology of “commercial” and “employment” used in the Plan.

- **Delete Policy EE6 and make the changes recommended to Policy EE1**

Leisure and Community

99. **Policy LC1** – This supports residential development within Boxgrove’s settlement boundary for care homes and independent living.

100. Policy LC1 is not supported by evidence of either the demand for residential provision that supports independent living or the existing supply. Nevertheless, it is a positively worded enabling policy that meets the Basic Conditions.

101. **Policy LC2** - This supports development of new or improved medical facilities within Boxgrove’s settlement boundary.

102. Policy LC2 is not supported by evidence of the demand for additional medical facilities although there is a lack of any current supply. Nevertheless, it is a positively worded enabling policy that meets the Basic Conditions.

103. **LC3** – This seeks to protect community assets.

104. Policy LC3 relates only to community assets that have been registered as Assets of Community Value. This is a clear approach and means the Policy currently only applies to a single asset. A separate Policy LC6 addresses the village shop in Boxgrove. Other relevant assets will be considered under Policy 38 of Chichester’s Local Plan for community facilities. The second part of the Policy is negatively worded and to be consistent with other policies it should establish the same requirements for marketing.

- **Amend Policy LC3 to:**
 - **Replace “*will be resisted, unless it can be clearly demonstrated*” with “should demonstrate”**
 - **Add “Evidence should be provided that the site has been actively marketed in accordance with the Chichester Local Plan: Key Policies Appendix E Appropriate Marketing Guidance or any successor guidance.” at the end**

105. **Policy LC4** – This designates six areas as Local Green Space and introduces a policy that their development will not be permitted except in very special circumstances.

106. Policy LC4 is supported by a poorly reproduced map at a small scale of the proposed areas and a short Schedule which assesses each area in terms of the criteria for Local Green Spaces set out in National Planning Policy Framework paragraph 76 and provides a short written justification. The proposed Local Green Spaces were included in the consultation draft Plan although no evidence is provided of the level of support for each proposal. Two additional areas are proposed as Local Open Space in Policy LC5 although it is unclear why these are not also proposed as Local Green Space as they are assessed in the same way.

107. The National Planning Policy Framework notes that designation will not be suitable for most green spaces. Once designated Local Green Space has protection equivalent to Green Belt.

108. The limited evidence supporting Policy LC4 is problematic. On request I was supplied with a larger scale map of each site which I used to visit and consider them individually:

1. The Cock-pit, Waterbeach – this small, square sided area of green space lies opposite a busy hotel and has demonstrable historic and cultural interest as the site of a former cock-pit and includes relevant interpretation.
2. Boxgrove School Playing Field – this is a clearly bounded area of open space in the heart of Boxgrove which is demonstrably used for a variety of community events and activities.
3. Boxgrove Recreation Field – this is a significant area of green space within the settlement boundary that is demonstrably well used for sporting and other activities.
4. The Flower Field – this is a large field in agricultural use outside the settlement boundary. There is little to distinguish it from other fields, including that immediately to the south of the public footpath which forms a boundary to the proposed Local Green Space. A sign discourages public access.
5. Boxgrove Common – this is an extensive site of 21 hectares and an active landfill site. Mechanical diggers were working on the site during my visit. Much of the site is well screened from public view and fenced with warning signs.
6. Alms Houses garden and allotments – this is located in the heart of Boxgrove and is demonstrably well used by local residents.

109. On the basis of the evidence provided and my own visit to each of the proposed Local Green Spaces I am satisfied that all but 4 (The Flower Field) and 5 (Boxgrove Common) are appropriate proposals. Flower Field is one of many agricultural fields around Boxgrove and lacks distinction. Boxgrove Common is both an “extensive tract of land” in terms of national planning policy and an active landfill site. It is located away from existing settlements. There is an expectation that the site will be restored for public use after 2021 and parts of it might be considered for Local Green Space designation when the Plan is reviewed.

110. To ensure clarity Policy LC4 should simply designate Local Green Spaces to which national policy will then apply and it need not repeat the rationale for designation.

- **Amend Policy LC4 to read “The areas shown in Schedule A are designated as Local Green Space.”**

- Provide high quality, large scale maps of each of the Local Green Spaces in a revised Schedule A with consequential amendments to delete The Flower Field and Boxgrove Common and provide these online

111. **Policy LC5** – This identifies two areas for designation as Local Open Space and introduces policy restricting their development.

112. Policy LC5 is not supported by evidence of the support for these designations or how they have been identified. The supporting text refers to unreferenced “*surveys*” and the policy approach is highly restrictive and negatively worded. The Policy is supported by a poorly reproduced map at a small scale of the proposed areas and a short Schedule which classifies each of them according to the Local Green Space criteria in national planning policy. It is unclear why these sites have not been proposed as a Local Green Space. The relationship between the map and schedule is unclear as the sites are not numbered on the map.

113. I visited both sites and it is manifestly clear they are important open spaces. Priory Close Green frontage lies along the main street and makes a very important contribution to the character of Boxgrove as a whole. The small area of land south of 33 Priors Acre provides important space within the more recently developed area of Boxgrove and is of local importance to adjacent residents.

114. On the basis of the evidence provided and my own visit I am satisfied that both sites should be recognised as important Local Open Space in an amended policy in the Plan.

- **Amend Policy LC5 to read “The areas shown in Schedule B are designated as Local Open Space where development proposals should demonstrate that their benefits outweigh any identified harm and there are no reasonable alternative sites available.”**
- Provide high quality, large scale maps of each of the Local Open Spaces in a revised Schedule B

115. **Policy LC6** – This protects the village shop.

116. Policy LC6 refers both to “*a*” and “*the*” village shop. Section 3 of the Plan states that “*The Parish has one shop, located in Boxgrove village.*” Confusingly, this is located in a section titled “*Public Houses*”. Policy LC6 needs to be amended to provide clarity about the village shop. As with Policy LC3 further modifications are needed to word the Policy more positively.

- **Amend Policy LC6 to:**
 - **Replace “*a*” with “*the*” before “*village shop*”**
 - **Replace “*will not be permitted, unless the existing use can be shown to be*” with “*should demonstrate the existing use is*”**
- Add “Boxgrove” before “*Village shop*” in the Policy title
- [Introduce a sub-heading “Village shop” before paragraph 3.6.3]

117. **Policy LC7** – This supports improvements to the facilities at Boxgrove primary school. Policy LC7 is positively worded and meets the Basic Conditions.

Housing

118. **Policy H1** – This sets out design expectations and criteria to be considered in new development proposals.

119. This is a wide ranging policy establishing both general and specific design criteria and specifying that some of these “*must*” and others “*should*” be met. It also establishes demanding requirements to provide certain information as part of development proposals. These requirements would also relate to non-residential development covered in other policies (i.e. Policy EH8). The Policy duplicates other parts of the Plan and includes unnecessary provisions, such as the consideration of photo-voltaics on “*a case by case basis*”. The Policy is not supported by any evidence on a range of issues, including what constitutes “*local design style*” or “*good quality*” grilles or “*energy efficient*”. The Policy contains particularly detailed provision for controlling the structures associated with

servicing new dwellings. In its representations Chichester District Council has also identified that it establishes the standards for bin stores rather than the Highways Authority. Gladman Development Limited has stressed the need for greater flexibility in the policy.

120. While there is strong support for high quality design in national planning policy (e.g. NPPF Section 7) and in Chichester Local Plan Policy 33, Policy H1 lacks clarity and will not provide sufficient certainty for decision makers. It also introduces unduly onerous requirements which are not supported by any evidence and it deals with some issues that are outside planning control. The Policy needs considerable modification if it is to meet the Basic Conditions.

- **Reword Policy H1 as follows “Proposals for residential development should be designed to a high quality, respect local character and contribute positively to the environment. Particular consideration should be given to the following issues:**
 - **Provision of bin stores and recycling facilities in accessible locations out of public view**
 - **Provision of infrastructure and services as inconspicuously as possible.”**
- Add to H1.1 “For the purposes of Policy H1:
 - “Residential development” includes any extensions or external alterations to existing buildings
 - “Infrastructure and services” includes meter boxes, flues and ventilation ducts, guttering and rainwater pipes, satellite dishes, soil and drainage pipes, oil and other fuel tanks, telephone and power lines and renewable energy supplies.”

121. **Policy H2** – This seeks to secure provision of a range of housing types, development to meet “*local needs*” and minimum provision of dwellings meeting Lifetime Home Standards.

122. Policy H2 establishes both a general requirement for a range of house types and a specific need for a minimum of 25% to meet Lifetime Home Standards. It provides no definition of “*local needs*” and is not supported by any specific evidence of the nature and

demand for housing in the area. On request Boxgrove Parish Council justified the 25% threshold on the basis that 27% of the population is 65 or over. This evidence makes no allowance for a housing market that extends beyond the neighbourhood area and there is no evidence of people's expressed wishes for different housing types. The requirement to meet "*local needs*" and the share of new housing meeting Lifetime Home Standards does not meet the Basic Conditions.

- **Amend Policy H2 to read "Development proposals which deliver a range of house types, sizes and tenures will be supported."**

123. **Policy H3** – This establishes policy requirements for the development of windfall sites.

124. Policy H3 introduces a range of criteria that lack clarity, are too onerous or duplicate each other (i.e. viii) and viii)).

125. The deliverability of a small development on a windfall site in terms of its viability after any s106 agreements have been made and the community infrastructure levy has been paid is not a relevant consideration. The Government's Planning Practice Guidance is clear that "*the role for viability assessment is primarily at the plan making stage*" and the scale of development on windfall sites in the neighbourhood area is likely to be very small.

126. The requirement that "*land is demonstrated to be used effectively and comprehensively. Arbitrary subdivision of land or piecemeal development will be considered unacceptable*" lacks clarity and is unduly restrictive.

127. Policy H3 also introduces an unnecessary requirement for development to comply with other relevant policies of the development plan. All planning applications are considered against all policies in the development plan. It is also unclear whether all the criteria apply when considering a development proposal.

- **Amend Policy H3 as follows:**
 - **Replace “shall” with “should” after “Map E)”**
 - **Delete sections i), v), vi) and viii)**
 - **Replace “must” with “should” in section vii)**
 - **Add “where appropriate” to end of section viii)**

128. **Policy H4** – This seeks to secure quality open space associated with new residential development.

129. Policy H4 is enabling in effect and sets out broad expectations. It meets the Basic Conditions.

130. **Policy H5** – This identifies three sites for development and provides an indication of the kind of development to be provided on each site.

131. The Plan provides only limited information on the neighbourhood area’s housing requirements and the need to allocate future sites. Chichester District Council has confirmed that the Local Plan housing requirement has already been exceeded and its representations state *“there is no overriding requirement for the parish to identify further housing allocations.”* The Policy is supported by a poorly reproduced map at a small scale.

132. The small development sites have been selected following a call for sites which identified eleven potential locations. There has been dialogue with landowners and this is recorded in the evidence base. The site analysis report is brief and offers only limited information on whether the site is brownfield, in a Conservation Area, within the Boxgrove settlement boundary and has the support of the landowner and the local community. In some cases a short narrative is provided. No justification is provided for the type of development proposed for each location.

133. The numbering of the sites in Policy H5 and on Map D does not correspond.

134. I visited each of the sites to assess their planning merit.

The Old Granary, Boxgrove – This is sensitively located on the northern edge of Boxgrove adjacent to the Conservation Area and other heritage assets and outside the existing village envelope. A separate Heritage Impact Assessment has been prepared for this site which indicates there is scope for sensitive development. Representations from Chichester District Council emphasise the site’s sensitivity and identify the need for a more clearly worded policy. Historic England has emphasised the importance of the setting for Priory Farmhouse. The site analysis report is equivocal in supporting the allocation and states it *“could be used if the allocation cannot be met any other way.”* Gladman Development Limited is concerned by the lack of evidence supporting this and the other allocations and believes they are best dealt with as windfall sites. Neame Sutton acting on behalf of Mr and Mrs Parry is also concerned at the lack of evidence supporting the allocation. Nevertheless, as Qualifying Body, Boxgrove Parish Council has included the site as an outcome of the Plan preparation process and the allocation of land for development is an important function for neighbourhood plans. There is also well presented evidence that development can be delivered which respects its sensitivity. I recommend that the site is included with a strengthened wording to reflect its sensitivity. I also note the settlement boundary will need to be redrawn in future to accommodate development of the site.

The Old Coal Yard, Halnaker – The site has planning permission for development and construction is underway. It is not appropriate for an allocation in the Plan.

Brambles, Crockerhill – This is proposed for a single dwelling to be occupied by the existing owner. It is a rural location where development would not normally be permitted and there is no evidence supporting its allocation other than the lack of objection from the existing owner. It is not appropriate for an allocation in the Plan.

- **Reword Policy H5 as follows: “The land at The Old Granary, Boxgrove shown in Map C is allocated for residential development. Any development of the site should respond positively to the significance of nearby heritage assets, including**

the setting of Priory Farmhouse and views into and out of the Conservation Area, and its contribution to landscape and townscape character.”

- **Delete The Old Coal Yard and Brambles from Policy H5**
- Make consequential changes to Map C and provide a higher quality large scale map of the site
- Retitle Policy as “Residential development of land at The Old Granary, Boxgrove”
- Retain only paragraph H5.3 of the supporting text

Getting around

135. **Policy GA1** – This supports development resulting in improvements to the footpath and cycle network and seeks to protect them from loss.

136. Policy GA1 is not supported by evidence for the use of the local footpath and cycle network. The Policy and the supporting text seeks to do a number of things – support development which improves the existing network, protect the existing network, identify priorities for the use of Community Infrastructure Levy, and open up new permissive paths through negotiation. The Community Infrastructure Levy priorities and plans for new permissive footpaths do not need to be in planning policy and can most clearly be included as community aspirations. The Policy is accompanied by a poor quality Map titled *“Permissive Paths – Policy GA1”* although this is only referenced in relation to the negotiation of access with landowners outside planning policy and no key is provided.

- **Amend Policy GA1 to read “Development proposals that maintain, improve or extend the existing footpath and cycle path network shall be supported.”**
- Replace Map D with a high quality version which can be used to identify the detailed route of paths, title this “Desired path improvements” and provide a key to the information displayed.
- Include details of the Community Infrastructure Levy priorities in the supporting text as follows “Boxgrove Parish Council will use contributions from the community infrastructure levy to enhance the footpath and cycle path network in order to

enable safe and easy pedestrian access to amenities, especially the Village Shop, Village Hall, Playing Field and Church; provide and maintain a safe and suitable cycle path network for both commuting to work (e.g. Chichester) and recreational use as part of a wider network of cycle routes beyond the Parish.”

137. **Policy GA2** – This establishes the policy approach to parking standards.

138. Policy GA2 is prescriptively worded in requiring the maximum level of off-street parking and stating that on-site parking “*must*” be provided. There is an expectation in the supporting text for minimum internal garage sizes although this is not addressed in the Policy. The Policy is not supported by any evidence of the “*significant road traffic and parking issues*” cited in the supporting text and no reference is provided of the “*current standards*” to be met.

- **Replace Policy GA2 with “Development proposals which make best use of on-site parking provision shall be supported.”**
- Replace both instances of “*shall*” with “*should*” in the sixth bullet of paragraph GA2.2

139. **Policy GA3** – This establishes policy requirements for the provision of streets and access to serve new residential development.

140. The Policy lacks sufficient clarity and addresses a mix of matters subject to both planning and highways legislation. It is both prescriptively worded in specifying what “*shall*” be required and unclear in seeking “*appropriate emphasis*”. The Policy contains unreferenced requirements for layout to be in accordance with the principles of “*secure by design*” and “*eyes on the street*”. The Policy is not supported by evidence of how recent residential development has been served or which justifies the approach to street design. As worded the Policy is limited to “*new residential development*” and no explanation is provided as to why it would not relate to other development.

- Amend Policy GA3 to
 - Replace “*shall*” with “*should*” in all instances
 - In the first part replace “*with appropriate emphasis on*” with “*for*” and add “*as appropriate*” at end
 - In the second part replace “*secure*” with “*secured*” and ““*eyes on the street*”” with “*passive surveillance*”
 - Delete the third part
 - Replace the fourth part with “Boundaries along new and existing access routes which respect local character, including low hedges, walls and fences shall be supported.”
- Amend the Policy title to “Access to new development”
- Add “*Secured by Design* is a UK Police initiative combining the principles of designing out crime with physical security (<http://www.securedbydesign.com/>)” to the supporting text

141. **Policy GA4** – This sets policy requirements to be met by development that increases travel demand.

142. Policy GA4 is unreasonable in introducing requirements, including requiring financial contributions, for any development that leads to an increase in travel demand whatever its size or the significance of its impacts. It also sets out priorities for the use of Community Infrastructure Levy which are a matter for Boxgrove Parish Council and do not need to be included in planning policy. South Downs National Park Authority has also made representations supporting inclusion of the priorities for use of the Community Infrastructure Levy in the supporting text.

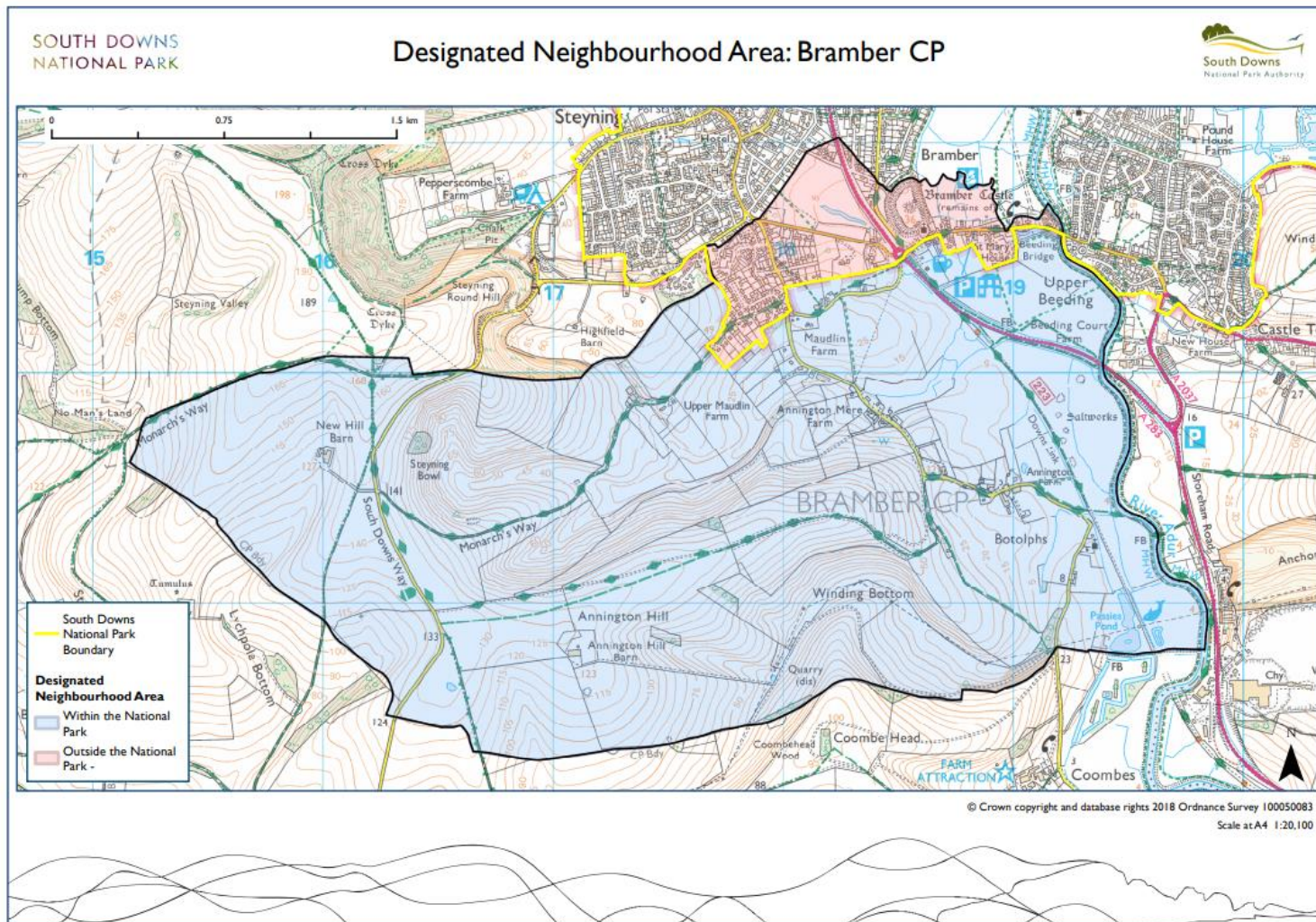
- **Amend Policy GA4 as follows “Development proposals with a significant transport impact should demonstrate how these impacts are mitigated, including as appropriate through:**
 - **extension or improvement of walking and cycling routes**
 - **supporting improvements to public and community transport services; and**

- **avoiding loss of existing walking and cycling routes.”**
- Include the second part of Policy GA4 in the supporting text and provide an explanation for the acronym “*IBP*”

8. Recommendation and Referendum Area

143. I am satisfied the Boxgrove Neighbourhood Plan meets the Basic Conditions and other requirements subject to the modifications recommended in this report and that it can proceed to a referendum. I have received no information to suggest other than that I recommend the referendum area matches that of the Neighbourhood Area.

Agenda Item 11 Report 20/21-51 Appendix 3 Bramber NDP Area



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Bramber Neighbourhood Development Plan 2018-2031

**A report to Horsham District Council on the Bramber
Neighbourhood Development Plan**

**Andrew Ashcroft
Independent Examiner
BA (Hons) M.A. DMS M.R.T.P.I.**

Director – Andrew Ashcroft Planning Limited

Executive Summary

- 1 I was appointed by Horsham District Council in June 2020 to carry out the independent examination of the Bramber Neighbourhood Development Plan.
- 2 The examination was undertaken by written representations. I visited the neighbourhood plan area on 19 June 2020.
- 3 The Plan includes a range of policies and seeks to bring forward positive and sustainable development in the neighbourhood area. There is a very clear focus on safeguarding local character. In this context it includes a series of environmental policies. It also proposes two local green spaces. In the round the Plan has identified a range of issues where it can add value to the strategic context already provided by the wider development plan.
- 4 The Plan has been underpinned by community support and engagement. It is clear that all sections of the community have been actively engaged in its preparation.
- 5 Subject to a series of recommended modifications set out in this report I have concluded that the Bramber Neighbourhood Plan meets all the necessary legal requirements and should proceed to referendum.
- 6 I recommend that the referendum should be held within the neighbourhood area.

Andrew Ashcroft
Independent Examiner
27 July 2020

1 Introduction

- 1.1 This report sets out the findings of the independent examination of the Bramber Neighbourhood Development Plan 2018-2031 (the 'Plan').
- 1.2 The Plan has been submitted to Horsham District Council (HDC) and the South Downs National Park Authority (SDNPA) by Bramber Parish Council in its capacity as the qualifying body responsible for preparing the neighbourhood plan. Whilst the majority of the neighbourhood area is within the South Downs National Park Bramber itself is within Horsham District.
- 1.3 Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently embedded in the National Planning Policy Framework (NPPF) 2012 and its updates in 2018 and 2019. The NPPF continues to be the principal element of national planning policy.
- 1.4 The role of an independent examiner is clearly defined in the legislation. I have been appointed to examine whether or not the submitted Plan meets the basic conditions and Convention Rights and other statutory requirements. It is not within my remit to examine or to propose an alternative plan, or a potentially more sustainable plan except where this arises as a result of my recommended modifications to ensure that the plan meets the basic conditions and the other relevant requirements.
- 1.5 A neighbourhood plan can be narrow or broad in scope. Any plan can include whatever range of policies it sees as appropriate to its designated neighbourhood area. The submitted plan has been designed to be distinctive in general terms, and to be complementary to the development plan in particular. It has a clear focus on safeguarding the local environment and ensuring good design standards.
- 1.6 Within the context set out above this report assesses whether the Plan is legally compliant and meets the basic conditions that apply to neighbourhood plans. It also considers the content of the Plan and, where necessary, recommends changes to its policies and supporting text.
- 1.7 This report also provides a recommendation as to whether the Plan should proceed to referendum. If this is the case and that referendum results in a positive outcome the Plan would then be used to determine planning applications within the Plan area and will sit as part of the wider development plan.

2 The Role of the Independent Examiner

- 2.1 The examiner's role is to ensure that any submitted neighbourhood plan meets the relevant legislative and procedural requirements.
- 2.2 I was appointed by HDC, with the consent of the Parish Council, to conduct the examination of the Plan and to prepare this report. I am independent of both HDC and the Parish Council. I am also independent of the SDNPA. I do not have any interest in any land that may be affected by the Plan.
- 2.3 I possess the appropriate qualifications and experience to undertake this role. I am a Director of Andrew Ashcroft Planning Limited. In previous roles, I have over 35 years' experience in various local authorities at either Head of Planning or Service Director level. I am a chartered town planner and have significant experience of undertaking other neighbourhood plan examinations and health checks. I am a member of the Royal Town Planning Institute and the Neighbourhood Planning Independent Examiner Referral Service.

Examination Outcomes

- 2.4 In my role as the independent examiner of the Plan I am required to recommend one of the following outcomes of the examination:
- (a) that the Plan is submitted to a referendum; or
 - (b) that the Plan should proceed to referendum as modified (based on my recommendations); or
 - (c) that the Plan does not proceed to referendum on the basis that it does not meet the necessary legal requirements.
- 2.5 The outcome of the examination is set out in Sections 7 and 8 of this report.

Other examination matters

- 2.6 In examining the Plan I am required to check whether:
- the policies relate to the development and use of land for a designated neighbourhood plan area; and
 - the Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 (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
 - the Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.
- 2.7 I have addressed the matters identified in paragraph 2.6 of this report. I am satisfied that the submitted Plan complies with the three requirements.

3 Procedural Matters

3.1 In undertaking this examination I have considered the following documents:

- the Submission Plan;
- the Basic Conditions Statement;
- the Consultation Statement;
- the Sustainability Appraisal Report (January 2020);
- the HRA Screening Report;
- the Neighbourhood Plan Design Guidance;
- the AECOM Housing Needs Assessment;
- the Neighbourhood Plan Area Profile (July 2019);
- the Housing Report (including Site Assessments);
- the Parish Council's responses to my Clarification Note;
- the District Council's responses to my Clarification Note
- the representations made to the Plan;
- the adopted Horsham District Planning Framework 2015;
- the adopted South Downs Local Plan 2019;
- the National Planning Policy Framework (2019);
- Planning Practice Guidance (March 2014 and subsequent updates); and
- relevant Ministerial Statements.

3.2 I visited the neighbourhood area on 19 June 2020. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular. I maintained the social distancing requirements that were in place at that time during the day in the neighbourhood area. The visit is covered in more detail in paragraphs 5.9 to 5.16 of this report.

3.3 It is a general rule that neighbourhood plan examinations should be held by written representations only. Having considered all the information before me, including the representations made to the submitted plan, I was satisfied that the Plan could be examined without the need for a public hearing. I advised HDC of this decision once I had received the responses to the Clarification Note.

4 Consultation

Consultation Process

- 4.1 Policies in made neighbourhood plans become the basis for local planning and development control decisions. As such the regulations require neighbourhood plans to be supported and underpinned by public consultation.
- 4.2 In accordance with the Neighbourhood Planning (General) Regulations 2012 the Parish Council has prepared a Consultation Statement. This Statement sets out the mechanisms that were used to engage the community and statutory bodies in the plan-making process. It also provides specific details about the consultation process that took place on the pre-submission version of the Plan (September to November 2019).
- 4.3 The Statement is particularly helpful in the way in which it captures the key issues in a proportionate way and is then underpinned by more detailed appendices
- 4.4 The Statement sets out details of the comprehensive range of consultation events that were carried out in relation to the initial stages of the Plan. They included:
 - the newsletter to all residents (December 2017);
 - the stand at the Steyning Showcase event (February 2018);
 - general publicity (March 2018);
 - the discussion at the annual Parish Council meeting (April 2018);
 - the Call for Sites process (May 2018);
 - the signing of the Memorandum of Understanding with adjacent parish councils (July 2018);
 - the further newsletter (October 2018);
 - the public event (November 2018);
 - the stand at the Upper Beeding Showcase event (April 2019);
 - the further newsletter (April 2019); and
 - the public events within the pre-submission consultation process (September/October 2019).
- 4.5 I am satisfied that the engagement process was both proportionate and robust. It sought to engage in a balanced way with local residents, statutory bodies, local businesses and potential developers. In particular, the Parish Council has sought to engage residents adjacent to the neighbourhood area and other parish councils that would be directly affected by the preparation of the Plan.
- 4.6 Appendix D of the Statement provides specific details on the comments received on the pre-submission version of the Plan. It identifies the principal changes that worked their way through into the submission version. This process helps to describe the evolution of the Plan.

- 4.7 It is clear that consultation has been an important element of the Plan's production. Advice on the neighbourhood planning process has been made available to the community in a positive and direct way by those responsible for the Plan's preparation.
- 4.8 From all the evidence provided to me as part of the examination, I can see that the Plan has promoted an inclusive approach to seeking the opinions of all concerned throughout the process. HDC has carried out its own assessment that the consultation process has complied with the requirements of the Regulations.

Representations Received

- 4.9 Consultation on the submitted plan was undertaken by HDC for a nine-week period that ended on 18 May 2020. This exercise generated comments from a range of organisations as follows:
- Natural England
 - Waverley Borough Council
 - Surrey County Council
 - Southern Water
 - Highways England
 - West Sussex County Council
 - Horsham District Council
 - Historic England
 - South Downs National Park Authority
 - DMH Stallard
- 4.10 The submitted Plan also generated representations from a local resident.
- 4.11 I have taken account of all the representations received. Where it is appropriate to do so, I refer to particular representations in my assessment of the policies in Section 7 of this report.

5 The Neighbourhood Area and the Development Plan Context

The Neighbourhood Area

- 5.1 The neighbourhood area consists of the parish of Bramber. Its population in 2011 was 785 persons living in 348 houses. It was designated as a neighbourhood area on 15 February 2018 and on 26 February 2018 by HDC and SDNPA respectively. The neighbourhood area is irregular in shape and largely sits to the immediate south of the village of Bramber. It is located in the south-eastern part of Horsham District. The neighbourhood area is predominantly rural in character and much of its area is in agricultural use. The River Adur is located at the eastern end of the village of Bramber.
- 5.2 The principal settlement in the neighbourhood area is Bramber. It is located off the A283. It is located to the immediate west of Upper Beeding. It is arranged in a linear fashion around the vibrant High Street and The Street. This principal thoroughfare includes an attractive range of retail and commercial premises. The village reflects its historic role as a port on the River Adur. Together with a defensible natural mound that was occupied by its Castle the village became an early centre of Norman administration. Whilst the maritime history of the village ended with the silting of the River Adur, the remnants of the Castle and the adjacent St Nicholas Church continue as the centre-points of the village.
- 5.3 The other principal settlements in the neighbourhood area are Annington and Botolphs. They are located to the south of Bramber on the Annington Road. The remainder of the neighbourhood area consists of a very attractive agricultural hinterland. The majority of neighbourhood area is within the South Downs National Park. It provides an attractive backcloth to the elements of built development. The South Downs Way passes through the neighbourhood area and intersects with a series of more local footpath networks.

Development Plan Context

- 5.4 The development plan covering the neighbourhood plan area is the Horsham District Planning Framework (HDPF) and the South Downs Local Plan. The HDPF was adopted in 2015 and covers the period up to 2031. It sets out to bring forward new growth that is proportionate to the size of the various settlements in the District. Policy 2 (Strategic Development) focuses development in and around Horsham itself together with other strategic development in Southwater and Billingshurst. Elsewhere it proposes an appropriate scale of development which would retain the overall settlement pattern in the District. Policy 3 establishes a settlement hierarchy. Within this context Bramber is identified as a Small Town/Larger Village (the second category in the hierarchy) together with Upper Beeding. Policy 4 supports the expansion of settlements subject to various criteria being met. Policy 15 (Housing Provision) sets the scene for the strategic delivery of new housing. Beyond Horsham, Southwater and Billingshurst it identifies that 1500 homes should be delivered collectively across the District through neighbourhood plans in accordance with the settlement hierarchy.

- 5.5 In addition to the policies set out above the following policies in the HDPF have been particularly important in influencing and underpinning the various policies in the submitted Plan:

Policy 7	Economic Development
Policy 9	Employment Development
Policy 17	Meeting Local Housing Needs
Policy 26	Countryside Protection
Policy 32	Quality of New Development
Policy 43	Community Facilities, Leisure and Recreation

- 5.6 HDC has now well-advanced in terms of its preparation of a new Local Plan. A draft Regulation 18 Local Plan was published for consultation between February and March 2020. It is anticipated that the Plan will be submitted for examination in the early part of 2021. In process terms this Plan is not at a stage at which it can have any significance in the examination of the submitted neighbourhood plan. Nevertheless, HDC has helpfully provided advice to qualifying bodies on how it anticipates that the emerging Plan will have a bearing on the well-developed neighbourhood planning agenda in the District.
- 5.7 The majority of the neighbourhood area is located within the South Downs National Park. As such future development in this area is controlled by the South Downs Local Plan which was adopted in July 2019. It is primarily a landscape-led Plan. Strategic Policies SD4,5 and 6 address Landscape Character, Design and Views respectively.
- 5.8 The submitted Plan has been prepared correctly and properly within this current adopted development plan context. In doing so it has relied on up-to-date information and research that has underpinned existing planning policy documents in the District and in the National Park. This is good practice and reflects key elements in Planning Practice Guidance on this matter. It is also clear that the submitted Plan seeks to add value to the different components of the development plan and to give a local dimension to the delivery of its policies. This is captured in the Basic Conditions Statement.

Unaccompanied Visit

- 5.9 I visited the neighbourhood area on 19 June 2020. I maintained appropriate social distancing measures in force at that time when I was in the neighbourhood area.
- 5.10 I drove into the neighbourhood area along the A283 from the north and west. This gave me an initial impression of its setting and character both in general terms and in relation to the South Downs in particular. It also highlighted its connection to the strategic road system and to Steyning to the north.
- 5.11 I parked in the layby off the A283 to the south of the village and Upper Beeding. I walked along the South Downs Way to the top of Beeding Hill. I was rewarded with excellent views of the wider parish, Upper Beeding to the north, and the chimney stack

of the former Shoreham Cement Works and Lancing College to the south. This part of the visit highlighted the significance of the South Downs and the Adur river and floodplain to the wider landscape. It also helped me to understand Policy B9 (on locally-significant views). I also saw the way in which the local footpath network was clearly-marked and very well-maintained.

- 5.12 Thereafter I walked back to the layby and continued along the South Downs Way over the river bridge to St Botolph's Church. I saw its well-maintained churchyard and the simplicity of its use of local vernacular materials. I then walked into Botolphs and Annington. I saw their attractive and open characters. In the case of Botolphs I saw the attractive flint boundary walls fronting onto the road and a series of attractive vernacular storage/outbuildings.
- 5.13 I then drove back to Bramber. I looked around the Maudlyn-character area. I then walked into the proposed Clays Field local green space from the entrance off Goring Road. I saw its open character with trees both within the space and around its perimeter. I looked at the three key viewpoints from within the sites as identified in Policy B9. I saw that it was being enjoyed by several groups of people in general, and dog walkers in particular. Thereafter I looked at the adjacent proposed local green space at Heathens' Burial Corner.
- 5.14 I then walked into Bramber. I walked up the hill to the Church and the Castle. The Castle area looked splendid in the early afternoon sunshine. Several family groups were enjoying the open space and the spectacular views. This part of the visit highlighted the historic significance of Bramber and its strategic position within the River Adur Gap. I spent a quiet moment in the well-preserved Church.
- 5.15 I walked down the path by the Church into the village centre. I saw its vibrant range of retail and commercial business in an attractive, historic setting. I saw the way in which they had been incorporated into traditional vernacular buildings and how commercial and residential uses co-existed in a relaxed fashion. I also saw the way in which very traditional and historic buildings sat comfortably with more modern buildings (such as Millfield). I saw St Mary's House and Gardens. I walked up to the River Adur bridge where the parish abuts Upper Beeding Parish.
- 5.16 I finished my visit by driving along Sopers Lane to Steyning Bowl. This further reinforced the way in which the South Downs dominates the character and setting of the wider neighbourhood area.

6 The Neighbourhood Plan and the Basic Conditions

6.1 This section of the report deals with the submitted neighbourhood plan as a whole and the extent to which it meets the basic conditions. The submitted Basic Conditions Statement has helped considerably in the preparation of this section of the report. It is a well-presented and informative document. Tables 2.3 and 4.1 are exemplary in the way in which they relate the policies in the Plan to national and local planning policies respectively. The wider Statement is also proportionate to the Plan itself.

6.2 As part of this process I must consider whether the submitted Plan meets the Basic Conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. To comply with the basic conditions, the Plan must:

- 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 of the development plan in the area;
- be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations; and
- not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017 (7).

6.3 I assess the Plan against the basic conditions under the following headings.

National Planning Policies and Guidance

6.4 For the purposes of this examination the key elements of national policy relating to planning matters are set out in the National Planning Policy Framework (NPPF) issued in 2019. This approach is reflected in the submitted Basic Conditions Statement.

6.5 The NPPF sets out a range of core land-use planning issues to underpin both plan-making and decision-taking. The following are of particular relevance to the Bramber Neighbourhood Plan:

- a plan-led system– in this case the relationship between the neighbourhood plan and the adopted Horsham District Planning Framework and the adopted South Downs Local Plan;
- delivering a sufficient supply of homes;
- building a strong, competitive economy;
- recognising the intrinsic character and beauty of the countryside and supporting thriving local communities;
- taking account of the different roles and characters of different areas;
- highlighting the importance of high-quality design and good standards of amenity for all future occupants of land and buildings; and
- conserving heritage assets in a manner appropriate to their significance.

- 6.6 Neighbourhood plans sit within this wider context both generally, and within the more specific presumption in favour of sustainable development, which is identified as a golden thread running through the planning system. Paragraph 16 of the NPPF indicates that neighbourhoods should both develop plans that support the strategic needs set out in local plans and plan positively to support local development that is outside the strategic elements of the development plan.
- 6.7 In addition to the NPPF I have also taken account of other elements of national planning policy including Planning Practice Guidance and ministerial statements.
- 6.8 Having considered all the evidence and representations available as part of the examination I am satisfied that the submitted Plan has had regard to national planning policies and guidance in general terms. It sets out a vision for the future of the neighbourhood area. In particular, it includes a series of policies to safeguard and enhance its character and appearance in general, and its relationship with the South Downs National Park in particular. In addition, it proposes two local green spaces. The Basic Conditions Statement maps the policies in the Plan against the appropriate sections of the NPPF.
- 6.9 At a more practical level the NPPF indicates that plans should provide a clear framework within which decisions on planning applications can be made and that they should give a clear indication of how a decision-maker should react to a development proposal (paragraphs 17 and 154). This was reinforced with the publication of Planning Practice Guidance in March 2014. Its paragraph 41 (41-041-20140306) indicates that policies in neighbourhood plans should be drafted with sufficient clarity so that a decision-maker can apply them consistently and with confidence when determining planning applications. Policies should also be concise, precise and supported by appropriate evidence.
- 6.10 As submitted the Plan does not fully accord with this range of practical issues. The majority of my recommended modifications in Section 7 relate to matters of clarity and precision. They are designed to ensure that the Plan fully accords with national policy.

Contributing to sustainable development

- 6.11 There are clear overlaps between national policy and the contribution that the submitted Plan makes to achieving sustainable development. Sustainable development has three principal dimensions – economic, social and environmental. It is clear that the submitted Plan has set out to achieve sustainable development in the neighbourhood area. In the economic dimension the Plan includes policies for housing and employment development (Policies B1 and B15 respectively). In the social role, it includes policies on community facilities (Policies B13 and 14) and local green spaces (Policy B7). In the environmental dimension the Plan positively seeks to protect its natural, built and historic environment. It has specific policies on design (Policy B3), on green infrastructure and biodiversity (Policy B6), on the River Adur corridor (Policy B8) and on locally-significant views (Policy B9). The Parish Council has undertaken its own assessment of this matter in the submitted Basic Conditions Statement.

General conformity with the strategic policies in the development plan

- 6.12 I have already commented in detail on the development plan context in Horsham District and in the South Downs National Park in paragraphs 5.4 to 5.8 of this report.
- 6.13 I consider that the submitted Plan delivers a local dimension to this strategic context. The Basic Conditions Statement helpfully relates the Plan's policies to policies in the development plan. Subject to the incorporation of the recommended modifications in this report I am satisfied that the submitted Plan is in general conformity with the strategic policies in the two development plans.

European Legislation and Habitat Regulations

- 6.14 The Neighbourhood Plan General Regulations 2015 require a qualifying body either to submit an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 or a statement of reasons why an environmental report is not required.
- 6.15 In order to comply with this requirement HDC issued a 'standard' screening for all neighbourhood plans within the District. It comments that if a neighbourhood plan is allocating sites for development then it could have a significant environmental impact and a Strategic Environmental Assessment (SEA) is required. The Bramber Neighbourhood Plan does not allocate sites. In this context it has been confirmed by HDC that SEA is not required.
- 6.16 In this wider context the Parish Council decided to prepare a Sustainability Appraisal. An updated version of the Appraisal (January 2020) was included in the package of submission documents. The Plan comments that the purpose of the Appraisal is to determine the sustainability criteria against which the Bramber Neighbourhood Plan should be assessed, to ensure that it contributes to the achievement of sustainable development.
- 6.17 HDC has produced a Habitats Regulations Assessment (HRA) of the Plan. It concludes that the Plan is not likely to have significant environmental effects on a European nature conservation site or undermine their conservation objectives alone or in combination taking account of the precautionary principle. As such Appropriate Assessment is not required.
- 6.18 The Assessment takes appropriate account of the significance of the following sites within close proximity of the neighbourhood area:
- Arun Valley Special Protection Area (SPA)
 - Arun Valley Special Area of Conservation (SAC)
 - The Mens Special Area of Conservation (SAC)
- 6.19 Having reviewed the information provided to me as part of the examination, I am satisfied that a proportionate process has been undertaken in accordance with the various regulations. In the absence of any evidence to the contrary, I am entirely satisfied that the submitted Plan is compatible with this aspect of European obligations.

- 6.20 In a similar fashion I am satisfied that the submitted Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights (ECHR) and that it complies with the Human Rights Act. There is no evidence that has been submitted to me to suggest otherwise. In addition, there has been full and adequate opportunity for all interested parties to take part in the preparation of the Plan and to make their comments known. On the basis of all the evidence available to me, I conclude that the submitted Plan does not breach, nor is in any way incompatible with the ECHR.

Summary

- 6.21 On the basis of my assessment of the Plan in this section of my report I am satisfied that it meets the basic conditions subject to the incorporation of the recommended modifications contained in this report.

7 The Neighbourhood Plan policies

- 7.1 This section of the report comments on the policies in the Plan. In particular, it makes a series of recommended modifications to ensure that they have the necessary precision to meet the basic conditions.
- 7.2 My recommendations focus on the policies themselves given that the basic conditions relate primarily to this aspect of neighbourhood plans. In some cases, I have also recommended changes to the associated supporting text.
- 7.3 I am satisfied that the content and the form of the Plan is fit for purpose. It is distinctive and proportionate to the Plan area. The wider community and the Parish Council have spent time and energy in identifying the issues and objectives that they wish to be included in their Plan. This sits at the heart of the localism agenda. Each policy provides a direct link to the relevant objectives of the Plan, to local planning policies and to the NPPF. This is best practice and provides assurance that the Plan has set out to deliver local objectives in a co-ordinated fashion.
- 7.4 The Plan has been designed to reflect Planning Practice Guidance (41-004-20170728) which indicates that neighbourhood plans must address the development and use of land. The Plan also includes three Aims. They are appropriately distinguished from the principal land use policies by colour-coding.
- 7.5 I have addressed the policies in the order that they appear in the submitted plan. Where necessary I have identified the inter-relationships between the policies. The Aims are addressed after the policies.
- 7.6 For clarity this section of the report comments on all policies whether or not I have recommended modifications in order to ensure that the Plan meets the basic conditions.
- 7.7 Where modifications are recommended to policies they are highlighted in bold print. Any associated or free-standing changes to the text of the Plan are set out in italic print.

The initial section of the Plan (Sections 1-3)

- 7.8 These initial parts of the Plan set the scene for the range of policies. They do so in a proportionate way. The Plan is presented in an attractive way. It makes a very effective use of well-presented maps and photographs. A very clear distinction is made between its policies and the supporting text. It also highlights the links between the Plan's objectives and its resultant policies.
- 7.9 The Introduction provides helpful information about the context of the Plan. It correctly identifies the Plan period (1.2), when the neighbourhood area was designated (1.3) and the neighbourhood area itself (Figure 1.1). It goes on to describe the planning policy context within which the Plan has been prepared and how the wider community has been engaged. It also explains the way in which the Sustainability Report has featured in the development of the Plan. Overall, it is a particularly effective introduction to a neighbourhood plan.

- 7.10 Section 2 (About Bramber) comments about the neighbourhood area and a range of matters which have influenced the preparation of the Plan. The profile of the community today (paragraph 2.7) is a very helpful context to the neighbourhood area. It also provides a backcloth to the various policies.
- 7.11 Section 3 comments about the Plan's Vision and Objectives. It is well-constructed. It describes how the Vision and the Objectives of the Plan were developed. The objectives are grouped under the following nine headings.
- 7.12 The remainder of this section of the report addresses each policy in turn in the context set out in paragraphs 7.5 to 7.7 of this report.

Policy B1 The Location of Development

- 7.13 This is an important and overarching policy in the context of the Plan. It provides a spatial strategy for development in the parish. It seeks to concentrate new development within the built-up area boundary unless it otherwise relates to development in the countryside supported either by national or local policies.
- 7.14 The policy is well-developed in its format and approach. Its implementation will do much to assist in the delivery of sustainable development. In addition, its format reinforces the sharp distinction between Bramber village and the surrounding countryside.
- 7.15 I am satisfied that the policy is both appropriate and distinctive to the neighbourhood area. I recommend a series of technical modifications to the first part of the policy so that it has the clarity required by the NPPF.
- 7.16 The second part of the policy has a very matter-of-fact approach. It requires that proposals should make the best use of suitable brownfield land, where available, before greenfield land is released for development. Whilst I understand the approach taken by the Parish Council it is more onerous than the approach on this matter in national policy. In addition, this test would be both unrealistic and impractical for some appropriate developments which may come forward in the countryside. Taking account of all the relevant information I recommend that this part of the policy is modified so that it more closely has regard to national policy. The recommended modification is a local iteration of paragraph 118 c) of the NPPF.

In the first sentence replace 'permitted' with 'supported'

In the second sentence replace 'it is' with 'they are'

In b. remove 'or' and relocate it so that it sits after the semi colon at the end of a.

At the end of d. add '; or'

Replace the second part of the policy with: ‘In determining development proposals substantial weight will be given to the value of using suitable brownfield land within the built up boundary of Bramber for either homes and other identified needs, or to support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land’

Policy B2 The Character of Development

- 7.17 This policy sets out the Plan’s requirement for new development to take account of the particulars of the various character areas as identified in the Plan. They are shown on Figure 6.1 and in the Neighbourhood Plan Design Guidelines (September 2019). The policy is underpinned by the comprehensive supporting text. It is an excellent policy which will assist significantly in delivering the environmental dimension of sustainable development in the neighbourhood area.
- 7.18 The policy has three related sections. The first provides general advice on the way in which new development should take account of the various character areas. The second highlights three specific matters which development proposals should address. The third section comments about the way in which development which abuts open countryside should tackle this particular relationship.
- 7.19 I recommend that the different elements of the policy are modified to take account of two issues. The first is to make their effects more specific and capable of effective delivery through the development management process. In several cases the policy simply sets out an ‘expectation’ that development proceeds as identified. The second is to apply the elements of the policy insofar as they relate to the development proposed. Plainly this will vary based on the scale, nature and the location of the site concerned. In the first part of the policy I also recommend that the reference to ‘conserve and enhance’ is replaced in a way which acknowledges that an enhancement of the character area may not always be practicable. Otherwise the policy meets the basic conditions.

In the first part of the policy replace ‘is expected’ with ‘should’ and replace ‘conserve and enhance’ with ‘conserve and where practicable enhance’

**Replace the opening part of the second section of the policy with:
‘As appropriate to their scale, nature and location development proposals should address the following criteria:’**

In the third part of the policy replace ‘is expected’ with ‘should’

**At the beginning of the second sentence of the third part of the policy add:
‘As appropriate to their scale, nature and location’**

Thereafter replace ‘could’ with ‘should’

Policy B3 Design of Development

- 7.20 This policy sets out a comprehensive approach to design. Paragraph 6.7 comments that good quality design can improve social well-being and the quality of life by shaping the built environment, reducing crime, improving public health, easing transport problems and providing supportive neighbourhoods. Its initial section is general in terms of its application. Thereafter it includes a series of design criteria including:
- Building for Life principles;
 - the relationship of developments to the Bramber Design Guidelines;
 - Secure by Design principles;
 - watercourses and sustainable urban drainage; and
 - the relationship between traffic generation, parking and pedestrian safety.
- 7.21 The policy is supported and underpinned by the production of the Bramber Neighbourhood Plan Design Guidelines. It is an excellent document that describes the various character areas and then sets out specific guidelines for new development proposals.
- 7.22 The policy is well-developed. Its implementation will assist significantly in bringing forward well-designed and positive development. In general terms it meets the basic conditions. However, I recommend detailed modifications to the wording used in the policy so that it provides the necessary clarity for a development plan policy. In particular they will ensure that the policy can be applied flexibly to take account of the various developments proposed. This is an important consideration as development proposals will be affected in different ways by the design principles in the policy in general, and by the contents of the Bramber Design Guidelines in particular.
- 7.23 Finally I recommend that the supporting text refers to the potential relationships between this policy and Policies B2 and B4.

Replace the opening part of the policy with:

‘Development proposals should incorporate a high quality of design which responds and integrates well with its surroundings, meets the needs of the population of the neighbourhood area and minimises the impact on the natural environment. In particular development proposals should demonstrate how they have sought to address the following matters as they are appropriate to their scale, nature and location:’

Replace a with:

‘meeting the principles of Building for Life unless alternative principles would result in a higher quality of design. Development proposals that would achieve the ‘Built for Life’ quality mark will be particularly supported’

In b insert ‘relevant’ between ‘The’ and ‘guidance’

Replace h with:

‘Development that is required to provide Sustainable Drainage Systems (SuDS) should provide such systems on-site, unless there are clear reasons why this would not be practicable. In addition, such development should demonstrate the use of a wide range of creative SuDS solutions, for example through the provision of SuDS as part of green spaces, green roofs, permeable surfaces and rain gardens. SuDS provision should demonstrate how its design will enhance wildlife and biodiversity as well as minimise the impacts of flooding. An absence of on-site SuDS provision will only be supported in such developments where it is demonstrably unviable to do so’

At the end of paragraph 6.12 add: ‘Policy B3 has a close relationship with both Policies B2 (Character of Development) and B4 (Energy Efficiency) of this Plan. Where it is appropriate to do so developments should take account of each of the policies’

Policy B4 Energy Efficiency and Design

- 7.24 This policy sets out to encourage high standards of energy efficiency and design. It does so within the broader UK context of achieving a net zero carbon target by 2050. It has three main parts. The first requires developments to comply with technical matters in the SDLP. The second offers support for the incorporation of particular design features into new development. The third comments about proposals for retrofitting of energy efficiency matters in general, and as they would apply to listed buildings in particular.
- 7.25 As the Plan acknowledges, energy efficiency matters are largely controlled by the Building Regulations. The Plan also comments that the Code for Sustainable Homes was withdrawn by the Government in 2015 and was replaced by new national technical standards which include new additional optional Building Regulations regarding water and access as well as a new national space standard.
- 7.26 I sought comments from the Parish Council on the extent to which the first part of the policy was necessary given that it largely repeats the relevant policy in the South Downs Local Plan. I also sought the Parish Council’s views on whether the policy should apply only within that part of the neighbourhood area within the South Downs National Park. I was advised that:

‘In light of the location of the parish, set predominantly within the National Park, we are keen to ensure the highest levels of sustainable design in any future development across the whole parish. This was something that was encouraged by the South Downs National Park Authority (SDNPA) and is reiterated in their response to our Regulation 14 Pre-Submission Version Neighbourhood Plan. The SDNPA recommended we consider Policy SD48 (Climate Change and Sustainable Use of Resources) of the South Downs Local Plan (SDLP) to inform the provision of minimum standards and measurable within the BNDP Policy B4. The SDLP received an RTPI award for environmental excellence and 2 therefore we consider it to provide a benchmark that we would like to see achieved across our whole parish, which is why

it is not considered to be a repetition, rather an expansion to cover the whole neighbourhood plan area'

- 7.27 I also sought clarity on the extent to which the Parish Council had assessed the added value of this policy over and above the requirements of the Building Regulations. I was advised about the way in which local plans elsewhere had addressed this important matter.
- 7.28 Taking account of all the information, including the representation from HDC, I recommend that the technical elements in the first part of the policy are deleted. They restate existing elements of the South Downs Local Plan and there is no need for a neighbourhood plan to repeat and/or reinforce other development plan policies. In addition, the South Downs Local Plan does not extend across the whole of the parish. I recommend that the remaining element of this part of the policy is reconfigured so that it is worded in a policy-related fashion.
- 7.29 With specific technical modifications the second and third elements of the policy meet the basic conditions. In particular I recommend the deletion of the third design principle (loft and wall insulation) in the second part of the policy as such works are not development and cannot be controlled through a planning policy.
- 7.30 I also recommend consequential modifications to the supporting text.

Replace the first part of the policy with:

'Proposals which incorporate design and environmental performance measures and standards to reduce energy consumption and climate effects will be supported'

Replace the opening element of the second part of the policy with:

'Proposals which incorporate the following sustainable design features as appropriate to their scale, nature and location will be particularly supported:'

In the second part of the policy delete c.

In the third part of the policy delete 'is encouraged' and add 'will be supported' between 'energy' and 'where'

In the third part of the policy replace 'historic characteristics.... relevant organisations' with 'the integrity and character of the heritage asset concerned'

Replace paragraph 6.16 with:

'Policy B4 seeks to provide a local iteration of the national and local policy context for this important matter. In particular it takes account of the importance of the Building Regulations in regulating and delivering energy efficiency measures. In particular it identifies a series of locally-distinctive design features which would be supported where they are incorporated into new development'

Policy B5 Protecting Flora and Fauna

- 7.31 This policy addresses flora and fauna. Paragraph 7.3 comments about the distinctive features of the area that are not protected, yet provide vital habitats for flora and fauna, and which include trees, woodland, hedgerows, mature planted gardens, agricultural and grazing land.
- 7.32 The policy is comprehensive in the way it addresses this issue. It sets out a general policy approach followed by a requirement that new developments address a series of detailed matters. The policy is well-developed. Its implementation will assist significantly in bringing forward well-designed and positive development. In general terms it meets the basic conditions. However, I recommend detailed modifications to the wording used in the policy so that it provides the necessary clarity for a development plan policy. In particular they will ensure that the policy can be applied flexibly. In some circumstances proposed developments will be able to maintain and enhance the natural environment. In other cases, the enhancement of the natural environment may be neither practicable nor viable.
- 7.33 Finally I recommend that the second section of the policy on management arrangements is deleted. It is a process matter rather than a policy. In any event it is already adequately addressed in paragraph 7.5.

Replace the first sentence of the first part of the policy with:

‘Development proposals should maintain and where practicable enhance the natural environment, landscape features and the rural character and setting of the neighbourhood area. Development proposals that would achieve a net gain in biodiversity will be particularly supported’

Reposition the second sentence of the first part of the policy so that it appears as a new paragraph from the preceding section. In doing so replace ‘are expected to’ with ‘should’

In c replace ‘permitted’ with ‘supported’

Delete part 2 of the policy.

Policy B6 Green Infrastructure

- 7.34 This policy has a focus on green infrastructure. It reflects work that has been undertaken to map the various elements of green infrastructure in the neighbourhood area. It comments that proposals should be designed from inception to create, conserve, enhance and manage green spaces and connective chains of green infrastructure. Its wider aim is to deliver a net environmental benefit for local people and wildlife. It also offers support to proposals that seek to improve the connectivity between wildlife areas and green spaces.
- 7.35 The policy takes a positive approach to this important matter. In general terms it meets the basic conditions. However, I recommend detailed modifications to the wording used in the policy so that it provides the necessary clarity for a development plan

policy. I also recommend that it makes reference to the wider landscape value of the South Downs National Park as suggested by HDC. This is an important consideration and will provide a wider context for the policy. In this context I also recommend a consequential modification to paragraph 7.11.

Replace the policy with:

‘Development proposals should be designed from inception to create, conserve, enhance and manage green spaces and connective chains of green infrastructure, as shown in Figure 7.1, with the aim of delivering a net environmental benefit for local people and wildlife and to respect the wider landscape value of the South Downs National Park. In particular proposals that seek to improve the connectivity between wildlife areas and green spaces will be supported’

Replace paragraph 7.11 with: ‘A large proportion of the parish of Bramber is within the South Downs National Park. On this basis Policy B6 has been designed to ensure that development proposals to improve green infrastructure respect the wider landscape value of the South Downs National Park’

Policy B7 Local Green Spaces

- 7.36 This policy proposes the designation of a series of local green spaces (LGSs). They are shown on Figure 7.2. The proposed LGSs are Clays Field and Heathens’ Burial Corner.
- 7.37 The supporting text comments about the national tests in the NPPF for the designation of LGSs. It also indicates that the proposed LGSs came forward as a result of an audit by the Neighbourhood Plan Steering Group. Appendix C of the Plan provides detailed commentary on the way in which the Parish Council considers that the two proposed LGSs meet the criteria for such designation in the NPPF. I looked carefully at the two proposed LGSs when I visited the neighbourhood area.
- 7.38 On the basis of all the information available to me, including my own observations, I am satisfied that the proposed Heathens’ Burial Ground LGS comfortably complies with the three tests in the NPPF and therefore meets the basic conditions.
- 7.39 In addition, I am satisfied that its proposed designation would accord with the more general elements of paragraph 99 of the NPPF. Firstly, I am satisfied that its designation is consistent with the local planning of sustainable development. It does not otherwise prevent sustainable development coming forward in the neighbourhood area and no such development has been promoted or suggested. Secondly, I am satisfied that the LGS is capable of enduring beyond the end of the Plan period. Indeed, it is an established element of the local environment and has existed in its current format for many years. In addition, no evidence was brought forward during the examination that would suggest that the proposed local green space would not endure beyond the end of the Plan period.

7.40 The proposed Clays Field LGS has attracted a very detailed representation from the owner of the site. In general terms the representation comments that Clays Field does not qualify to be designated as LGS. In particular it comments that:

- the LGS designation is inappropriate having regard to national policy;
- the neighbourhood plan – by not allocating any housing and instead designating the site as LGS – does not contribute to the achievement of sustainable development; and
- in the light of Policies 4 and 15 of the HDPF, and the neighbourhood plan's failure to allocate housing and the decision to designate Clays Field as LGS the neighbourhood plan is not in general conformity with the HDPF.

7.41 To support its overall approach the representation includes detailed reports as follows:

- Ecological Appraisal (Phlorum);
- Heritage Appraisal (The Heritage Collective);
- Landscape Statement (Harper Landscape Architects); and
- Counsel's Opinion (Sasha White QC)

7.42 In their different ways the ecological, heritage and landscape statements comment on the way in which Clays Field could incorporate a degree of residential development. This reflects the promotion of such a scheme during the plan-making process by the site owner. In this context it was one of the two sites put forward during the call for sites exercise. The design work put forward included four options, one which would deliver a retirement scheme. The initial three options occupy a similar area and would result in the built development taking up approximately 20% of the wider Clays Field.

7.43 In assessing the extent to which the submitted Plan meets the basic conditions I have not taken account of those parts of the detailed representations which comment about the appropriateness of potential residential development on part of the site. Such a proposal is not included within the submitted Plan and is therefore beyond my remit. I do however consider later in this report the related issue of the Plan's decision not to allocate land for residential development and the potential relationship with the proposed designation of Clays Field as LGS.

7.44 Appendix C helpfully assesses Clays Field against the detailed criteria in the NPPF for LGS designation. Based on this information, the representations and my own observations I comment as follows:

The extent to which Clays Field is in close proximity to the community it serves

7.45 This point is generally accepted by all parties. Clays Field is immediately adjacent to built development in both Bramber and the adjacent parish of Steyning. In addition, it is readily accessible from various pedestrian access points around the site.

The extent to which Clays Field is demonstrably special to the local community and holds a particular significance

7.46 I saw that the proposed LGS was being used extensively by individuals and groups of people when I visited the site. I saw that they were using both the public footpath and

the series of informal footpaths within the space. I saw that the proposed LGS offered pleasant and attractive green space within a primarily built up area. I also saw that, in various places, it offered views out to the surrounding countryside and to the South Downs National Park in particular. Appendix C comments that ‘feedback from the local community at all public events since the start of the Neighbourhood Plan process has been overwhelmingly of the view that the field should be retained as green space and that it should be afforded as much protection as possible’.

7.47 These findings overlap with those of the Landscape Assessment (as referenced in paragraph 7.41 above). In particular the proposed LGS has a parkland character which sits within the context of wider residential development in both Bramber and Steyning.

7.48 The three technical studies commissioned by the site owner make the following comments on this criterion.

Ecological Assessment

7.49 Figure 1 of the Assessment clarifies that its study area is the northern part of Clays Field. This overlaps with the proposal which was put forward in the earlier stages of the Plan for its development for residential purposes. The summary of the site identified the following features:

- it consisted of grassland, scattered trees and ruderal vegetation;
- the majority of the site was grassland dominated by false oat grass. In addition, cocksfoot, yarrow and cow parsley were present;
- areas of ruderal vegetation occurred on a bank along the northern boundary of the site. Species included nettle, common mallow, and dock; and
- there were a number of scattered trees across the site, with a particular conglomeration along the eastern part of the site (as defined in that study). Species included oak, cherry, lime, ash, and horse chestnut. Isolated specimens of whitebeam occurred within the grassland. There were also specimens of Leyland cypress growing on the norther boundary bank among the ruderal vegetation.

Heritage Appraisal

7.50 This study considers the full extent of the site proposed as LGS.

7.51 It provides a comprehensive assessment of the extent to which the proposed LGS is demonstrably special by way of its historic significance. Its principal focus is on the extent to which the proposed LGS would relate to other historic structures in the neighbourhood area. In this context it assesses the relationship between Clays Field and Bramber Castle, the Bramber Conservation Area and the setting of Burletts (a grade II listed building to the south of Clays Lane).

7.52 On these matters the study concludes:

- while there is no direct intervisibility between the Castle and the site, the site as part of the rural surroundings adjacent to a historic route is considered to make a minor contribution to the appreciation of the significance of these assets. There are no known historic associations between the Castle and the site (for example ownership or occupation) which would elevate the contribution the site makes;
- by virtue of the enclosed nature of the conservation area (limiting views out of it to the west) and the way in which the site is surrounded by built form on all sides, while part of the rural surroundings of the conservation are the site only makes a minor contribution to the significance of this asset; and
- there are no historic associations between the site and Burletts which would contribute to historic interest.

Landscape Statement

7.53 This study assesses the full extent of the proposed LGS. It assesses the way in which Clays Field relates to its wider landscape setting.

7.54 The study concludes:

- the site has a parkland character within Steyning's suburban residential edge. Whilst Bramber Castle is not visible from the site its presence is significant as part of local history and character. Similarly, the South Downs ridge line is prominent in the background for occasional views from the site looking south and is also an integral part of the site's context and character;
- the site's landscape value is of local interest and offers green space views for residents. The roads are significant landscape detractors which lessen tranquillity to the south and east of the site. There is also lessened tranquillity towards the residential edges to the north and west with car movements, suburban activities and there is a feeling of being overlooked;
- overall, the landscape has a recognisable suburban parkland character with some views out and is influenced by the lessened tranquillity towards the edges of the site; and
- as such landscape quality is judged to be medium, landscape value as medium and landscape sensitivity as medium.

7.55 Taking account of all the available information I am satisfied that the proposed LGS is demonstrably special and holds a particular significance. It has an attractive parkland character and provides opportunities for informal recreation and walking within the neighbourhood area and adjacent residential areas. It also provides various views of the South Downs. Whilst there are different opinions about the impact of traffic noise on the enjoyment of the proposed LGS I appreciated the tranquillity found within Clays Field when I visited the neighbourhood area.

The extent to which Clays Field is local in scale and not an extensive tract of land

7.56 The proposed LGS is 7.9 hectares in size.

- 7.57 The representation from the owner comments that the proposed LGS is an extensive tract of land.
- 7.58 I sought the Parish Council's comments about the way in which the size of the proposed Clays Field LGS was assessed against national policy. My attention was drawn to a series of national policy statements on this matter and commentary from national organisations.
- 7.59 In terms of local analysis I was advised that 'the Steering Group considers that the nature of the location will affect the definition of 'extensive'. It contended that an urban parish would generally have much less green space than a rural one and that both the type of location and its size in relation to the total need to be considered. The Parish Council commented that the proposed LGS constitutes about 1.1% of the total area of the parish.
- 7.60 I have considered this matter very carefully given that there are very different views about the extent to which the proposed LGS is 'local in scale' and that there is no definitive national guidance on the issue. On balance I have concluded that the proposed LGS is capable of being considered as 'local in scale'. I have reached this conclusion for three related reasons. The first is that it is a self-contained green space within the built-up part of Bramber. The second is that there is no practical way in which a smaller part of the proposed space could have been promoted as LGS. Clays Field is a consistent and coherent green space based on the various access points and the network for formal and informal footpaths within the space. The third is the way in which the proposed LGS is 'local in scale' in relation to the built-up part of Bramber and Steyning to the north and west. Plainly the proposed LGS falls to be assessed within the context of this particular neighbourhood plan. Nevertheless, it acts as a green space to a wider community. This assessment overlaps with the Parish Council's engagement on the proposed LGS in a wider geographic area than simply within the neighbourhood area.

The consistency of the proposed designation with the local planning of sustainable development

- 7.61 As I commented in paragraph 7.39 with regards to Heathens' Burial Ground the proposed designation of LGSs need to accord with the more general elements of paragraph 99 of the NPPF. In this regard there are two key tests. The first is that the proposed designation is consistent with the local planning of sustainable development and complements investment in sufficient homes, jobs and other essential services. The second is that it is capable of enduring beyond the end of the Plan period.
- 7.62 The submitted Sustainability Appraisal provides a degree of commentary on the first matter. In relation to Policy B7 it comments that 'whilst the sites are beyond the BUAB, the need for housing across the district could add additional pressure for development here. This would negatively impact on each of the reasons provided to justify designating the space'.
- 7.63 Nevertheless the Plan does not directly grapple with the extent to which the designation of Clays Field as LGS would be consistent with sustainable development

and complements investment in sufficient homes, jobs and other essential services. As the Plan describes it has decided to consider future levels of growth within the emerging context of the preparation of the Horsham Local Plan. As such there is no clarity on the extent to which the neighbourhood area as a whole would be able to accommodate any growth that arises from the adoption of the Local Plan.

- 7.64 This matter is reinforced in two specific areas. The first is that opportunities for new development within the existing built-up parts of the parish are heavily-constrained given the heritage and landscape content of both Bramber as a village and its wider setting. The second is that the development of part of Clays Field was one of only two sites which was proposed within the 'call for sites' process earlier in the Plan preparation process. In these circumstances there is no clarity on the extent to which a proposed LGS at Clays Field would be seen in the round with proposals for any required new growth as part of a wider package of sustainable development.
- 7.65 These considerations overlap with the assessment of the extent to which the proposed LGS is capable of enduring beyond the end of the Plan period. On the one hand I saw that it is sensitively-managed and is an established part of the local environment. On the other hand, the local planning context is fluid and the site owner has promoted a degree of development on the site in earlier stages of the Plan's preparation.
- 7.66 I have also taken account of two related factors. The first is information provided by HDC on the way in which various neighbourhood plans have contributed towards meeting the 1500 dwellings target in the HDPF. It anticipates that the overall delivery in the current HDPF period will be around 1800 dwellings. The second is the technical information in the submitted AECOM Housing Needs Assessment for the Bramber neighbourhood area. Its Table 4.1 sets out the range of housing projections and concludes that 64 dwellings are required in the Plan period. Whilst the strategic provision of new homes within the existing development plan seems to be assured, the specific needs within the neighbourhood area are not directly addressed.
- 7.67 Taking account of all the information available to me I am not satisfied that the proposed designation of Clays Field as LGS meets the requirements of national policy as set out in paragraph 99 of the NPPF. In particular, the Plan is largely silent on the issue of the consistency or otherwise of its designation with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services.
- 7.68 In addition paragraph 5.9 of the Plan effectively postpones a decision on the potential allocation of development sites until the emerging Local Plan has been adopted and the neighbourhood plan can be reviewed. However, in doing so it provides no certainty on how the matter would be addressed in general and the availability and deliverability of potential sites which could be identified and allocated. In these circumstances I recommend that the proposed Clays Field LGS is deleted from the policy. I also recommend consequential modifications to the supporting text and to Figure 7.2.
- 7.69 For clarity this recommended modification should not be seen as commentary on the appropriateness or otherwise of the proposals submitted by the owner of the proposed LGS for the partial development of the site (and as included in some elements of the

representation made to the submitted Plan). To do so would be beyond my remit as such a proposal was not included in the submitted Plan. In any event the determination of future growth levels (and the location of any such development) will be a matter for the emerging Local Plan and any review of a 'made' neighbourhood plan.

- 7.70 The second part of the policy sets out the implications for LGS designation. It seeks to follow the approach as set out in paragraph 101 of the NPPF. However, it goes beyond that matter-of-fact approach in offering a degree of support to proposals which can clearly demonstrate that they are required to enhance the role and function of LGSs. I recommend a modification so that the policy takes the approach in the NPPF.
- 7.71 In the event that development proposals come forward within the Plan period, they can be assessed on a case-by-case basis by HDC. In particular it will be able to make an informed judgement on the extent to which the proposal concerned demonstrates the 'very special circumstances' required by the policy. I recommend that the supporting text clarifies this matter.

Replace the opening part of the policy with:

'Heathens' Burial Corner as shown on Figure 7.2 and the Policies Map is designated as a local green space'

Replace the second part of the policy with:

'Development proposals within the designated local green space will only be supported in very special circumstances'

Delete Clays Field from Figure 7.2

Replace paragraph 7.14 with:

'The Heathens' Burial Corner has been identified by the community as being of particular value and in need of protection. Whilst it is not within the South Downs National Park, it plays an important role in the wider landscape character and setting of the National Park. It helps to provide a landscape gap between Bramber and Steyning. A map showing the proposed local green space is shown at Figure 7.2. Policy B7 follows the matter-of-fact approach in the NPPF. In the event that development proposals come forward on the local green space within the Plan period, they can be assessed on a case-by-case basis by the District Council. In particular it will be able to make an informed judgement on the extent to which the proposal concerned demonstrates the 'very special circumstances' required by the policy'

Policy B8 Adur River Corridor

- 7.72 This policy comments about the River Adur Corridor. I saw its importance and significance during my visit. The Downs Link bridleway runs along the Adur Valley and provides opportunities for access. The Adur River valley is also important for flood attenuation, biodiversity and also for recreation. It provides a green infrastructure link beyond Bramber and the wider District towards the coast.

- 7.73 The policy offers support to proposals which take advantage of opportunities to improve the environment for leisure activities, including access for walking, cycling and horse riding. It is associated with criteria to ensure that proposals do not have a significant detrimental effect on the local ecological networks, character and setting.
- 7.74 I am satisfied that the policy is appropriate for the neighbourhood area and meets its distinctive needs. It also includes appropriate environment safeguards. I recommend detailed modifications to the wording used in the policy so that it provides the necessary clarity for a development plan policy. Otherwise it meets the basic conditions. The implementation of the policy has the ability to extend the recreational opportunities that already exist in the neighbourhood area.

Replace:

- **‘showing in figure 7.3’ with ‘as shown in figure 7.3’**
- **‘are encouraged’ with ‘will be supported’**
- **‘a significantly’ with ‘an unacceptable’**
- **‘character and setting’ with ‘and the character and setting of the wider River Adur Corridor’**

Policy B9 Locally-Significant Views

- 7.75 This policy identifies thirteen locally-significantly views and seeks to develop a policy context to safeguard them within the Plan period.
- 7.76 Paragraph 7.19 provides a very clear background to the policy. It comments that ‘the parish of Bramber comprises the historic village, with its recognisable character and iconic heritage assets set against the dramatic backdrop of the South Downs National Park, with its rolling chalk hills, scattered lowland farms and small hamlets. The views within the village, looking outward to the Downs and inwards from the Downs are considered to be an important part of what gives the parish its distinctive feel. This is valued by both residents and visitors. The topography of the surrounding area means that there are some significant long-distance views which define Bramber and make it so popular with tourists and residents alike’
- 7.77 The views are shown on Figure 7.4. Their details are set out in Appendix D. I looked at several of the views when I visited the neighbourhood area, including those from within Clays Field, from Beeding Hill and from the South Downs Way to the south-west of the village.
- 7.78 I sought advice from the Parish Council about how the work was undertaken to establish the locally-significant views. I was advised that ‘the Environment Working Group were excited by the fact that the neighbourhood plan could conserve locally significant views. Given the historic and rural nature of Bramber, this was felt to be a valuable factor to include in the neighbourhood plan. Following on from the local engagement work that had been undertaken, the Bramber Neighbourhood Plan Steering Group established an Environment Work group to explore this feedback in more detail as well as bringing expertise and local knowledge from the membership of that group. In a parish like Bramber, where so many views could be considered

important, the group spent much time drawing up a list of potential candidates, which were consulted on with local residents at the various events that took place in the village’.

- 7.79 I also sought advice from the Parish Council about the way in which the policy is intended to be applied through the development management process. In particular, I sought comments from the Parish Council about the way in which it anticipated that the policy would apply throughout the shaded arcs of the identified locally significant views (as shown on Figure 7.4). I was advised that ‘when considering planning applications against this policy, we would anticipate that where the proposed development would have an impact on any identified key view (i.e. the shaded area, to the extent of the parish boundary), the planning application concerned should be accompanied by a landscape and visual impact assessment that is proportionate to the scale of the development proposed. Any such development proposals will only be supported where appropriate mitigation measures are incorporated within their design’
- 7.80 The representation from the owner of Clays Field comments about the appropriateness of three proposed locally-important views from within Clays Field (Views 11/12/13). The three identified views overlap with specialist work undertaken as part of the landscape study. The landscape study concludes that the significant views listed in the policy of the Plan are taken from similar locations (and likely to have the same landscape sensitivity judgements) to those included in its appendix.
- 7.81 In general terms I am satisfied that the policy is evidence-based and well-considered. The views have been carefully-chosen. In particular they are views within a distinctive neighbourhood area which includes elements of an attractive historic built environment adjacent to the South Downs National Park. I am satisfied that the various viewpoints are appropriate to be included within the policy.
- 7.82 I recommend modifications to the wording of the policy so that it has the clarity required by the NPPF. As submitted the policy is unclear about what is required by a developer. As part of the modification I incorporate information to identify the spatial effects of the policy. It takes account of the Parish Council’s response on this point in the clarification note. In particular it attempts to provide the flexibility required for the wide range of development proposals which may come forward within the Plan period. In the majority of cases proposals will be of a minor nature and will have little or no effect on the identified views.

Replace the policy with:

‘The Plan identifies thirteen locally-significant views in paragraph 7.20 and in Figure 7.4

As appropriate to their scale and nature development proposals within the shaded arcs of the various views as shown on Figure 7.4 should be designed in a way that safeguards the locally-significant view or views concerned’

At the end of paragraph 7.20 (after the list of the views) add:

‘Policy B9 requires that development proposals are designed in a way that safeguards the locally-significant view or views concerned. It attempts to provide the flexibility required for the wide range of development proposals which will come forward within the Plan period. In the majority of cases proposals will be of a minor nature and will have little or no effect on the identified views. In circumstances where the proposed development would be likely to have an impact on any identified key view, the planning application concerned should be accompanied by a landscape and visual impact assessment that is proportionate to the scale of the development proposed. Any appropriate mitigation measures should be incorporated within the design of the development proposed and captured in the assessment’

Policy B10 Sustainable Movement

- 7.83 This policy sets out to promote development which would secure sustainable movement within the parish. The supporting text comments helpfully about car ownership levels and specific highways safety issues. The text is supplemented by interesting photographs.
- 7.84 The policy has three related parts as follows:
- a policy approach that new developments should ensure safe pedestrian and cycle access;
 - offering support for developments that improve pedestrian and cycle access; and
 - offering support for a protected crossing on the A283.
- 7.85 I am satisfied that the first and second parts of the policy meet the basic conditions in general terms. They are land-use based and capable of being implemented through the development management system. I recommend a detailed modification to the wording of the second part of the policy so that its application is clear. I also recommend that the supporting text clarifies that the policy will be applied in a way which takes account of the scale, nature and location of the development proposed. As submitted the policy applies to all developments. However, in practical terms the majority of planning applications in the Plan period will be of a minor nature and will have no ability (or indeed need) to provide the facilities anticipated by the policy.
- 7.86 In contrast the third element of the policy relates specifically to a highway improvement. As such it would be delivered through the County Council’s powers under the Highways Acts. In these circumstances I recommend that it is deleted from the policy. The Parish Council agreed with this approach in its response to the clarification note.
- 7.87 Nevertheless I have taken account of the significance of this matter to the local community. It is included in detail within paragraph 8.6 of the Plan and in the photographs on page 40. In addition, I saw the existing, unprotected, crossing point and the level of pedestrian and cycle traffic when I visited the neighbourhood area. In these circumstances I recommend that the third part of the policy is incorporated

elsewhere in the Plan as an additional Aim with appropriate alterations to its format. This approach mirrors the Parish Council's commentary on this issue in its response to the clarification note.

In the first part of the policy delete 'all'.

In the second part of the policy replace the final sentence with: 'Such routes should also incorporate access by disabled users and users of mobility scooters'

Delete the third part of the policy.

At the end of paragraph 8.4 add: 'Policy B10 provides an important mechanism to address such issues. It is intended to be applied in a way which takes account of the scale, nature and location of the development proposed. In practical terms the majority of planning applications in the Plan period will be of a minor nature and will have no ability to provide the facilities anticipated by the policy. The policy will clearly have a greater effect for any larger developments which may arise within the Plan period'

Add a further Aim (immediately after the policy) to read:

Aim [insert number]

'Proposals to improve the permeability of the road network for non-car users, by way of a protected crossing of the A283 between Bramber and Steyning, as shown in Figure 8.1, will be strongly supported. The Parish Council will work with West Sussex County Council and other bodies to investigate its design and deliverability'

Policy B11 Public Car parking

7.88 This policy comments about a series of public car parking-related matters as follows:

- the retention of existing public car parks;
- support of proposals for additional car parking to service The Street and the Castle;
- support of proposals for additional car parking to service tourist attractions and the National Park; and
- support for particular features within public car parking areas.

7.89 The policy is underpinned by very effective supporting text which highlights some specific parking issues in the parish. I am satisfied that the policy is appropriate for the neighbourhood area and meets its distinctive needs. It also includes appropriate environment safeguards. I recommend detailed modifications to the wording used in the policy so that it provides the necessary clarity for a development plan policy. Otherwise it meets the basic conditions. The implementation of the policy has the ability to extend the recreational opportunities that already exist in the neighbourhood area by providing additional and sensitively-designed parking facilities.

Replace the first part of the policy with:

‘Development proposals that would result in an unacceptable loss of existing publicly available off-street car parking spaces will not be supported’

In the fourth part of the policy insert ‘facilities’ between ‘following’ and ‘will’

Policy B12 Residential Car Parking

- 7.90 This policy sets out the Plan’s ambitions of residential car parking. In general terms it requires that development proposals provide an adequate amount of sensitively designed off-street parking which complies with West Sussex County Council’s Parking Guidelines, is well-integrated into the development and does not dominate the street scene. Thereafter it provides detailed guidance for the design of off-street car parking. In general terms it provides a robust and distinctive approach to this matter. I saw first-hand the level of the demand for car parking in Bramber as part of my visit. The Castle car park was full and there were several cars parked on High Street and The Street.
- 7.91 The supporting text provides a context to the policy. Paragraphs 8.12 and 8.13 comment that whilst the Plan seeks to minimise the use of cars it is an area of high car ownership, recorded at 1.8 per household in the 2011 Census. They also comment that parking is a major source of concern, with a high percentage of survey respondents wanting a reduction in on-street parking and a third of respondents commenting that existing parking facilities were not sufficient.
- 7.92 I recommend that the different elements of the policy are modified to take account of two issues. The first is to make their effects more specific and capable of effective delivery through the development management process. In particular the policy simply sets out an ‘expectation’ that development proceeds as identified. The second is to apply the elements of the policy insofar as they relate to the development proposed. Plainly this will vary based on the scale, nature and the location of the site concerned. Otherwise the policy meets the basic conditions.

In the first sentence of the policy replace ‘must’ with ‘should’

Replace the opening part of the second sentence with:

‘As appropriate to their scale, nature and location the design of off-street parking should:’

In criterion c. make the second sentence into a free-standing criterion (and re-letter accordingly).

In criterion d. (second sentence) replace ‘may be preferred to’ with ‘will be supported where they are appropriate to’

Policy B13 Community Facilities and St Nicholas Church

- 7.93 This policy offers support to the upgrading and expansion of St Nicholas Church to provide a flexible community space and accessible toilet facilities. In doing so it identifies three criteria with which any such proposals should comply.
- 7.94 Paragraph 9.3 provides the context to the policy. It comments that 'whilst the engagement process did not identify any significant need for new community facilities, it did reveal a desire to support the proposed expansion of St Nicholas Church in order to provide a new room available for use by the community. The church is a focal point in Bramber village, standing immediately downhill of the castle gatehouse on a slope looking out over the village. There are currently some events held at the Church, such as the August bank holiday art exhibition and some concerts, and the church committee would like to expand facilities, with the provision of a flexible meeting space to be available for use by the local community. The provision of an accessible toilet would support wider community use. The local community are supportive of this initiative'
- 7.95 I am satisfied that the policy is appropriate for the neighbourhood area and responds to its distinctive needs. In addition, the criteria are well-designed in general terms, and take account of the Grade I listed nature of the Church in particular. I recommend detailed modifications to the wording used in the policy so that it provides the necessary clarity for a development plan policy. I also recommend a modification so that it is clear that any proposed development needs to comply with each of the three criteria in the policy.

In the opening part of the policy replace 'shall' with 'will'

In criteria a and b replace 'adverse' with 'unacceptable'

Add 'and' at the end of criterion b.

In criterion c replace 'would not have.... the church, with 'would respect the historic importance and integrity of the Church, including its setting in relation both to the village and to the Castle'

Policy B14 Education Centre – St Mary's House

- 7.96 This policy offers support for the development of an education centre at St Mary's House. The 15th century timber-framed house contains fine panelled interiors, including the unique Elizabethan 'Painted Room'. A regular series of concerts and events take place in the Victorian Music Room, which is also licensed for weddings. It is a valued facility in the parish.
- 7.97 I am satisfied that the policy is appropriate for the neighbourhood and meets its distinctive needs. In addition, the criteria are well-designed in general terms, and take account of the Grade I listed nature of St Mary's House in particular. I recommend detailed modifications to the wording used in the policy so that it provides the necessary clarity for a development policy. I also recommend a modification so that it

is clear that any proposed development needs to comply with each of the three criteria in the policy.

In the opening part of the policy replace 'shall' with 'will' and 'Proposals to develop' with 'Proposals for'

In criteria a and b replace 'adverse' with 'unacceptable'

Add 'and' at the end of criterion b.

In criterion c replace 'would not have.... the building, with 'would respect the historic importance and integrity of the building'

Policy B15 Commercial Premises and Land

- 7.98 This policy takes a comprehensive approach towards employment-related development in the neighbourhood area. It has two principal elements. The first sets out to safeguard existing employment uses. The second offers support for new employment development subject to a series of criteria.
- 7.99 The supporting text provides a helpful context to the wider policy. In particular it comments that it is important that the business base of Bramber is protected. There are a number of employment opportunities within the parish itself, including along The Street, at Annington Commercial Centre and some scattered farms in the more rural parts of the parish. However, the large proportion of employment opportunities for those living in Bramber are in nearby Worthing, Brighton, Horsham, and beyond including Croydon and London. It also comments that the protection of local employment opportunities will not only provide greater prospects for local people to access local jobs but will ensure that these are sustainable in terms of the patterns of commuting that they generate.
- 7.100 The first part of the policy on protecting existing employment facilities resists proposals which may come forward for non-employment uses unless a specific set of circumstances have been met. They are based around commercial and viability issues. In general terms I am satisfied that the policy is appropriate for the neighbourhood and meets its distinctive needs. In addition, the specific exceptions are well-considered and take appropriate account of viability issues. I recommend detailed modifications to the wording used in the policy so that it provides the necessary clarity for a development policy.
- 7.101 The second part of the policy provides a supporting context for new employment opportunities where they meet three criteria. In general terms I am satisfied that the policy is appropriate for the neighbourhood and meets its distinctive commercial needs. In addition, the three criteria are well-considered. I recommend detailed modifications to the wording used in the policy so that it provides the necessary clarity for a development policy.

In the first part of the policy:

- **delete the first sentence;**

- in the second sentence replace ‘Applications’ with ‘Proposals’ and ‘be resisted’ with ‘will not be supported’

In the second part of the policy replace ‘encouraged’ with ‘supported’ and in each of the three criteria replace ‘significant’ with ‘unacceptable’

Community Aims

7.102 The Plan includes a series of local needs and community aspirations. They are identified as Aims. The incorporation of community aims in the Plan reflects government advice that it is appropriate for a neighbourhood plan to include non-land use issues which have arisen naturally during the plan-making process. Paragraph 1.7 of the Plan comments about the way in which they reflect the aspirations of the local community. The Aims are included within the main body of the Plan rather than in a separate section. However, given the context set by paragraph 1.7, the way in which the Aims supplement related land use policies and the different colouring system used I am satisfied that the approach is acceptable.

7.103 The Aims are as follows:

Aim B1 - The review of the Plan

Aim B2 - The expansion of bus services

Aim B3 - Broadband and mobile coverage

7.104 I am satisfied that Aims B2 and B3 are both appropriate and distinctive to the neighbourhood area. In their different ways they will assist in the delivery of sustainable development in the neighbourhood area.

7.105 Aim B1 comments about the community’s intention to carry out an early review of the Neighbourhood Plan once the emerging Horsham Local Plan has been adopted. The review will take into account the implications of the new policies in the Local Plan. The Parish Council’s intention is well-considered and relates well to national policy. However, Aim B1 reads more as a process matter than as a non-land use matter which the Parish Council will pursue within the wider approach taken in the Plan (and as is the case with Aims B2 and B3). As such I recommend that the approach set out in the Aim is repositioned as supporting text in Section 11 of the Plan. I also recommend that the ‘early review’ of a ‘made’ neighbourhood plan begins within six months of the adoption of the emerging Local Plan. I also recommend consequential modifications to paragraph 1.24 which also comments about the review process earlier in the Plan.

7.106 The wider approach taken in the Plan has been discussed and agreed locally. In particular HDC is confident that neighbourhood plans across the District will allocate sufficient provision to meet the requirements of Policy 15 of the HDPF. In its response to the clarification note I was provided with the current status of neighbourhood plan preparation across the District. Progress is at an advanced stage and the projected final housing numbers to be delivered through such plans is expected to be approximately 1,800 dwellings. HDC comment that this comfortably exceeds the minimum requirement of adopted HDPF of at least 1,500 dwellings to be provided by

such means. In these circumstances I am satisfied that the decision not to allocate housing sites in the submitted Plan does not prevent the delivery of strategic housing requirement as included in the adopted HDPF.

Delete Aim B1

Replace paragraph 1.24 with: 'Section 11 of this Plan comments about the way in which the Plan will be monitored and reviewed'

In Section 11 add a new paragraph 11.3 to read:

'The Plan has been prepared whilst Horsham District Council is preparing a new local plan. The emerging Plan will cover the period up to 2036. The Parish Council recognises that it will be important to keep the neighbourhood plan up to date in general terms, and to ensure that it remains in general conformity with the wider development plan in particular. In this context it will commence a review of the neighbourhood plan within six months of the adoption of the Local Plan'

Other matters – General

- 7.107 This report has recommended a series of modifications both to the policies and to the supporting text in the submitted Plan. Where consequential changes to the text are required directly as a result of my recommended modification to the policy concerned, I have highlighted them in this report. However, other changes to the general text may be required elsewhere in the Plan as a result of the recommended modifications to the policies. It will be appropriate for HDC and the Parish Council to have the flexibility to make any necessary consequential changes to the general text. I recommend accordingly.

Modification of general text (where necessary) to achieve consistency with the modified policies.

Other matters – Specific

- 7.108 HDC has suggested a series of specific amendments and updates to the Plan. In particular there are several sections in the introductory sections of the Plan which have now been overtaken by events. This is a normal part of the preparation of a neighbourhood plan. I recommend a series of modifications to the Plan insofar as they are necessary to ensure that it meets the basic conditions. This will ensure that any 'made' Plan is both up-to-date and forward-looking.

Replace paragraph 1.10 with: 'The Neighbourhood Plan has been prepared within the context provided by the NPPF (2019)'

In paragraph 1.14 delete 'with a view....2020'

In paragraph 1.15 replace the two bullet points with the following:

- *To conserve and enhance the natural beauty, wildlife and cultural heritage of the area;*

- *To promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public The National Park Authority also has a duty when carrying out the purposes;*
- *To seek to foster the economic and social well-being of the local communities within the National Park; and*
- *In addition, Section 62 of the Environment Act 1995 also requires all relevant authorities, including statutory undertakers and other public bodies, to have regard to these purposes. Where there is an irreconcilable conflict between the statutory purposes, statute requires The Sandford Principle to be applied and the first purpose of the National Park will be given priority.*

In paragraph 1.15 replace the fourth sentence with: 'All new development should have regard to this broader setting'

Replace paragraph 1.22 with 'The submitted Consultation Statement comments about the way in which the community and national and local organisations have been involved in the production of the Plan'

In paragraph 5.5 replace 'national park' with 'National Park'

8 Summary and Conclusions

Summary

- 8.1 The Plan sets out a range of policies to guide and direct development proposals in the period up to 2031. It is distinctive in addressing a specific set of issues that have been identified and refined by the wider community.
- 8.2 Following my independent examination of the Plan I have concluded that the Bramber Neighbourhood Development Plan meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications.

Conclusion

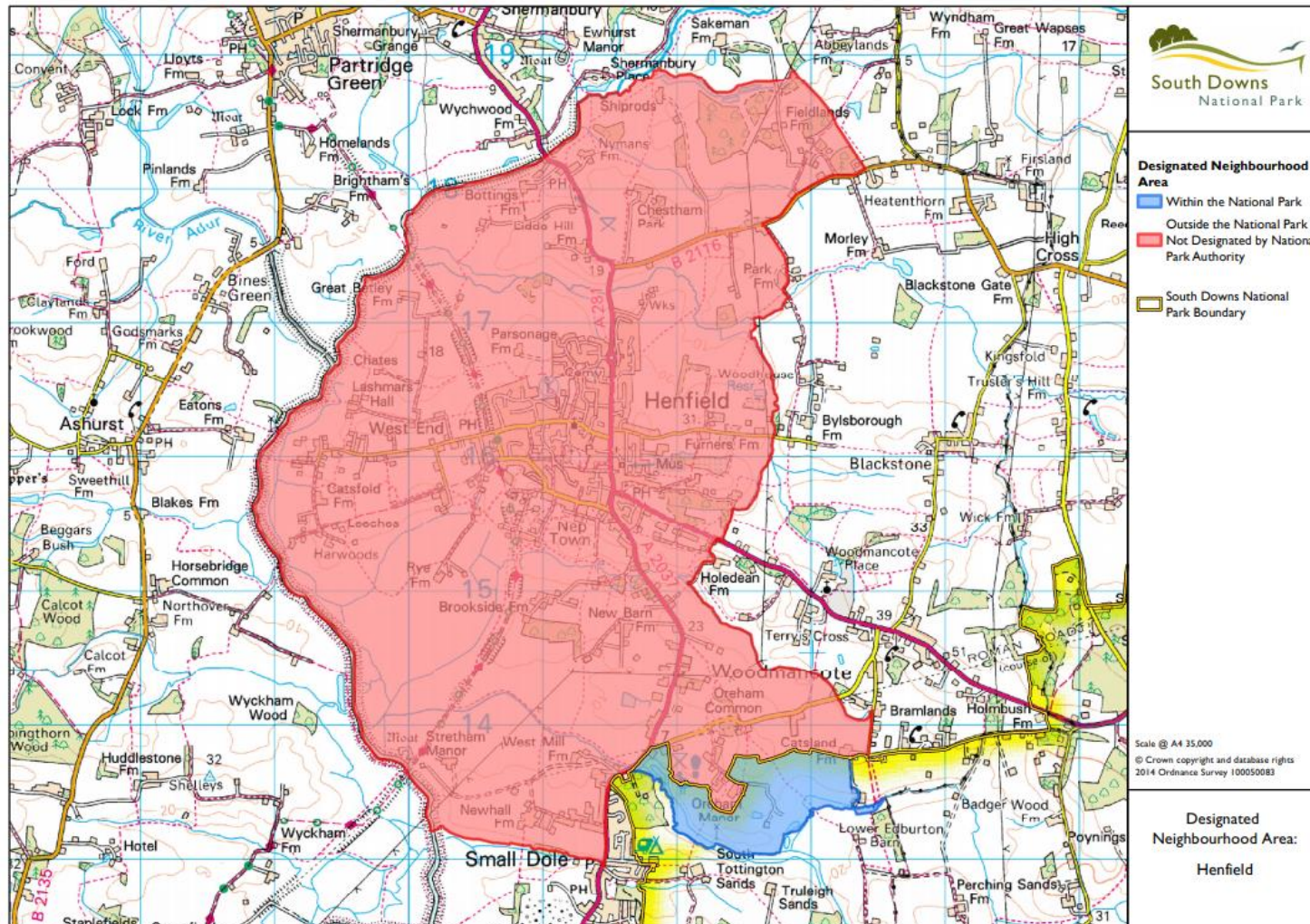
- 8.3 On the basis of the findings in this report I recommend to Horsham District Council and the South Downs National Park Authority that, subject to the incorporation of the modifications set out in this report, the Bramber Neighbourhood Development Plan should proceed to referendum.

Referendum Area

- 8.4 I am required to consider whether the referendum area should be extended beyond the Plan area. In my view, the neighbourhood area is entirely appropriate for this purpose and no evidence has been submitted to suggest that this is not the case. I therefore recommend that the Plan should proceed to referendum based on the neighbourhood area as originally approved by HDC and the SDNPA on 15 February 2018 and on 26 February 2018.
- 8.5 I am grateful to everyone who has helped in any way to ensure that this examination has run in an efficient manner.

Andrew Ashcroft
Independent Examiner
27 July 2020

Agenda Item 11 Report 20/21-51 Appendix 5 Henfield NDP Area



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Henfield Neighbourhood Development Plan 2017-2031

**A report to Horsham District Council on the Henfield
Neighbourhood Development Plan**

**Andrew Ashcroft
Independent Examiner
BA (Hons) M.A. DMS M.R.T.P.I.**

Director – Andrew Ashcroft Planning Limited

Executive Summary

- 1 I was appointed by Horsham District Council in March 2020 to carry out the independent examination of the Henfield Neighbourhood Development Plan.
- 2 The examination was undertaken by written representations. I visited the neighbourhood plan area on 17 March 2020.
- 3 The Plan includes a range of policies and seeks to bring forward positive and sustainable development in the neighbourhood area. There is a very clear focus on safeguarding local character and providing a context within which new homes can be accommodated. In this context it proposes the allocation of four housing sites. It also proposes a series of local green spaces. In the round the Plan has successfully identified a range of issues where it can add value to the strategic context already provided by the wider development plan.
- 4 The Plan has been underpinned by community support and engagement. It is clear that all sections of the community have been actively engaged in its preparation.
- 5 Subject to a series of recommended modifications set out in this report I have concluded that the Henfield Neighbourhood Plan meets all the necessary legal requirements and should proceed to referendum.
- 6 I recommend that the referendum should be held within the neighbourhood area.

Andrew Ashcroft
Independent Examiner
11 May 2020

1 Introduction

- 1.1 This report sets out the findings of the independent examination of the Henfield Neighbourhood Development Plan 2017-2031 (the 'Plan').
- 1.2 The Plan has been submitted to Horsham District Council (HDC) and the South Downs National Park Authority (SDNPA) by Henfield Parish Council in its capacity as the qualifying body responsible for preparing the neighbourhood plan. A small part of the neighbourhood area is within the South Downs National Park.
- 1.3 Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently embedded in the National Planning Policy Framework (NPPF) 2012 and its updates in 2018 and 2019. The NPPF continues to be the principal element of national planning policy.
- 1.4 The role of an independent examiner is clearly defined in the legislation. I have been appointed to examine whether or not the submitted Plan meets the basic conditions and Convention Rights and other statutory requirements. It is not within my remit to examine or to propose an alternative plan, or a potentially more sustainable plan except where this arises as a result of my recommended modifications to ensure that the plan meets the basic conditions and the other relevant requirements.
- 1.5 A neighbourhood plan can be narrow or broad in scope. Any plan can include whatever range of policies it sees as appropriate to its designated neighbourhood area. The submitted plan has been designed to be distinctive in general terms, and to be complementary to the development plan in particular. It has a clear focus on promoting new housing and employment growth and ensuring good design standards.
- 1.6 Within the context set out above this report assesses whether the Plan is legally compliant and meets the basic conditions that apply to neighbourhood plans. It also considers the content of the Plan and, where necessary, recommends changes to its policies and supporting text.
- 1.7 This report also provides a recommendation as to whether the Plan should proceed to referendum. If this is the case and that referendum results in a positive outcome the Plan would then be used to determine planning applications within the Plan area and will sit as part of the wider development plan.

2 The Role of the Independent Examiner

- 2.1 The examiner's role is to ensure that any submitted neighbourhood plan meets the relevant legislative and procedural requirements.
- 2.2 I was appointed by HDC, with the consent of the Parish Council, to conduct the examination of the Plan and to prepare this report. I am independent of both HDC and the Parish Council. I am also independent of the SDNPA. I do not have any interest in any land that may be affected by the Plan.
- 2.3 I possess the appropriate qualifications and experience to undertake this role. I am a Director of Andrew Ashcroft Planning Limited. In previous roles, I have over 35 years' experience in various local authorities at either Head of Planning or Service Director level. I am a chartered town planner and have significant experience of undertaking other neighbourhood plan examinations and health checks. I am a member of the Royal Town Planning Institute and the Neighbourhood Planning Independent Examiner Referral Service.

Examination Outcomes

- 2.4 In my role as the independent examiner of the Plan I am required to recommend one of the following outcomes of the examination:
- (a) that the Plan is submitted to a referendum; or
 - (b) that the Plan should proceed to referendum as modified (based on my recommendations); or
 - (c) that the Plan does not proceed to referendum on the basis that it does not meet the necessary legal requirements.
- 2.5 The outcome of the examination is set out in Sections 7 and 8 of this report.

Other examination matters

- 2.6 In examining the Plan I am required to check whether:
- the policies relate to the development and use of land for a designated neighbourhood plan area; and
 - the Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 (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
 - the Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.
- 2.7 I have addressed the matters identified in paragraph 2.6 of this report. I am satisfied that the submitted Plan complies with the three requirements.

3 Procedural Matters

3.1 In undertaking this examination I have considered the following documents:

- the Submission Plan;
- the Housing Needs Assessment (AECOM) 2017;
- the State of the Parish Report (February 2018);
- the Henfield Parish Design Statement (October 2019);
- the various other appendices and background documents of the Plan;
- the Basic Conditions Statement;
- the Consultation Statement;
- the Sustainability Appraisal Report (June 2019);
- the non-technical summary of that report;
- the Sustainability Appraisal Addendum (October 2019)
- the HRA Screening Report;
- the Parish Design Statement;
- the Parish Council's responses to my Clarification Note;
- the District Council's responses to my Clarification Note
- the representations made to the Plan;
- the adopted Horsham District Planning Framework 2015;
- the adopted South Downs Local Plan 2019;
- the National Planning Policy Framework (2019);
- Planning Practice Guidance (March 2014 and subsequent updates); and
- relevant Ministerial Statements.

3.2 I carried out an unaccompanied visit to the neighbourhood area on 17 March 2020. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular. My visit is covered in more detail in paragraphs 5.9 to 5.16 of this report.

3.3 It is a general rule that neighbourhood plan examinations should be held by written representations only. Having considered all the information before me, including the representations made to the submitted plan, I was satisfied that the Plan could be examined without the need for a public hearing. I advised HDC of this decision once I had received the responses to the Clarification Note.

4 Consultation

Consultation Process

- 4.1 Policies in made neighbourhood plans become the basis for local planning and development control decisions. As such the regulations require neighbourhood plans to be supported and underpinned by public consultation.
- 4.2 In accordance with the Neighbourhood Planning (General) Regulations 2012 the Parish Council has prepared a Consultation Statement. This Statement sets out the mechanisms that were used to engage the community and statutory bodies in the plan-making process. It also provides specific details about the consultation process that took place on the pre-submission version of the Plan (June to July 2019). It captures the key issues in a proportionate way and is then underpinned by more detailed appendices.
- 4.3 The Statement is particularly helpful in the way in which it reproduces summaries of the outcomes of the various consultation exercises used throughout the plan-making process. Their inclusion adds life and depth to the Statement.
- 4.4 The Statement sets out details of the comprehensive range of consultation events that were carried out in relation to the initial stages of the Plan. They were designed around the overarching Community Engagement Strategy. They included:
 - the organisation of parish surveys;
 - the preparation of articles in the BN5 magazine, the parish magazine and on the Henfield Hub website;
 - the organisation of drop in events in both Henfield (November 2017) and in Small Dole (August 2017);
 - the organisation of workshops with key partners, businesses and stakeholders;
 - the delivery of a letter to all households and businesses;
 - the organisation of a Housing Sites Open Day (May 2018);
 - the engagement with Upper Beeding parish Council on how Small Dole would be considered as part of the preparation of the two separate Plans; and
 - the engagement with HDC and the SDNPA.
- 4.5 I am satisfied that the engagement process has been both proportionate and robust. It sought to engage in a balanced way with local residents, statutory bodies, local businesses and potential developers.
- 4.6 Annexes A and B of the Statement provide specific details on the comments received on the pre-submission version of the Plan. It identifies the principal changes that worked their way through into the submission version. This process helps to describe the evolution of the Plan.

- 4.7 It is clear that consultation has been an important element of the Plan's production. Advice on the neighbourhood planning process has been made available to the community in a positive and direct way by those responsible for the Plan's preparation.
- 4.8 From all the evidence provided to me as part of the examination, I can see that the Plan has promoted an inclusive approach to seeking the opinions of all concerned throughout the process. HDC has carried out its own assessment that the consultation process has complied with the requirements of the Regulations.

Representations Received

- 4.9 Consultation on the submitted plan was undertaken by HDC for a six-week period that ended on 20 December 2019. This exercise generated comments from a range of organisations as follows:
- UK Power Networks
 - Surrey County Council
 - Southern Water
 - West Sussex County Council
 - Natural England
 - Seaward Properties Limited and Horsham District Council Property/Facilities Department
 - Taylor Wimpey Strategic Land
 - Wates Developments Limited
 - Dowsett Mayhew Planning Partnership
 - Horsham District Council
 - Welbeck Strategic Land (II) LLP
 - Campaign to Protect Rural Henfield
 - Gladman Developments Limited
 - Fairfax Acquisitions Limited
 - Sweeptech Environmental Services
 - Sandgates Developments Limited
 - Historic England
 - South Downs National Park Authority
 - Built Heritage Matters
 - Independent Age
- 4.10 The submitted Plan also generated representations from 29 local residents. The majority of these representations either supported the designation of the Old Kennels Site (Policy 3.1.5) for employment use or objected to the proposed designation of land at Parsonage Farm as a housing allocation (Policy 2.1).
- 4.11 I have taken account of all the representations received. Where it is appropriate to do so, I refer to particular representations in my assessment of the policies in Section 7 of this report.

5 The Neighbourhood Area and the Development Plan Context

The Neighbourhood Area

- 5.1 The neighbourhood area consists of the parish of Henfield. Its population in 2011 was 5349 persons living in 2405 houses. It was designated as a neighbourhood area on 4 February 2014 and on 13 December 2013 by HDC and the SDNPA respectively. It is located in the south-eastern part of Horsham District. The neighbourhood area is predominantly rural in character and much of its area is in agricultural use. The River Adur flows around the north and west sides of Henfield.
- 5.2 The principal settlement in the neighbourhood area is Henfield. It is located around the A281. It has an attractive and vibrant High Street which includes an attractive range of retail and commercial premises. As the Plan describes the current village represents the incorporation of the three distinct parts of the village. The first is the loose collection of dwellings to the west of the village off Church Street and Cagefoot Lane. They are connected by a series of attractive footpaths. St Peter's Church is the focal point of this area. The second is the High Street itself and the developments to the eastern side of this principal thoroughfare. Henfield Common provides an attractive open aspect in this part of the village and brings the countryside into its heart. The third is the more scattered development at Nep Town. The remainder of the village consists of more recent residential development of various ages.
- 5.3 The other principal settlement in the neighbourhood area is that part of Small Dole that falls within Henfield Parish. It is located to the south of Henfield on the A2037. The remainder of the neighbourhood area consists of a very attractive agricultural hinterland. The south-eastern corner of neighbourhood area is within the South Downs National Park.

Development Plan Context

- 5.4 The development plan covering the neighbourhood plan area is the Horsham District Planning Framework (HDPF) and the South Downs Local Plan. The HDPF was adopted in 2015 and covers the period up to 2031. It sets out to bring forward new growth that is proportionate to the size of the various settlements in the District. Policy 2 (Strategic Development) focuses development in and around Horsham itself together with other strategic development in Southwater and Billingshurst. Elsewhere it proposes an appropriate scale of development which would retain the overall settlement pattern in the District. Policy 3 establishes a settlement hierarchy. Within this context Henfield is identified as a Small Town/Larger Village (the second category in the hierarchy) and Small Dole as a smaller village (the fourth category). Policy 4 supports the expansion of settlements subject to various criteria being met. Policy 15 (Housing Provision) sets the scene for the strategic delivery of new housing. Beyond Horsham, Southwater and Billingshurst it identifies that 1500 homes should be delivered collectively across the District through neighbourhood plans in accordance with the settlement hierarchy.

- 5.5 In addition to the policies set out above the following policies in the HDPF have been particularly important in influencing and underpinning the various policies in the submitted Plan:

Policy 7	Economic Development
Policy 9	Employment Development
Policy 17	Meeting Local Housing Needs
Policy 26	Countryside Protection
Policy 32	Quality of New Development
Policy 43	Community Facilities, Leisure and Recreation

- 5.6 HDC has now embarked on the preparation of a new Local Plan. A draft Regulation 18 Local Plan was published for consultation between February and March 2020. It is anticipated that the Plan will be submitted for examination in Autumn/Winter 2020. In process terms this Plan is not at a stage at which it can have any significance in the examination of the submitted neighbourhood plan. Nevertheless, HDC has helpfully provided advice to qualifying bodies on how it anticipates that the emerging Plan will have a bearing on the well-developed neighbourhood planning agenda in the District.
- 5.7 The extreme south-eastern part of the neighbourhood area is located within the South Downs National Park. As such future development in this area is controlled by the adopted South Downs Local Plan which was adopted in July 2019. It is primarily a landscape-led Plan. Strategic Policies SD4,5 and 6 address Landscape Character, Design and Views respectively.
- 5.8 The submitted Plan has been prepared correctly and properly within this current adopted development plan context. In doing so it has relied on up-to-date information and research that has underpinned existing planning policy documents in the District and in the National Park. This is good practice and reflects key elements in Planning Practice Guidance on this matter. It is also clear that the submitted Plan seeks to add value to the different components of the development plan and to give a local dimension to the delivery of its policies. In particular it grapples with the issue of housing delivery in the context of the adopted HDPF. This is captured in the Basic Conditions Statement.

Unaccompanied Visit

- 5.9 I visited the neighbourhood area on 17 March 2020. It took place before the Covid:19 travel restrictions were introduced. I maintained appropriate social distancing when I was in the neighbourhood area.
- 5.10 I drove into Henfield along the A281 from the north. This gave me an initial impression of its setting and the character. It also highlighted its connection to the strategic road system and to Cowfold to the north. I saw the nature of the road network and the way in which Henfield was located in the wider Vale of Sussex.

- 5.11 I looked initially at the village centre. I saw its vibrant range of retail and commercial business in an attractive, historic setting. I saw the way in which they had been incorporated into traditional vernacular buildings and the way in which commercial and residential uses co-existed in a relaxed fashion. I took the opportunity to look at the areas to the immediate east and to the west of High Street. To the east of the High Street I looked at the impressive Commons. They brought the countryside into the very heart of the village. To the west of the village I walked along Cagefoot Lane past the war memorial. I enjoyed the walk along the popular and well-used footpaths along the intersecting routes leading towards the Church.
- 5.12 Thereafter I looked at the various proposed housing allocations in the Plan. In particular I looked at the land north of Parsonage Farm given the significance of its yield within the overall provision included in the Plan. I also looked at the details of the access arrangements into the site off the Wantley Hill Estate (Policy 2.2). I took the opportunity to look at the scale, nature and location of the other sites which had been considered in the earlier phases of the plan-making process.
- 5.13 Throughout my visit I looked at the various proposed local green spaces. I saw their different sizes and uses. In the round I saw the way in which they contributed to the openness and attractiveness of certain parts of the village. In some cases, they reinforced its connections with the surrounding countryside. I looked in particular at the proposed designations which were areas of incidental open space so that I could come to a conclusion about the extent to which they met the criteria in the NPPF.
- 5.14 I then drove to the Henfield Business Park to the south of the village. I looked at the Business Park and the three sites on the opposite side of the A2037 that are proposed for employment use in the Plan. I looked in particular at their wider relationship with the surrounding countryside and to the main road network.
- 5.15 Thereafter I continued along the A2037 to Small Dole. I saw its range of retail and other commercial facilities. I also looked at the potential housing site that had been considered and dismissed.
- 5.16 I finished my visit by driving to Upper Beeding to the south. This highlighted the relationship between the Upper Beeding and Henfield in the wider landscape and the way in which their two respective neighbourhood plans had proceeded in relation to Small Dole.

6 The Neighbourhood Plan and the Basic Conditions

- 6.1 This section of the report deals with the submitted neighbourhood plan as a whole and the extent to which it meets the basic conditions. The submitted Basic Conditions Statement has helped considerably in the preparation of this section of the report. It is a well-presented and informative document. It is also proportionate to the Plan itself.
- 6.2 As part of this process I must consider whether the submitted Plan meets the Basic Conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. To comply with the basic conditions, the Plan must:
- 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 of the development plan in the area;
 - be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations; and
 - not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017 (7).
- 6.3 I assess the Plan against the basic conditions under the following headings.
- National Planning Policies and Guidance*
- 6.4 For the purposes of this examination the key elements of national policy relating to planning matters are set out in the National Planning Policy Framework (NPPF) issued in 2019. This approach is reflected in the submitted Basic Conditions Statement.
- 6.5 The NPPF sets out a range of core land-use planning issues to underpin both plan-making and decision-taking. The following are of particular relevance to the Henfield Neighbourhood Plan:
- a plan led system– in this case the relationship between the neighbourhood plan and the adopted Horsham District Planning Framework and the South Downs Local Plan;
 - delivering a sufficient supply of homes;
 - building a strong, competitive economy;
 - recognising the intrinsic character and beauty of the countryside and supporting thriving local communities;
 - taking account of the different roles and characters of different areas;
 - highlighting the importance of high-quality design and good standards of amenity for all future occupants of land and buildings; and
 - conserving heritage assets in a manner appropriate to their significance.
- 6.6 Neighbourhood plans sit within this wider context both generally, and within the more specific presumption in favour of sustainable development, which is identified as a

golden thread running through the planning system. Paragraph 16 of the NPPF indicates that neighbourhoods should both develop plans that support the strategic needs set out in local plans and plan positively to support local development that is outside the strategic elements of the development plan.

- 6.7 In addition to the NPPF I have also taken account of other elements of national planning policy including Planning Practice Guidance and ministerial statements.
- 6.8 Having considered all the evidence and representations available as part of the examination I am satisfied that the submitted Plan has had regard to national planning policies and guidance in general terms. It sets out a positive vision for the future of the neighbourhood area within the context of the size of its principal settlements and the way they relate to the HDPF. In particular it includes a series of policies allocating land for residential and for employment development. In addition, it proposes a suite of local green spaces. The Basic Conditions Statement maps the policies in the Plan against the appropriate sections of the NPPF.
- 6.9 At a more practical level the NPPF indicates that plans should provide a clear framework within which decisions on planning applications can be made and that they should give a clear indication of how a decision-maker should react to a development proposal (paragraphs 17 and 154). This was reinforced with the publication of Planning Practice Guidance in March 2014. Its paragraph 41 (41-041-20140306) indicates that policies in neighbourhood plans should be drafted with sufficient clarity so that a decision-maker can apply them consistently and with confidence when determining planning applications. Policies should also be concise, precise and supported by appropriate evidence.
- 6.10 As submitted the Plan does not fully accord with this range of practical issues. The majority of my recommended modifications in Section 7 relate to matters of clarity and precision. They are designed to ensure that the Plan fully accords with national policy.

Contributing to sustainable development

- 6.11 There are clear overlaps between national policy and the contribution that the submitted Plan makes to achieving sustainable development. Sustainable development has three principal dimensions – economic, social and environmental. It is clear that the submitted Plan has set out to achieve sustainable development in the neighbourhood area. In the economic dimension the Plan includes policies that propose housing and employment allocations (Policies 2 and 3 respectively). In the social role, it includes policies on infrastructure and other related community facilities (Policies 5-9) and local green spaces (Policy 11). In the environmental dimension the Plan positively seeks to protect its natural, built and historic environment. It has specific policies on design (Policy 12) and on green infrastructure and biodiversity (Policy 10). The Parish Council has undertaken its own assessment of this matter in the submitted Basic Conditions Statement.

General conformity with the strategic policies in the development plan

- 6.12 I have already commented in detail on the development plan context in Horsham District and in the South Downs National Park in paragraphs 5.4 to 5.8 of this report.
- 6.13 I consider that the submitted Plan delivers a local dimension to this strategic context. The Basic Conditions Statement helpfully relates the Plan's policies to policies in the development plan. Subject to the incorporation of the recommended modifications in this report I am satisfied that the submitted Plan is in general conformity with the strategic policies in the development plan.

European Legislation and Habitat Regulations – Sustainability Appraisal

- 6.14 The Neighbourhood Plan General Regulations 2015 require a qualifying body either to submit an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 or a statement of reasons why an environmental report is not required.
- 6.15 In order to comply with this requirement the Parish Council prepared a Sustainability Appraisal (SA) in June 2019. It incorporates a Strategic Environmental Assessment (SEA). The report is thorough and well-constructed. It appraises the policies (and reasonable alternatives) against the sustainability framework developed through the Scoping Report. It helps to gauge the extent to which the Plan contributes towards sustainable development. The work also builds on the earlier Housing Needs Assessment.
- 6.16 The work on the SA is underpinned by associated work on Site Assessments. A comprehensive range of potential housing sites were assessed by Plan4Localism and Action in Rural Sussex to determine their suitability and availability, or otherwise, for allocation in the emerging Neighbourhood Plan. The Site Assessment work is part of the evidence base for the Henfield Neighbourhood Development Plan. The sites assessed are those that the Parish Council was aware of through previous work, resulting from the 'Call for Sites' (August- October 2017) and from the representations made to the Regulation 14 consultation in June/July 2019. A minimum threshold of six dwellings for residential sites was set in order to be consistent with other similar assessments such as the Horsham District Council's Strategic Housing and Economic Land Availability Assessment (SHELAA).
- 6.17 HDC produced an Addendum to the SA in October 2019. In summary the Addendum looked again at sites which had not been considered in the original SA. On this basis it assessed five sites where their boundaries at that point either abutted sites which had planning permission or could be grouped into a wider cluster of sites that abut the built-up area boundary.
- 6.18 As a result, Sites A, B, DD and K1 were added back into the Sustainability Appraisal process. These sites are as follows:
- Site A Dears Farm Paddock, West End Lane;
 - Site B Land North/South of West End lane;
 - Site DD Land to the east of London Road; and

- Site K1 Land north of Furners Lane.

6.19 The combined effect of the June and the October elements of the SA generated a total of 11 potential options for strategic housing growth in the neighbourhood area as follows:

Within the original SA

Option 1 – This option would deliver 252 homes on 13 sites using a dispersed approach concentrated around the existing settlements. It would make use of the previously-developed land and nursery sites alongside some development on previously undeveloped land. This option would see 216 homes provided in Henfield and 51 new homes in Small Dole.

Option 2 - This option would provide development land for the delivery of 259 homes on 11 sites throughout the plan period. It would make use of a number of small brownfield and nursery sites that are currently in employment use.

Option 3 – This option would involve the use of two sites on the northern and north eastern side of Henfield. It would provide 280 new homes in total alongside allotments, formal and informal play areas, open space, flood alleviation to north and new nature reserve to the north and new playing fields east of Wantley Hill Estate. As a result, it would represent a northern expansion of the existing settlement of Henfield beyond the settlement boundary. This option would not allocate any other sites for residential development, leaving the development within the settlement boundary to come forward in accordance with policy.

Option 4 – This option would provide a single allocation on the eastern side of Henfield encompassing Sites C and K2. The option would deliver 265 homes and playing fields east of Wantley Hill Estate. The SA comments that there may be scope to include a small part of Site DD to provide one large comprehensive and linked allocation along the eastern side of Henfield. However, for the purposes of this assessment it was not been included as the area that would be required would not affect the overall assessment.

Option 5 – This option builds upon the previous options considered. It would bring forward 270 homes and seeks to disperse development around Henfield so that the impact of development is spread. This option would still result in site Xa coming forward but at a lower density which has the potential be more in keeping with the countryside location.

Option 6 – This option would disperse development on both the northern, eastern and western edge of Henfield. It would deliver approximately 280 homes on four sites and would present the potential creation of countryside buffer to the north of the village. This option would represent an expansion of Henfield into open countryside

Within the Addendum to the SA

Option 7 – This option would provide a single allocation on the north eastern side of Henfield (Site DD). The option would deliver 600 homes and playing fields on land to the east of London Road. This option would represent an eastern expansion of Henfield into open countryside. The Henfield Waste Water Treatment works is located in the northern portion of this site and would render development within the immediate vicinity in this area unfeasible due to odour issues. Access to the site would be via the A281 subject to approval from West Sussex County Council.

Option 7a – This option would provide a single allocation on the north eastern side of Henfield encompassing Sites C and DD. It would represent an eastern expansion of Henfield into open countryside.

Option 8 – This option would provide a single allocation on the south western side of Henfield encompassing Sites A, B (north and south), Q and W. The option would deliver 308 homes with some affordable and open market dwellings together with open space within the site.

Option 9 – This option would provide a single allocation on the eastern side of Henfield encompassing Sites K1 and K2. The option would deliver 465 homes with open space and potentially other facilities on land north of Furners Lane, Henfield.

Option 10 – This option 10 would provide a single allocation on the south-western boundary of Henfield. The option encompasses a number of smaller sites listed below and would deliver 276 homes together with sports facilities and public open space.

- 6.20 The June 2019 SA dismisses options 1/2/3/4 and 6. It concludes that Option 5 is its preferred option. It acknowledges that some of the options scored more favourably against the sustainability objectives than option 5. Out of the options considered, options 2 and 3 had the least negative impacts, followed by option 5 and option 1. Option 6 had the same score as option 5. Overall, however, the SA recognised that within the context of the Horsham District Planning Framework, Henfield is defined as a larger village and is a relatively sustainable location for development. It also concludes that the differences in the sustainability of the different options are marginal. It also comments about the extent to which the negative impacts can be offset through a range of avoidance, reduction and mitigation measures. Overall, therefore it is considered any of the options (subject to mitigation which would be expected through planning policies, conditions and so on) would contribute to achieving sustainable development.
- 6.21 Given that all options would achieve the delivery of sustainable development in some form, the Parish Council considered option 5 to be its preferred option. This option provides a new road access on to the A281, which minimises impacts on the existing community and its amenities. The option would provide a nature reserve which will be a significant community asset and will be a buffer to limit the impact on the wider open

countryside. The SA also comments that Option 5 would deliver development at a consistent density to other greenfield sites tested in other options (other than option 3).

- 6.22 The SA Addendum comments about the relationship between the additional options and those already addressed in the June 2019 SA. Taking account of the additional five options considered, it concludes that none would be more sustainable than those assessed in the original SA/SEA report and concludes that Option 5 remains the most appropriate option to take forward. It comments that three of these additional options (7, 7a and 9) would deliver a far greater quantum of development than required to meet the identified housing need. On this basis it concludes that this amount of new housing growth would represent an inappropriate scale and function for the size of Henfield.

Commentary on the SA process

- 6.23 Plainly the SA process undertaken has been both comprehensive and exhaustive. It considered 28 potential residential development sites and arranged them into 11 alternative options. The work undertaken has been underpinned by professional and technical advice. In particular the consideration of alternative options has been very thorough. In their different ways the options would deliver the Parish Council's assessment of strategic housing need in the neighbourhood area. As such the various options would have different implications on the shape and character of Henfield and its relationship with the surrounding countryside.
- 6.24 One of the representations suggests that the production of an Addendum (October 2019) to the original SA (June 2019) does not comply with European legislation. I have considered this matter very carefully. Clearly the production of an Addendum to a SA is not a common occurrence. Nevertheless paragraph 3.6 of the Addendum clearly identifies the circumstances which generated its need and production. They reflected the outcomes of the Regulation 14 consultation exercise and took account of the various sites (as addressed in the Addendum) which at that point either abutted sites which had planning permission or which could be grouped into a wider cluster of sites which abut the built-up boundary of Henfield. In this context the SA process was iterative in responding to changing circumstances in the plan-making process. In addition, the SA Addendum was included in the package of documents with the submitted Plan and was subject to consultation at the Regulation 16 stage. Several site owners and promoters acknowledged the appropriateness of the Addendum process. In any event the assessment undertaken in the Addendum clearly demonstrated that its additional options would not perform better than the preferred option (or indeed other options) in the original SA. In these circumstances I am satisfied that the Addendum to the original SA was appropriate and meets the basic conditions.
- 6.25 Within the wider context of the SA and the SA Addendum I am satisfied that the Parish Council has selected a preferred residential development option which is both appropriate to the characteristics of the neighbourhood area and is based on the evidence in the SA work. Paragraphs 6.20 to 6.22 of this report have already addressed this matter and I will not repeat the details here. The evidence clearly supports the Parish Council's decision to incorporate Option 5 within the submitted Plan.

- 6.26 The decision-making process in the plan has followed two important principles. The first is that the SA process provides the details for the decision-maker to reach a decision on the most appropriate development option to incorporate within the Plan. This reflects advice in the Office of the Deputy Prime Minister's 'A Practical Guide to the Strategic Environmental Assessment Directive 2005' which comments:

'It is not the purpose of the SEA to decide the alternative to be chosen for the plan or programme. This is the role of the decision-makers who have to make choices on the plan or programme to be adopted. The SEA simply provides information on the relative environmental performance of alternatives, and can make the decision-making process more transparent' (ODPM 2005 paragraph 5.B.7)

- 6.27 The second principle is that the Plan does not necessarily need to incorporate the option which performs best against the SA objectives. This reflects advice in Planning Practice Guidance which comments:

'This process is an opportunity to consider ways by which the plan can contribute to improvements in environmental, social and economic conditions, as well as a means of identifying and mitigating any potential adverse effects that the plan might otherwise have. By doing so, it can help make sure that the proposals in the plan are appropriate given the reasonable alternatives. It can be used to test the evidence underpinning the plan and help to demonstrate how the tests of soundness have been met. Sustainability appraisal should be applied as an iterative process informing the development of the plan' (PPG 11-001-20190722)

- 6.28 Some of the representations have commented about the strategic figure which the neighbourhood plan is looking to achieve. In particular my attention has been drawn to the NPPF which comments about the requirement for a local planning authority (here HDC) to provide a housing requirement figure for designated neighbourhood areas. I have considered this matter very carefully in the context of the current version of the NPPF, the evolution of the neighbourhood plan at that time and the way in which the Parish Council has identified the indicative figure of 270 homes included in the submitted Plan.

- 6.29 The current version of the NPPF was published in February 2019. It updated elements of the July 2018 version of the NPPF. The 2018 version of the document introduced important elements into national policy with regard to the way in which neighbourhood plans are expected to deliver their part of the wider strategic delivery of housing in the relevant local planning authority area. These elements remained unaffected in the 2019 version of the NPPF. They comment as follows:

'Strategic policy-making authorities should establish a housing requirement figure for their whole area, which shows the extent to which their identified housing need (and any needs that cannot be met within neighbouring areas) can be met over the plan period. Within this overall requirement, strategic policies should also set out a housing requirement for designated neighbourhood areas which reflects the overall strategy for the pattern and scale of development and any relevant allocations. Once the strategic policies have been adopted, these figures should not need retesting at the

neighbourhood plan examination, unless there has been a significant change in circumstances that affects the requirement’ (NPPF paragraph 65)

‘Where it is not possible to provide a requirement figure for a neighbourhood area, the local planning authority should provide an indicative figure, if requested to do so by the neighbourhood planning body. This figure should take into account factors such as the latest evidence of local housing need, the population of the neighbourhood area and the most recently available planning strategy of the local planning authority’ (NPPF paragraph 66)

6.30 In July 2018 the neighbourhood plan was being prepared. The key elements of the Plan on future housing delivery have been significantly underpinned by the Housing Needs Assessment (HNA) undertaken by AECOM and published in October 2017. This approach was recommended to Henfield Parish Council and other parish councils by HDC to identify their various proportions of the wider 1500 dwellings required for small towns and larger villages in the context of the adopted HDPF. The AECOM HNA provided a comprehensive analysis of housing needs in the neighbourhood area. In particular it considered the following issues:

- employment trends;
- housing transactions (prices);
- housing transactions (volumes);
- migration and demographics;
- overcrowding and concealment; and
- rate of development.

6.31 The HNA estimated the quantity of housing need in the neighbourhood area from five sources as follows:

- Horsham District Planning Framework ‘settlement hierarchy’ minimum derived figure (HDPF) 2011-31: this generates a projection of 0 dwellings over the plan period given that the projection for the area has already been satisfied;
- Horsham District Planning Framework ‘district’ minimum derived figure (HDPF) 2011-31: this generates a projection of 529 dwellings over the plan period or 38 homes per year (rounded);
- Housing Need in Horsham 2015 (SHMA) - proportional share drawn from OAN: this generates a final target of 388 dwellings over the plan period, or 28 per year (rounded);
- DCLG Household projections: this generate a re-based projection of dwellings of 400, or 29 dwellings (rounded) per year over the plan period; and
- A projection derived from homes growth between 2001 and 2016: this generates a target of 301 homes over the plan period.

The second projection was excluded from the averaging exercise across the five sources given the strategic approach taken for larger towns and smaller villages in the

adopted HDPF. The average of the remaining projections is 272 dwellings, or 19 dwellings per year over the Plan Period.

- 6.32 Within the strategic requirements set by the AECOM assessment the various Focus Groups were assembling evidence and making their various reports. The call for sites took place in August to October 2017. The various elements of work led to the publication of the pre-submission Plan in June 2019 for consultation.
- 6.33 In this context the preparation of the neighbourhood plan has overlapped with the preparation of the emerging Horsham Local Plan. At the time of the introduction of the July 2018 version of the NPPF HDC was working to the HDPF (as adopted in 2015). It requires Henfield to deliver an unspecified number of dwellings within an overall amount required for smaller towns/larger villages in the HDPF. Similarly, at that time there was no clarity on the direction of travel for the emerging Local Plan in general, and its strategic housing target in particular.
- 6.34 I sought advice from HDC about the extent to which it considered that the submitted neighbourhood plan was in general conformity with the adopted HDPF. It advised that ‘.....the 270 dwellings proposed in the Henfield Neighbourhood Plan is in general conformity with Policy 15 (4) of the HDPF and represents 18% of the total neighbourhood plan requirement identified in the HDPF. Given the position of Henfield in the settlement hierarchy, (Policy 2 & 3) the District Council considers that this is an appropriate, sustainable and important proportion of the (at least) 1,500 new homes required from neighbourhood plans under Policy 15 (d)’
- 6.35 In these circumstances I am satisfied that the approach taken by the Parish Council (and as supported by HDC) in working towards the delivery of 270 homes was appropriate in the local circumstances. I am also satisfied that it has regard to national policy. In particular I am satisfied that they have regard to paragraph 66 of the NPPF. The figure of a minimum of 270 homes reflects the population of the neighbourhood area and the most recently available planning strategy of the local planning authority. It builds on the work undertaken in 2017 on the Housing Needs Assessment by AECOM. It also acknowledges that the strategic allocation was already set in the HDPF and that there was no alternative certainty in the emerging Local Plan. Nonetheless I recommend that the broader issue of housing delivery in the submitted Plan is reviewed once the emerging Local Plan has been adopted. This matter is addressed in more detail in paragraph 6.40 of this report.
- 6.36 The accuracy of various assessment in both the SA and the SA addendum have been queried by the promoters of alternative housing sites which have not been included as allocations in the Plan. They are as follows:
- Seaward Properties Limited and Horsham District Council Property and Facilities Department various scores on Site D2 and part of Site U;
 - Taylor Wimpey – various score on Site DD;
 - Dowsett Mayhew – various score on Site W;
 - Fairfax Acquisitions – various scores on Site F; and
 - Sandgates Developments – various scores on Site Q

- 6.37 I have considered these representations very carefully given the importance of housing delivery within the wider Plan and the requirements for the SA process to be robust in the way that it complies with EU regulations and therefore the basic conditions. On the basis of all the evidence available to me I am satisfied that the work that has been undertaken in the site assessment, the SA and the SA Addendum has been independent, evidence-based and proportionate to the task in hand.
- 6.38 In reaching this conclusion I have taken account of three related factors. The first is that the various tasks have been undertaken in a proportionate fashion. Whilst there will inevitably be a degree of professional judgement on the part of the organisations undertaking the work the various disputed assessments within the SA/SA Addendum are neither unreasonable nor improbable. This approach reflects the advice in the Office of the Deputy Prime Minister's 'A Practical Guide to the Strategic Environmental Assessment Directive 2005' which comments that:
- 'Predictions do not have to be expressed in quantitative terms. Hard data may enable Responsible Authorities or expert advisers to make detailed quantitative predictions, and this can be particularly useful where a plan's or programme's effects are uncertain, close to a threshold, or cumulative. However, quantification is not always practicable, and qualitative predictions can be equally valid and appropriate. In current practice, these are often expressed in easily understood terms such as 'getting better or worse' or a scale from ++ (very positive) to -- (very negative). It can be useful to link predictions to specific objectives' (ODPM 2005 Section B3)*
- 6.39 The second is that the various representations do not identify how any changes in the assessment of the sites concerned on the individual SA objectives would otherwise affect the overall assessment of the site and therefore its comparison with other reasonable alternatives. The third is that, in any event, the SA and Site Assessment work has been designed to assist the Parish Council in its decision-making process rather than to provide prescriptive or absolute advice. This is made clear both in the Site Assessment report (paragraph 1.2) and in the SA (paragraph 2.6).
- 6.40 Plainly the approach in the neighbourhood plan has the ability to be overtaken by the eventual approach taken in the emerging Local Plan. In a broader context in the event that there is any conflict between policies in the development plan greater weight would be given to the policies in the Plan which has most recently become part of the development plan. This position is acknowledged by the Parish Council in its response to my question on this matter in the clarification note. It explained the way in which the Plan has addressed the issue. It then comments that '(it) was decided therefore to proceed with the current Neighbourhood Plan to be examined against the currently adopted Horsham District Planning Framework, and to leave any uplift in housing numbers to be determined through the emerging Local Plan. This could include the Local Plan allocating additional sites if that was considered necessary and sustainable. Once the new Local Plan is adopted then the Neighbourhood Plan would be reviewed to see if any policies require updating'
- 6.41 In this context I recommend in paragraphs 7.116 to 7.120 that the review process included in the Plan is consolidated. The recommended modifications make a direct

connection with the local arrangements that have already been discussed and agreed between the Parish Council and HDC.

- 6.42 This approach is particularly important given the contents of the emerging Local Plan. Whilst it does not identify specific housing allocations at this stage it identifies a series of potential sites which could contribute towards its longer-term strategic housing target. In the case of the neighbourhood area the Site Assessment report (February 2020) includes the following potential sites:

SA005 Land east of Fillery Way, Henfield (approximately 100 homes).

SA011 Land west of Backsettown Farm, Henfield (approximately 30 homes).

SA065 Land off Wantley Hill, Henfield (approximately 25 homes).

SA317 Sandgate Nursey, Henfield (approximately 55 homes).

SA504 Land south of the Bowls Club, Henfield (approximately 10 homes).

SA686 Land at Parsonage Farm, Henfield (approximately 205 homes).

SA538 Land west of Shoreham Road, Small Dole (approximately 40 homes).

SA505 Land at Highdown Nursery, Small Dole (approximately 11 homes).

- 6.43 Given that the preparation of the Local Plan and the neighbourhood plan have overlapped it is not surprising that there is a close relationship between the sites identified in the Local Plan Site Assessment Report and those proposed for residential development in the submitted neighbourhood plan. Similarly, some of the sites considered as potential sites in the emerging Local Plan are those which have been considered as reasonable alternatives in the submitted neighbourhood plan. Whilst the outcome of the emerging Local Plan remains uncertain it is clear that there is the potential for additional development to be incorporated within the neighbourhood area within the emerging Local Plan.

- 6.44 The Campaign to Protect Rural Henfield has drawn my attention to a recent appeal decision in relation to land at Sandy Lane, Henfield. As an organisation it suggests that the Plan, and its assessment of reasonable alternatives, has not taken account of the Planning Inspector's findings on this appeal decision. I have read the appeal decision and considered this matter very carefully. Having done so I am satisfied that there is no inconsistency between the approach taken in the submitted Plan and this appeal decision. In a general sense the appeal decision relates to the details of a planning application on a specific site. In addition, the submitted Plan addresses a series of potential housing sites against an extensive range of environmental issues which overlap with those considered by the planning inspector on the Sandy Lane site. In any event the two processes are very different – a neighbourhood plan is preparing new policies for the identified Plan period whereas the appeal process is assessing the appropriateness or otherwise of a specific development on a single site in the context of existing planning policies.

European Legislation and Habitat Regulations – Habitats Regulations Appraisal

- 6.45 HDC has produced a separate Habitats Regulations Assessment (HRA) of the Plan. It concludes that the Plan is not likely to have significant environmental effects on a European nature conservation site or undermine their conservation objectives alone or in combination taking account of the precautionary principle. As such Appropriate Assessment is not required.
- 6.46 The HRA report is very thorough and comprehensive. It takes appropriate account of the significance of the following sites:
- Arun Valley SPA/Ramsar;
 - Arun Valley SAC;
 - the Mens SAC; and
 - the Ashdown Forest SAC

It provides assurance to all concerned that the submitted Plan takes appropriate account of important ecological and biodiversity matters.

- 6.47 The HRA report also includes the necessary assurance on the potential impact of the growth proposed in the submitted Plan on the delivery of 1500 new houses in the District required generally through neighbourhood plans (Policy 15 of the Horsham District Planning Framework). Overall, the total number of dwellings which have been identified to be delivered through neighbourhood planning (including the 270 dwellings in the submitted Plan) equates to a total of approximately 1438 homes. It concludes that the overall quantum of development is within that assessed in the HRA of the HDPF and no additional impacts will arise in this respect.
- 6.48 Having reviewed the information provided to me as part of the examination, I am satisfied that a proportionate process has been undertaken in accordance with the various regulations. In the absence of any evidence to the contrary, I am entirely satisfied that the submitted Plan is compatible with this aspect of European obligations.
- 6.49 In a similar fashion I am satisfied that the submitted Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights (ECHR) and that it complies with the Human Rights Act. There is no evidence that has been submitted to me to suggest otherwise. In addition, there has been full and adequate opportunity for all interested parties to take part in the preparation of the Plan and to make their comments known. On the basis of all the evidence available to me, I conclude that the submitted Plan does not breach, nor is in any way incompatible with the ECHR.

Summary

- 6.50 On the basis of my assessment of the Plan in this section of my report I am satisfied that it meets the basic conditions subject to the incorporation of the recommended modifications contained in this report.

7 The Neighbourhood Plan policies

- 7.1 This section of the report comments on the policies in the Plan. In particular, it makes a series of recommended modifications to ensure that they have the necessary precision to meet the basic conditions.
- 7.2 My recommendations focus on the policies themselves given that the basic conditions relate primarily to this aspect of neighbourhood plans. In some cases, I have also recommended changes to the associated supporting text.
- 7.3 I am satisfied that the content and the form of the Plan is fit for purpose. It is distinctive and proportionate to the Plan area. The wider community and the Parish Council have spent time and energy in identifying the issues and objectives that they wish to be included in their Plan. This sits at the heart of the localism agenda.
- 7.4 The Plan has been designed to reflect Planning Practice Guidance (41-004-20170728) which indicates that neighbourhood plans must address the development and use of land. The Plan also includes a series of Community Aims. They are appropriately distinguished from the principal land use policies by the use of colour.
- 7.5 I have addressed the policies in the order that they appear in the submitted plan. Where necessary I have identified the inter-relationships between the policies. The Community Aims are addressed after the policies.
- 7.6 For clarity this section of the report comments on all policies whether or not I have recommended modifications in order to ensure that the Plan meets the basic conditions.
- 7.7 Where modifications are recommended to policies they are highlighted in bold print. Any associated or free-standing changes to the text of the Plan are set out in italic print.

The initial section of the Plan (Sections 1-4)

- 7.8 These initial parts of the Plan set the scene for the range of policies. They do so in a proportionate way. The Plan is presented in a thorough way. It makes a very effective use of well-presented maps and photographs. A very clear distinction is made between its policies and the supporting text. It also highlights the links between the Plan's objectives and its resultant policies.
- 7.9 The Introduction comments about the development of the Plan. It also provides background information on the wider national agenda on neighbourhood plans within which it has been prepared. It identifies the neighbourhood area. Whilst the front cover identifies that the Plan period is 2017 to 2031 this matter is not directly included in the Plan itself. For clarity I recommend a modification to the Plan to address this important procedural matter.

At the end of paragraph 1.2 add: 'The Plan period is 2017-2031'

- 7.10 Section 2 comments about the neighbourhood area and a range of matters which have influenced the preparation of the Plan. It includes a section on Community Views and

the Strength, Weaknesses, Opportunities and Threats associated with the neighbourhood area. It is a very helpful context to the neighbourhood area. It also provides a backcloth to the various policies.

- 7.11 Section 3 comments about the planning policy context within which the Plan has been prepared. It comments about both the Horsham District Planning Framework and the South Downs Local Plan in a very professional way. It gives confidence that the Parish Council has properly sought to develop a Plan which is in general conformity with the strategic policies of the development plan.
- 7.12 Section 4 comments about the Plan's Vision and Objectives. It is well-constructed. It describes how the Vision and the Objectives of the Plan were developed. The objectives are grouped under the following five headings – Housing, Environment, Infrastructure and Facilities, Transport and Economy. Its key strength is the way in which the objectives directly stem from the Vision.
- 7.13 The remainder of this section of the report addresses each policy in turn in the context set out in paragraphs 7.5 to 7.7 of this report.

Policy 1: A Spatial Plan for the Parish

- 7.14 This policy sets out a spatial plan for the wider parish. It defines built up area boundaries for Henfield and Small Dole and offers support to development within these locations. Elsewhere in the neighbourhood area the Plan expects development to conform with policies for the countryside in the Local Plan. It draws particular attention to the statutory duties in relation to the SDNP.
- 7.15 The policy approach has attracted a degree of commentary from the development industry. It is suggested that the approach is restrictive and conflicts with national policy. I have considered these representations very carefully. On balance I am satisfied that the Plan takes a positive approach towards new development in the Plan period. In particular it includes four residential and three employment allocations. The residential allocations are shown within an extended built up area boundary of Henfield. In addition, the policy does not prevent development elsewhere in the neighbourhood area given its approach which makes the relationship with development in the countryside which is supported in HDPF policies. I recommend that the second part of the policy is broadened so that it also relates to national policy and to local policy in the South Downs Local Plan.
- 7.16 The third part of the policy overlaps with the second. It comments that where agricultural land is needed for development areas of poorer quality land will be preferred to that of a higher quality. Whilst this approach has a degree of merit it would be difficult to apply through the development process. In any event it expresses a preference rather than identifying a policy approach. I recommend that it is deleted and that the matter is addressed more generally in the supporting text. Subject to a minor modification to the wording of the fourth part of the policy I am satisfied that it meets the basic conditions.

In P1.2 replace

- **‘will be required to’ with ‘will be supported where they’**
- **‘HDPF policies’ with ‘as appropriate to their location in the neighbourhood area to HDPF policies with ‘national, HDPF and South Down Local Plan’**

Delete P1.3**In P1.4 replace ‘must’ with ‘should’**

At the end of paragraph 5.6 add:

This approach also seeks to retain the relationship of Henfield with its surrounding countryside. In the event that additional development comes forward outside the identified built up area boundaries it should seek to use lower quality agricultural land to safeguard higher quality land in this use’

Policy 2: Housing Site Allocations

- 7.17 This policy allocates four sites for residential development. They feature as four free-standing policies as follows:

Policy 2.1 Land at Parsonage Farm
205 dwellings

Policy 2.2 Land east of Wantley Hill Estate
25 dwellings

Policy 2.3 Land west of Backsettown, off Furners Lane
30 dwellings

Policy 2.4 Land south of the Bowls Club, off Furners Mead
10 dwellings

- 7.18 The site selection process has been considered in Section 6 of this report. I do not repeat those details. Nevertheless, I comment on the extent to which the four allocated sites meet the basic conditions on a site-by-site basis. However, to avoid repetition in the four separate policies I address three general issues in the round as follows:

- the impact of the preferred option on the form and character of Henfield;
- the criteria associated with the development of the four sites; and
- the deliverability of the sites identified in the Plan.

- 7.19 In general terms I am satisfied that the four proposed housing allocations will have an acceptable impact on form and character of Henfield. In particular they will retain its overall shape and balance on either side of the A281/High Street. Three of the four sites also incorporate landscape areas/open spaces/sports areas on their outer edges where they would be adjacent to the surrounding countryside. In their different ways

this type of development will make a major contribution to the social and the environmental dimensions of sustainable development.

- 7.20 The criteria associated with the four policies include elements of common application and wording. This provides a degree of consistency and robustness. At the same time each policy includes criteria which reflect the particular and distinctive features of the site concerned. In general terms the criteria associated with each policy are comprehensive and have been crafted to ensure that high quality and well-designed development comes forward.
- 7.21 Several of the criteria require that development ‘has regard’ to a series of identified matters. I recommend in turn that more perspective language is used in the various criteria. This will bring the clarity required by the NPPF. To reduce duplication, I will not repeat this explanation for the recommended modifications on a policy-by-policy basis.
- 7.22 In a similar fashion several of the criteria require that development should maintain and enhance certain features that relate to the site concerned. In some cases, a degree of enhancement will be practicable. In other cases, this may not be the case. In general terms the development of the sites concerned will have an inherent impact on their character and appearance. This issue has already been considered in the SA work and the wider preparation of the Plan. I recommend that this issue is reflected in the various criteria. This will bring the clarity required by the NPPF. To reduce duplication, I will not repeat this explanation for the recommended modifications on a policy-by-policy basis.
- 7.23 I sought advice from the Parish Council on the deliverability of the allocated sites. I was advised that ‘(as) part of the Site Assessment Report the availability and deliverability of each site was checked with site proponents and the proponents of the allocated sites confirmed that their sites could be delivered. The Parish Council is satisfied that there are no significant impediments to the viability or deliverability of the allocated sites’
- 7.24 On the basis of all the information available to me I am satisfied that there are no significant impediments to the deliverability of the submitted package of sites. I can also see that there is a significant degree of interest in their eventual development in general, and in relation to the development of the site to the north of Parsonage Farm in particular.

Policy 2.1 Land at Parsonage Farm

- 7.25 This is an important policy within the wider context of the Plan. It is the largest of the four proposed housing allocation sites. It is located on the north-western edge of Henfield and to the immediate north of the Deer Park/Fawn Rise residential development.
- 7.26 The format and extent of the site has been carefully considered. Open space is proposed along its northern edge to safeguard the longer-term relationship between the village and the surrounding countryside. In addition, the development of the site is proposed to be associated with the development of a new access road from the A281 to

its east. These matters are addressed in a general criterion which requires the site to be developed on the basis of a masterplan which reflects the character of the site and its wider landscape setting. They also feature in bespoke criteria within the policy.

- 7.27 Criterion p requires that the new access road is built in advance to allow construction traffic access. Criterion u also requires that the occupation of the development is phased to align with the delivery of existing sewerage infrastructure in liaison with the service provider. I sought advice from the Parish Council on the former issue. Plainly both issues are important to the sustainable development of the site. Nevertheless, I recommend detailed modifications to both criteria so that they do not artificially delay the development of the site or impact on its commercial viability. The modification on the access requirements reflects the information in the Parish Council's response to the clarification note. The modification to the sewerage issue takes a more general approach. In any event the relationship between the development of the site will be determined by HDC at any future planning application stage and/or by detailed agreements between the developer and other relevant service providers.
- 7.28 I also recommend associated modifications to the supporting text. In several cases it explains the context to the policy in an undeveloped way.
- 7.29 I also recommend other modifications so that the policy and its criteria have the clarity required by the NPPF. Otherwise it meets the basic conditions.

Replace 'to ensure that the following requirements are met' with 'and the following criteria'

In b replace 'has regard for' with 'takes account of'

**In c replace 'Generally.... height' with 'Dwellings should be two storeys in height'
In the second sentence replace 'accepted' with 'supported'**

In d replace 'has regard for' with 'takes account of'

In e replace 'will be retained and enhanced' with 'should be retained and where practicable enhanced'

In f delete 'All'

In g replace 'is' with 'should be'

In h replace 'will be' with 'should be'. In the second sentence delete 'Support is given to' and add at the end 'will be supported'

In i replace 'is' with 'should be'

In j replace 'avoids possible fragmentation of community' with 'promotes its association with adjoining communities'

In k replace ‘must’ with ‘should’ and delete ‘irrespective.... Authority’

In l replace ‘is’ with ‘should be’

In p replace ‘includes’ with ‘incorporates’ and ‘this is built.... access’ with ‘is initially available to allow access for construction traffic and the initial phase of residential development’

In q replace ‘All lighting is’ with ‘Any external lighting should be’

In r replace ‘delivers’ with ‘should deliver’

In t replace ‘has regard to’ with ‘takes account of’

Replace u with: ‘The development of the site delivers any reinforcement of the sewerage network which directly arises from the construction of the proposed new homes’

Replace v with: ‘The layout of the site provides appropriate access to sewerage infrastructure for maintenance and any potential improvement works’

Replace w with: ‘The position of any pumping station on the site does not cause any unacceptable impact on the amenities of either existing residential properties to the south of the site or within the new development’

At the end of paragraph 5.22 add:

‘This is an important site within the context of the Plan. It is the largest of the four allocated housing sites. The policy requires that a new access road will be provided into the site from the A281 from the east. This will ensure that construction traffic can gain access to the site without affecting existing residential areas. It will also allow the site to be progressively developed from this access and that its construction within the evolving site will overlap with the delivery of the housing’

At the end of paragraph 5.23 add:

‘The policy also comments on important sewerage issues. The layout of the site should incorporate any pumping stations in a sensitive fashion in order to safeguard and respect the amenities of existing or new residential properties. The use of sustainable urban drainage approach on the site will be particularly supported’

Policy 2.2 Land east of Wantley Hill Estate

- 7.30 This proposed housing allocation is located on the eastern edge of Henfield off the Wantley Hill Estate.
- 7.31 The format and extent of the site has been carefully considered. A sports area and open space provision is proposed along its northern and eastern edge to safeguard

the longer-term relationship between the village and the surrounding countryside. Access is proposed from the southern part of the site.

- 7.32 I recommend modifications so that the policy and its criteria have the clarity required by the NPPF. In particular I recommend that the criterion on the open space/sports area is more prescriptive and that it is directly related to the initial criterion in the policy.

Replace ‘provided the.... principles’ with ‘subject to the following criteria’

In a replace ‘north’ with ‘north and east’ and ‘allocated’ with ‘safeguarded’

At the end of the criterion add ‘and is designed and provided to an agreed timetable’

In c replace ‘has regard to’ with ‘takes account of’

In d replace ‘are to’ with ‘should’

In f replace ‘enhances’ with ‘where practicable, enhances’ and ‘Regard will be given’ with ‘Particular attention should be given’

In g replace ‘is’ with ‘should be’

In h replace ‘is’ with ‘should be’

In j replace ‘must’ with ‘should’ and delete ‘irrespective.... Authority’

In l replace ‘has regard to’ with ‘takes account of’

In m replace ‘All lighting is’ with ‘Any external lighting should be’

Policy 2.3 Land west of Backsettown, off Furners Lane

- 7.33 This proposed housing allocation is located on the eastern edge of Henfield off Furners Mead. It is located between Furners Lane to the north and Backsettown to the east.
- 7.34 The format and extent of the site has been carefully considered. A landscape buffer is proposed along its eastern edge to safeguard the longer-term relationship between the village and the surrounding countryside.
- 7.35 The agent acting for the proposed developer has raised two detailed matters on the policy. The first relates to the policy’s requirements for single storey development on the site. The second relates to the access into the site that would be achieved through the demolition of 21 Furners Mead as anticipated by a criterion in the policy.
- 7.36 On the first point the potential developer contends that the height and nature of dwellings on the site is already addressed by the general approach included in the first criterion. Whilst the developer acknowledges that single storey development may be

appropriate to the immediate east of the existing dwellings the representation comments that there is greater flexibility elsewhere on the developable part of the site.

- 7.37 I have considered this matter very carefully in general terms and within the context of the scale and the nature of development to the north (Furners Lane – two storey), south (spur of The Daisycroft – two storey) and the west (Furners Mead – single storey) of the proposed site. On balance, I conclude that the overall effect of the criteria should be more flexible to allow a sensitive balance of house types to come forward. In this context I recommend that criterion a is more prescriptive about the existing single storey dwellings in Furners Mead. I also recommend that criterion c offers support for single storey buildings rather than requiring their provision.
- 7.38 On the second point the potential developer contends that the very specific access requirements have not yet been fully tested. It suggests that access could be provided into the site from Furners Lane to the north. Whilst the representation raises a series of technical issues and potential options it provides no clarity on the how the site might be developed and accessed. In all the circumstances I do not recommend any significant modifications to this part of the policy. Nevertheless, I recommend that the criterion on access is simplified. As submitted, it repeats non-policy information already properly included in the supporting text (paragraph 5.32). I also recommend that the supporting text highlights that other potential access arrangements may be practicable as part of the eventual development of the site.
- 7.39 The representation also suggests that the developable part of the wider site could be extended. The consideration of such a proposition is beyond the remit of my role as the independent examiner of the Plan. It would have a different impact on the neighbourhood area than that envisaged in the policy, it has not been assessed in the SA and it has not been available for public comment.
- 7.40 I recommend modifications so that the policy and its criteria have the clarity required by the NPPF. In particular I recommend that the criterion on the open space/landscape buffer is more prescriptive and that it is directly related to the initial criterion in the policy. Otherwise it meets the basic conditions.

Replace ‘provided the.... principles’ with ‘subject to the following criteria’

At the end of a add: ‘In particular it should respect the single storey nature of the properties in Furners Mead to the immediate west of the development area part of the site’

Thereafter add: ‘The proposal should also provide the landscape buffer and open space to the east of the site’

Replace c with: ‘The proposal should provide dwellings suitable for older and downsizing households in order to meet local housing needs. The provision of single storey dwellings will be particularly supported’

In d replace ‘has regard to’ with ‘takes account of’

In e replace ‘has regard to’ with ‘takes account of’ and ‘(see photograph below)’ with ‘(see the photograph on page 33)’

In f (second sentence) replace ‘are’ with ‘should be’

In g replace ‘is’ with ‘should be’

In h replace ‘is’ with ‘should be’

Replace i with: ‘Vehicular access into the site is provided from Furners Mead and in a way which does not have an unacceptable impact on the amenities of the occupiers of adjacent residential properties’

In j replace ‘must’ with ‘should’ and delete ‘irrespective.... Authority’

In k replace ‘All lighting is’ with ‘Any external lighting should be’

In l replace ‘is designed’ with ‘is safeguarded, designed and provided to an agreed timetable’

Replace o with: ‘The development of the site delivers any reinforcement of the sewerage network which directly arises from the construction of the proposed new homes’

Replace p with ‘The development of the site takes place on the basis of a comprehensive drainage strategy. The strategy should address how seasonal groundwater would be satisfactorily accommodated within the development of the site’

Replace paragraph 5.32 with: ‘Access into the site will be provided by way of a new access road through the existing curtilage of 21 Furners Mead to the west of the site. It is already in the control of the owner of the proposed site. Detailed work is being undertaken on its suitability to accommodate the development proposed. Subject to appropriate technical issues being satisfied the site also has the potential to be served by an alternative and/or additional access from Furners Lane to the north of the site’

Policy 2.4 Land south of the Bowls Club, off Furners Mead

- 7.41 This proposed housing allocation is located on the eastern edge of Henfield off Furners Mead. As the Plan describes the proposed site comprises two paddocks situated between the Bowling Green to the north and the rear of properties off Henfield Common North to the south.
- 7.42 The site sits comfortably with the wider context of the urban fabric of the village. The format and extent of the site has been carefully considered. The policy proposes the development of the site for single-storey development. It also seeks to safeguard the character and appearance of the Henfield Conservation Area.

- 7.43 I recommend modifications so that the policy and its criteria have the clarity required by the NPPF. In particular I recommend that criterion b on the conservation area uses appropriate language from the Town and County Planning Acts on this important matter.
- 7.44 I sought advice from the Parish Council on the purpose of the criterion which requires the dwellings on site to be single storey and to cater for older persons or households wishing to downsize. I was advised that '(the) restriction in height and the number of dwellings proposed on land south of the Bowls Club relates to the rural landscape of the area, particularly the views from Henfield Common, and to mitigate its impact on the listed buildings to the south west of the site. It does also provide the opportunity to provide single storey accommodation suitable for older people over 65 who make up 29.0% of the population of the plan area compared to 19.4% across Horsham District and 16.0% in England. The suitability of a development that caters for the needs of older people is enhanced by its close proximity to the High Street that is accessible by foot'. On the basis of this information I am satisfied that criterion c is both appropriate to the circumstances of the site and evidence-based.

Replace 'provided the.....principles' with 'subject to the following criteria'

In a replace 'must' with 'should'

In b replace 'conserves or enhances' with 'preserve or enhance'

In d replace 'has regard to' with 'takes account of'

In e replace 'has regard to' with 'takes account of'

In g replace 'is' with 'should be'

Replace h with 'Vehicular access into the site is provided from Furners Mead and in a way which does not have an unacceptable impact on the amenities of the occupiers of adjacent residential properties'

In i replace 'must' with 'should' and delete 'irrespective.... Authority'

In j replace 'All lighting is' with 'Any external lighting should be'

Replace l with 'The development of the site takes place on the basis of a comprehensive drainage strategy. The strategy should address how seasonal groundwater would be satisfactorily accommodated within the development of the site'

Policy 3: Employment Development Site Allocations

7.45 This policy is largely the employment equivalent of Policy 1. It identifies three sites for employment development. They feature as three separate policies as follows:

- Policy 3.1.3 Southgrounds, Shoreham Road;
- Policy 3.1.4 Land north of the Old Brickworks; and
- Policy 3.1.5 The Old Kennels site, Project Enterprise.

7.46 Paragraph 5.38 of the Plan explains the context to the allocation of the three sites for employment use. The Henfield Business Park off Henfield Road (A2027) is now at full capacity. On this basis the Plan has allocated three separate and adjoining sites on the opposite (western) side of the Henfield Road. The ambition is to create a cohesive employment area and to contribute towards a sustainable economy in the parish.

7.47 The three sites proposed for employment allocation are largely free-standing sites. They sit within the context of the Henfield Business Park to the east and the Old Brickworks employment site to the south. On this basis I am satisfied that they would be appropriately located in the neighbourhood area. In addition, they would help to fulfil the Parish Council's ambitions to achieve a cohesive and functional employment hub in the parish.

7.48 I sought advice from the Parish Council about the extent to which it had sought to achieve the comprehensive development of the three sites (incorporating a single access) rather than their separate development as envisaged by the separate policies. It advised that:

'The three sites were put forward separately by three different land owners; and are likely to be developed at different times. An alternative approach could be to allocate as one site but with the flexibility that it could be developed in phases. This could include varying criterion e to say that a single point of access would be preferable but that separate access points would be considered if necessary, for deliverability reasons. It should be noted that a planning application has been submitted for the part of the site covered by Policy 3.1.5 under reference DC/20/0049. At the time of writing, discussions are ongoing between district council officers and the applicant over points of clarification before the application is formally re-validated'

7.49 The Parish Council also invited me to recommend a modification to the definition of employment use in the policies so that it included B1 (Business) and B8 (Storage and Distribution) uses only and not B2 (General Industrial) uses. This request related to the proximity of a limited number of residential properties in the immediate area.

7.50 I looked at the three sites carefully when I visited the neighbourhood area. I saw the way in which they related to other employment uses in the immediate locality and to the Henfield Road. Taking account of all the information available to me I am satisfied that their separate development would be appropriate to their characteristics and different ownerships and that such an approach would meet the basic conditions. However, I recommend modifications to the supporting text in paragraph 5.40 to

identify the potential for, and the desirability of, their joint and comprehensive development. Given that there will be a range of land ownership and viability issues involved in their separate and potential joint development I have not recommended a modification to the various policies that would require their comprehensive development. Such an approach would be beyond the remit of my role (and as identified in paragraph 1.4 of this report)

7.51 Each policy is associated with an identical set of criteria. For simplicity I comment on them jointly. In general terms I am satisfied that the criteria are appropriate and distinctive to the location of the three sites within the parish. In particular they recognise their location in a countryside setting and one which will require sensitive landscaping on their western boundaries. Sweeptech Environmental Services Limited offers its support to the proposed allocations. It also suggests that the Plan is modified in order the inclusion of land to the west of site F and G and the Old Brickworks to facilitate limited additional employment land west of site F and an access road west of site F, G and the Old Brickworks. The extension of the proposed employment sites is beyond my remit as the independent examiner of the Plan. In particular its appropriateness has not been tested through the plan-making process and the associated consultation processes.

7.52 I recommend the following modification to the criteria in each of the three policies:

- Criterion b – to ensure that the reference to character relate to this specific part of the neighbourhood area;
- Criterion c – to ensure appropriate boundary treatment in addition to landscaping;
- Criterion d –detailed modifications to the wording used; and
- Criterion h - detailed modifications to the wording used

7.53 I have considered carefully the Parish Council's suggestion that the employment uses on the three sites should be restricted to Class B1 and B8 uses. Given their location within the parish, the location of other business uses in the locality and criterion f which requires that any proposals have regard to the amenities of nearby residential properties I am not satisfied that such a restrictive approach is required. In any event HDC will be able to consider individual proposals on their merits and, where necessary, impose conditions on the operation of any such uses. This approach would have regard to paragraph 81d of the NPPF which comments that planning policies should be flexible enough to accommodate needs not anticipated in any Plan, allow for new and flexible working practices (such as live-work accommodation), and to enable a rapid response to changes in economic circumstances.

At the end of paragraph 5.40 add: 'The Plan would support the comprehensive development of the three sites. This could bring business efficiencies, reduce development costs and assist in providing comprehensive boundary and landscape treatments. In this scenario the criteria that apply to each of the three sites would also apply to the comprehensive development of the three sites'

Policy 3.1.3 Southgrounds, Shoreham Road

- 7.54 The appropriateness of this proposed allocation has already been addressed in paragraph 7.50 of this report.
- 7.55 I recommend a series of modifications of the criteria associated with the policy for the reasons identified in paragraph 7.52 of this report.

In b replace ‘the character of Henfield’ with ‘the character of this part of the neighbourhood area’

In c replace ‘for landscaping’ with ‘for appropriate boundary treatments incorporating landscaping’

In d replace ‘as much as possible’ with ‘as much as is practicable of’

In h replace ‘All’ with ‘Any external’

Policy 3.1.4 Land north of the Old Brickworks

- 7.56 The appropriateness of this proposed allocation has already been addressed in paragraph 7.50 of this report.
- 7.57 I recommend a series of modifications of the criteria associated with the policy for the reasons identified in paragraph 7.52 of this report.

In b replace ‘the character of Henfield’ with ‘the character of this part of the neighbourhood area’

In c replace ‘for landscaping’ with ‘for appropriate boundary treatments incorporating landscaping’

In d replace ‘as much as possible’ with ‘as much as is practicable of’

In h replace ‘All’ with ‘Any external’

Policy 3.1.5 The Old Kennels site, Project Enterprise

- 7.58 The appropriateness of this proposed allocation has already been addressed in paragraph 7.50 of this report. The proposed allocation of the site has generated community support.
- 7.59 I recommend a series of modifications of the criteria associated with the policy for the reasons identified in paragraph 7.52 of this report.

In b replace ‘the character of Henfield’ with ‘the character of this part of the neighbourhood area’

In c replace ‘for landscaping’ with ‘for appropriate boundary treatments incorporating landscaping’

In d replace ‘as much as possible’ with ‘as much as is practicable of’

In h replace ‘All’ with ‘Any external’

Policy 3.2: Development of New and Existing Employment Uses

- 7.60 This policy has a focus on the employment base of the neighbourhood area. It has two related parts. The first offers support to new employment uses or for the intensification of existing uses subject to a series of criteria. The second identifies the limited circumstances where proposals which would involve a loss of existing employment uses would be supported.
- 7.61 The first part of the policy takes an appropriate and positive approach to this important matter. I recommend two modifications to ensure that the policy has the necessary clarity. The first relates to the second criterion which requires that any such proposals demonstrate that they will lead to a likely increase in the number and quality of local employment opportunities. As submitted this element of the policy adds little if any value to the wider policy given that its focus is on proposals for new employment uses or for proposals to extend existing uses. Whilst the latter category may not necessarily involve additional employment level at the business concerned, they may reflect other business opportunities or an opportunity to consolidate or diversify existing business activity. In these circumstances I recommend the deletion of the criterion
- 7.62 The second relates to criterion d on car parking. As submitted, it refers to Policy 4 of the submitted Plan. Whilst this is not an unreasonable approach that policy also provides its own level of detail. As such I recommend that the criterion is modified so that it takes on a more general approach.
- 7.63 The second part of the policy also meets the basic conditions in general terms. In particular it takes account of commercial viability. Nevertheless, I recommend that the type of proposals to which the policy refers are made clear and that the wording used in the policy is more balanced.

In P3.2.1 delete b.

In P.3.2.1 d replace ‘can meet.....HNP’ with ‘meets the relevant development plan car parking standards’

**In P3.2.2 replace the opening part of the policy with:
‘Proposals for the change of use or redevelopment of existing employment sites to non-employment uses will not be supported unless:’**

Policy 3.3: Henfield Village Retail Centre

- 7.64 This policy addresses the retail centre of Henfield. It is based on High Street. Policy Map 3 helpfully shows the identified Village Retail Centre as defined in the HDPF. In particular it shows the primary shopping frontage.
- 7.65 The policy has two related parts. The first comments that the retail centre will be retained for a variety of retail and commercial facilities usually associated with a village centre and as identified in paragraph 5.48 of the Plan (Policy 3.3.2). The second offers support to proposals for new development and for alterations to existing buildings where they have regard to the Conservation Area Management Plan.
- 7.66 I sought the Parish Council's comments about the implications of the first part of the policy in general, and the extent that any change of use (insofar as planning permission is required) between the various identified Use Classes in particular would be supported. I was advised that the Plan does not prevent such changes of use, but Policy 13 of the Horsham District Planning Framework comments that in 'primary frontages' such as Henfield, no greater than 30% of a designated frontage length should be taken up by non-retail use. In this context the Parish Council considered that there was no need to duplicate this policy.
- 7.67 The plan has correctly identified that there is no need for it to duplicate an existing development plan policy. Nevertheless, I recommend that the supporting text is modified so that it draws attention to the comprehensive nature of Policy 13 of the HDPF and its specific implications on Henfield. I also correct an error in the policy itself.
- 7.68 The second part of the policy takes a positive and supporting approach towards new investment and commercial development. However, for clarity I recommend a modification so that it more specifically relates to the range of uses identified in the first part of the policy. Otherwise its implementation could have unintended consequences. This approach would also achieve a better relationship with Policy 13 of the HDPF.

In Policy 3.3.1 replace 'as' with 'is'

In Policy 3.3.2 replace 'Proposals for new development' with 'Proposals for new development of the types identified in Policy 3.3.1' and 'adhere to the recent' with 'take account of the Henfield'

At the end of paragraph 5.48 add: 'Policy 3.3 seeks to support the continued vitality and viability of the village retail facility. The approach recognises the role of the village centre to the economic and social well-being of the Parish. The policy adds value to the approach included in Policy 13 of the Horsham District Planning Framework. In particular that policy sets out detailed guidance for changes of use from existing retail units (Class A1) to other uses'

Policy 4: Transport, Access and Car Parking

- 7.69 This policy addresses an overlapping range of transport-related issues. In summary the policy comments about the following issues:

- development providing pedestrian and cycle access to community facilities (Policy 4.1);
- the standards for roads, cycle ways and footpaths (Policy 4.2);
- the retention of car parking facilities (Policy 4.3); and
- the provision of off-road car parking (Policy 4.4).

7.70 In general terms I am satisfied that the policy meets the basic conditions. In particular paragraphs 5.52 and 5.53 make a compelling case for the retention of the limited range of public car parking facilities in Henfield. I am also satisfied that the criteria in Policy 4.1 are neither inflexible nor prescriptive.

7.71 I recommend that the opening part of Policy 4.1 is modified. As submitted, it has a rather clumsy effect. I also recommend that it includes a recognition that the policy will apply in different ways to different development proposals based on their scale, nature and location in the Parish.

7.72 The other three elements of the policy generally meet the basic conditions. In each case I recommend modifications so that they use appropriate policy wording, and to achieve consistency with the approach in other policies in particular. In policy 4.2 I recommend the deletion of the unnecessary element of the policy which refers to non-adopted roads.

In Policy 4.1 replace the initial element with: ‘As appropriate to their scale, nature and location development proposals should’

In criteria a/b/c delete the initial ‘They’

In Policy 4.2 replace ‘must’ with ‘should’ and delete ‘irrespective.... Authority’

In Policy 4.3 replace ‘be resisted’ with ‘not be supported’

In Policy 4.4 replace ‘must’ with ‘should’

Policy 5: Utility Infrastructure

7.73 This policy addresses utility infrastructure. Its principal focus is on supporting the improvement or the expansion of existing infrastructure. It also requires that new infrastructure should be delivered alongside the associated residential or commercial development that depends on that infrastructure.

7.74 I am satisfied that the first part of the policy is appropriate to the circumstances addressed in the Plan and the scale of development which it proposes. Nevertheless, I recommend a modification which acknowledges that not all such works would require planning permission given the extensive permitted development rights enjoyed by statutory undertakers.

- 7.75 The second part of the policy comments about the need for infrastructure to be ‘delivered alongside the development that depends on that infrastructure’. The supporting text at paragraph 5.62 comments that adequate infrastructure should be in place prior to any development. Plainly the provision of appropriate infrastructure is essential to ensure that development is both sustainable and capable of being sensitively accommodated within the wider community. National legislation has been updated and refined in recent years to reflect this important matter.
- 7.76 However as submitted the second part of the policy offers no specific guidance to a developer about the scale of infrastructure required and/or its phasing. In addition, there is an inconsistency between the policy and the supporting text. The proposed policy highlights the difficulty of attempting to craft a general policy on this issue. Each development site will present its own issues. In addition, HDC will take a separate approach to each site on a case-by-case basis and the scale and nature of the site concerned. I recommend modifications to both the policy and the supporting text to remedy these issues. These modifications also reflect national policy that infrastructure requirements and wider developer contributions should relate directly to the relationship between new development and infrastructure provision and the scale and nature of the development proposed.
- 7.77 I recommend a detailed modification to the third part of the policy. Otherwise it meets the basic conditions.

At the beginning of Policy 5.1 add: Insofar as planning permission is required’

In Policy 5.2 replace ‘The infrastructure...alongside’ with ‘Development proposals should be associated with the delivery of any necessary infrastructure and of a kind that directly relates to the scale and nature of the proposal. The infrastructure required should be delivered to an agreed timetable in association with the development concerned’

In Policy 5.3 replace ‘will be supported provided they’ with ‘should’

Replace paragraph 5.62 with: ‘Policy 5 comments about the development of utility infrastructure. The Plan recognises that the provision of appropriate infrastructure is essential to ensure that any development is both sustainable and capable of being sensitively accommodated within the wider community. National legislation has been updated and refined in recent years to reflect this important matter. The second part of the policy seeks to ensure that there is an appropriate relationship between new development and the delivery of essential infrastructure. This will be addressed on a case-by-case basis by Horsham District Council in its capacity as the local planning authority’

Policy 6: Medical Infrastructure

- 7.78 This policy addresses medical infrastructure. Its principal focus is on expansion of medical infrastructure. It also sets out to resist development that would result in the loss of premises currently used for such purposes.
- 7.79 I am satisfied that the first part of the policy meets the basic conditions.
- 7.80 The second part of the policy resists the loss of sites and premises currently or last used for the provision of medical facilities subject to the provisions of the HDPF. This approach does not have the clarity required by the NPPF in two respects. The first is that the format of the policy requires the reader to revert to another document to understand its intentions (in this case the exceptional circumstances where such developments might be supported).
- 7.81 The second is that the policy takes no account of the viability of the facilities concerned. Viability now features in the equivalent policy in the emerging Local Plan. I have included this aspect within the modified policy to ensure that it also does likewise. In order to remedy these issues, I recommend that the policy is modified so that it makes reference to the circumstances highlighted in Policy 43 of the adopted HDPF. The element of the submitted policy which addresses alternative provision of medical facilities is incorporated in the recommended modifications to this part of the policy.

In Policy 6.2 replace ‘will be resisted subject to the provisions in the HDPF’ with ‘will not be supported unless:

- **an alternative facility of equivalent or better quality and scale to meet medical needs is available, or will be provided at an equally accessible location within the vicinity; or**
- **evidence is provided that demonstrates the continued use of the site as a medical facility or service is no longer feasible or viable, taking into account factors such as appropriate active marketing and the demand for the use’**

Policy 7: Education Infrastructure

- 7.82 This policy addresses educational infrastructure. Its principal focus is that proposals for housing development should have regard to the availability of school places in the local catchment area. It also sets out to resist development that would result in the loss of premises currently used for such purposes.
- 7.83 The first part of the policy is not worded in a policy format – it simply requires proposals for housing development to have regard to the availability of school places in the local catchment area. Plainly the need or otherwise for developers to contribute towards the expansion and/or adaptation of schools will be considered on a case-by-case basis by both HDC and West Sussex County Council (in its capacity as the education authority). I recommend that the policy is modified so that it makes a direct connection between new development and the provision of educational facilities in the catchment area.

- 7.84 The second part of the policy resists the loss of sites and premises currently or last used for the provision of educational facilities subject to the provisions of the HDPF. This approach does not have the clarity required by the NPPF in two respects. The first is that the format of the policy requires the reader to revert to another document to understand its intentions (in this case the exceptional circumstances where such developments might be supported). The second is that the policy takes no account of the viability of the facilities. This matter now features in the equivalent policy in the emerging local plan. I have included this aspect within the modified policy to ensure that it also does likewise. In order to remedy these issues, I recommend that the policy is modified so that it makes reference to the circumstances highlighted in Policy 43 of the adopted HDPF. The element of the submitted policy which addresses alternative provision of educational facilities is incorporated in the recommended modifications to this part of the policy.

In Policy 7.2 replace ‘will be resisted subject to the provisions in the HDPF’ with ‘will not be supported unless:

- **an alternative facility of equivalent or better quality and scale to meet educational needs is available, or will be provided at an equally accessible location within the vicinity; or**
- **evidence is provided that demonstrates the continued use of the site as an educational facility or service is no longer feasible or viable, taking into account factors such as appropriate active marketing and the demand for the use’**

Policy 8: Broadband Infrastructure

- 7.85 This policy addresses broadband infrastructure. Its principal focus is on supporting the development of proposals which would provide access to a high-quality broadband network in the parish. Paragraph 5.68 acknowledges that many elements of broadband and telecommunications installations are permitted development.
- 7.86 The policy takes an appropriate approach to this matter. It has regard to national policy (Section 10 of the NPPF). In addition, it includes appropriate environmental safeguards. As such it meets the basic conditions.

Policy 9: Community Infrastructure

- 7.87 This policy addresses community infrastructure. It addresses an interconnected range of community issues in the neighbourhood area as follows:
- supporting the improvement of the Henfield Hall, the Henfield Haven or other community buildings (Policy 9.1);
 - resisting the loss of the community functions of such buildings (Policy 9.2);
 - supporting proposals for the extension or improvement of sports, leisure and recreational facilities (Policy 9.3);
 - resisting the loss of sports, leisure and recreational facilities (Policy 9.4);

- supporting proposals which would protect and enhance the Downs Link and the existing network of footpaths and bridleways (Policy 9.5); and
- supporting proposals for the establishment of new allotments (Policy 9.6).

- 7.88 The approach incorporated in the policy is underpinned by the evidence and work undertaken by the Community Facilities and Infrastructure Focus Group.
- 7.89 In general terms I am satisfied that the first two parts of the policy on community facilities meet the basic conditions. They highlight the importance of such facilities to health and well-being as included in Section 8 of the NPPF. I sought advice from the Parish Council on the 'other community buildings or facilities' to be addressed by these two elements of the policy beyond the specific mention of Henfield Hall and the Henfield Haven. As submitted the Plan is unclear on this point. The Parish Council commented that Annex 3 Community Facilities and Infrastructure Focus Group Report provides details of the current community facilities in the village, some of which have been prioritised for inclusion in the attached Henfield Infrastructure Delivery Plan (Annex 4). The Delivery Plan is a living document and may change over time. I recommend a modification to the elements of the policy accordingly in order to bring the clarity required by the NPPF.
- 7.90 The fourth element of the policy would not support proposals which would result in the loss of existing recreational facilities 'subject to the provisions in the HDPF'. This approach does not have the clarity required by the NPPF in two respects. The first is that the format of the policy requires the reader to revert to another document to understand its intentions (in this case the exceptional circumstances where such developments might be supported). The second is that the policy takes no account of the viability of the facilities concerned. This matter now features in the equivalent policy in the emerging local plan. I have included this aspect within the modified policy to ensure that it also does likewise. In order to remedy these issues, I recommend that the policy is modified so that it makes reference to the circumstances highlighted in Policy 43 of the adopted HDPF.
- 7.91 The fifth part of the policy takes a positive approach to developments that would protect and enhance the Downs Link and other footpaths and bridleways. It meets the basic conditions.
- 7.92 The sixth part of the policy provides an appropriate and supporting approach towards the establishment of new allotments or community gardens. I am satisfied that it meets the basic conditions with a detailed modification which clarifies the local amenity issue in the final criterion.

In Policy 9.1 replace 'community building' with 'community buildings listed in Annex 3 of the Plan'

In policy 9.2 replace 'other community building or facility' with 'any other community building or facility listed in Annex 3 of the Plan'

In Policy 9.4 replace 'subject to the provisions in the HDPF' with 'unless:

- **an alternative facility of equivalent or better quality and scale to meet community needs is available, or will be provided at an equally accessible location within the vicinity; or**
- **evidence is provided that demonstrates the continued use of the site as a recreational facility or service is no longer feasible or viable, taking into account factors such as appropriate active marketing and the demand for the use.**

In Policy 9.6 d insert 'unacceptable' between 'no' and 'loss'

Examiner Note: Recommended modifications to Policy 11.4 would reposition that policy to the end of Policy 9. This issue is addressed in paragraph 7.106 of this report.

Policy 10: Green Infrastructure and Biodiversity

- 7.93 This is a comprehensive and locally-distinctive policy. As paragraph 5.78 comments its ambition is to protect and enhance the green infrastructure assets of the Parish, and to assist in increasing its biodiversity. It has four related parts as follows:
- the maintenance and enhancement of historic commons, ancient woodlands, ponds and copses (Policy 10.1);
 - the maintenance or increase of biodiversity and with particular reference to four identified biodiversity features (Policy 10.2);
 - detailed comments on the layout and landscape arrangements of development proposals (Policy 10.3); and
 - the requirement for the submission of a green infrastructure plan for larger developments (Policy 10.4).
- 7.94 The first part of the policy is partly a statement of fact and partly policy. I recommend modifications to remedy this matter. I also recommend that the 'enhance' element of the policy is qualified so that it would apply where it was practicable for the developer to do so. In some cases, development proposals will be able to protect and maintain the identified green infrastructure assets. In other cases, those assets may also be capable of enhancement.
- 7.95 The second part of the policy takes a sensitive and balanced approach to the relationship between the design of new development and biodiversity. It meets the basic conditions.
- 7.96 The third part of the policy takes a sensitive and balanced approach to the relationship between the layout and landscaping of new development and biodiversity. I recommend that its fourth criterion on views is directly linked to the identified views in paragraph 5.81 of the Plan. Otherwise it meets the basic conditions.
- 7.97 The fourth part of the policy is well-intentioned. Nevertheless, it is more a process requirement rather than a policy. As submitted this part of the policy offers no guidance on how development proposals would be determined beyond that already included in Policies 10.2 and 10.3. In these circumstances I recommend that it is deleted.

However, given the way in which it provides appropriate advice to developers I recommend that it is repositioned into the supporting text in a slightly modified format which adds value to the policy-approach in Policies 10.2 and 10.3.

Replace Policy 10.1 with: ‘Development proposals that would directly affect historic commons, ancient woodlands ponds and copses or which would indirectly affect such features should ensure that they are protected, maintained and where practicable enhanced’

In Policy 10.3 d replace ‘views’ with ‘the views identified in paragraph 5.81 of this Plan’

Delete Policy 10.4

At the end of paragraph 5.80 add: ‘Policies 10.2 and 10.3 provide a context within which developers should submit planning applications which may affect existing biodiversity in the Parish. [Insert at this point the deleted policy 10.4 as supporting text]’

Policy 11: Local Green Spaces

- 7.98 This policy proposes the designation of a series of local green spaces (LGSs). The LGS Evidence Base comments about the relationship between each of the proposed LGSs and the criteria for such designations in paragraph 100 of the NPPF. It does so to good effect. For clarity the relevant information is transposed into the Plan itself. The various LGSs are shown on Policy Map 5. Descriptions of the sixteen proposed LGSs themselves with detailed location maps are included in the Plan.
- 7.99 The policy also comments about other small parcels of green space (Policy 11.3) and offers to support proposals for recreational or tourism use of the River Adur subject to environment criteria (Policy 11.4).
- 7.100 In general terms I am satisfied that the various LGSs meet the three criteria in the NPPF. In particular they are local in character and are in close proximity to the communities that they serve. Proposed LGSs 1-3 are registered common land. I sought advice from the Parish Council about the extent to which LGS designation was necessary in such circumstances. The Parish Council accepted that registered common land is already protected/safeguarded by separate legislation, and their allocation as Local Green Space is a ‘belt and braces’ approach. In these circumstances I recommend that these three proposed LGSs are deleted from the policy. This approach accords with section 37-011-20140306 of Planning Practice Guidance on this matter which comments that ‘if land is already protected by designation, then consideration should be given to whether any additional local benefit would be gained by designation as Local Green Space’. Plainly the deletion of the three spaces from the schedule of LGSs does not affect their status as registered common land.

- 7.101 HDC raises concerns about the proposed designation as LGS of the open space around Fillery Way (LGS15). I looked at this proposed LGS carefully when I visited the neighbourhood area. I saw that it was largely incidental open space to the east of the residential development off Fillery Way. The analysis in the Plan identifies the proposed LGS as ‘greens, open spaces and buffer zones’. This is indeed the case. However, I am not satisfied that the proposed designation is ‘demonstrably special to the local community’ as required by the NPPF. By definition LGSs are intended to be more than incidental open spaces within and around residential development. In these circumstances I recommend the deletion of the proposed LGS15 from the policy.
- 7.102 In addition, I am satisfied that the proposed designations accord with the more general elements of paragraph 99 of the NPPF. Firstly, I am satisfied that they are consistent with the local planning of sustainable development. Their designation does not otherwise prevent sustainable development coming forward in the neighbourhood area and no such development has been promoted or suggested. Secondly, I am satisfied that the LGSs are capable of enduring beyond the end of the Plan period. Indeed, they are an established element of the local environment and have existed in their current format for many years. In addition, no evidence was brought forward during the examination that would suggest that the local green spaces would not endure until 2031.
- 7.103 Policy 11.2 largely takes the matter of fact of approach anticipated by the NPPF. However, it comments that development proposals will be resisted unless they are ancillary to the use of land for public recreational purpose or are required for a statutory utility infrastructure purpose. Whilst this approach is helpful it attempts to define the very special circumstances in which development might be supported. However, in my judgement these are matters best determined by HDC on a case-by-case basis taking account of all the material considerations included in a planning application. In this context I recommend that the second part of the policy is replaced with a more general approach which has regard to policy advice in the NPPF. I also recommend consequential modifications to paragraph 5.86 of the Plan. This will ensure that the Parish Council’s intentions are retained in the supporting text.
- 7.104 Policy 11.3 comments about other small parcels of green space within the villages (such as wide verges and landscaped areas). It comments that they should be incorporated into the design of new development. In the clarification note I sought advice from the Parish Council on its intentions for this policy given that the small parcels of green space are not identified in the Plan. The Parish Council advised that this part of the policy was intended as a ‘catch-all’ of unmapped areas of green space, and that it was content for this policy to be deleted. I recommend accordingly.
- 7.105 The final part of the policy offers support for proposals for recreational or tourism use of the River Adur subject to environmental criteria. I recommend modifications to its wording so that it has the clarity required by the NPPF. Otherwise it meets the basic conditions.
- 7.106 This final part of the policy sits oddly within the context of a policy which otherwise concentrates on the designation of LGSs. This issue is highlighted as the designation

of LGSs is a very specific matter included within the NPPF. In these circumstances I recommend that the final part of the policy (as modified) is repositioned to sit within the wider context of Policy 9 of the Plan which addresses community infrastructure, including recreational facilities.

In Policy 11.1 delete LGS 1/2/3/15.

Replace Policy P11.2 with:

‘Proposals for development within the designated Local Green Spaces will only be supported in very special circumstances’

Delete Policy 11.3

In Policy 11.4 replace ‘Development proposals...River Adur’ with ‘Development proposals for recreational or tourism use of the River Adur and its immediate environs will be supported’ and ‘conserved and enhanced’ with ‘conserved and where practicable enhanced’

Reposition the modified Policy 11.4 to become Policy 9.7 within the broader context of Policy 9 of the Plan.

Delete LGS 1/2/3/15 from Policy Map 5.

Delete LGS 1/2/3/15 from the table of LGSs on pages 56/57 of the Plan.

Replace the final sentence in paragraph 5.86 to read: ‘Policy P11.2 sets out the matter of fact approach to designated local green spaces in the NPPF. Proposals for development affecting any designated local green spaces will be determined by HDC on a case-by-case basis taking account of all the material considerations included in a planning application. However, proposals which would be ancillary to the recreational use of the land concerned and/or for small scale utilities development may be supported’

Policy 12: Design Standards for Development

- 7.107 This policy sets out design standards for new development. It provides a connection to the submitted Parish Design Statement (Appendix C of the Plan).
- 7.108 The Design Statement is a very good local response to this important matter. The policy requires that the development concerned meets the requirements of the Design Guide and includes four particular criteria as follows:

- the proposal respects the amenities of adjacent residential properties;
- the proposal achieves satisfactory access;
- the scale, density, massing, height, landscape design layout and materials are high quality and reflect the scale of surrounding buildings; and
- the design takes account of the Henfield Conservation Area and/or listed buildings.

- 7.109 In general terms the policy takes an appropriate approach. However, its structure is complicated to the extent that it requires compliance with the wider Design Statement and four specific criteria. On the one hand I am satisfied that it is appropriate for the policy to incorporate more general amenity and access issues which are less specific than the more detailed design elements of the policy. This reflects the structure of the Plan itself which does not directly include a policy on these issues. On the other hand, whilst the second part of the policy comments about the relationship between the development concerned and the four specific criteria this approach does not extend to the Design Statement. I recommend modifications to remedy this matter.

Replace the opening part of the policy with:

‘As appropriate to their scale, nature and location development proposals will be supported where their design and detailing meet the relevant requirements in the Henfield Parish Design Statement (Appendix C of the Plan).

In addition, as appropriate to the site concerned, development proposals should comply with the following criteria:’

Community Aims

- 7.110 The Plan includes a series of community aims. The incorporation of community aims in the Plan reflects government advice that it is appropriate for a neighbourhood plan to include non-land use issues which have arisen naturally during the plan-making process. Paragraph 5.1 of the Plan comments about the way in which they reflect the aspirations of the local community. The Aims are included within the main body of the Plan rather than in a separate section. However, given the context set by paragraph 5.1, the way in which the Aims supplement land use policies and the different colouring used I am satisfied that the approach is acceptable.

- 7.111 The Aims are as follows:

- CA1 Phasing of residential development
- CA2 Banking facilities
- CA3 Tourism
- CA4 Sustainable Transport
- CA5 Establishment of a pharmacy at the Health Centre
- CA6 The Quality of New Development

- 7.112 I am satisfied that Aims 2-6 are both appropriate and distinctive to the neighbourhood area. Aim 1 loosely comments that residential development will be phased throughout the Plan period. However, the Aim is neither explained nor defined in the supporting text. As such it has little if any effect. The development and phasing of the four allocated sites will take place subject to a series of specific viability and other matters. In addition, the larger of the four sites will take longer to deliver once its development has started.

- 7.113 I have considered whether there are any modifications which I could recommend to the Aim to provide clarity. I am not convinced that there are circumstances that would

allow me to do so. In particular in the first instance I am uncertain about the phasing ambitions included within the policy. In the second instance it would be impractical to impose phasing restrictions on any of the four allocated sites or to identify the order in which the sites are developed. In all the circumstances I recommend that the Aim is deleted.

Delete Community Aim 1 - Phasing of Residential Development

Other matters

- 7.114 This report has recommended a series of modifications both to the policies and to the supporting text in the submitted Plan. Where consequential changes to the text are required directly as a result of my recommended modification to the policy concerned, I have highlighted them in this report. However, other changes to the general text may be required elsewhere in the Plan as a result of the recommended modifications to the policies. It will be appropriate for HDC and the Parish Council to have the flexibility to make any necessary consequential changes to the general text. I recommend accordingly.

Modification of general text (where necessary) to achieve consistency with the modified policies.

- 7.115 There are several sections in the introductory sections of the Plan which have now been overtaken by events. This is a normal part of the preparation of a neighbourhood plan. In this case it is highlighted given that the plan-making process has taken longer than anticipated and the South Downs Local Plan has now been adopted. I recommend a series of modifications to the Plan so that it is both up-to-date and forward-looking.

In paragraph 3.2 replace '2018' with '2019'

In paragraph 3.4 replace 'of the HDPF' with 'of both the HDPF and the South Downs Local Plan'

At the end of paragraph 3.5 add: 'The south-eastern part of the neighbourhood area is located within the South Downs National Park. As such future development in this area is controlled by the adopted South Downs Local Plan. The Plan was adopted in July 2019. It is primarily a landscape-led Plan. Strategic Policies SD4,5 and 6 address Landscape Character, Design and Views respectively'

In paragraph 3.10 delete the final sentence

Thereafter add a new paragraph to read:

'3.11

Horsham District Council is now preparing a new Local Plan. Once adopted it will replace the HDPF. The Parish Council and the District Council have agreed arrangements to ensure that the emerging local plan and the submitted neighbourhood plan are complementary in the effects. These arrangements are set out in paragraphs 6.6 and 6.7 of this Plan'

Monitoring and Review of the Plan

- 7.116 Paragraphs 4.5 and 4.6 of the Plan correctly comment about the need to monitor any 'made' Plan and a potential future review of the neighbourhood plan. In particular they draw attention to the emerging Horsham Local Plan which, once adopted, will replace the existing Development Framework. I have drawn separate reference to the emerging Local Plan earlier in this report.
- 7.117 HDC has supplied me with the information that it sent to town and parish councils in 2019 on the relationship between the emerging Local Plan and neighbourhood plans. The information highlights that neighbourhood plans are at different stages of production and will be affected by the Local Plan process in different ways. It included a series of options which parish councils engaged in neighbourhood planning could consider and select according to their circumstances and the stage which its plan had reached.
- 7.118 I sought clarification from the Parish Council on the way in which intended to monitor and review a 'made' neighbourhood plan and which of the HDC options it had selected. I was advised that it had selected the hybrid option. This would involve HDC meeting housing needs in any neighbourhood area through the local plan process (as set out in one of the other options). On adoption of the new Local Plan, the neighbourhood plan could still be reviewed to update on any policy issues considered to be relevant to the parish such as design or local greenspaces. The parish could also choose to allocate additional housing sites in addition to those identified in the Local Plan if it wishes to do so.
- 7.119 In this context the Parish Council advised that it had decided to proceed with the current neighbourhood plan and for it to be submitted and examined against the adopted Horsham District Planning Framework. Any subsequent uplift in housing numbers in the neighbourhood area would then be determined through the emerging Local Plan. This could include the Local Plan allocating additional sites if that was considered necessary and sustainable. In this scenario once the emerging Local Plan was adopted the Parish Council would review any 'made' neighbourhood plan to see if any of its policies need to be updated.
- 7.120 In these circumstances I recommend that the paragraphs on the review of the Plan are modified so that they are more explicit about the arrangements agreed between HDC and the Parish Council. I also recommend that this part of the Plan is more clearly identified. As submitted, it occupies a small part of Section 4 which comments on Vision, Objectives and Land Use Policies. I also recommend that the timetable for any necessary review of a made neighbourhood plan is made more explicit. This will bring clarity for all concerned in the development process in the parish. Plainly once the Local Plan has been adopted the scale and nature of any required review of the general elements of the neighbourhood plan will ultimately be one for local debate and decision.

Delete paragraphs 4.5 and 4.6

Add a new paragraph at the end of Section 1 to read:

'1.12

In the event that the Plan is made it will need to be monitored and, where necessary, reviewed. The details of how the Parish Council will undertake these tasks, and their relationship with the emerging Horsham Local Plan are addressed in paragraphs 6.6 and 6.7 of this Plan'

Add a new section at the end of Section 6 to read:

'Monitoring and Review

6.6

The Plan has been prepared in changing circumstances. The adopted development plan is the Horsham District Planning Framework and the South Downs Local Plan. However, the neighbourhood plan has been prepared at a similar time as the initial phases of work have been undertaken on the Horsham Local Plan. Once adopted the Local Plan will replace the Planning Framework. The Parish Council has decided to proceed with current neighbourhood plan and for it to be submitted and examined against the currently adopted Horsham District Planning Framework.

6.7

Any subsequent uplift in housing numbers in the neighbourhood area would then be determined through the emerging Local Plan. This could include the Local Plan allocating additional sites if that was considered necessary and sustainable. Once the emerging Local Plan has been adopted the Parish Council will consider the need for any policies in the neighbourhood plan to be updated. Any review that is necessary will begin within twelve months of the adoption of the Local Plan'

8 Summary and Conclusions

Summary

- 8.1 The Plan sets out a range of policies to guide and direct development proposals in the period up to 2031. It is distinctive in addressing a specific set of issues that have been identified and refined by the wider community.
- 8.2 Following my independent examination of the Plan I have concluded that the Henfield Neighbourhood Development Plan meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications.

Conclusion

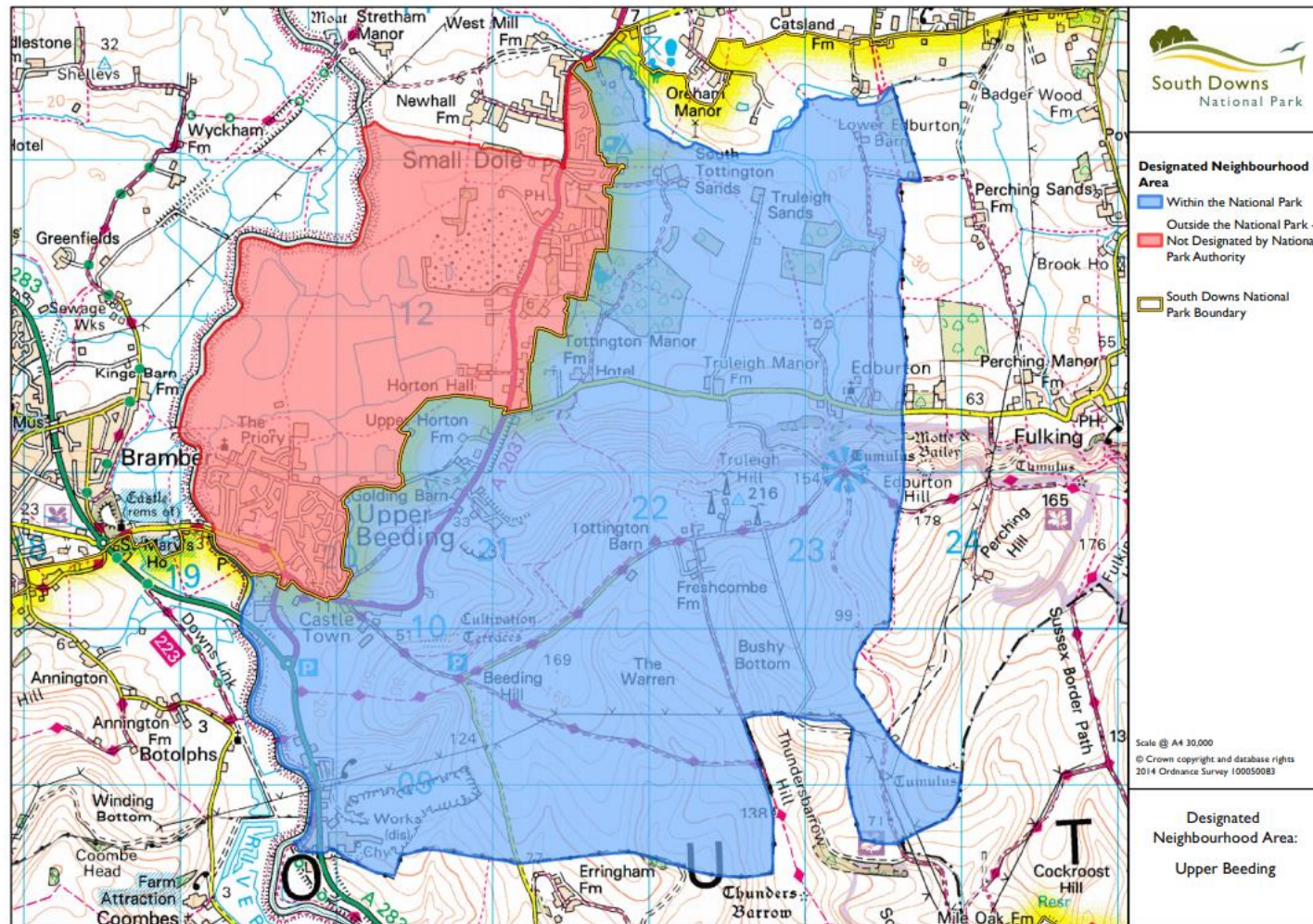
- 8.3 On the basis of the findings in this report I recommend to Horsham District Council and the South Downs National Park Authority that, subject to the incorporation of the modifications set out in this report, the Henfield Neighbourhood Development Plan should proceed to referendum.

Referendum Area

- 8.4 I am required to consider whether the referendum area should be extended beyond the Plan area. In my view, the neighbourhood area is entirely appropriate for this purpose and no evidence has been submitted to suggest that this is not the case. I therefore recommend that the Plan should proceed to referendum based on the neighbourhood area as originally approved by Horsham District Council and the South Downs National Park Authority.
- 8.5 I am grateful to everyone who has helped in any way to ensure that this examination has run in an efficient manner.

Andrew Ashcroft
Independent Examiner
11 May 2020

Agenda Item 11 Report 20/21-51 Appendix 7 Upper Beeding NDP Area



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Upper Beeding Neighbourhood Development Plan 2018-2031

**A report to Horsham District Council on the Upper
Beeding Neighbourhood Development Plan**

**Andrew Ashcroft
Independent Examiner
BA (Hons) M.A. DMS M.R.T.P.I.**

Director – Andrew Ashcroft Planning Limited

Executive Summary

- 1 I was appointed by Horsham District Council in May 2019 to carry out the independent examination of the Upper Beeding Neighbourhood Development Plan.
- 2 The examination was undertaken by written representations. I visited the neighbourhood plan area on 9 August 2019.
- 3 The Plan includes a range of policies and seeks to bring forward positive and sustainable development in the neighbourhood area. There is a very clear focus on safeguarding local character and providing a context within which new dwellings can be accommodated. In this context it proposes the allocation of five housing sites. It also proposes a series of local green spaces. In the round the Plan has successfully identified a range of issues where it can add value to the strategic context already provided by the wider development plan.
- 4 The Plan has been underpinned by community support and engagement. It is clear that all sections of the community have been actively engaged in its preparation.
- 5 Subject to a series of recommended modifications set out in this report I have concluded that the Upper Beeding Neighbourhood Plan meets all the necessary legal requirements and should proceed to referendum.
- 6 I recommend that the referendum should be held within the neighbourhood area.

Andrew Ashcroft
Independent Examiner
5 December 2019

1 Introduction

- 1.1 This report sets out the findings of the independent examination of the Upper Beeding Neighbourhood Development Plan 2018-2031 (the 'Plan').
- 1.2 The Plan has been submitted to Horsham District Council (HDC) and the South Downs National Park Authority (SDNPA) by Upper Beeding Parish Council in its capacity as the qualifying body responsible for preparing the neighbourhood plan. A significant part of the neighbourhood area is within the South Downs National Park.
- 1.3 Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently embedded in the National Planning Policy Framework (NPPF) 2012 and its updates in 2018 and 2019. The NPPF continues to be the principal element of national planning policy.
- 1.4 The role of an independent examiner is clearly defined in the legislation. I have been appointed to examine whether or not the submitted Plan meets the basic conditions and Convention Rights and other statutory requirements. It is not within my remit to examine or to propose an alternative plan, or a potentially more sustainable plan except where this arises as a result of my recommended modifications to ensure that the plan meets the basic conditions and the other relevant requirements.
- 1.5 A neighbourhood plan can be narrow or broad in scope. Any plan can include whatever range of policies it sees as appropriate to its designated neighbourhood area. The submitted plan has been designed to be distinctive in general terms, and to be complementary to the development plan in particular. It has a clear focus on promoting new housing growth and ensuring good design standards.
- 1.6 Within the context set out above this report assesses whether the Plan is legally compliant and meets the basic conditions that apply to neighbourhood plans. It also considers the content of the Plan and, where necessary, recommends changes to its policies and supporting text.
- 1.7 This report also provides a recommendation as to whether the Plan should proceed to referendum. If this is the case and that referendum results in a positive outcome the Plan would then be used to determine planning applications within the Plan area and will sit as part of the wider development plan.

2 The Role of the Independent Examiner

- 2.1 The examiner's role is to ensure that any submitted neighbourhood plan meets the relevant legislative and procedural requirements.
- 2.2 I was appointed by HDC, with the consent of the Parish Council, to conduct the examination of the Plan and to prepare this report. I am independent of both HDC and the Parish Council. I am also independent of the SDNPA. I do not have any interest in any land that may be affected by the Plan.
- 2.3 I possess the appropriate qualifications and experience to undertake this role. I am a Director of Andrew Ashcroft Planning Limited. In previous roles, I have over 35 years' experience in various local authorities at either Head of Planning or Service Director level. I am a chartered town planner and have significant experience of undertaking other neighbourhood plan examinations and health checks. I am a member of the Royal Town Planning Institute and the Neighbourhood Planning Independent Examiner Referral Service.

Examination Outcomes

- 2.4 In my role as the independent examiner of the Plan I am required to recommend one of the following outcomes of the examination:
- (a) that the Plan is submitted to a referendum; or
 - (b) that the Plan should proceed to referendum as modified (based on my recommendations); or
 - (c) that the Plan does not proceed to referendum on the basis that it does not meet the necessary legal requirements.
- 2.5 The outcome of the examination is set out in Sections 7 and 8 of this report.

Other examination matters

- 2.6 In examining the Plan I am required to check whether:
- the policies relate to the development and use of land for a designated neighbourhood plan area; and
 - the Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 (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
 - the Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.
- 2.7 I have addressed the matters identified in paragraph 2.6 of this report. I am satisfied that the submitted Plan complies with the three requirements.

3 Procedural Matters

3.1 In undertaking this examination I have considered the following documents:

- the submitted Plan;
- the Basic Conditions Statement;
- the Consultation Statement;
- the Sustainability Appraisal Report (incorporating SEA);
- the non-technical summary of this report;
- the Local Green Space Report;
- the Community and Infrastructure Document;
- the Environment and Countryside Document;
- the Housing and Development Document;
- the Flood Risk Assessment;
- the Flood Risk Sequential Test;
- the Housing Needs Assessment;
- the Housing Needs Survey;
- the HRA Screening Report;
- the Parish Council's responses to my Clarification Note;
- the representations made to the Plan;
- the adopted Horsham District Planning Framework 2015;
- the adopted South Downs Local Plan;
- the National Planning Policy Framework (2012);
- Planning Practice Guidance (March 2014 and subsequent updates); and
- relevant Ministerial Statements.

3.2 I carried out an unaccompanied visit to the neighbourhood area on 9 August 2019. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular. My visit is covered in more detail in paragraphs 5.9 to 5.16 of this report.

3.3 It is a general rule that neighbourhood plan examinations should be held by written representations only. Having considered all the information before me, including the representations made to the submitted plan, I was satisfied that the Plan could be examined without the need for a public hearing. I advised HDC of this decision early in the examination process.

3.4 The Plan was submitted for examination in December 2018. Given the transitional arrangements included in the 2018 version of the National Planning Framework the Plan is assessed against national planning policy that was included in the 2012 version of the NPPF. The delays during the examination have inevitably resulted in the Plan being assessed against a dated version of national policy when development management decisions are being taken against the principles contained within the 2018/2019 versions of the NPPF. Where it is appropriate for me to do so through my broader recommended modifications I have sought to future-proof the Plan where its policies are also in accordance with the approaches in the 2018/19 versions of the NPPF.

4 Consultation

Consultation Process

- 4.1 Policies in made neighbourhood plans become the basis for local planning and development control decisions. As such the regulations require neighbourhood plans to be supported and underpinned by public consultation.
- 4.2 In accordance with the Neighbourhood Planning (General) Regulations 2012 the Parish Council has prepared a Consultation Statement. This Statement sets out the mechanisms that were used to engage the community and statutory bodies in the plan-making process. It also provides specific details about the consultation process that took place on the pre-submission version of the Plan (June to August 2018). It captures the key issues in a proportionate way and is then underpinned by more detailed appendices.
- 4.3 The Statement is particularly helpful in the way in which it reproduces elements of the consultation documents used throughout the plan-making process. Their inclusion adds life and depth to the Statement.
- 4.4 The Statement sets out details of the comprehensive range of consultation events that were carried out in relation to the initial stages of the Plan. They included:
- the publicity about the launch of the Plan;
 - the monthly updates on the Parish Council website;
 - the establishment of a separate website and engagement through social media;
 - the NP survey (November 2013);
 - the Call for Sites;
 - the Housing Needs Survey;
 - the Youth Survey;
 - the Business Survey; and
 - the engagement with HDC and the SDNPA
- 4.5 I am satisfied that the engagement process has been both proportionate and robust.
- 4.6 Annexes 1 and 2 of the Statement provide specific details on the comments received on the pre-submission version of the Plan. It identifies the principal changes that worked their way through into the submission version. This process helps to describe the evolution of the Plan.
- 4.7 It is clear that consultation has been an important element of the Plan's production. Advice on the neighbourhood planning process has been made available to the community in a positive and direct way by those responsible for the Plan's preparation.
- 4.8 From all the evidence provided to me as part of the examination, I can see that the Plan has promoted an inclusive approach to seeking the opinions of all concerned
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throughout the process. HDC has carried out its own assessment that the consultation process has complied with the requirements of the Regulations.

Representations Received

4.9 Consultation on the submitted plan was undertaken by HDC for a six-week period that ended on 5 April 2019. This exercise generated comments from a range of organisations as follows:

- Southern Water
- West Sussex County Council
- Highways England
- Natural England
- Historic England
- West Sussex County Council (as a landowner)
- South Downs National Park Authority
- Hopegear Properties Limited
- Trustees of EG Collins (Oxcroft Farm)
- National Grid
- Anglian Water

4.10 The submitted Plan also generated representations from 43 local residents. Many of these representations objected to the proposed designation of land to the east of Pound Lane, Upper Beeding as a housing allocation (Policy 3).

4.11 A further period of consultation took place between June and July 2019 to address the lack of a non-technical summary of the Sustainability Appraisal in the initial exercise. This process generated additional and/or new comments from the following organisations:

- Waverley Borough Council
- Southern Water
- Highways England
- West Sussex County Council
- South Downs National Park Authority
- Woodmancote Parish Council
- Surrey County Council
- Environment Agency
- Gladman Developments
- Reside Developments Limited
- Five local residents

4.12 Following the second consultation exercise I have also been sent letters about the delivery of the proposed housing site to the east of Pound Lane following a change in land interests within one of the three component parts of the site.

- 4.13 I have taken account of all the representations received. Where it is appropriate to do so, I refer to particular representations in my assessment of the policies in Section 7 of this report.

5 The Neighbourhood Area and the Development Plan Context

The Neighbourhood Area

- 5.1 The neighbourhood area consists of the parish of Upper Beeding. Its population in 2011 was 3763 persons living in 1627 houses. It was designated as a neighbourhood area on 19 December 2013 and on 12 December 2013 by HDC and the SDNPA respectively. It is located in the south eastern corner of Horsham District. The neighbourhood area is predominantly rural in character and much of its area is in agricultural use. The A283 is the principal road in the neighbourhood area and runs to the immediate west of Upper Beeding. The River Adur flows to the immediate west of Upper Beeding and then continues to the south.
- 5.2 The principal settlement is Upper Beeding. It is located off the A283 in the western part of the neighbourhood area. It has an attractive and vibrant High Street which connects the village with Bramber to the immediate west. St Peter's Church is attractively located at the northern edge of the village overlooking the River Adur. The remainder of the village consists of more recent residential development of various ages. The other principal settlement in the neighbourhood area is Small Dole. It is located to the north east of Upper Beeding on the A2037.
- 5.3 The remainder of the neighbourhood area consists of a very attractive agricultural hinterland. The majority lies within the South Downs National Park. The Shoreham Cement Works is located off the A283 to the south of Upper Beeding.

Development Plan Context

- 5.4 The development plan covering the neighbourhood plan area is the Horsham District Planning Framework and the South Downs Local Plan. The Horsham District Planning Framework was adopted in 2015 and covers the period up to 2031. It sets out to bring forward new growth that is proportionate to the size of the various settlements in the District. Policy 2 (Strategic Development) focuses development in and around Horsham itself together with other strategic development in Southwater and Billingshurst. Elsewhere it proposes an appropriate scale of development which would retain the overall settlement pattern in the District. Policy 3 establishes a settlement hierarchy. Within the neighbourhood area Upper Beeding (with Bramber) is identified as a Small Town/Larger Village (the second category in the hierarchy) and Small Dole as a smaller village (the fourth category). Policy 4 supports the expansion of settlements subject to various criteria being met. Policy 15 (Housing Provision) sets the scene for the strategic delivery of new housing. Beyond Horsham, Southwater and Billingshurst it identifies that 1500 homes should be delivered collectively across the District through neighbourhood plans in accordance with the settlement hierarchy.
- 5.5 In addition to the policies set out above the following policies in Planning Framework have been particularly important in influencing and underpinning the various policies in the submitted Plan:

Policy 7	Economic Development
Policy 9	Employment Development
Policy 17	Meeting Local Housing Needs
Policy 26	Countryside Protection
Policy 32	Quality of New Development
Policy 38	Flooding
Policy 43	Community Facilities, Leisure and Recreation

- 5.6 HDC has now embarked on the preparation of a new Local Plan. A draft Plan is due to be published for consultation early in 2020 with a view to its adoption at the end of 2021. In process terms this Plan is not at a stage at which it can have any significance in the examination of the submitted neighbourhood plan. Nevertheless, HDC has helpfully provided advice to qualifying bodies on how it anticipates that the emerging Plan will have a bearing on the well-developed neighbourhood planning agenda in the District. Plainly there are various scenarios that arise on a case-by-case basis largely determined by the stage at which any plan has reached. In the case of Plans such as Upper Beeding which are well-advanced but not yet made there will be an option to commence an early review of the neighbourhood plan (in the event that it is made) to take account of any revised housing numbers which may be allocated to the parish in the emerging Local Plan.
- 5.7 The south eastern part of the neighbourhood area is located within the South Downs National Park. As such future development in this area is controlled by the adopted South Downs Local Plan. The Plan was adopted in July 2019 during the examination of the submitted neighbourhood plan. It is primarily a landscape-led Plan. Strategic Policies SD4,5 and 6 address Landscape Character, Design and Views respectively. The Plan identifies the Shoreham Cement Works as a strategic development site (Policy SD56). The Plan allocates the site for a sustainable mixed-use development. The policy supports visitor and tourism/leisure developments, B2 and B8 business units and new homes and B1 office units. The SDNPA will be producing an Area Action Plan to guide the eventual development of the strategic site.
- 5.8 The submitted Plan has been prepared correctly and properly within the current adopted development plan context. In doing so it has relied on up-to-date information and research that has underpinned existing planning policy documents in the District and in the National Park. This is good practice and reflects key elements in Planning Practice Guidance on this matter. It is also clear that the submitted Plan seeks to add value to the different components of the development plan and to give a local dimension to the delivery of its policies. This is captured in the Basic Conditions Statement.

Unaccompanied Visit

- 5.9 I carried out an unaccompanied visit to the neighbourhood area on 9 August 2019.
- 5.10 I drove into the neighbourhood area along the A283 from the south. This gave me an initial impression of its setting and the character. It also highlighted its connection to

the strategic road system and to Shoreham to the south. I saw the scale, significance and location of the Shoreham Cement Works.

- 5.11 I went initially to Small Dole. I looked in particular at the proposed housing allocation, the Golding Barn Industrial Estate and the Mackleys Business Park.
- 5.12 Thereafter I drove back to Upper Beeding. I looked initially at the High Street. I saw its impressive range of traditional, vernacular buildings. I saw the concentration of community facilities, including the 1930s Village Hall. I also saw the collection of retail and other commercial facilities at the western end of the High Street adjacent to the bridge over the River Adur.
- 5.13 I then walked to the north to the Church. On the way I looked at the proposed housing allocation at the Riverside Caravan Park, local green spaces 4 (St Peter's Green) and 5 (Saltings Field). The importance of the River Adur to the role and setting of the village was immediately obvious. I then looked at the Church and its impressive roof. The avenue of yew bushes appropriately complemented the very-well maintained churchyard. I also saw the Gladys Bevan Hall being repainted. I then walked along Pepperscombe Lane and saw the proposed local green space.
- 5.14 Thereafter I spent some time looking at the proposed housing allocation to the east of Pound Lane. I saw that it consisted of parcels of agricultural land and paddocks. I saw its close relationship with the houses on the western side of Pound Lane and The Driftway. I also saw the intervisibility between the site and the South Downs to the east. I saw the listed building on the corner of Pound Lane and Smugglers Lane. I also looked carefully at Smugglers Lane in general, and the arrangement of the four modern houses, the road itself and the footpath which continued from the eastern extent of the highway in particular.
- 5.15 I continued towards the south of the village. In doing so I saw the collection of local shops on the corner of Hyde Lane and Hyde Street. I continued along Hyde Street and saw the beautifully-maintained open space (proposed local green space 1 Hyde Street Green). When I reached Henfield Road I looked at the two proposed housing allocations in this part of the village. In particular I saw the prominence of the Policy 5 site on the corner of Henfield Road and Shoreham Road.
- 5.16 I finished my visit by driving to Bramber. This highlighted the relationship between the two villages in the wider landscape.

6 The Neighbourhood Plan and the Basic Conditions

6.1 This section of the report deals with the submitted neighbourhood plan as a whole and the extent to which it meets the basic conditions. The submitted Basic Conditions Statement has helped considerably in the preparation of this section of the report. It is a well-presented and informative document. It is also proportionate to the Plan itself.

6.2 As part of this process I must consider whether the submitted Plan meets the Basic Conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. To comply with the basic conditions, the Plan must:

- 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 of the development plan in the area;
- be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations; and
- not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017 (7).

6.3 I assess the Plan against the basic conditions under the following headings.

National Planning Policies and Guidance

6.4 For the purposes of this examination the key elements of national policy relating to planning matters are set out in the National Planning Policy Framework (NPPF) issued in 2012. This approach is reflected in the submitted Basic Conditions Statement.

6.5 The NPPF sets out a range of core land-use planning issues to underpin both plan-making and decision-taking. The following are of particular relevance to the Upper Beeding Neighbourhood Plan:

- a plan led system– in this case the relationship between the neighbourhood plan and the adopted Horsham District Planning Framework and the South Downs Local Plan;
- delivering a sufficient supply of homes;
- building a strong, competitive economy;
- recognising the intrinsic character and beauty of the countryside and supporting thriving local communities;
- taking account of the different roles and characters of different areas;
- highlighting the importance of high-quality design and good standards of amenity for all future occupants of land and buildings; and
- conserving heritage assets in a manner appropriate to their significance.

6.6 Neighbourhood plans sit within this wider context both generally, and within the more specific presumption in favour of sustainable development, which is identified as a

golden thread running through the planning system. Paragraph 16 of the NPPF indicates that neighbourhoods should both develop plans that support the strategic needs set out in local plans and plan positively to support local development that is outside the strategic elements of the development plan.

- 6.7 In addition to the NPPF I have also taken account of other elements of national planning policy including Planning Practice Guidance and ministerial statements.
- 6.8 Having considered all the evidence and representations available as part of the examination I am satisfied that the submitted Plan has had regard to national planning policies and guidance in general terms. It sets out a positive vision for the future of the neighbourhood area within the context of its size. In particular it includes a series of policies allocating land for residential development. In addition, it proposes local green spaces and includes a comprehensive policy on design. The Basic Conditions Statement maps the policies in the Plan against the appropriate sections of the NPPF.
- 6.9 At a more practical level the NPPF indicates that plans should provide a clear framework within which decisions on planning applications can be made and that they should give a clear indication of how a decision-maker should react to a development proposal (paragraphs 17 and 154). This was reinforced with the publication of Planning Practice Guidance in March 2014. Its paragraph 41 (41-041-20140306) indicates that policies in neighbourhood plans should be drafted with sufficient clarity so that a decision-maker can apply them consistently and with confidence when determining planning applications. Policies should also be concise, precise and supported by appropriate evidence.
- 6.10 As submitted the Plan does not fully accord with this range of practical issues. The majority of my recommended modifications in Section 7 relate to matters of clarity and precision. They are designed to ensure that the Plan fully accords with national policy.

Contributing to sustainable development

- 6.11 There are clear overlaps between national policy and the contribution that the submitted Plan makes to achieving sustainable development. Sustainable development has three principal dimensions – economic, social and environmental. It is clear that the submitted Plan has set out to achieve sustainable development in the neighbourhood area. In the economic dimension the Plan includes policies for housing and employment development (Policies 2-7 and 10 respectively). In the social role, it includes a policy on community facilities (Policy 9). In the environmental dimension the Plan positively seeks to protect its natural, built and historic environment. It has specific policies on design (Policy 5) and on local green spaces (Policy 11). The Parish Council has undertaken its own assessment of this matter in the submitted Basic Conditions Statement.

General conformity with the strategic policies in the development plan

- 6.12 I have already commented in detail on the development plan context in Horsham District and in the South Downs National Park in paragraphs 5.4 to 5.8 of this report.

- 6.13 I consider that the submitted Plan delivers a local dimension to this strategic context. The Basic Conditions Statement helpfully relates the Plan's policies to policies in the development plan. Subject to the incorporation of the recommended modifications in this report I am satisfied that the submitted Plan is in general conformity with the strategic policies in the development plan.

European Legislation and Habitat Regulations

- 6.14 The Neighbourhood Plan General Regulations 2015 require a qualifying body either to submit an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 or a statement of reasons why an environmental report is not required.
- 6.15 In order to comply with this requirement the Parish Council prepared a Sustainability Appraisal (SA). It incorporated a Strategic Environmental Assessment (SEA). The report is thorough and well-constructed. The report appraises the policies (and reasonable alternatives) against the sustainability framework developed through the Scoping Report. It helps to gauge the extent to which the Plan contributes towards sustainable development.
- 6.16 The work on the SA is underpinned by associated work on the selection of housing sites. Nine sites were assessed by AECOM to determine their suitability and availability, or otherwise, for allocation in the emerging Neighbourhood Plan. Some of the sites had already been assessed by HDC through technical work to support the emerging Local Plan, specifically the Strategic Housing and Economic Land Availability Assessment (SHELAA) (August 2016). The HDC assessments were reviewed alongside data from other sources, including desktop assessment, site visit, and information from the Parish Council. The approach of this site appraisal is based primarily on the Government's National Planning Practice Guidance (Assessment of Land Availability) with ongoing updates, which contains guidance on the assessment of land availability and the production of a Strategic Housing Land Availability Assessment (SHLAA) as part of a local authority's evidence base for a Local Plan.
- 6.17 HDC has produced a separate Habitats Regulations Assessment (HRA) of the Plan. It concludes that the Plan is not likely to have significant environmental effects on a European nature conservation site or undermine their conservation objectives alone or in combination taking account of the precautionary principle. As such Appropriate Assessment is not required.
- 6.18 The HRA report is very thorough and comprehensive. It takes appropriate account of the significance of the following sites:
- Arun Valley SPA/Ramsar
 - Arun Valley SAC
 - The Mens SAC
 - The Ashdown Forest SAC

It provides assurance to all concerned that the submitted Plan takes appropriate account of important ecological and biodiversity matters.

- 6.19 The HRA report also includes the necessary assurances on the potential impact of the growth proposed in the submitted Plan on the delivery of 1500 new houses in the District required generally through neighbourhood plans (Policy 15 of the Horsham District Planning Framework). Overall the total number of dwellings which have been identified to be delivered through neighbourhood planning equates to a total of approximately 503 homes. The overall quantum of development is therefore within that assessed in the HRA of the Planning Framework and no additional impacts will arise in this respect.
- 6.20 Having reviewed the information provided to me as part of the examination, I am satisfied that a proportionate process has been undertaken in accordance with the various regulations. In the absence of any evidence to the contrary, I am entirely satisfied that the submitted Plan is compatible with this aspect of European obligations.
- 6.21 In a similar fashion I am satisfied that the submitted Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights (ECHR) and that it complies with the Human Rights Act. There is no evidence that has been submitted to me to suggest otherwise. In addition, there has been full and adequate opportunity for all interested parties to take part in the preparation of the Plan and to make their comments known. An Equalities Impact Assessment has helpfully been prepared. On the basis of all the evidence available to me, I conclude that the submitted Plan does not breach, nor is in any way incompatible with the ECHR.

Summary

- 6.22 On the basis of my assessment of the Plan in this section of my report I am satisfied that it meets the basic conditions subject to the incorporation of the recommended modifications contained in this report.

7 The Neighbourhood Plan policies

- 7.1 This section of the report comments on the policies in the Plan. In particular, it makes a series of recommended modifications to ensure that they have the necessary precision to meet the basic conditions.
- 7.2 My recommendations focus on the policies themselves given that the basic conditions relate primarily to this aspect of neighbourhood plans. In some cases, I have also recommended changes to the associated supporting text.
- 7.3 I am satisfied that the content and the form of the Plan is fit for purpose. It is distinctive and proportionate to the Plan area. The wider community and the Parish Council have spent time and energy in identifying the issues and objectives that they wish to be included in their Plan. This sits at the heart of the localism agenda.
- 7.4 The Plan has been designed to reflect Planning Practice Guidance (41-004-20170728) which indicates that neighbourhood plans must address the development and use of land. The Plan also includes a series of Community Aspirations. They are appropriately distinguished from the principal land use policies.
- 7.5 I have addressed the policies in the order that they appear in the submitted plan. Where necessary I have identified the inter-relationships between the policies. The Community Aspirations are addressed after the policies.
- 7.6 For clarity this section of the report comments on all policies whether or not I have recommended modifications in order to ensure that the Plan meets the basic conditions.
- 7.7 Where modifications are recommended to policies they are highlighted in bold print. Any associated or free-standing changes to the text of the Plan are set out in italic print.

The initial section of the Plan (Sections 1-6)

- 7.8 These initial parts of the Plan set the scene for the range of policies. They do so in a proportionate way. The Plan is presented in a thorough way. It makes a very effective use of well-presented maps. A very clear distinction is made between its policies and the supporting text. It also highlights the links between the Plan's objectives and its resultant policies.
- 7.9 The Introduction comments about the development of the Plan. It also provides background information on the wider national agenda on neighbourhood plans within which it has been prepared.
- 7.10 Section 2 comments about the neighbourhood area and a range of matters which have influenced the preparation of the Plan. It is a very helpful context to the neighbourhood area. It also provides a backcloth to the various policies.
- 7.11 Section 3 comments about the planning policy context within which the Plan has been prepared. It comments about both the Horsham District Planning Framework and the South Downs Local Plan in a very professional way. It gives confidence that the Parish

Council has properly sought to develop a Plan which is in general conformity with the strategic policies of the development plan.

- 7.12 Section 4 comments about the community's views on planning issues. It comments on how the Plan was developed. It helpfully overlaps with the submitted Consultation Statement.
- 7.13 Section 5 comments about the Plan's Vision and Objectives. It is well-constructed. It describes how the Vision and the Objectives of the Plan were developed. Its key strength is the way in which the objectives directly stem from the Vision.
- 7.14 Section 6 of the Plan sets out an overarching Spatial Strategy. It underpins the eleven subsequent policies in the Plan. It identifies specific strategic approaches for both Upper Beeding and Small Dole. These approaches reflect the position of the two settlements in the settlement hierarchy in the Horsham District Planning Framework.
- 7.15 The remainder of this section of the report addresses each policy in turn in the context set out in paragraphs 7.5 to 7.7 of this report.

Policy 1 Spatial Plan for the Parish

- 7.16 This policy sets the scene for the Plan. It has four related elements as follows:
- the identification of settlement boundaries for Upper Beeding and Small Dole;
 - offering support to sustainable development within the two identified boundaries;
 - restricting development outside the identified boundaries to that which would conform with national and local planning policies or to a site-specific policy in the neighbourhood plan; and
 - requiring proposals in the SDNPA area to be appropriate to its designation.
- 7.17 I am satisfied that this approach is appropriate in general terms. It reflects the settlement hierarchy set out in HDC policies. It also acknowledges that a significant part of the neighbourhood area lies within the South Downs National Park.
- 7.18 Gladman Developments comment that the policy artificially restricts new development adjacent to the identified settlement boundaries. I am not persuaded that this would necessarily be the case in the circumstances presented by the submitted Plan. In the first instance the neighbourhood area is heavily-constrained and the more traditional opportunities for development on the edge of built-up areas do not naturally exist. In the second instance the call for sites did not generate a significant interest in such developments. In the third instance several of the proposed housing allocations are sites which are currently on the edge of the existing built up area boundary.
- 7.19 Nevertheless I recommend modifications to the third and fourth paragraphs of the submitted policy. In relation to the third paragraph (development outside the settlement boundaries) I recommend that it takes a positive approach to the types of development

which would be supported. As submitted the policy takes a restrictive and negative stance. In relation to the fourth paragraph I recommend that the South Downs National Park is considered separately from the other matters included (open space, heritage assets and local green spaces). The National Park has special status within the planning system and should be addressed accordingly. I also recommend detailed changes to the general wording in this part of the policy so that it has the clarity required by the NPPF. In particular it acknowledges that HDC and the SDNPA will remain as the local planning authorities in the event that the Plan is made.

Replace the third paragraph with: ‘Sustainable development proposals outside the settlement boundaries will be supported where they conform with national and local policies for the protection of the countryside or where they are addressed by a site-specific policy in this Plan.’

Replace the fourth paragraph of the policy with ‘In the part of the neighbourhood area within the South Downs National Park proposals for development will only be supported where they comply with Strategic Policy SD25: Development Strategy of the South Downs Local Plan. Elsewhere development proposals which would unacceptably affect areas of valued open space, heritage assets, local green spaces and areas of biodiversity value will not be supported’.

Policy 2 Housing Allocations

- 7.20 This policy sets out the Plan’s approach to the delivery of new housing in the neighbourhood area. It proposes the allocation of five sites which would collectively deliver approximately 109 dwellings. It is underpinned by extensive supporting text (paragraphs 7.6 to 7.21).
- 7.21 The wider issue of number and location of housing allocation in the neighbourhood area is underpinned by three related studies as follows:
- an assessment of housing need;
 - an assessment of potential housing sites in the neighbourhood area; and
 - an assessment of flood risk.

I address these in turn below

An assessment of housing need

- 7.22 The issue of housing need in the neighbourhood area has been carefully considered. It is addressed in paragraphs 7.8 to 7.18 of the Plan.
- 7.23 The Parish Council commissioned AECOM to undertake an assessment of housing needs in the neighbourhood area. It is a very comprehensive study which looks at a range of published sources. It took account of:

- the settlement hierarchy minimum derived figure from the HDC Planning Framework;
- the district minimum derived figure from the HDC Planning Framework;
- the Horsham SHMA;
- DCLG household projections; and
- a projection based on recent growth between 2001 and 2016.

7.24 AECOM liaised with HDC as part of the wider process. On this basis the projection derived from the overall housing target for the district was discounted, and only the 'settlement hierarchy' number was taken into consideration. The average of the remaining projections came to 189 dwellings, or 14 dwellings per year over the Plan Period. This figure has not been disputed within the wider context of the examination. I am satisfied that a proportionate amount of work has been undertaken on this matter which has the ability to impact on the delivery of both national and local planning policy in the neighbourhood area.

An assessment of potential housing sites in the neighbourhood area

7.25 AECOM was also commissioned to assess and evaluate potential housing sites in the neighbourhood area. Nine sites were assessed to determine their suitability and availability, or otherwise, for incorporation in the Plan. Some of the sites had already been assessed by HDC through technical work to support the emerging Local Plan, specifically the Strategic Housing and Economic Land Availability Assessment (SHELAA) (August 2016). The HDC assessments were reviewed alongside data from other sources, including desktop assessment, site visit, and information from the Parish Council.

7.26 From a review of all existing information and AECOM's own assessment of sites that had not yet been reviewed, a judgement was made as to whether each site was or was not suitable for residential development. These judgements have translated into the submitted Plan. The study identifies that some sites assessed as not suitable or available for the purposes of this assessment may still have the potential to become suitable or available in the next Plan period.

7.27 I am satisfied that the process that has been undertaken is both appropriate and comprehensive. In particular the assessment of the sites has identified important matters which need to be addressed in the design of the individual policies. I comment on the details of the selected sites later in this report

Flood Risk Issues

7.28 In accordance with national policy the Parish Council has prepared a Sequential Test and an associated Exception Test. It has been produced in a complementary way to the associated work on the Strategic Environmental Assessment/Sustainability Appraisal (SEA/SA) and the AECOM Site Assessment work. The River Adur is the predominant source of flood risk within the neighbourhood plan area, although there is risk of flooding from groundwater, surface water and sewer flooding to a lesser extent. Other relevant constraints include:

- Land within Flood Zones 3 and 2, associated with the flood risks from the River Adur and Woods Mill Stream. The ecological value of these watercourses and their adjacent land is also an environmental consideration.
- Source Protection Zone 1 (sensitive inner zone), 2 (outer zone) and 3 (total catchment area), which are designated to protect individual groundwater sources for public water supply - most significance is the Southern Water abstraction near Castle Town.
- Historic and authorised landfill sites, including the Horton and Small Dole sites in the north of the parish.

7.29 The Sequential Test comments that the Parish Council has taken a positive approach in delivering its objectively-assessed housing needs. When assessed against the considerations in the SEA/SA, land east of Pound Lane, Greenfield, Oxcroft Farm and Riverside Caravan Park, which are at risk from flooding, outweigh the other sites assessed and have therefore been allocated in the Plan. The Test also comments that it recognises that the SEA/SA findings are not the only factors taken into account when determining which options to take forward in a Plan. Indeed, there will often be an equal number of positive or negative effects identified for each option, such that it is not possible to 'rank' them based only on these factors in order to select an option. Factors such as public opinion, deliverability, wider benefit to the community and conformity with national policy have also be taken into account when selecting options for the plan.

7.30 The Test continues to comment that for any individual site applications, a sequential approach to development within the site will be required together with Part 2 of the Exception test. The use of Sustainable Drainage Systems will also be necessary to avoid and mitigate any impact. Part 2 of the Exception Test requires that the development is safe, and this will need to be demonstrated in a Flood Risk Assessment. The study highlights that there have been extensive positive discussions with the Environment Agency and HDC on the mitigation required to make the scheme safe for its lifetime.

7.31 In the round I am satisfied that a proportionate assessment of this important matter has been undertaken. In particular it highlights the inherent difficulties in bringing forward appropriate sites in the neighbourhood area. It also draws attention to the detailed work that has been undertaken to mitigate the impact of new development on the sites most sensitive to flood risk issues.

7.32 As part of the clarification note process, I sought clarification from the Parish Council on the difference between the projection of the need for 189 dwellings in the Plan period and the proposed delivery of approximately 109 dwellings in the Plan itself. I was advised that the proposed allocation of 109 houses has been carefully considered and that best endeavours have been made to accommodate as much of the housing requirement as possible taking into account local circumstances concerning flood risk, landscape, local amenity, character, design and infrastructure and local residents' preference for sympathetic development proposals for the village.

7.33 The Parish Council also contends that the proposed allocation of 109 dwellings is supported by robust evidence including the site assessment and that there are limited

opportunities for growth within and abutting the settlement edge. In conclusion it considers the amount in the Plan to be deliverable and demonstrates positive planning making efficient and best use of land.

- 7.34 Plainly this element of the Plan is important both to the future of the neighbourhood area and to the wider delivery of new housing in the District in general terms, and the specific need to deliver 1500 dwellings through neighbourhood plans. Having considered all the evidence available to me I am satisfied that the plan-making process has been thorough, positive and comprehensive. In addition, the neighbourhood area is heavily-constrained. Within this context the call for sites generated a limited response from the development industry. The sites which did come forward were rigorously assessed by AECOM in its capacity as the Parish Council's retained consultant.
- 7.35 This conclusion has also been reached by HDC in its response to the clarification note. It comments that the housing provision allocated in the Plan would support the strategic housing provision policies of its Planning Framework, be proportionate to its position within the development hierarchy and would align with both the District's and Parishes' evidence based on housing need. In strategic planning policy terms, the Inspector's Report into the HDPF Examination in October 2015 at paragraph 47 noted that the number of homes being proposed within Neighbourhood Plans was inevitably uncertain but 'that the number of 1500 over the whole district seems realistic' and it is considered that this Neighbourhood Plan would fulfil the strategic policies of the Planning Framework in this respect.
- 7.36 HDC also provided comments on the relationship between the assessed housing need and the proposed delivery in the submitted Plan. It comments that the site assessment work completed in support of the Plan has been thorough and that parishes have endeavoured to accommodate housing growth in their areas but, due to the availability of viable housing sites and constraints surrounding the settlement, the objectively assessed housing needs cannot be fully realised. It is acknowledged by the District Council that this is ultimately a strategic issue which if the requirement of 'at least 1500 homes' cannot be met through neighbourhood planning, it will be addressed as part of the Planning Framework review which started in 2018. The Council will be publishing its Preferred Options Development Plan Document for consultation in early 2020.
- 7.37 In addition HDC comments that the effect of the submission of the neighbourhood plan is that it makes a positive start on the future delivery of strategic housing in the neighbourhood area. The process will be continued through the mechanism now being put in place for the emerging Local Plan. The submitted Plan anticipates a scenario of this nature in its paragraph 1.10. I recommend specific recommended modifications on this important matter in paragraphs 7.102 to 7.104 of this report.
- 7.38 The proposed allocation of the five housing sites has attracted a representation from Highways England. It comments that based on the 213 (and up to 351) dwellings proposed, this amount of development is likely to have an impact on the operation of the junction of the A27 and A283 and may potentially worsen the existing queuing on the A27 Shoreham bypass flyover slips because of existing congestion in the peak

periods at the Sussex Pad junction. As such, there are expected to be knock on effects on the Local and Strategic Road Networks.

7.39 Plainly highways safety and the efficient operation of the local and the strategic highway network is an important consideration for the wider Plan. However, I am not persuaded that these concerns should delay the plan-making process. I have reached this view for four reasons as follows:

- the representation uses the AECOM assessed housing need for 189 dwellings (together with the highest of the various projections at 351 dwellings). However, the Plan proposes the delivery of 109 dwellings for the reasons identified earlier in this report;
- the HDC Planning Framework has already been found sound and proposes 1500 new dwellings through the wider delivery of neighbourhood plan in the District;
- the policy for the largest of the five proposed sites (east of Pound Lane) includes a criterion on the need for a separate transport assessment of its effects; and
- in any event all planning applications for major development will need to be considered and determined through the development management process.

7.40 The submitted policy itself has two related parts. The first identifies and allocates the five sites. The second part loosely comments that the exact numbers will be confirmed once technical studies have been completed and approved by the relevant authorities. I sought advice from the Parish Council on the purpose of the second part of the policy in general terms, and in particular whether it was actually policy-based. I was advised that its intended purpose is to give assurances that detailed proposals are not yet agreed and the allocation numbers to each of the sites proposed could be subject to change. The Parish Council feel this is particularly important considering the nature of the different components of the Pound Lane site. It also comments that the number of dwellings on each site are subject to a variety of requirements and that it wanted to reassure residents that development would be site-specific taking into account all the environmental considerations particularly concerning delivery of the proposed Pound Lane allocation.

7.41 I have considered this matter very carefully. I have concluded that the following package of recommended modifications are required to ensure that the approach taken meets the basic conditions:

- the repositioning of the second part of the policy into the supporting text;
- making a direct reference to policies 3-6 within the context of this policy; and
- clarifying in a replacement second paragraph of the policy that the development of each of the five sites is addressed in separate policies in the Plan.

7.42 This approach will provide the clarity required for a development plan document. It also takes account of the emerging delivery mechanisms for the Pound Lane allocation which emerged whilst the examination was taking place (see paragraph 7.45 of this report).

At the end of each of the five sites add the relevant policy number (Policy 3-7) in brackets

Replace the second paragraph of the policy with: ‘The development of the five allocated sites is addressed in Policies 3 to 7 of this Plan’

Replace the final sentence of paragraph 7.16 with:

‘Policy 2 identifies the five sites which were selected as the outcome of this wider process. The development of the five allocated sites is addressed in Policies 3 to 7 of this Plan. The yield of the various sites is indicative at this stage. Detailed work and the relevant planning applications will determine the precise delivery of new homes on each site’.

Policy 3 Land east of Pound Lane, Upper Beeding

- 7.43 This policy is an important proposed component of the Plan. It proposes the development of land to the east of Pound Lane for approximately 70 dwellings. The policy comments that the site should be developed through a landscape-led masterplan addressing a series of 12 principles/development criteria. The supporting text at paragraphs 7.23 to 7.31 is very comprehensive.
- 7.44 The proposed site consists of three separate parcels of land as follows:
- Little Paddocks (2.17 hectares);
 - Land east of Pound Lane (1.09 hectares); and
 - Land off Smugglers lane (0.66 hectares)
- 7.45 The differing ownership of these parcels of land has created an element of discussion and potential uncertainty about the delivery of the overall site. During the examination two letters were received from a developer (now engaged with the owners of land east of Pound Lane) with each of the other two owners indicating that measures were in place both for collaborative working and to develop the site in the way anticipated in the submitted policy.
- 7.46 The allocation of the site for residential purposes has attracted a series of objections from local residents. They comment about the impact on the countryside, the effect on local infrastructure and the traffic capacity of the highway network.
- 7.47 Given the significance of the site and the level of comments received I looked very carefully at the site when I visited the neighbourhood area. I saw that it was located to the north east of the built-up area boundary and consisted of agricultural and grazing land. The AECOM site assessment comments the site is predominantly agricultural. However, the edges comprise hedgerow, scrub and woodland, and as such, there could be potential for protected species. The site is located within Area 5 of the 2003 Horsham District Landscape Character Assessment. Area 5 is considered to have few landscape qualities, very limited contribution to distinctive settlement setting, low visual prominence, low intervisibility and low sensitivity. The site would be visible from the

South Downs National Park but any redevelopment would be seen in the context of Upper Beeding, with residential properties to the south and west. Tree planting along the eastern boundary of the site could help to screen the site in views from the National Park.

- 7.48 Having considered all the available evidence I have concluded that the allocation of the site would meet the basic conditions in general terms. It would represent sustainable development and would contribute both towards meeting identified local needs and the delivery of the strategic housing target for the wider District. In particular I am satisfied that the site is capable of delivery within the Plan period. Whilst the development of a site in multiple ownership brings its own challenges there is no evidence to suggest that these challenges will not be overcome with regard to this site. In any event the letters from landowners suggest that significant progress has been made in recent months to secure a comprehensive and agreed package for the wider site.
- 7.49 The policy is commendably comprehensive. In particular its criteria/principles address a wider series of environmental, design and capacity issues. They overlap with several of the concerns that have been expressed by local residents. The policy's ambition that the development is landscape-led through a masterplan is an important element of this wider approach. Other key criteria in the policy include:
- the delivery of affordable housing;
 - the identification of a primary access off Pound Lane;
 - the location of open space; and
 - the need for flood risk assessment work.
- 7.50 The different landownerships have historically generated representations to the Plan about the proposed principal/secondary access issues as included in the policy. This may be overcome through the emerging collaborative approach to the development of the site. However, I sought the Parish Council's views on the appropriateness of the different parts of the site being developed separately within the context of an agreed masterplan. Paragraph 7.24 of the Plan is clear about the need for a 'comprehensive development' of the wider site. The Council responded by commenting that it has concerns that a 'piece meal' approach would be difficult to deliver with potentially differing priorities and objectives of each of the site owners. Should one of the site owners defer or withdraw the whole area design could then be compromised. In its response the Council also commented about its view that each of the three landowners need each other to make the best and most efficient use of the site and to produce a comprehensive and sympathetic development which will enhance the area and meet the objectives of the Plan. The first position of the Parish Council is to have a comprehensive proposal. Nevertheless, in the absence of a collaboration/equalisation agreement between the landowners, the Parish Council expressed a view that it would consider a phased development within the context of a comprehensive landscape-led masterplan. I recommend a modification both to the policy and the supporting text to reflect this approach. It incorporates an update to that part of the supporting text which refers to the engagement of a potential housebuilder which is no longer involved.

- 7.51 I am satisfied that the policy takes proper regard of the listed building within the site. Nonetheless I recommend a modification which would replace the relevant criterion with a simpler version. It also better relates to national policy on this important matter.
- 7.52 The SDNPA supports the policy. In particular it welcomes the landscape-led approach to the development of the site. It suggests the inclusion of additional elements in both criteria 1 and 11. Given that they relate to the wider setting of the proposed site and its intervisibility with the National Park I recommend that they are incorporated into the policy as recommended modifications.
- 7.53 Natural England has suggested detailed amendments to criteria 9. They are both helpful to the coverage of the policy and essential to ensure that it meets the basic conditions. I recommend modifications accordingly. I also recommend modifications to criterion 10 in flooding so that its focus is on outcomes rather than process matters. The wider issue is addressed in the submitted Sequential Report.
- 7.54 I also recommend other modifications to the criteria included in the policy. Whilst they do not affect the intent of the relevant matters, they provide wording which has the clarity required by the NPPF. This will allow HDC to implement the policy clearly through the development management process.

In the opening part of the policy:

- **Replace ‘The Upper Beeding Neighbourhood Plan supports’ with ‘Proposals for’**
- **Replace ‘subject to the.... masterplan’ with ‘will be supported where they have been developed within the context of a landscape-led masterplan’**

In criterion 1 replace ‘of which.... following criteria’ with ‘which should include the following matters:’

At the end of criterion 1b add: ‘The roofscape will be a significant aspect of this assessment and how it will appear in these views.’

Replace criterion 4 with ‘Any development proposal should incorporate Pound House Cottage and reflect its status as a listed building within the wider site layout’

Replace criteria 6 and 7 with: ‘The primary access into the site should be achieved off Pound Lane. Within the context of an overall landscape-led masterplan proposals for a secondary access will be supported where it would respect Pound House Cottage, preserve the rural character of Smugglers Lane and not have a detrimental impact on the use or the safety of the public right of way leading off Smugglers Lane.’

In criterion 8 include at the beginning ‘Where practicable and directly related to the development of the site’ and delete ‘to be’

Replace criterion 9 with: ‘The development of the site incorporates important ecological and biodiversity features within its layout and design’

In criterion 10 replace the first sentence with ‘The development incorporates appropriate measures to address its proximity to mitigate against potential risks of flooding’

In criterion 11 replace ‘will be laid...as such’ with ‘should be used as open space’. In the second sentence replace ‘Support is given to the’ with ‘Proposals for the’ and add ‘will be supported’ at the end. Thereafter add: ‘The incorporation of additional characteristic green infrastructure will be particularly supported’

In criterion 12 replace ‘laid out’ with ‘positioned’

Replace paragraph 7.29 with: ‘The Parish Council has sought to engage with the various owners of the site to secure its efficient and comprehensive development. In 2018 the Steering Group met with the relevant parties involved at that time. In September 2019 further assurances were provided by the parties involved in the potential development of the site’

Replace paragraphs 7.30 and 7.31 with: ‘The primary access into the site should be achieved off Pound Lane. This is the principal way in which the site interacts with the built-up part of the village. Discussions on a collaborative agreement between the three landowners are now taking place. This may remove earlier expectations for a secondary access into the site off Smugglers Lane. However, if such an access is either needed or would demonstrably contribute towards pedestrian and vehicular access between the site and the wider village, any proposals should be developed within the context of an overall landscape-led masterplan. In particular such proposals should respect Pound House Cottage, preserve the rural character of Smugglers Lane and not have a detrimental impact on the use or the safety of the public right of way leading off Smugglers Lane.’

At the end of the modified paragraph above add: ‘Policy 3 includes a series of important criteria on landscaping, flooding and ecological matters. The details on the potential for flood risk on this site are particularly important considerations. A Flood Risk Assessment (FRA) should be submitted as part of the way in which detailed proposals respond to the sensitivity of the site in general, and to how it responds to criterion 10 in particular. The details of the ecological conditions of the site (criterion 9) and the open space (criterion 11) will be incorporated within detailed planning applications in accordance with the Council’s usual validation requirements. However, where appropriate specific reports should be submitted with planning applications insofar as the issues relate to particular proposals. In particular any reasonable mitigation measures which are identified as a result of detailed ecological and biodiversity surveys should be implemented by way of planning conditions and/or planning obligations’

Policy 4 Land at southern end of Oxcroft Farm, Small Dole

- 7.55 This policy relates to a second proposed housing allocation. It proposes the development of land at the southern end of Oxcroft Farm, Small Dole for approximately 20 dwellings. The policy comments that the site should be developed in a fashion that

addresses a series of eight criteria. The supporting text at paragraphs 7.32 to 7.35 is comprehensive.

- 7.56 The proposed allocation is located to the west of Small Dole and immediately abuts the development boundary. It is in agricultural use. Paragraph 7.33 of the Plan identifies the challenges of securing a safe access into the site. The AECOM site assessment comments that the site is well screened to the west, east and south by existing boundary trees and hedgerow. Views to the north would be possible from the rear gardens of existing residential properties. As such, any development would be required to provide screening along its northern boundary. The site is well contained and it is considered that mitigation could make any adverse impacts acceptable.
- 7.57 I looked at the site when I visited the neighbourhood area. I saw that it had a close functional relationship with the existing village. I also saw the options for access into the site. In the circumstances I recommend a modification to the second criterion. It retains the flexibility intended by the supporting text but ensures that any access will be to appropriate and safe standards.
- 7.58 Natural England has suggested detailed amendments to criteria 3 and 6. They are both helpful to the coverage of the policy and essential to ensure that the policy meets the basic conditions. I recommend accordingly.
- 7.59 A detailed representation has been received from agents acting for the site owner. Within the context of the owner's overall support for the policy it raises a series of specific matters. I have considered these matters very carefully and as a result recommend the following modifications to the various criteria in the policy:
- in criterion 3 to shift the focus to a general one which protects features of ecology/biodiversity rather than one which relates to the process of submitting a planning application;
 - in criterion 4 reflecting that access to Henfield Road may involve the loss of some part of the existing boundary features;
 - in criterion 7 refining the approach to accessibility so that it relates to land within the control of the owner/future developer; and
 - deleting criterion 8 as there is no evidence of contamination on the site.
- 7.60 The representation includes alternative options for the development of the site. In general terms it is suggested that the site may be capable of accommodating more houses than the number anticipated in the policy. This may prove to be the case based on the option selected for the access into the site and the way in which detailed proposals are designed within the context provided by the policy and its criteria. I recommend a modification to the supporting text to address this emerging issue.
- 7.61 I also recommend other modifications to the criteria included in the policy. Whilst they do not affect the intent of the relevant matters, they provide wording which has the clarity required by the NPPF. This will allow HDC to implement the policy clearly through the development management process. Finally, I recommend associated modifications to the supporting text.

In the opening part of the policy:

- **Replace ‘The Upper Beeding Neighbourhood Plan supports’ with ‘Proposals for’**
- **Insert ‘will be supported’ after 20 houses**
- **Replace ‘Any development...the following:’ with ‘subject to the following criteria’**

In criterion 1 replace ‘is to’ with ‘should’

Replace criterion 2 with: ‘An access into the site is provided from the Henfield Road (A3207) to the County Council’s standards at the time a planning application is determined’

Replace criterion 3 with: ‘The development of the site incorporates important ecological and biodiversity features within its layout and design’

In criterion 4 replace ‘A Strong landscape buffer’ with ‘An appropriate landscape buffer’ and ‘shall be’ with ‘is’. After ‘with native species’ add ‘Where existing boundary treatments are required to be removed to create a vehicular access the new opening should be as small as practicable to achieve the necessary highway access standards and visibility splays’

In criterion 6 replace ‘to be’ with ‘is’. At its end add: ‘Where practicable the development should enhance the ecological value of the pond’

Replace criterion 7 with: ‘Wherever practicable the design and layout of the site should be designed so that it connects to the footpaths on the Henfield Road and its bus stops’

Delete criterion 8

At the end of paragraph 7.33 add: ‘There are various ways in which the site could be developed. On this basis Policy 4 has been designed to provide appropriate flexibility within the context provided by its detailed criteria. As such the site may be capable of accommodating more houses than the number anticipated in the policy. This will be a detailed matter for Horsham District Council to determine on a case-by-case basis’

At the end of paragraph 7.35 add: ‘Policy 4 includes a series of important criteria on landscaping and ecological matters. The details of the ecological conditions of the site (criterion 3), the landscaping buffer (criterion 4) and the pond on the site (criterion 6) will be incorporated within detailed planning applications in accordance with the Council’s usual validation requirements. However, where appropriate, specific reports should be submitted with planning applications insofar as the issues relate to specific proposals. In particular any reasonable mitigation measures which are identified as a result of detailed ecological and biodiversity surveys should be implemented by way of planning conditions and/or planning obligations’

Policy 5 Land at Greenfields, Henfield Road, Upper Beeding

- 7.62 This policy relates to a third proposed housing allocation. It proposes the development of land at Greenfields, Henfield Road, Upper Beeding for approximately 10 dwellings. The policy comments that the site should be developed in a fashion that addresses a series of nine criteria. The supporting text at paragraphs 7.36 to 7.39 is comprehensive.
- 7.63 The proposed site is on the corner of Henfield Road and Shoreham Road in Upper Beeding. It is currently in employment use. Paragraph 7.36 of the Plan identifies the potential that the redevelopment of the site offers for improvements to the townscape character of this part of the village. The AECOM site assessment comments that the site is well located to the main village. Nevertheless, it highlights that the site is located approximately 35m to the southwest of the Upper Beeding Conservation Area and 85m to the west of the Grade II listed Convent. Six additional Grade II listed buildings are located within approximately 170m of the site. However, the assessment comments that intervisibility between the site and buildings is limited due to existing built development and vegetation.
- 7.64 Criterion 3 of the policy requires that before any development commences it should be demonstrated that alternative premises have been secured within the parish for the existing business. I sought clarification on the need for this criterion from the Parish Council. I was advised that it considered the matter to be important to reinforce the policy approach to ensure that the residential development of the site contributes to sustainable development by providing employment opportunities for residents minimising the need to travel significant distances for work. Nevertheless, the Parish Council would like to see redevelopment of this site for an appropriate use which is sited in a primarily residential area.
- 7.65 I have considered this matter carefully. On the one hand its intention is clear. Its delivery will help to maintain the balance between housing and employment provision and opportunities in the neighbourhood area. On the other hand, the existing company will come to its own commercial decision on any relocation plans and their sequential relationship to the residential development of the site. In any event, the primary purpose of Policy 5 is to support the residential development of a brownfield site in a sustainable location and which would assist in boosting the supply of housing land in the neighbourhood area. In the circumstances I recommend that the criterion is deleted. Nevertheless, I recommend that the supporting text addresses the need for planning applications for the residential development to provide information on any business relocation plans. This will allow HDC to consider all relevant material considerations on a case-by-case basis.
- 7.66 The SDNPA suggests detailed additions to two of the criteria in the policy. I am satisfied that they are necessary to ensure that the Plan meets the basic conditions. I recommend accordingly.
- 7.67 I also recommend other modifications to the criteria included in the policy. Whilst they do not affect the intent of the relevant matters, they provide wording which has the

clarity required by the NPPF. This will allow HDC to implement the policy clearly through the development management process. Finally, I recommend associated modifications to the supporting text.

In the opening part of the policy:

- **Replace ‘The Neighbourhood Plan supports’ with ‘Proposals for’**
- **Insert ‘will be supported’ after ‘10 houses’**
- **Replace ‘Proposed development...the following:’ with ‘subject to the following criteria’**

In criterion 1 replace ‘is to’ with ‘should’

At the end of criterion 2 add: ‘including heights of buildings and roof space design’

Delete criterion 3

Replace criterion 4 with: ‘The redevelopment of the site satisfactorily addresses land contamination issues’

In criterion 5:

- **Delete the first sentence**
- **In the third sentence replace ‘appropriate’ with ‘characteristic’**

Replace criterion 7 with: ‘The development of the site incorporates important ecological and biodiversity features within its layout and design’

In criterion 8 delete the first sentence

In criterion 9 replace ‘laid out’ with ‘positioned’

At the end of paragraph 7.38 add: ‘Policy 5 includes a series of important criteria on landscaping and ecological matters. The details of the ecological conditions of the site (criterion 7) and the landscaping scheme (criterion 5) will be incorporated within detailed planning applications in accordance with the Council’s usual validation requirements. However, where appropriate specific reports should be submitted with planning applications insofar as the issues relate to particular proposals. Criterion 4 addresses land contamination issues. In particular any reasonable mitigation measures which are identified as a result of detailed surveys should be implemented by way of planning conditions and/or planning obligations. Planning applications for the residential development of the site should provide information on any relocation plans for the existing balance to allow the District Council to be able to assess all material planning considerations on a case by case basis’

Policy 6 Riverside Caravan Park

- 7.68 This policy relates to a fourth proposed housing allocation. It proposes the development of land at the Riverside Caravan Park Upper Beeding for approximately nine retirement dwellings. The policy comments that the site should be developed in a

fashion that addresses 13 criteria. The supporting text at paragraphs 7.40 to 7.50 is comprehensive in general terms, and on potential flooding issues in particular given the proximity of the site to the River Adur.

- 7.69 The proposed site is located in the western part of the Riverside Caravan Park. As its name suggests it is attractively located adjacent to the River Adur. Paragraph 7.41 of the Plan identifies that the redevelopment of the site should safeguard footpaths within the site. The AECOM site assessment comments that the wider site provides residential caravans whilst the proposed site provides holiday caravans. The proposed allocation seeks to change the use from holiday caravans to residential caravans. The change of use would be in keeping with the existing caravan park and is therefore not considered to have an unacceptable landscape and visual impact.
- 7.70 The site is well-related to Upper Beeding. Indeed, the grouping of shops by the River Adur bridge are only a few minutes' walk from the site along the bank of the river itself.
- 7.71 The proposed site is within Flood Zone 3. It is specifically referenced in the section on the Sequential Test/Exception Test earlier in this report (paragraphs 7.28 to 7.31). The supporting text provides helpful context on the discussions that have taken place with the Environment Agency to avoid the risk of flooding. Nevertheless, I recommend modifications to this element of the Plan to make an appropriate distinction between policy, supporting text and technical advice.
- 7.72 Historic England comment about the potential archaeological significance of the site. In particular it comments that the site lies directly adjacent to the Scheduled Ancient Monument of a medieval saltern (a salt refining facility) in Saltings Field. Whilst the Scheduled Ancient Monument represents the extent of known archaeological remains of special interest, along with a five-metre buffer, there is potential for associated remains to be located on surrounding land. As such it suggests that it would be appropriate to ensure mitigation of potential impacts to archaeological remains that may be present are carefully integrated into the process of designing proposals. This can be achieved by including a requirement to complete an archaeological investigation prior to submission of proposals for planning consent. I am satisfied that the inclusion of an additional criterion is required to ensure that the development of this site meets the basic conditions (in this case having regard to national policy).
- 7.73 I also recommend other modifications to the criteria included in the policy. Whilst they do not affect the intent of the relevant matters, they provide wording which has the clarity required by the NPPF. This will allow HDC to implement the policy clearly through the development management process. Finally, I recommend associated modifications to the supporting text.

In the opening part of the policy:

- **Replace 'The Neighbourhood Plan supports' with 'Proposals for'**
- **Insert 'will be supported' after '10 houses'**
- **Replace 'Proposed development...the following:' with 'subject to the following criteria'**

Replace criterion 1 with ‘The development incorporates appropriate measures to address its proximity to the River Adur to the east’

Delete criteria 3 and 4.

Replace criterion 6 with ‘The design and layout of the scheme should incorporate the footpaths within the site and provide a connection to the footpath adjacent to the site’

Replace the first sentence of criterion 7 with ‘The development incorporates appropriate landscaping both around and within the site’. In the second sentence replace ‘will need to’ with ‘should’

In criterion 8 replace ‘must’ with ‘should’

Replace criterion 9 with: ‘An appropriate access into the site is provided from High Street to the County Council’s standards at the time a planning application is determined’

In criterion 10 replace ‘is not detrimentally harmed’ with ‘protected and enhanced’

Replace criterion 11 with: ‘The development of the site incorporates important ecological and biodiversity features within its layout and design’

In criterion 13 replace ‘must’ with ‘should’

Insert a new criterion to read: ‘Proposals for development should be informed by the findings of an archaeological investigation undertaken according to a written scheme of investigation agreed in writing with the Council’s archaeological advisor. The design and layout of the site should take the findings of investigation into account by seeking to preserve remains of archaeological interest ‘in situ’, with the greatest priority given to preserving remains of demonstrable national importance. Where, given the need for development, the importance of remains does not merit their preservation the compilation of a record of any remains that will be lost will be required as a condition of planning permission.’

At the end of paragraph 7.50 add: ‘Policy 6 includes a series of important criteria on flood risk, landscaping and ecological matters. The details on the potential for flood risk on this site are particularly important considerations. A Flood Risk Assessment (FRA) should be submitted as part of the way in which detailed proposals respond to the sensitivity of the site in general, and to how it responds to criterion 1 and 2 in particular. The FRA should include appropriate details on the following matters:

- the incorporation of flood mitigation measures such as barriers on ground floor doors, windows and access points and the means of safe access into the site in the event of a flood; and*
- the development and implementation of a flood evacuation plan.*

Criterion 2 includes details about finished floor levels. Applicants should discuss this matter with the Environment Agency and the District Council as part of the preparation of detailed proposals.

The details of the ecological conditions of the site (criterion 11) and the landscaping scheme (criterion 7) will be incorporated within detailed planning applications in accordance with the Council's usual validation requirements. However, where appropriate specific reports should be submitted with planning applications insofar as the issues relate to particular proposals. In particular any reasonable mitigation measures which are identified as a result of detailed surveys should be implemented by way of planning conditions and/or planning obligations'

Policy 7 Land at Valerie Manor, Henfield Road Upper Beeding

- 7.74 This policy relates to a fifth proposed housing allocation. It proposes the development of land at Valerie Manor, Henfield Road Upper Beeding for approximately 30 extra care bedrooms at an existing nursing home. The policy comments that the site should be developed in a fashion that addresses a series of eight criteria. The supporting text at paragraphs 7.51 to 7.65 is very comprehensive in general terms, and on the proposed accommodation/care provision in particular.
- 7.75 The proposed allocation is located in the eastern part of the wider residential care home site. The AECOM site assessment comments that the site is adjacent to the Upper Beeding built up area but is a greenfield site located within the South Downs National Park. Development would therefore result in the direct loss of undeveloped land within the National Park. However, the site is located adjacent to the built-up area and is within the wider Valerie Manor site. The allocation would secure additional residential care units at the site and have a beneficial impact on community facilities.
- 7.76 Valerie Manor is an established specialist residential care home. The residents have a range of physical, and mental health needs and with some residents having dementia. It is a seventeenth century grade II listed building with a purpose-built nursing wing set within large landscaped gardens. It has an extensive waiting list. The development of further facilities of this type is supported by the County Council. It also has the ability to generate further jobs based within the neighbourhood area.
- 7.77 SDNPA comments that the site will be visible in views from the South Downs Way running to and from Beeding Hill. Whilst any new development will be seen in the context of existing built form, the site is highly sensitive due to its visibility from the National Park and as a result of cultural heritage considerations. The SDNPA considers that the policy would be more effective if it requires the design and landscaping to respond to identified landscape, cultural and visual sensitivities of the National Park. I am satisfied that this approach will ensure that the policy meets the basic conditions. I recommend accordingly.
- 7.78 Historic England suggests a replacement of criterion 5 which addresses archaeological matters. The suggested change would ensure that this element of the Plan meets the basic conditions. I recommend accordingly.

- 7.79 As part of the clarification note I sought advice from the Parish Council on the statement in criterion 4 that no car parking spaces should be lost as part of the development. I was advised that its intention was that proper car parking standards are met. Plainly this is appropriate. However, it may be that the development of the site may involve the reconfiguration of existing car parking spaces. On this basis I recommend that this part of the criterion is deleted.
- 7.80 I am satisfied that in general terms the development of the site for specialist residential purposes will meet the basic conditions. Any development would be seen within the wider context of the existing development on the site. Its impact on the South Downs National park could be controlled through the sensitive design and location of the proposed new development. Nevertheless, I recommend other modifications to the criteria included in the policy. Whilst they do not affect the intent of the relevant matters, they provide wording which has the clarity required by the NPPF. This will allow HDC to implement the policy clearly through the development management process. Finally, I recommend associated modifications to the supporting text.

In the opening part of the policy:

- **Replace ‘The Neighbourhood Plan supports’ with ‘Proposals for’**
- **Insert ‘will be supported’ after ‘30 extra bedrooms’**
- **Replace ‘Proposed development...the following:’ with ‘subject to the following criteria’**

In criterion 1:

- **Replace the first sentence with ‘The development properly respects the special architectural and historic character of Valerie Manor and its setting’**
- **In the second sentence replace ‘must’ with ‘should’**
- **In the second sentence insert ‘character or appearance’ between ‘the’ and ‘Hyde’**

Replace criterion 2 with: ‘The development design and landscaping positively respond to the identified landscape, cultural and visual sensitivities of the South Downs National Park’

Replace the first sentence of criterion 3 with ‘The development incorporates appropriate landscaping both around and within the site to reflect its location within the South Downs National Park’.

In the second sentence of criterion 3 replace ‘will need to’ with ‘should’

In criterion 4 replace ‘There is....and new’ with ‘Car parking spaces’

Replace criterion 5 with: ‘Proposals for development should be informed by the findings of an archaeological investigation undertaken according to a written scheme of investigation agreed in writing with the Council’s archaeological

advisor. The design and layout of proposals should take the findings of investigation into account by seeking to preserve remains of archaeological interest 'in situ', with the greatest priority given to preserving remains of demonstrable national importance. Where, given the need for development, the importance of remains does not merit their preservation the compilation of a record of any remains that will be lost will be required as a condition of planning permission'.

Replace criterion 7 with: 'The development of the site incorporates important ecological and biodiversity features within its layout and design'

Replace criterion 8 with 'The development incorporates appropriate measures to address its proximity to mitigate against potential risks of flooding'

At the end of paragraph 7.65 add: 'Policy 7 includes a series of important criteria on flood risk, landscaping and ecological matters. The details on the potential for flood risk on this site are particularly important considerations. A Flood Risk Assessment (FRA) should be submitted as part of the way in which detailed proposals respond to the sensitivity of the site in general, and to how it responds to criterion 8 in particular.'

The details of the ecological conditions of the site (criterion 7) and the landscaping scheme (criteria 2 and 3) will be incorporated within detailed planning applications in accordance with the Council's usual validation requirements. However, where appropriate specific reports should be submitted with planning applications insofar as the issues relate to particular proposals. In particular any reasonable mitigation measures which are identified as a result of detailed surveys should be implemented by way of planning conditions and/or planning obligations'

Policy 8 Design Standards for New Development

- 7.81 This policy comments on design standards. The supporting text in paragraphs 7.66 to 7.69 of the Plan comments about the way in which the policy was developed and the role of the Parish Design Statement as part of this process. The text also highlights both the challenges and the opportunities of developing a neighbourhood plan within a neighbourhood area covered by two local planning authorities.
- 7.82 The resulting policy is well-developed in general terms. Its opening element provides general commentary. Its second part identifies a series of design principles which stem from a detailed analysis of the Parish Design Statement. It creates a distinctive approach. One of the 12 core planning principles in the NPPF (paragraph 17) is '(always seek) to secure high-quality design and a good standard of amenity for all existing and future occupants of land and buildings'. Furthermore, the approach adopted in the policy has regard to the more detailed design elements of the NPPF. In particular, it plans positively for high quality and inclusive design (paragraph 57), it has developed a robust and comprehensive policy (paragraph 58), it proposes outlines of design principles (paragraph 59) and does so in a locally distinctive yet non-prescriptive way (paragraph 60).

- 7.83 SDNPA has suggested a series of technical updates to the policy. Since the Plan was submitted the South Downs Local Plan has been adopted. On this basis its proposed amendments will ensure that the policy is in general conformity with the development plan. I recommend accordingly.
- 7.84 Finally I recommend other modifications to the detailed wording of the policy. Whilst they do not affect its purpose, they will provide the necessary clarity for a development plan policy.

In the opening part of the policy replace “proposals must adopt.... natural beauty’ with ‘development proposals will only be supported where they adopt a landscape-led approach and respect the local character, through sensitive design that makes a positive contribution to the overall character and appearance of the area.’

In the second part of the policy replace ‘will be expected to be’ with ‘will be supported where they are’

In Style replace ‘To specifically encourage’ with ‘They would result in’

In Building materials replace ‘Should’ with ‘All new building materials should’

In Protection of Trees replace ‘will need’ with ‘should’

In Sense of Place replace ‘Contribute’ with ‘All new development should contribute’

In Impact on neighbours replace ‘Ensure’ with ‘All new development should ensure’

In Drainage replace ‘must’ with ‘should’

In Sustainability replace ‘Ensure’ with ‘All new developments should ensure’

As a new paragraph at the end of the policy add:

‘Within the South Downs National Park development proposals should meet the following minimum sustainability credentials:

- a) At least 19% reduction in CO2 emissions relative to building regulations baseline via energy efficiency of the built fabric.**
- b) At least 20% reduction in CO2 emissions relative to building regulations baseline via low/zero carbon energy on site.**
- c) A predicted internal mains water consumption of no more than 105 litres/person/day’**

Policy 9 Community Facilities

- 7.85 This policy highlights the importance of community facilities within the neighbourhood area. The evidence for the policy and the associated identification of the community facilities is drawn from the work of the Community and Infrastructure Focus Team. The Policies Maps show seventeen facilities to be safeguarded through the policy.

- 7.86 The policy itself has three principal parts. The first supports the creation of new facilities or the improvement of existing facilities. The second seeks to resist the change of use or the redevelopment of the identified community facilities unless alternative provision is made for the existing facility. The third offers particular support to the development of four potential community facilities
- 7.87 I am satisfied that the approach taken is appropriate to the circumstances in the neighbourhood area. In order to ensure that the policy has the clarity required by the NPPF I recommend a series of overlapping modifications to the policy:
- listing the existing community facilities in the policy itself;
 - breaking the policy more clearly into its component parts;
 - clarifying that the policy regarding the potential loss of community facilities refers to proposals which would be considered through the planning system, rather than any loss through a closure of the facility concerned;
 - ensuring that the policy takes account of viability issues. This may have a particular significance for the identified community facilities which are commercially-operated; and
 - a series of changes to the wording used so that they are appropriate for a development plan policy
- 7.88 I also recommend associated modifications to the supporting text which more closely explain the role, purpose and related elements of the policy itself.

Replace the policy with:

‘The following facilities as shown on the Policies Map are identified as important community facilities

[List at this point the 17 community facilities showing both number and name]

Proposals for the change of use or for the redevelopment of an important community facility for which there continues to be an established need will not be supported unless it can be demonstrated that its continued operation is unviable or where alternative adequate provision is made available in a location supported by the local community within an agreed timetable.

Proposals for the development of new community facilities and for the improvement or extension of existing facilities will be supported.

Proposals for the development of the following facilities will be particularly supported:

- **the retention and maintenance of The Old School Building, Upper Beeding as an educational facility;**
- **the development of a sports pavilion on the playing field;**
- **the development of public toilets in the Memorial Playing Fields; and**
- **the creation of a community-owned dedicated youth space.**

At the end of paragraph 7.71 add:

'Policy 9 seeks to provide a context for the range of circumstances which may impact on the delivery of community facilities within the Plan period. It identifies and safeguards a series of important existing facilities and comments about how development proposals which may affect the future delivery of community facilities will be determined. It also offers support to the improvement of existing facilities and the creation of new facilities. Specific proposals supported by the community are highlighted.'

Policy 10 Employment Sites and Supporting Business

7.89 This policy sets out the Plan's approach to employment sites and supporting business. It builds on the work carried out by the Local Economy Focus Team.

7.90 The policy has five related parts as follows:

- the identification of existing business parks and industrial areas;
- a policy approach towards their safeguarding;
- a policy approach towards proposals for the extension of existing employment uses;
- a policy approach for the diversification of farm buildings; and
- a policy approach to support retail and tourism development in both Upper Beeding and Small Dole

7.91 I am satisfied that in general terms the policy takes an appropriate stance. In particular it seeks to ensure a proportionate balance between homes and jobs in the neighbourhood area. It also seeks to promote economic regeneration, diversification and tourism. However as submitted the policy is rather confused in the way in which it presents and orders its various components. I recommend modifications to address this matter. In particular they will allow the development industry to identify the relevant part of the policy which will apply to any site. I also recommend other modifications to the wording used so that it has the clarity required by the NPPF. In particular this will ensure that the part of the policy regarding the potential loss of employment facilities refers to proposals which would be considered through the planning system, rather than any loss through a closure of the facility concerned.

7.92 SDNPA suggests that the policy approach towards the potential change of use of employment uses on the Courtyard and Beeding Court sites is amended to follow the approach incorporated within its recently-adopted Local Plan. I have recommended broader modifications to this part of the policy. However, I recommend that this suggestion is captured within additional supporting text.

Replace the policy with:

**'The following business parks and industrial areas (as shown on the Policies Maps) are identified as important employment areas
[List the five sites at this point]**

Proposals for the change of use or for the redevelopment of an important employment area will not be supported unless it can be demonstrated that its continued operation is unviable or where the site concerned is affected by a site-specific policy in the neighbourhood plan.

Proposals for the expansion of an existing employment or business uses will be supported provided that there is no unacceptable harm to the risk of flooding, the amenities of any residential properties in the immediate locality, to ambient noise levels and to the overall quality of the surrounding landscape.

Development proposals for the use of farm buildings for community and rural businesses will be supported.

Proposals which would promote tourism and the consolidation of retail uses in both Upper Beeding and Small Dole will be supported.

At the end of paragraph 7.78 add: 'Policy SD35 Employment Land of the South Downs Local Plan provides specific guidance on the matter of viability in relation to proposals for the change of use of established business premises. Two of the sites identified in Policy 10 of this Plan are within the National Park (The Courtyard and Beeding Court). As such any planning applications within these sites will be determined in the context of both the Local Plan and the neighbourhood plan policy. In relation to the former the viability issue will need to be demonstrated by a robust marketing campaign of at least 12 months.'

Policy 11 Local Green Spaces

- 7.93 This policy identifies a series of local green spaces (LGSs). It is underpinned by the excellent Local Green Spaces Report which assesses a series of potential LGSs against the criteria for such designations included in the NPPF. It also explains which sites were not pursued as a result of this exercise.
- 7.94 I looked at the various proposed LGSs when I visited the neighbourhood area. I saw that they fell into two distinct groups – the four local amenity spaces and the two larger areas in Upper Beeding adjacent to the River Adur. I am satisfied that in their different ways the six LGSs meet the criteria included in the NPPF. In particular they are all in close proximity to the communities that they serve.
- 7.95 The NPPF also requires that LGS designations should be consistent with the local planning of sustainable development and should be capable of enduring beyond the end of the Plan Period (NPPF paragraph 76). I am satisfied that both of these important considerations are met in the submitted Plan. The proposed LGSs feature within a Plan which has identified five housing allocations as part of its contribution towards the strategic delivery of housing in the District. In any event none of the six sites would be appropriate for residential development. In addition, there is no evidence to suggest that the six LGSs are incapable of enduring beyond the end of the Plan period. Indeed,

in many cases they are established elements of the local environment and are sensitively managed as green spaces.

- 7.96 The policy itself designates the proposed LGSs. It then applies the restrictive policy approach as set out in the NPPF. However, it then seeks to identify the very special circumstances which may apply to warrant a departure from this restrictive approach. Whilst this approach is helpful it goes beyond the matter-of-fact approach included in the NPPF. On this basis I recommend that this aspect of the policy is replaced by more general wording. Very special circumstances can be considered by HDC on a case-by-case basis rather than through a policy approach trying to anticipate future circumstances. Nevertheless, I recommend that the deleted element of the policy is repositioned into the supporting text.

Replace the second part of the policy with:

‘Proposals for development on a Local Green Space will not be supported except in very special circumstances.’

At the end of paragraph 7.81 add:

‘Policy 11 applies the restrictive policy approach towards development proposals on designated local green spaces. Very special circumstances can be considered by Horsham District Council on a case-by-case basis rather than a policy approach trying to anticipate future circumstances. However very special circumstances may include [insert the three points deleted from the policy]’

Community Aspirations

- 7.97 The Plan includes a series of Community Aspirations. They are non-land use matters which have naturally arisen during the preparation of the Plan. This approach reflects the advice in Planning Practice Guidance. It is helpfully summarised in paragraph 8.1 of the Plan. The Aspirations are as follows:
- Proposals for the Shoreham Cement Works (1)
 - Access and public transport improvements (2)
 - Community and Social Infrastructure (3)
 - Retail/Tourism and regeneration (4)
 - Broadband Improvements (5)
- 7.98 I am satisfied that the various Aspirations in their different ways are both relevant and appropriate to the neighbourhood area. They are distinctive to its environment, opportunities and challenges.
- 7.99 The Aspiration on the Shoreham Cement Works is wide-ranging. This represents the significance of the site and its environmental challenges. I am satisfied that the Community Aspiration has the ability to be complementary to the delivery of Strategic Site Policy SD56 in the adopted South Downs Local Plan. Since the neighbourhood plan was submitted for examination the Local Plan has been adopted. On this basis I recommend that the Aspiration and its supporting text are modified so that they more

fully reflect this important element of the development plan. The recommended modifications will also provide a context for the comments about the emerging Area Action Plan which the SDNPA will be producing for this important site.

In the Aspiration add a note after the bullet points to read: 'These aspirations will be developed within the context provided by Strategic Site Policy SD 56 of the adopted South Downs Local Plan and the emerging Area Action Plan'

At the beginning of paragraph 8.3 add: 'The adopted South Downs Local Plan identifies the Cement Works as a strategic development site (Strategic Site Policy SD56). That policy also identifies that the National Park Authority will produce a separate Area Action Plan for the site'.

At the end of the first sentence of the submitted paragraph add 'The Community Aspiration has been designed to be complementary to the policy in the Local Plan and the emerging Area Action Plan'

Other matters

- 7.100 This report has recommended a series of modifications both to the policies and to the supporting text in the submitted Plan. Where consequential changes to the text are required directly as a result of my recommended modification to the policy concerned, I have highlighted them in this report. However other changes to the general text may be required elsewhere in the Plan as a result of the recommended modifications to the policies. It will be appropriate for HDC and the Parish Council to have the flexibility to make any necessary consequential changes to the general text. I recommend accordingly.

Modification of general text (where necessary) to achieve consistency with the modified policies.

- 7.101 There are several sections in the introductory sections of the Plan which have now been overtaken by events. This is a normal part of the preparation of a neighbourhood plan. In this case it is highlighted given that the examination has taken longer than anticipated and the South Downs Local Plan has now been adopted. I recommend a series of modifications to the Plan so that it is both up-to-date and forward-looking. Within this context I also incorporate suggested changes proposed by SDNPA insofar as they are necessary to ensure that the Plan meets the basic conditions. In some cases, I have updated the changes proposed by the SDNPA as they predate the adoption of its Local Plan.

In paragraph 3.1 delete 'newly-published' and replace 'in July 2018' with '(February 2019)'

At the beginning of the final sentence of paragraph 3.1 add: This Plan was submitted for examination in December 2018. On this basis it will be examined against the 2012 version of the NPPF.

In paragraph 3.10 retain the first two sentences. Thereafter replace the remainder of the paragraph with: 'The Plan was adopted in July 2019'

In paragraph 3.11 delete the text within the brackets in the initial section

In paragraph 3.13 (coloured text box) add:

'Core Policy SD2 Ecosystems Services Development proposals will be permitted where they have an overall positive impact on the ability of the natural environment to contribute goods and services.'

Core Policy SD3 Major Development Planning permission will be refused for major developments in the National Park except in exceptional circumstances, and where it can be demonstrated they are in the public interest'

In paragraph 6.10 insert 'and the South Downs Local Plan' after 'Planning Framework'

Monitoring and Review of the Plan

7.102 Paragraph 1.10 of the Plan correctly comments about a potential future review of any made neighbourhood plan. In particular it draws attention to the emerging Horsham Local Plan which, once adopted, will replace the existing Development Framework. I have drawn separate reference to the emerging Local Plan in paragraphs 7.35 to 7.37 of this report.

7.103 HDC has supplied me with the information that it sent to town and parish councils earlier in this year on the relationship between the emerging Local Plan and neighbourhood plans. The information highlights that neighbourhood plans are at different stages of production and will be affected by the Local Plan process in different ways. Where made neighbourhood plans are in place HDC has advised that the affected parishes will not need to consider starting a review of their plans until such time as the new Local Plan is adopted. This is expected to be in mid/late 2021. At that time the two principal options for qualifying bodies will be either:

- to commence a review of the neighbourhood plan to take account of any revised housing numbers which are allocated to the parish by the Local Plan Review. It should be recognised that to meet the step-change in housing growth that is being placed upon the District Council, it is likely that most parishes will need to give serious consideration to the release of greenfield land in their parish area; or
- to retain the existing neighbourhood plan, but decide not to review it. The District Council will instead lead the allocation of any sites in the parish to meet any revised housing numbers through the Local Plan Review, whilst consulting with the community. The District Council will also need to consider whether it is necessary to release additional greenfield land.

7.104 In these circumstances I recommend that the paragraph on the review of the Plan is modified so that it is more explicit on the need for the Parish Council to consider the need for a made neighbourhood plan to be reviewed within 12 months of the adoption

of the emerging Local Plan. The decision about which of the two principal review options to pursue will ultimately be one for local debate and decision.

In paragraph 1.10 replace 'it is likely.....local and national policy' with 'In these circumstances the Parish Council will monitor the effectiveness of the policies in the neighbourhood plan on an annual basis. In particular it will monitor the delivery of the five allocated housing allocations in Policy 2. Within twelve months of the adoption of the emerging Local Plan the Parish Council will take a view about the way in which it reviews the neighbourhood plan to ensure that it properly complements the policies in the Local Plan in general terms, and its strategic delivery of new homes in particular'

Policies Maps

- 7.105 The Plan includes a variety of well-prepared policies maps. For the purposes of the examination of the Plan they are presented in a separate file.
- 7.106 Whilst this has been acceptable for examination purposes, they will need to be incorporated into the main Plan document in the event that it is made. This will provide the clarity required by the NPPF.

Incorporate the Policies Maps into the Neighbourhood Plan document itself.

8 Summary and Conclusions

Summary

- 8.1 The Plan sets out a range of policies to guide and direct development proposals in the period up to 2031. It is distinctive in addressing a specific set of issues that have been identified and refined by the wider community.
- 8.2 Following my independent examination of the Plan I have concluded that the Upper Beeding Neighbourhood Development Plan meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications.

Conclusion

- 8.3 On the basis of the findings in this report I recommend to Horsham District Council and the South Downs National Park Authority that, subject to the incorporation of the modifications set out in this report, the Upper Beeding Neighbourhood Development Plan should proceed to referendum.

Referendum Area

- 8.4 I am required to consider whether the referendum area should be extended beyond the Plan area. In my view, the neighbourhood area is entirely appropriate for this purpose and no evidence has been submitted to suggest that this is not the case. I therefore recommend that the Plan should proceed to referendum based on the neighbourhood area as originally approved by Horsham District Council and the South Downs National Park Authority in December 2013.
- 8.5 I am grateful to everyone who has helped in any way to ensure that this examination has run in an efficient manner.

Andrew Ashcroft
Independent Examiner
5 December 2019

Agenda Item 11 Report 20/21-51 Appendix 9 Stedham with Iping NDP Area



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STEDHAM WITH IPING NEIGHBOURHOOD PLAN 2018-2033

Stedham with Iping Neighbourhood Plan Examination,
A Report to South Downs National Park Authority

by Independent Examiner, Nigel McGurk BSc(Hons) MCD MBA MRTPI

October 2019



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1. Summary

- 1 Subject to the recommendations within this Report, made in respect of enabling the Stedham with Iping Neighbourhood Plan to meet the basic conditions, I confirm that:
 - having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
 - the making of the neighbourhood plan contributes to the achievement of sustainable development;
 - the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
 - the making of the neighbourhood plan does not breach, and is otherwise compatible with, European Union (EU) obligations; and
 - the making of the neighbourhood plan is not likely to have a significant effect on a European site¹ or a European offshore marine site, either alone or in combination with other plans or projects.
- 2 Taking the above into account, I find that the Stedham with Iping Neighbourhood Plan meets the basic conditions² and I recommend to the South Downs National Park Authority that, subject to modifications, it should proceed to Referendum.

¹ See Paragraphs 38-41 of this Report.

² It is confirmed in Chapter 3 of this Report that the Stedham with Iping Neighbourhood Plan meets the requirements of Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990.

2. Introduction

The Neighbourhood Plan

- 3 This Report provides the findings of the examination into the Stedham with Iping Neighbourhood Plan (referred to as the Neighbourhood Plan) prepared by the Neighbourhood Plan Steering Group on behalf of Stedham with Iping Parish Council.
- 4 As above, the Report recommends that the Neighbourhood Plan should go forward to a Referendum. Were a Referendum to be held and were more than 50% of votes to be in favour of the Neighbourhood Plan, then the Plan would be formally *made* by the South Downs National Park Authority. The Neighbourhood Plan would then form part of the development plan and as such, it would be used to determine planning applications and guide planning decisions in the Stedham with Iping Neighbourhood Area.
- 5 Neighbourhood planning provides communities with the power to establish their own policies to shape future development in and around where they live and work.

"Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need."
(Paragraph 183, National Planning Policy Framework)
- 6 Stedham with Iping Parish Council is the *Qualifying Body*, ultimately responsible for the Neighbourhood Plan.
- 7 The Neighbourhood Plan relates only to the designated Stedham with Iping Neighbourhood Area and there is no other neighbourhood plan in place in the Stedham with Iping Neighbourhood Area.
- 8 The above meets with the aims and purposes of neighbourhood planning, as set out in the Localism Act (2011), the National Planning Policy Framework (2012³) and Planning Practice Guidance (2014).

³ A replacement National Planning Policy Framework (the Framework) was published in July 2018. Paragraph 214 of the replacement document establishes that the policies of the previous Framework apply for the purpose of examining plans, where those plans are submitted on or before the 24th January 2018. The Stedham with Iping Neighbourhood Plan was submitted in November 2019 and it is therefore appropriate to examine it against the 2012 Framework.

Role of the Independent Examiner

- 9 I was appointed by the South Downs National Park Authority, with the consent of the Qualifying Body, to conduct the examination of the Stedham with Iping Neighbourhood Plan and to provide this Report.
- 10 As an Independent Neighbourhood Plan Examiner, I am independent of the Qualifying Body and the Local Authority. I do not have any interest in any land that may be affected by the Neighbourhood Plan and I possess appropriate qualifications and experience.
- 11 I am a chartered town planner and have seven years' direct experience as an Independent Examiner of Neighbourhood Plans. I also have thirty years' land, planning and development experience, gained across the public, private, partnership and community sectors.
- 12 As the Independent Examiner, I must make one of the following recommendations:
 - that the Neighbourhood Plan should proceed to Referendum, on the basis that it meets all legal requirements;
 - that the Neighbourhood Plan, as modified, should proceed to Referendum;
 - that the Neighbourhood Plan does not proceed to Referendum, on the basis that it does not meet the relevant legal requirements.
- 13 If recommending that the Neighbourhood Plan should go forward to Referendum, I must then consider whether the Referendum Area should extend beyond the Stedham with Iping Neighbourhood Area to which the Plan relates.
- 14 Where modifications are recommended, they are presented as bullet points and highlighted in **bold print**, with any proposed new wording in *italics*.

Neighbourhood Plan Period

- 15 A neighbourhood plan must specify the period during which it is to have effect.
- 16 The front cover of the Neighbourhood Plan clearly sets out that the plan period comprises "2018-2033."
- 17 In addition to the above, both the Introductions to the Neighbourhood Plan and the Basic Conditions Statement submitted alongside the Neighbourhood Plan, refer to the plan period.
- 18 Taking the above into account, the Neighbourhood Plan specifies the plan period during which it is to have effect.

Public Hearing

- 19 According to the legislation, *when the Examiner considers it necessary* to ensure adequate examination of an issue, or to ensure that a person has a fair chance to put a case, then a public hearing must be held.
- 20 However, the legislation establishes that it is a general rule that neighbourhood plan examinations should be held without a public hearing – by written representations only.
- 21 Further to consideration of the information submitted, I determined not hold a public hearing as part of the examination of the Stedham with Iping Neighbourhood Plan.
- 22 However, in order to clarify a number of points in respect of the examination, I wrote to the Qualifying Body and to South Downs National Park Authority and this examination has taken the responses received into account.

3. Basic Conditions and Development Plan Status

Basic Conditions

- 23 It is the role of the Independent Examiner to consider whether a neighbourhood plan meets the “basic conditions.” These were *set out in law*⁴ following the Localism Act 2011. Effectively, the basic conditions provide the rock or foundation upon which neighbourhood plans are created. A neighbourhood plan meets the basic conditions if:
- having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
 - the making of the neighbourhood plan contributes to the achievement of sustainable development;
 - the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
 - the making of the neighbourhood plan does not breach, and is otherwise compatible with, European Union (EU) obligations; and
 - prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan.
- 24 Regulations 23 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended) set out two additional basic conditions to those set out in primary legislation and referred to above. Of these, the following basic condition, brought into effect on 28th December 2018, applies to neighbourhood plans:
- the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations.⁵

⁴ Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended).

⁵ Ibid (same as above).

- 25 In examining the Plan, I am also required, as set out in sections 38A and 38B of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act), to check whether the neighbourhood plan:
- has been prepared and submitted for examination by a qualifying body;
 - has been prepared for an area that has been properly designated for such plan preparation (under Section 61G of the Localism Act);
 - meets the requirements to i) specify the period to which it has effect; ii) not include provision about excluded development; and iii) not relate to more than one neighbourhood area and that:
 - its policies 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.
- 26 An independent examiner must also consider whether a neighbourhood plan is compatible with the Convention rights.⁶
- 27 I note that, in line with legislative requirements, a Basic Conditions Statement was submitted alongside the Neighbourhood Plan. This sets out how, in the qualifying body's opinion, the Neighbourhood Plan meets the basic conditions.

⁶ The Convention rights has the same meaning as in the Human Rights Act 1998.

European Convention on Human Rights (ECHR) Obligations

- 28 I am satisfied that the Neighbourhood Plan has regard to fundamental rights and freedoms guaranteed under the ECHR and complies with the Human Rights Act 1998 and there is no substantive evidence to the contrary.
- 29 In the above regard, I also note that Information has been submitted to demonstrate that people were provided with a range of opportunities to engage with plan-making in different places and at different times. Many comments were received during the plan-making process and the Consultation Statement submitted alongside the Neighbourhood Plan provides a summary of responses and resulting changes.

European Union (EU) Obligations

- 30 In some limited circumstances, where a neighbourhood plan is likely to have significant environmental effects, it may require a Strategic Environmental Assessment (SEA). In this regard, national advice states:

"Draft neighbourhood plan proposals should be assessed to determine whether the plan is likely to have significant environmental effects."
(Planning Practice Guidance⁷)

- 31 This process is often referred to as a "*screening*" assessment⁸. If likely environmental effects are identified, an environmental report must be prepared.
- 32 A Strategic Environmental Assessment (SEA) screening report was prepared by South Downs National Park Authority. The screening report was submitted alongside the Neighbourhood Plan. It concluded that the Neighbourhood Plan:

"...is unlikely to have significant effects and therefore does not require SEA."

⁷ Paragraph 027, Ref: 11-027-20150209, Planning Practice Guidance.

⁸ The requirements for a screening assessment are set out in Regulation 9 of the Environmental Assessment of Plans and Programmes Regulations 2004.

- 33 The statutory bodies, Historic England, Natural England and the Environment Agency, have been consulted. None of these bodies has raised any concerns in respect of the Neighbourhood Plan meeting European obligations.
- 34 In addition to SEA, a Habitats Regulations assessment identifies whether a plan is likely to have a significant effect on a European site, either alone or in combination with other plans and projects. This assessment must determine whether significant effects on a European site can be ruled out on the basis of objective information⁹. If it is concluded that there is likely to be a significant effect on a European site, then an appropriate assessment of the implications of the plan for the site must be undertaken.
- 35 A Habitats Regulations Assessment screening report was undertaken for the Neighbourhood Plan by South Downs National Park Authority. This concluded that:
- “...there are not considered to be likely significant effects on Singleton and Cocking SAC or the Ebernoe Common Special Area of Conservation arising from the Stedham with Iping Neighbourhood Development Plan. Therefore the Stedham with Iping NDP does not require progression to the next stage of Habitats Regulations Assessment.”*
- 36 Again, the statutory bodies were consulted and none dissented from the above conclusion nor raised any issues in respect of European obligations.
- 37 Further to the above, national guidance establishes that the ultimate responsibility for determining whether a draft neighbourhood plan meets EU obligations lies with the local planning authority:
- “It is the responsibility of the local planning authority to ensure that all the regulations appropriate to the nature and scope of a neighbourhood plan proposal submitted to it have been met in order for the proposal to progress. The local planning authority must decide whether the draft neighbourhood plan is compatible with EU regulations (including obligations under the Strategic Environmental Assessment Directive)”* (Planning Practice Guidance¹⁰).
- 38 In carrying out the work that it has and in reaching the conclusions that it has, South Downs National Park Authority has not raised any concerns in respect of the Neighbourhood Plan's compatibility with EU obligations.

⁹ Planning Practice Guidance Paragraph 047 Reference ID: 11-047-20150209.

¹⁰ *ibid*, Paragraph 031 Reference ID: 11-031-20150209.

- 39 Further to the all of the above, in April 2018, in the case *People Over Wind & Sweetman v Coillte Teoranta ("People over Wind")*, the Court of Justice of the European Union clarified that it is not appropriate to take account of mitigation measures when screening plans and projects for their effects on European protected habitats under the Habitats Directive. In practice this means if a likely significant effect is identified at the screening stage of a habitats assessment, an *Appropriate Assessment* of those effects must be undertaken.
- 40 In response to this judgement, the government made consequential changes to relevant regulations through the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018.
- 41 The changes to regulations allow neighbourhood plans and development orders in areas where there could be likely significant effects on a European protected site to be subject to an Appropriate Assessment to demonstrate how impacts will be mitigated, in the same way as would happen for a draft Local Plan or planning application. These changes came into force on 28th December 2018.
- 42 I note that South Downs National Park Authority has had the opportunity to consider the impacts of the Sweetman judgement and that it is satisfied that the Neighbourhood Plan is compatible with European obligations.
- 43 Taking all of the above into account, I am satisfied that the Neighbourhood Plan is compatible with European obligations.

4. Background Documents and the Stedham with Iping Neighbourhood Area

Background Documents

- 44 In undertaking this examination, I have considered various information in addition to the Stedham with Iping Neighbourhood Plan and draw attention to the fact that a replacement version of the National Planning Policy Framework was published in July 2018 and revised in 2019. The previous National Planning Policy Framework was published in 2012 and the replacement version differs from it in a number of ways.
- 45 However, as noted above, Paragraph 214 of the replacement document establishes that the policies of the previous National Planning Policy Framework (2012) apply for the purpose of examining plans submitted prior to the 25th January 2019. The Stedham with Iping Neighbourhood Plan was submitted prior to this date and in line with national policy requirements, has been examined against the previous National Planning Policy Framework.
- 46 I note that the South Downs National Park Local Plan was adopted during the examination stage.
- 47 Taking the above into account, information considered as part of this examination has included (but is not limited to) the following main documents and information:
- National Planning Policy Framework (referred to in this Report as "*the Framework*") (2012)
 - Planning Practice Guidance (2014)
 - Town and Country Planning Act 1990 (as amended)
 - The Localism Act (2011)
 - The Neighbourhood Plan Regulations (2012) (as amended)
 - The South Downs National Park Local Plan (2019)
 - Basic Conditions Statement
 - Consultation Statement
 - Sustainability Appraisal (Incorporating Strategic Environmental Assessment)

Also:

- Representations received

48 In addition, I spent an unaccompanied day visiting the Stedham with Iping Neighbourhood Area.

Stedham with Iping Neighbourhood Area

- 49 The boundary of the Stedham with Iping Neighbourhood Area is shown on Figure 1, on page 4 of the Neighbourhood Plan. It covers the same area as that of the Parish of Stedham with Iping.
- 50 South Downs National Park Authority formally designated the Stedham with Iping Neighbourhood Area on 1st August 2017.
- 51 This satisfies a requirement in line with the purposes of preparing a Neighbourhood Development Plan under section 61G (1) of the Town and Country Planning Act 1990 (as amended).

5. Public Consultation

Introduction

- 52 As land use plans, the policies of neighbourhood plans form part of the basis for planning and development control decisions. Legislation requires the production of neighbourhood plans to be supported by public consultation.
- 53 Successful public consultation enables a neighbourhood plan to reflect the needs, views and priorities of the local community. It can create a sense of public ownership, help achieve consensus and provide the foundations for a 'Yes' vote at Referendum.

Stedham with Iping Neighbourhood Plan Consultation

- 54 A Consultation Statement was submitted to South Downs National Park Authority alongside the Neighbourhood Plan. The information within it sets out who was consulted and how, together with the outcome of the consultation, as required by the neighbourhood planning *regulations*¹¹.
- 55 Taking the information provided into account, there is evidence to demonstrate that the Neighbourhood Plan comprises a "*shared vision*" for the Stedham with Iping Neighbourhood Area, having regard to Paragraph 183 of the National Planning Policy Framework ("*the Framework*").
- 56 Stedham with Iping Parish Council established a Steering Group to prepare the Neighbourhood Plan. A Parish-wide questionnaire, supported by three drop-in sessions, was carried out during July/August 2017. Surveys were returned by over 300 residents, the results of which were presented at a public meeting in September 2017.
- 57 The information gathered informed the vision and objectives of the emerging plan and a Call for Sites exercise was carried out during the second half of 2017. A total of 42 responses were received and these were duly recorded, considered and helped to inform the submission version of the Neighbourhood Plan.

¹¹ Neighbourhood Planning (General) Regulations 2012.

- 58 The Consultation Report provides evidence to demonstrate that public consultation formed an important part of the overall plan-making process. It was well-publicised on a consistent basis. Information was provided on the Parish website and use was made of noticeboards, public display boards and posters. Matters raised were considered in detail and that the reporting process was transparent.
- 59 Taking all of the above into account, I am satisfied that the consultation process complied with the neighbourhood planning regulations referred to above.

6. The Neighbourhood Plan – Introductory Section

60 For clarity and precision, I recommend:

- **Page 3, penultimate paragraph, first line, add the following “...a made (or adopted) neighbourhood plan’s policies have the same legal status as those of the Local Plan prepared...and is used in the determination of planning applications.”**
- **Page 4, sentence before bullet points, delete “The basic conditions that must be met are:” and replace with “These include:” (The list of bullet points relates to matters in addition to the basic conditions)**

61 The last three paragraphs on page 5 are unnecessary. The first of these has been overtaken by events (and is incorrect) and the last two paragraphs appear subjective. I recommend:

- **Page 5, delete last three paras (“The SINDP needs...and complied with.”)**

62 The use of “SINDP OB1, SINDP OB2” etc before each of the Objectives set out on pages 6 and 7 appears confusing. The objectives have no planning policy status, but simply clarify the Neighbourhood Plan’s aims. Giving each of them a distinct number is unnecessary and runs the risk of confusing the objectives with the Policies, which do need to be numbered. The approach detracts from the clarity of the Neighbourhood Plan.

63 I recommend:

- **Delete all of the Objective numbers and replace with bullet points**

7. The Neighbourhood Plan – Neighbourhood Plan Policies

General Development Policies

Policy SINDP1 - Stedham Settlement boundary

- 64 Local Plan Strategic Policy SD25 (*"Development Strategy"*) defines the settlement of Stedham. Within the settlement, the principle of development is supported, subject to it making efficient and appropriate use of land; making best use of brownfield land:

"...and being of a scale and nature appropriate to the character and function of the settlement in its landscape context."

- 65 In this way, the Local Plan pursues sustainable development in a positive way, in line with the national policy:

"...presumption in favour of sustainable development."
(Paragraph 14, NPPF)

- 66 To a large degree, Stedham's settlement boundary, referred to in Policy SINDP1 and shown on the Map accompanying the Neighbourhood Plan, mirrors that of the Local Plan. However, it fails to fully reflect the boundary of the mixed use development site at Stedham Sawmill, allocated in the Local Plan.

- 67 As a consequence of this, the Neighbourhood Plan is not in general conformity with the Local Plan and places a potential obstacle in the way of an adopted, allocated site, which may prevent it from coming forward. Whilst I note that the intention of the approach is to provide a buffer in respect of a nearby SSSI, there is no substantive evidence to demonstrate that this is necessary, or for example, that the adopted boundary in the Local Plan fails to contribute to the achievement of sustainable development.

- 68 As noted earlier, the Local Plan has been adopted recently. It has been subject to rigorous examination. There is nothing before me to fully justify Policy SINDP1's different approach to that of Local Plan Policy SD25 and my recommendation below takes this into account. In this regard, I note that, further to consideration of this matter, the Qualifying Body is content that:

"...the settlement boundary in the SINDP can mirror the one in the SDLP.¹²"

- 69 Taking the above into account, I recommend:

- **Policy SINDP1, change the Policy text to *"The settlement boundary shown on the SINDP Map will apply to all Policies that refer to a 'Settlement Boundary.'***
- **Change the settlement boundary shown on the SINDP Map to the adopted settlement boundary shown in the Local Plan. For the avoidance of doubt, the settlement boundary shown on the SINDP Map should be the same as that adopted in the Local Plan**
- **Delete the two paras of supporting text above Policy SINDP1**

¹² SIPC Response to Examiner's Request for Clarification (19/09/19).

Policy SINDP2 – Preserving our rural character

- 70 Local Plan Strategic Policy SD4 (“*Landscape Character*”) establishes requirements to ensure that development proposals conserve and enhance landscape character in the National Park.
- 71 To achieve this, Policy SD4 requires development to:
- “...safeguard the experiential and amenity qualities of the landscape; and where planting is considered appropriate, (demonstrate) it is consistent with local character, enhances biodiversity, contributes to the delivery of GI and uses native species...”*
- 72 To some significant degree, Policy SINDP2, which seeks to ensure that development preserves local character, is in general conformity with the Local Plan. However, as set out, the Policy requires development not to be visible, in any way, from the A272, without any supporting evidence to demonstrate that such an approach would be deliverable.
- 73 As such, the Policy does not have regard to Paragraph 173 of the Framework, which states that:
- “Plans should be deliverable.”*
- 74 Further to the above, the Neighbourhood Plan recognises that part of Neighbourhood Area’s character is derived from “*numerous isolated buildings scattered amongst fields*” and that built form is “*generally*” rather than completely hidden from views from major roads. There is no evidence to demonstrate that development that might be glimpsed from the A272 would necessarily result in harm or fail to contribute to the achievement of sustainable development.
- 75 Much of the Policy goes on to comprise a “*statement*” rather than a land use planning policy requirement. The Policy states that screening “*can be achieved by...*” The Policy also includes the vague and ambiguous reference, “*where suitable,*” without clarity as to when and where something might be suitable, or who would determine this. Similarly, the Policy goes on to refer to “*suitable*” assessments, without establishing what these might comprise.

- 76 In the above regard, Policy SINDP2 does not have regard to national guidance¹³, which states that:

"A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared."

- 77 The final sentence of the Policy is highly prescriptive, yet would fail to achieve part of the Policy's aim for a number of years following development and could preclude the planting of local species, contrary to Local Plan Strategic Policy SD4, referred to above.

- 78 I recommend:

- **Policy SINDP2, change wording of Policy to *"The A272 corridor, as shown on the SINDP Map, is particularly sensitive to change and any development within it must conserve and enhance landscape character. Development within the A272 corridor will be expected to maintain Stedham's largely hidden character through the use of planting with native species."* (delete rest of Policy)**
- **First para in second column on page 10, line three, change to *"...of the Parish and their protection is provided for in adopted planning policy and so has not been specifically included here."***

¹³ Planning Policy Guidance, Paragraph: 041 Reference ID: 41-042-20140306.

Community

Policy SINDP3 – Recreational and Community Facilities

- 79 Chapter 3 of the Framework, “*Supporting a prosperous rural economy*,” sets out a requirement for neighbourhood plans to:

“...promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.”
(Paragraph 28, the Framework)

- 80 In part, Policy SINDP3 provides for the protection of community facilities and subject to the considerations below, has regard to national policy.
- 81 However, the first part of Policy SINDP3 is confusingly worded, such that, rather than promote the development of local services and community facilities, having regard to the Framework, the Policy appears to place a significant barrier in the way of sustainable development.
- 82 As set out, the Policy requires any development relating to a community facility to be justified by a demonstration of need and/or a demonstration of benefits to the local community. National policy does not seek to subject the provision of local services and community facilities to such a test and there is no evidence to demonstrate that failing to have regard to this will result in the Neighbourhood Plan contributing to the achievement of sustainable development.
- 83 In seeking to address the above, the Qualifying Body has suggested that the Policy wording be changed to include a requirement to demonstrate improvements “*the quality and effectiveness*.” However, this potentially replaces one unnecessary barrier to sustainable development with another one. Further, in the absence of any measures relating to how quality and effectiveness would be judged, on what basis and who by, such an approach would add a layer of ambiguity to the Policy and detract from its clarity, contrary to national guidance referred to earlier.

- 84 The second part of Policy SINDP3 refers to “*significant harm to the value*” of a facility. There is no baseline indication of what the existing value of community facilities comprises and consequently, it is difficult to understand how harm to value might be interpreted. Similarly, there is no information in respect of what might be “*significant*,” or how this might be judged and consequently, this part of the Policy fails to provide a decision maker with a clear indication of how to react to a development proposal, having regard to Paragraph 154 of the Framework.
- 85 Further, it is not clear why the loss of, or harm to, many of the facilities listed (eg, the recreation ground, playing field, allotments, Commons, sports field, primary school, churches) would be supported should the facility be shown to be “*unviable*” and further to a marketing exercise. Many of the facilities listed are greatly valued for reasons other than their “*viability*” and there is no evidence to demonstrate that such an approach would be relevant or appropriate, having regard to national policy support for the protection of valued facilities, as set out in Chapter 8 of the Framework, “*Promoting healthy communities*.”
- 86 The Policy includes a reference to Assets of Community Value. Further to request, the Qualifying Body has been unable to point me to any registered Assets of Community Value in the Neighbourhood Area. Heritage assets were referred to, but these are not the same thing as Assets of Community Value. The recommendation below in this regard takes account of the fact that, by definition, registered Assets of Community Value are protected.
- 87 I recommend:
- **Change the first paragraph of Policy SINDP3 to “*The retention and improvement of community facilities will be supported.*”**
 - **Delete second para of Policy (Development...current use.)**
 - **Delete bullet point 10) (“Any building/land registered as an Asset of Community Value”)**

Policy SNDP4 – Local Green Space

- 88 Local communities can identify areas of green space of particular importance to them for special protection. Paragraph 76 of the Framework states that:

“Local communities...should be able to identify for special protection green areas of particular importance to them. By designating land as local Green Space local communities will be able to rule out new development other than in very special circumstances.”

- 89 The Framework requires policies for managing development within a Local Green Space to be consistent with those for Green Belts (Paragraph 78, the Framework). A Local Green Space designation therefore provides protection that is comparable to that for Green Belt land. Consequently, Local Green Space comprises a restrictive and significant policy designation.
- 90 The designation of land for Local Green Space must meet the tests set out in Paragraph 77 of the Framework. These are that the green space is in reasonably close proximity to the community it serves; that it is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and that it is local in character and is not an extensive tract of land.
- 91 In addition to the above, Paragraph 76 of the Framework requires that the designation of land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services.
- 92 Policy SINDP4 seeks to designate five areas of Local Green Space. Of these, each of the areas, other than Rectory Field, is supported by information clearly demonstrating why the area of Local Green Space is demonstrably special to local people and why it holds a particular local significance.

- 93 In contrast, the supporting information for Rectory Field is very limited and relies on a vague reference to the site providing open and uphill views; and providing a green boundary to the village. Similar qualities could be said to apply to numerous fields and areas around Stedham. In this regard, national policy is clear:

"The Local Green Space designation will not be appropriate for most green areas or open space."

- 94 In support of the designation of Rectory Field, the only additional evidence to the very brief information contained in the *"Review of Open Spaces and Views"* supporting paper, is a description of the site contained in the evidence base paper, *"Landscape Review of Sites."* This only comprises a very short, two paragraphs-long landscape character analysis that concludes that the site is not appropriate for development. It does not seek to set out why the site is demonstrably special and holds a particular local significance within the context of Local Green Space designation.
- 95 Given the above, I am unable to conclude that the proposed Rectory Field designation meets the required policy tests.
- 96 Local Green Space is a very important designation. It is essential that an area designated as such is clearly defined, so that there can be no doubt as to the area to which the designation applies. This is a matter addressed below.
- 97 Whilst a representation has been received in respect of the designation of the Allotments site, I am satisfied, taking into account the evidence provided, that the designation of the site in the Neighbourhood Plan meets the basic conditions.
- 98 I recommend:

- **Policy SINDP4, delete "(v) Rectory Field"**
- **Provide clear plans, on an Ordnance Survey Base or similar, showing the precise boundaries of each Local Green Space. These plans should follow the Policy and be contained within, rather than be separate from, or appended to, the Neighbourhood Plan**

Policy SINDP5 – Local Community Space

- 99 Policy SINDP5 seeks to designate land as “*Local Community Space*” where development would effectively be ruled out, unless it “*improved*” the existing use and community value of the space. Essential infrastructure would be ruled out, unless it was “*small-scale*.”
- 100 In the absence of any information, it is not clear how the requirements of Policy SINDP5 would contribute to the achievement of sustainability; and there is no evidence that the approach set out has regard to national policy, or is in general conformity with the strategic policies of the Local Plan. I am unable to conclude that Policy SINDP5 meets the basic conditions.
- 101 On consideration, the Qualifying Body has concluded that “*Policy SINDP5 should be removed*.”
- 102 I recommend:
- **Delete Policy SINDP5**
 - **Delete the paragraph of supporting text and its heading above the Policy on Page 15**

Policy SINDP6 – Promoting Health and Wellbeing

103 Policy SINDP6 sets out a requirement for all developments of five dwellings or more to provide public facilities for exercise and states that such provision will be “*matched*” by similar equipment provided on areas of Local Green Space.

104 The Policy is not supported by any evidence in respect of the deliverability or viability of such a requirement, having regard to Paragraph 173 of the Framework, which states that:

“Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable.”

105 Further, there is no evidence to demonstrate that “*matching*” development would be appropriate for areas of Local Green Space.

106 In general terms, much of the content of Policy SINDP6 is reflective of a local aspiration and as such, it is perhaps more suited as background information, rather than a land use planning policy. The Qualifying Body, on consideration, support the removal of Policy SINDP6 from the Neighbourhood Plan, subject to the inclusion of the aspiration contained therein within the supporting text.

107 I recommend:

- **Delete Policy SINDP6**
- **Change the paragraph of supporting text on page 16 to “*The Parish Council are supportive of measures to provide new play equipment alongside existing play equipment, in a manner which is in keeping with local character. In addition, the Parish Council will work to encourage development to provide and/or support facilities which enable people to lead an active life – including for example, the provision of cycle parking or the provision of dedicated exercise equipment.***

The Parish Council will seek to encourage the creation of a Fitness Trail and the provision of outdoor table tennis, gym and exercise equipment, albeit in a manner that is not visually intrusive.”

Allocations for New Development

Policy SINDP7 – Stedham Sawmills

- 108 The South Downs Local Plan was adopted on 2nd July 2019. Local Plan Allocation Policy SD88 allocates Stedham Sawmills as a mixed use site for the development of up to 16 dwellings and 1500 square metres; and approximately 0.35 ha of land for biodiversity protection and enhancements.
- 109 Policy SD88 goes on to set out a number of detailed, site-specific development requirements.
- 110 Policy SINDP7 has, to some significant degree, been overtaken by events. Contrary to the Policy and its supporting text, the Neighbourhood Plan does not allocate Stedham Sawmills. The Local Plan allocates the site.
- 111 Whilst parts of Policy SINDP7 comprise the unnecessary repetition of parts of Policy SD88, the Neighbourhood Plan Policy also includes requirements that conflict directly with the Local Plan and that appear ambiguous.
- 112 There is no requirement for the adopted allocation to provide live-work units and no detailed justification, for example in the form of viability and deliverability evidence, to support the requirements of Policy SINDP7 in this regard. The supporting text to Policy SD88 recognises that live-work units may be suitable, but recognition of possible suitability is not the same as a policy requirement.
- 113 Similarly, the Policy seeks to introduce access requirements that go beyond the requirements set out in Policy SD88, without supporting evidence in respect of viability and deliverability. Consequently, it is not possible to conclude that the requirements set out in Policy SINDP7 contribute to the achievement of sustainable development.
- 114 It is not clear, in the absence of any detailed information, what an “acceptable” level of daylight and sunlight comprises, and who will judge this and on what basis.

- 115 A proposed requirement for all dwellings to provide for a visitor parking space in a shared off-road car park conflicts with Policy SD88 and is not supported by evidence or justification in respect of viability or deliverability.
- 116 There is no indication of what a “*proportion*” of elderly housing might amount to and no substantive evidence to demonstrate that it is viable and deliverable to require the provision of market housing appropriate for the needs of the elderly.
- 117 Notwithstanding all of the above, much of Policy SINDP7 relates to requirements associated with a local connections scheme at Stedham Sawmill to be led by a Community Land Trust. There is no evidence of any agreement between the landowner and a Community Land Trust in this regard and therefore, there is no certainty that a local connections scheme can be led in the manner anticipated by Policy SINDP7.
- 118 Local Plan Strategic Policy SD28 seeks to maximise the delivery of affordable homes. In so doing, it states that:
- “Occupancy conditions and local connection criteria will be applied to affordable housing to ensure local needs are met. Specific criteria will be determined by the Authority, in close partnership with established and legally constituted organisations or CLTs where applicable.”*
- 119 This approach allows for local connections to be assessed in a cascade manner, having primary regard to the relevant housing register allocations policy. This provides for flexibility. It allows for a Community Land Trust to be the managing body for affordable homes, as appropriate.
- 120 However, the approach set out in Policy SINDP7 fails to provide for such flexibility. Rather, it seeks to apply a stringent local connections policy to be led by a body, regardless of whether or not there is an appropriate agreement for it to do so. Such an approach could place a significant barrier in the way of the achievement of sustainable development and does not meet the basic conditions.

121 Taking all of the above into account, I recommend:

- **Change the wording of Policy SD7 to “*The development of Stedham Sawmills must demonstrate sensitive and high quality design that respects local character and makes a positive contribution to its surroundings and deliver affordable housing to meet local needs in accordance with development plan requirements.*”**
- **Delete the supporting text on page 17 and at the top of page 18**
- **Replace the supporting text with “*The Stedham Sawmills site is allocated in the South Downs Local Plan (Allocations Policy SD88) for up to 16 dwellings and 1500 square metres of work space; and approximately 0.35 ha of land for biodiversity protection and enhancements.*”**

The sensitive delivery of this allocation is supported by the Neighbourhood Plan.

The Parish Council is keen to see the affordable housing provision delivered by a Community Land Trust and will seek to negotiate with the landowner on this basis. It is essential that affordable homes meet local needs and the Parish Council will work with partners with the aim of ensuring that a local connections policy is best-suited to local needs.

The Parish Council will also seek to encourage the developer to provide a proportion of the market housing in a manner that is suitable for occupation by elderly people.

The Parish Council would like to see the provision of live-work units at the site; would like to prevent the development of any new vehicular access from the site to School Lane; and would like to see a shared off-road car park provide for visitor spaces. These are matters that the Parish Council will seek to encourage.”

Policy SINDP8 – Unallocated residential development

- 122 Policy SINDP8 seeks to provide for small-scale windfall residential development and in general terms, has regard to Paragraph 47 of the Framework, which seeks to:

“...boost significantly the supply of housing...”

- 123 It is not necessary for the Neighbourhood Plan to set out what it does not do, or for it to refer to other policies in the development plan. The policies of the development plan must be considered as a whole, thus removing the need for cumbersome cross-references.

- 124 It is not clear how the acceptability or otherwise of impacts on amenity might be measured and this part of the Policy appears ambiguous.

- 125 The phrase *“will only be permitted”* runs the risk of pre-determining the planning application process, without allowing for the balanced consideration of benefits and harm. This is a matter addressed in the recommendations below.

- 126 The Policy seeks to limit any residential development outside the settlement boundary to brownfield land adjacent to existing properties. Such an approach fails to have regard to national policy, which does not place such an onerous restriction on the provision of new homes in the countryside.

- 127 Significant views from open spaces or rights of way are not defined and it is therefore unclear how development might cause *“diminution or loss”* to such.

- 128 I recommend:

- **Policy SINDP8, change wording to *“All residential development must respect local character and residential amenity; and should not be located on ‘back-land’ (as defined in the Glossary). Small scale residential development of up to 3 dwellings within the settlement boundary will be supported. Residential development outside the settlement boundary, other than that appropriate to the countryside, will not be supported.”***

- **Delete the unnecessary first line of text (“Whilst we...allocated sites”) and begin sentence “We are keen...”**

Local Economy and Business

Policy SINDP9 – A Strong Local Economy

129 In order to support economic growth in rural areas, Paragraph 28 of the Framework requires neighbourhood plans to:

“...support the sustainable growth and expansion of all types of business...”

130 Policy SINDP9 seeks to have regard to this by establishing support for development at “*Key Employment Sites*” across the Neighbourhood Area; and resists the loss of such sites.

131 As set out, the Policy fails to recognise the allocated status of land at Stedham Sawmills and appears to muddle “*key employment sites*” with the provision of important local facilities and services. The Policy also refers to supporting employers, which is not a land use planning matter and without substantive evidence, it is not clear why the phrase “*business viability*,” suggested as a replacement term by the Qualifying Body, is appropriate to land use planning, or how it might be assessed).

132 Taking the above into account, I recommend:

- **Policy SINDP9, delete bold heading “Key Employment Sites”**
- **Change text of Policy to “*The development of local services and community facilities at Rotherhill Nursery, Stedham School, Hamilton Arms and Trotton Gate Garage will be supported.*”**

Policy SINDP10 – The Small Business Economy

133 To some degree, Policy SINDP10 has regard to the Framework's support for the sustainable growth and expansion of rural businesses, as referred to earlier in this Report.

134 However, as set out, Policy SINDP10 seeks to prevent any business development on anything other than brownfield land and to prevent any business that operates on a 24 hour basis, or any business that requires lighting. No substantive evidence is provided in support of such requirements, which do not have regard to the Framework.

135 National policy explicitly requires neighbourhood plans to:

"...promote the development and diversification of agricultural and other land-based rural businesses."

136 As set out, Policy SINDP10 has some regard to this, although no clarity or evidence is provided in respect of the deliverability of mixed use live-work schemes incorporating 'social' housing.

137 I recommend:

- **Policy SINDP10, change wording to *"The growth and expansion of small businesses and enterprises, both through conversion of existing buildings and well-designed new buildings; and the development and diversification of agricultural and other land-based rural businesses, will be supported subject to development respecting local character, residential amenity and highway safety."***

Policy SINDP11 – Communications infrastructure

- 138 Chapter 5 of the Framework, "*Supporting high quality communications infrastructure*," recognises the vital role that high quality communications infrastructure plays in respect of sustainable economic growth and enhancement of the provision of community facilities and services.
- 139 Policy SINDP11 is, to some extent, supportive of the provision of communications infrastructure and in this respect, it has regard to national policy.
- 140 However, as set out, the Policy seeks to limit communications infrastructure development to "*identified needs*" and to "*meet an unmet need*." Such an approach is in direct conflict with national policy, which requires plans to support the expansion of electronic communications networks. The proposed departure from national policy is unjustified.
- 141 It is not clear, in the absence of information, what "*utility infrastructure*" refers to.
- 142 National policy requires masts and sites for such infrastructure to be kept to a minimum consistent with the efficient operation of the network. Where new sites are required, national policy requires equipment to be sympathetically designed and camouflaged where appropriate.
- 143 Taking this and the above into account, I recommend:
- **Policy SINDP11, replace the wording of the Policy with "*The expansion of electronic communications networks, including telecommunications and high speed broadband, will be supported. Masts and sites for such installations should be kept to a minimum consistent with the efficient operation of the network and where new sites are required, equipment should be sympathetically designed and camouflaged where appropriate.*"**

The Natural Environment

Policy SINDP12 – Wildlife in the wider Parish

- 144 National policy, as set out in Chapter 11 of the Framework, *“Conserving and enhancing the natural environment,”* requires the planning system to contribute to and enhance the natural and local environment by:

“...minimising impacts on biodiversity and providing net gains in biodiversity where possible...”

(Paragraph 109, the Framework)

- 145 Whilst Policy SINDP12 seeks to promote biodiversity, the Policy itself is ambiguously worded. For example, it is not clear how a decision maker should react to a development proposal on the basis of the statement (as opposed to land use planning policy requirement) that:

“Areas where wildflowers and natural wildlife can thrive will be promoted.”

- 146 Further, no information is required in respect of how all developments will be encouraged to provide areas to enhance biodiversity, or why such a requirement would be necessary, related to development and fairly and reasonably related in scale and kind to development, in all circumstances, having regard to the requirements of Paragraph 204 of the Framework.

- 147 The majority of planning applications in the Neighbourhood Area are likely to relate to small development proposals, for example, household extensions, shop signs or even ATM machines. There is no information to demonstrate that it would be appropriate, or even possible, for such proposals to be obliged to provide areas such as wildlife corridors, wildlife meadows or community orchards to enhance the biodiversity of the Parish.

- 148 I recommend:

- **Policy SINDP12, change to *“Development should minimise impacts on biodiversity and provide net gains in biodiversity where possible.”***

Policy SINDP13 – Dark Skies

149 Dark skies are a hugely important asset to the South Downs National Park.

150 Local Plan Strategic Policy SD8 ("*Dark Night Skies*") seeks to conserve and enhance the intrinsic quality of dark night skies and establishes a land use planning policy hierarchy in order to achieve this.

151 The approach set out in Policy SINDP13 is less nuanced and more blunt than Policy SD8 and this results in a Policy that seeks to introduce requirements that go well beyond the capabilities of land use planning policy.

152 On consideration, the Qualifying Body is satisfied that Policy SD8 meets relevant community aspirations and that consequently, the deletion of Policy SINDP13 is supported.

153 However, given the importance of dark skies to local character (and to the environment, generally), I recommend below that the supporting text relating to dark skies be changed to include direct reference to Policy SD8.

154 I recommend:

- **Delete Policy SINDP13**
- **Supporting text, page 26, change wording of last two sentences to "*...and ambience and the Parish Council is keen to ensure that external lighting requiring planning permission be kept to an absolute minimum.*"**

South Downs Local Plan Strategic Policy SD8 requires development to conserve and enhance the intrinsic quality of the area's dark night skies."

Policy SINDP14 – Tranquility

- 155 Like dark night skies, tranquillity comprises a very important characteristic of the South Downs National Park.
- 156 Local Plan Strategic Policy SD7 ("*Relative Tranquility*") affords protection to the tranquillity of the South Downs.
- 157 SINDP11 seeks to ensure that development does not harm the relative tranquillity of the Neighbourhood Area and in this way, it is in general conformity with the Local Plan.
- 158 The Policy refers to "*the Parish*" and "*its immediate surroundings.*" However, the Neighbourhood Plan cannot seek to impose land use planning policies for any land that falls outside the Neighbourhood Area and this is a factor addressed by the recommendation below.
- 159 I recommend:
- **Policy SINDP14, change second line of the Policy to "...of the *Neighbourhood Area* once construction is..."**

Policy SINDP15 – Landscape and Views

160 National policy requires development to:

“...respond to local character and history, and reflect the identity of local surroundings...”

(Paragraph 58, the Framework)

161 In addition, Chapter 11 of the Framework, *“Conserving and enhancing the natural environment,”* recognises that National Parks have the highest status of protection in relation to landscape and scenic beauty.

162 The first part of Policy SINDP15, which seeks to protect natural beauty, has regard to the Framework and is in general conformity with Local Plan Strategic Policy SD6 (*“Protecting Views”*).

163 The second part of Policy SINDP15 suggests that development that is harmful to the National Park's landscape or views will be permitted so long as mitigation measures reduce harm to an acceptable level. It is unclear, in the absence of detailed information, how such an approach might work in practice – for example what mitigation might be acceptable - and consequently, this part of the Policy does not provide a decision maker with a clear indication of how to react to a development proposal.

164 The Policy does not provide any clarity in respect of what a *“prominent built form”* comprises and why, in all circumstances, such a built form would necessarily be harmful. Further, essential infrastructure is, by definition, essential and it is not the purpose of the Neighbourhood Plan to place an obstacle in the way of its delivery.

165 I recommend:

- **Policy SINDP15, delete all text after the end of bullet point (viii) (*“Where...demonstrated.”*)**

Local Heritage

Policy SINDP16 – Parish Heritage Assets

- 166 National policy, set out in Chapter 12 of the Framework, “*Conserving and enhancing the historic environment*,” recognises heritage assets as an irreplaceable resource.
- 167 It goes on to state that heritage assets should be conserved:
- “...in a manner appropriate to their significance.”*
- 168 In respect of the effect of a development proposal on the significance of a non-statutory heritage asset, national policy requires there to be a balanced judgement, having regard to the scale of any harm or loss and the significance of the heritage asset.
- 169 Whilst the protection and/or enhancement of a heritage asset is a desirable outcome, national policy does not require development to enhance non-statutory heritage assets and as above, it provides for the balanced consideration of harm and benefits.
- 170 The text within Policy SINDP16 introduces a different approach to non-statutory heritage assets to that set out in national policy. This departure from national policy is not supported or justified by any substantive evidence.
- 171 The supporting text to the Policy appears confusing. The Policy refers to 34 non-statutory heritage assets, whilst the supporting text refers to both 27 and 29 non-statutory heritage assets.
- 172 Historic England has recommended that the list of non-statutory heritage assets be taken out of the Policy, to allow for changes over the duration of the plan-period.

173 Taking all of the above into account, I recommend:

- **Policy SINDP16, delete the first paragraph of text (“Development proposals...SINDP MAP”)**
- **Change second line of second para to “Parish Heritage Assets (*as per the list of Parish Heritage Assets appended to the Neighbourhood Plan*) should describe the impact of the development on the significance of the heritage asset.” (delete rest of para)**
- **Remove the list of Parish Heritage Assets and replace in an Appendix to the Neighbourhood Plan**
- **Supporting text, page 32, delete last three lines and replace with “*This has identified a number of buildings, groups of buildings or structures considered to be worthy of protection. These are listed in an Appendix to the Neighbourhood Plan.*”**

Policy SINDP17 – Barn Conversions

- 174 National policy, as set out in the Framework, promotes sustainable development, supports the re-use of buildings and promotes the effective use of brownfield land.
- 175 Policy SINDP17 commences with an approach founded upon the refusal of development proposals. Such a negative approach runs the risk of failing to provide for the balanced consideration of a planning proposal and appears contrary to the national planning policy presumption in favour of sustainable development.
- 176 Notwithstanding this, the overall intention of the Policy is to ensure that development looks to preserve essential qualities of distinct, traditional buildings and this approach has regard to Paragraph 58 of the Framework, which requires development to respond to local character and history.
- 177 Barn conversions to residential use are commonplace and their appropriate development has, amongst other things, provided for the restoration and preservation of traditional barns. The reference to such a change of use as comprising a “*last resort*” is not reflective of national policy.
- 178 I recommend:
- **Policy SINDP17, change first sentence to “Development proposals *involving traditional barns should respect* the significance of the barn...”**
 - **Supporting text, delete the penultimate sentence (“Unconverted...resort.”) and change last sentence to “*When a barn is...*”**

Policy SINDP18 – Sunken Lanes and Retaining Walls

- 179 In general terms, Policy SINDP18 seeks to protect local character, having regard to Paragraph 58 of the Framework, referred to earlier in this Report.
- 180 As worded, it is not clear, in the absence of any evidence or information, how all development might preserve tracks and walls, or why it would, in all cases be relevant or necessary for development to do so. Further, use of the phrase “*will not be permitted*” fails to provide for the balanced consideration of a proposal through the planning process and suggests that the Neighbourhood Plan determines planning applications, when that role is the responsibility of the Local Planning Authority.
- 181 I recommend:
- **Policy SINDP18, change to “*The preservation of the old sunken...Map, will be supported...distinctiveness of a sunken lane will not be supported*”**

Getting Around

Policy SINDP19 – Permissive and Public Rights of Way

182 Public rights of way are, by definition, protected by law. It is not only unnecessary for the Neighbourhood Plan to state that development should not result in *unacceptable* harm to public rights of way, but such an approach would, in effect, suggest that some harm to public rights of way may be *acceptable*, and this is an approach that is unjustified.

183 Policy SINDP19 goes on to require all development to provide new pedestrian and cycle routes. No information is provided in respect of why all developments should do this, having regard to Paragraph 204 of the Framework referred to earlier in this Report, and there is nothing to demonstrate that such a requirement is either viable or deliverable, having regard to Paragraph 173 of the Framework, also referred to earlier in this Report.

184 Notwithstanding the above, Paragraph 75 of the Framework states that:

“Planning policies should protect and enhance public rights of way and access.”

185 Taking this and the above into account, I recommend:

- **Policy SINDP19, change wording to *“The protection and enhancement of public rights of way, including the provision of new pedestrian and cycle routes, will be supported.”***

Policy SINDP20 – Car Parking

- 186 Part of Policy SINDP20 seeks to ensure that development does not significantly increase on-road parking. Such a measure has regard to Chapter 4 of the Framework, "*Promoting sustainable transport*," which supports highway safety.
- 187 However, the Policy goes on to seek to establish its own parking standards without supporting evidence in respect of viability and deliverability and contrary to Paragraph 39 of the Framework which requires local parking standards to take a variety of factors into account.
- 188 The Policy then goes even further by seeking to prevent any development at all if the provision of off-road parking is diminished. Such an approach would, for example, seek to prevent a household extension where the size of a parking area was reduced, regardless of how many parking spaces the area provided. There is no substantive evidence to support such an approach.
- 189 The Policy states that "*planning permission will be granted.*" This runs the risk of pre-determining a planning application and is in any case, beyond the scope of the Neighbourhood Plan, as the responsibility of determining a planning application lies with the local planning authority.
- 190 I recommend:
- **Policy SINDP20, delete second sentence ("Residential...per dwelling") and parts (2) and (3)**
 - **Replace parts (2) and (3) with "*The provision of new parking spaces will be supported, subject to it being demonstrated that they respect local character, residential amenity and highway safety.*"**

Policy SINDP21 – Maintaining and Improving Accessibility

- 191 In general terms, Policy SINDP21 seeks to promote accessibility, to the benefit of pedestrians and cyclists. This has regard to Paragraph 35 of the Framework, which supports giving:

“...priority to pedestrian and cycle movements...”

- 192 As set out, the Policy requires all residential and employment generating development to be located within 400 metres of a bus stop. Such an approach fails to have regard to the rural nature of the Neighbourhood Area and runs the risk of preventing the Neighbourhood Plan from contributing to the achievement of sustainable development. Further to consideration, the Qualifying Body supports the removal of this reference.

- 193 It is not clear, in the absence of any information, how all development affecting pedestrian or vehicular routes *“shall create shared space”* – or why it should, or why this would, in all cases, be viable or deliverable, or even an appropriate outcome.

- 194 I recommend:

- **Policy SINDP21, delete text and replace with *“The development of shared space environments, providing pedestrians with priority over motorised traffic, will be supported. Development that would reduce accessibility for pedestrians and/or cyclists will not be supported. The development of facilities for cyclists, including the development of safe cycling routes and the provision of secure bike parking/storage will be supported.”***

8. The Neighbourhood Plan: Other Matters

195 The recommendations made in this Report will also have a subsequent impact on Contents, including Policy, paragraph and page numbering.

196 I recommend:

- **Update the Contents and where necessary, Policy, paragraph and page numbering, to take into account the recommendations contained in this Report**

9. Referendum

- 197 I recommend to South Downs National Park Authority that, subject to the recommended modifications, **the Stedham with Iping Neighbourhood Plan should proceed to a Referendum.**

Referendum Area

- 198 I am required to consider whether the Referendum Area should be extended beyond the Stedham with Iping Neighbourhood Area.
- 199 I consider the Neighbourhood Area to be appropriate and there is no substantive evidence to demonstrate that this is not the case.
- 200 Consequently, I recommend that the Plan should proceed to a Referendum based on the Stedham with Iping Neighbourhood Area approved by South Downs National Park Authority on the 1st August 2017.

Nigel McGurk, October 2019
Erimax – Land, Planning and Communities



