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SOUTH DOWNS NATIONAL PARK AUTHORITY

PLANNING COMMITTEE

A meeting of the Planning Committee will be held at **10.00am on Thursday, 10 June 2021**, at Lewes Town Hall, High Street, Lewes, BN7 2QS.

Trevor Beattie, Chief Executive (National Park Officer)

AGENDA

- 1. Apologies for absence**
- 2. Declaration of interests**
To enable Members to declare to the meeting any disclosable interest they may have in any matter on the agenda for the meeting.
- 3. Minutes of previous meeting held on 15 April 2021**
To approve as a correct record the minutes of the Planning Committee meeting held on 15 April 2021 (Pages 5 - 12).
- 4. Matters arising from the previous meeting minutes**
To enable any matters arising from the 15 April 2021 Planning Committee minutes that are not covered elsewhere on this agenda to be raised.
- 5. Updates on previous Committee decisions**
To receive any updates on previous Committee decisions.
- 6. Urgent matters**
To consider any matters on the agenda which the Chair agrees should be considered as a matter of urgency due to special circumstances.

DEVELOPMENT MANAGEMENT

- 7. Local Authority: Lewes District Council**
Application No: SDNP/18/06103/OUT
Proposal: Erection of up to 226 dwellings and Public Open Space with associated infrastructure including new access from Monks Way. (Outline with all matters reserved except access and elements of Layout comprising the principal vehicular route through the site, development parcels, street frontages and the size and location of the proposed Open Space).
Address: Old Malling Farm, Old Malling Way, Lewes, BN7 2DY.
To consider a report by the Director of Planning (Report PC20/21-47 Pages 13 - 56).

8. **Local Authority:** East Hampshire District Council
Application No: SDNP/20/05058/FUL
Proposal: The erection of a Class E retail unit with access, car parking and associated works.
Address: Paris House, Frenchmans Road, Petersfield, Hampshire, GU32 3AW.
 To consider a report by the Director of Planning (Report PC20/21-48 Pages 57 - 92).
9. **Local Authority:** Chichester District Council
Application No: SDNP/20/05627/FUL
Proposal: Change of use of agricultural land to use as campsite, for seasonal camping use with 18 pitches between May and October only. Landscape character and biodiversity enhancements for a further 4 hectares.
Address: Land and Building South of Clarefield Copse, Nyewood, South Harting, West Sussex. GU31 5JL.
 To consider a report by the Director of Planning (Report PC20/21-49 Pages 93 - 116).

STRATEGY & POLICY

10. **Review of SDNPA Statement of Community Involvement (SCI)**
 To consider a report by the Director of Planning (Report PC20/21-50 Pages 117 - 168).
11. **Making of the Boxgrove, Bramber, Henfield, Upper Beeding and Stedham with Iping Neighbourhood Development Plans**
 To consider a report by the Director of Planning (Report PC20/21-51 Pages 169 - 416).
12. **Summary of Appeal Decisions Received from 21 January to 12 May 2021**
 To consider a report by the Director of Planning (Report PC20/21-52 Pages 417 - 448).

Members of the Planning Committee

Alun Alesbury, Heather Baker, Janet Duncton, Thérèse Evans, Barbara Holyome, Diana van der Klugt, Gary Marsh, Robert Mocatta, Vanessa Rowlands, Andrew Shaxson and Richard Waring

Members' Interests

SDNPA Members have a primary responsibility for ensuring that the Authority furthers the National Park Purposes and Duty. Members regard themselves first and foremost as Members of the Authority, and will act in the best interests of the National Park as a whole, rather than as representatives of their appointing body or any interest groups.

Members are required to declare any disclosable pecuniary interest that is not already entered in the Authority's register of interests, and any personal interest and/or public service interest (as defined in Paragraph 18 of the Authority's Code of Conduct) they may consider relevant to an item of business being considered at the meeting (such disclosure to be made at the commencement of the meeting, or when the interest becomes apparent).

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Public Participation

Anyone wishing to speak at the meeting should register their request no later than 12 noon, 3 working days before the meeting by e-mailing public.speaking@southdowns.gov.uk. The public participation protocol is available on our website www.southdowns.gov.uk/

Due to ongoing Covid restrictions the number of persons in physical attendance at the meeting will be strictly limited. Priority will be given to public speakers first, after which places will be allocated on a 'first come, first served' basis. Anyone wishing to attend the meeting in person, who is not already registered to speak at the meeting, should email committee.officer@southdowns.gov.uk.

Feedback

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SOUTH DOWNS NATIONAL PARK AUTHORITY

PLANNING COMMITTEE

Held at 10.00am on 15 April 2021 using Zoom videoconferencing.

Present:

Alun Alesbury (Chair), Heather Baker, Thérèse Evans, Barbara Holyome, Robert Mocatta, Vanessa Rowlands, Andrew Shaxson and Richard Waring.

Officers:

Tim Slaney (Director of Planning), Rob Ainslie (Development Manager), Lucy Howard (Planning Policy Manager), Becky Moutrey (Solicitor), Richard Sandiford (Senior Governance Officer) and Sara Osman (Governance Officer).

Also attended by:

Rafael Grosso Macpherson (Senior Development Management Officer), Heather Lealan (Development Management Lead (Minerals and Waste)), Kevin Wright (Planning Policy Officer) Amy Tyler-Jones (Senior Planning Policy Officer), and Mark Alden (Enterprise Development Lead).

OPENING REMARKS

340. The Chair welcomed Members to the meeting and informed those present that:
- Due to the Coronavirus pandemic full meetings were not able to be held at the Memorial Hall until further notice, hence the meeting of the South Downs National Park Authority was held using the Zoom Cloud Meetings software.
 - The meeting was being webcast by the Authority and would be available for subsequent on-line viewing. Anyone entering the meeting was considered to have given consent to be filmed or recorded, and for the possible use of images and sound recordings for webcasting and/or training purposes.
341. The Senior Governance Officer confirmed the Members of the Planning Committee who were present and that the meeting was quorate.
342. The Chair reminded those present that:
- SDNPA Members had a primary responsibility for ensuring that the Authority furthers the National Park Purposes and Duty. Members regarded themselves first and foremost as Members of the Authority, and would act in the best interests of the National Park as a whole, rather than as representatives of their appointing body or any interest groups.

ITEM 1: APOLOGIES FOR ABSENCE

343. Apologies were received from Janet Duncton, Gary Marsh and Diana van der Klugt.

ITEM 2: DECLARATION OF INTERESTS

344. Robert Mocatta declared a non-prejudicial, public service interest in item 7 as a Hampshire County Councillor and as a District Councillor for East Hampshire District Council. The public speaker, Steven Ridgeon, was known to him.
345. Richard Waring declared a public service interest in items 8, 9 & 10 as a Lewes Town Councillor, and as a member of Cycle Lewes. Public speaker Vic lent was known to him, and although the speaker Ben Taylor was not known to him, other members of the Taylor family were known to him.
346. Andrew Shaxson declared a public service interest in item 12 as a member of Elsted and Treyford Parish Council, which had commented on the Parking SPD, as noted in Appendix 1.

ITEM 3: MINUTES OF PREVIOUS MEETING HELD ON 11 MARCH 2021

347. The minutes of the previous meeting held on 11 March 2021 were agreed as a correct record and signed by the Chair.

ITEM 4: MATTERS ARISING FROM PREVIOUS MINUTES

348. There were none.

ITEM 5: UPDATES ON PREVIOUS COMMITTEE DECISIONS

349. The Development Manager updated the committee on the following items:
- Decisions had been issued for SDNP/20/01535/FUL – Butser Hill Lime Works, which came before the committee in February 2021, and SDNP/19/03366/OUT - Plumpton College, which came to committee in August 2020.
 - The appeal for SDNP/18/05444/FUL - Garden Street Auction Rooms had been allowed.

ITEM 6: URGENT ITEMS

350. There were none.

ITEM 7: SDNP/19/06024/FUL - Land adjacent to Coppice Cottages

351. The Case Officer presented the application and reminded Members of the report content.
352. The following public speaker addressed the Committee:
- Steven Ridgeon spoke against the application representing East Meon Parish Council
353. The Committee considered the report by the Director of Planning (Report PC20/21-40) and the public speaker comments, and requested clarification as follows:
- Why were 12 houses accepted when 11 dwellings were proposed in the local Neighbourhood Development Plan (NDP)?
 - Was the drainage issue a planning matter, and therefore the responsibility of the developers?
 - Was the proposed development landscape led? Had the need to follow the layout put forward in the local NDP restricted the ability to put forward a landscape led plan, which might have been able to address the drainage issues on this site?
 - The site included land that extended over the settlement boundary and beyond the allocation site set out in the local NDP. How far did it extend over the settlement site and was the additional land in same ownership as the land inside the site boundary?
354. In response to questions, Officers clarified:
- The initial proposal was for 11 units but this was increased to 12, which was considered broadly in line with what the policy required for this location. The extra unit would help to deliver 50% affordable housing, and this was considered acceptable as long as other policies of the development plan were met.
 - Surface water drainage is a planning matter. The site already suffered from flooding issues caused by surface water run-off from the hill, through the site and onto Coombe Road. Policy SD49 and the neighbourhood plan policies both stipulated that surface water should not be increased from any development on the site. This proposal did not demonstrate that it met the policies, and in the officers opinion the increase in impervious surfaces on the site was likely to increase the risk of flooding elsewhere.
 - The NDP clearly defined that site as appropriate for development and had proposed a similar layout to that of the application scheme. Officers had to take a balanced view and weigh up any benefits and disbenefits of a proposal against the aspirations set out in the NDP. Officers believed that whilst some elements of this application were not landscape

led, a scheme could be put forward that would meet both the aspirations of the NDP and a landscape led approach.

- The application site encroached beyond the settlement site by 6.5m. Both the land inside the main settlement site and the encroachment beyond this were in the same ownership. The extension of land allowed for a green buffer, which would reduce visual impact from nearby views, and this was requested in the allocation policy.
355. The Committee discussed and debated the application, making the following comments:
- It was clear from the officer's report that drainage issues had not been addressed, and that there was insufficient evidence to show that this scheme would not increase the risk of flooding elsewhere.
 - Members expressed some concern that an application had come forward where Highways had objected on grounds of an inadequate means of access.
 - Members acknowledged the community consultation that had taken place. However, it was felt that this should have brought the reasons given for refusal to the applicant's attention, and yet these reasons were still not addressed.
 - The scheme was not considered to be landscape led.
 - Members agreed with the officer's reasons for refusal as set out in the report.
356. It was proposed to vote on the officer's recommendation.
357. **RESOLVED:** That planning permission be refused for the reasons as set out in Paragraph 10.1 of the officer's report.

ITEMS 8 & 9: SDNP/20/05439/FUL; SDNP/20/05442/FUL - Iford Farm

358. The Chair informed the meeting that agenda items 8 and 9 were being considered together due to the close proximity of the locations on the Iford Estate. Public speakers would have up to 6 minutes to make their representations to the meeting.
359. The Case Officer presented the applications, reminded Members of the report content and referred to the update sheet.
360. The following public speakers addressed the Committee:
- Victor lent spoke against the application representing himself;
 - Anthony Paul Allen spoke against the application representing himself
 - Ben Taylor spoke in support of the application representing The Iford Estate
 - John Robinson spoke in support of the application representing The Iford Estate
 - May Robinson spoke in support of the application representing The Iford Estate
361. The Committee considered the reports by the Director of Planning (Report PC20/21-41 & Report PC20/21-42), the update sheet and the public speaker comments, and requested clarification as follows:
- Paragraph 8.41 in report PC20/21-4 (SDNP/20/05439/FUL) stated that a S106 agreement would facilitate the construction of a significant length of the Egrets Way shared path across land owned by the Iford Estate, but that it would be accompanied by a License Agreement of 25 years. Was 25 years sufficient to secure the future of the Egrets Way, and could this not be in perpetuity?
 - How would HGVs be routed to the application sites from the C7?
 - Were there highway safety concerns regarding the new farm access onto the C7 for SDNP/20/05439/FUL?

- Would the use classes listed in the conditions for the control of commercial units have to remain as stated in the conditions or could use class be changed at any point? Was permission being given to specific existing businesses or for class use?
- Could conditions be included in this application to improve safety for road users, specifically cyclists, along the C7?

362. In response to questions, Officers clarified:

- The applicants have agreed to provide a dedicated access link for the Egrets Way in perpetuity, which would bind the land into the future. This would be secured through a S106 agreement. The 25 year licence agreement relates to management of the land by the SDNPA.
- A Traffic Management Plan would be required and which should provide an agreed routing plan. This could then be monitored by officers.
- The highways consultee had submitted detailed considerations regarding visibility splays along the C7 and safety of the proposed new farm access, and they were satisfied with visibility at the proposed junction. There was a requirement for cutting back hedging to improve visibility.
- Conditions 9 & 10 dealt with the issues of use class of the commercial units. Condition 9 approved a B8 use for the currently redundant A2 unit, as this unit was closest to existing residential properties and is a more appropriate use adjacent to residential properties than a more active B1 use. Condition 10 required that commercial units were used only as their current use class and for no other purpose. The conditions were not specific to named businesses as this would be considered overly restrictive and difficult to meet planning condition tests of reasonableness.
- It was beyond the remit of this planning application to condition improvements to the highway. However, the SDNPA was working separately with ESCC on traffic management for the area with a model emerging from the County to look at traffic generation and flow.

363. The Committee discussed and debated the application, making the following comments:

- The Committee thanked the applicants for their community consultation.. It was also noted that the applicants had submitted these applications together, and had undertaken an audit of their buildings, which the Committee had asked for when the previous application was before them.
- It was noted that there was a lot of public concern about safety for users of the C7, but recognised that it was not a planning matter for consideration as part of this application.
- The new access would have a positive impact on traffic through Iford village.
- The proposals for item 9, SDNP/20/05442/FUL, were considered reasonable and sensible proposals.
- Members acknowledged that as Iford was a large estate, any changes could have more of an impact than smaller farms. However, it was recognised that farms needed to change to keep up with modern farming practices and should be supported.

364. It was proposed to vote on the officer's recommendation for item 8, SDNP/20/05439/FUL.

365. **SDNP/20/05439/FUL - RESOLVED:**

- I. That planning permission be granted subject to the conditions set out in paragraph 10.1 of the report and the completion of a legal agreement to permit the development of the Egrets Way on Iford Estate land

2. That authority be delegated to the Director of Planning to refuse the application with appropriate reasons if the legal agreement is not completed or sufficient progress made within 6 months of the Planning Committee meeting of 15 April 2021.
366. It was proposed to vote on the officer's recommendation for item 9 SDNP/20/05442/FUL.
367. **SDNP/20/05442/FUL - RESOLVED:** That planning permission be granted subject to the conditions set out in paragraph 10.1 of the report.

ITEM 10: SDNP/20/05441/FUL - Swanborough Farm

368. The Case Officer presented the application, reminded Members of the report content and referred to the update sheet.
369. The following public speakers addressed the Committee:
- Victor lent spoke against the application representing himself
 - Ben Taylor spoke in support of the application representing The Iford Estate
 - Wendy Robinson spoke in support of the application representing The Iford Estate
370. The Committee considered the report by the Director of Planning (Report PC20/21-43), the update sheet and the public speaker comments, and requested clarification as follows:
- Could the curtilage of Swanborough Manor, which was a Grade I listed building, be protected by conditions of this application?
 - Was there a traffic management condition regarding use of Swanborough Drove and access new road?
 - Were there any bridleways around the site, and how would horse riders access them from the site?
371. In response to questions, Officers clarified:
- Swanborough Manor was outside of the remit of this application.
 - There had been some concerns from residents that the application might create a circular route from Swanborough Drove, through the site to the access road to the north of the site. However, the applicant had proposed to install bollards to prevent access to the site from Swanborough Drove. The site plan was well laid out and parking provision was adequate on the site, so it was anticipated that users would enter and leave from the access road to the north.
 - There were bridleways around the site and there was direct access from the yard across land owned by the Estate onto the bridleway network.
372. There were no comments from the Committee.
373. It was proposed to vote on the officer's recommendation
374. **RESOLVED:** That planning permission be granted subject to the conditions set out in paragraph 10.1 of the report.

ITEM 11: Viticulture Technical Advice Note (TAN)

375. The Planning Policy Manager and the Enterprise Development Lead presented the report and referred to the update sheet.
376. The Committee considered the report by the Director of Planning (Report PC20/21-44) and the update sheet, and requested clarification as follows:
- If someone wanted to set up a vineyard and put up a barn, would that come under prior notification, and therefore would they be required to have regard to the TAN ?
 - What weight would be given to a TAN when considering planning applications?

- The TAN made no reference to deer fencing, which would be necessary to ensure deer are kept away from vines. Should this be taken into consideration as the impact could be quite considerable?
377. In response to questions, Officers clarified:
- The TAN would be a material consideration for planning applications, but would not be taken formally into account in Prior Notification. It could be added to the TAN that it would be best practice to consider the TAN when preparing a prior notification application.
 - A TAN was a material consideration for planning applications, however Local Plan policies held the greatest weight, followed by Supplementary Planning Documents (SPD). TANs did not go through the same statutory processes as SPDs so had less weight.
 - The eco system services diagram in the TAN took into account that animals can be used in a positive way to manage pests and keep grass down, however deer were not specifically mentioned. Officers would be preparing environmental measures guidance and deer fencing could be included in that document.
378. The Committee discussed and debated the report, making the following comments
- The report read well and the impact assessment was very interesting.
 - It was agreed to change the wording on page 11 of the Viticulture TAN from “We offer a paid pre-app service” to “we offer a pre-app service for which there is a charge”, in order to clarify that it was a chargeable service.
379. **RESOLVED:** The Committee
1. Approved the draft Viticulture Technical Advice Note set out in Appendix I for publication
 2. Delegated authority to the Director of Planning , in consultation with the Chair of the Planning Committee , to make any amendments to the Viticulture Technical Advice Note required to address any issues raised by the Committee

ITEM 12: Adoption of the Parking Supplementary Planning Document (SPD)

380. The Planning Policy Officer presented the report.
381. The Committee considered the report by the Director of Planning (Report PC20/21-45) and requested clarification as follows::
- A point was raised regarding para. 3-2 of the Parking SPD (at appendix I of the officers report), which stated that the provision of all necessary vehicular parking should as far as practicable be on-site to avoid additional on street parking, whereas many of the allocation sites in the adopted Local Plan stated that all necessary parking should be onsite to avoid additional on street parking on adjacent roads.
382. In response to questions, Officers clarified:
- When allocating sites in the Local Plan, officers were able to undertake a more in-depth analysis of the sites and ensure that car parking could fit on the allocated site. However this SPD applied to all planning applications, not just allocated sites. Whilst the aim was to avoid car parking off sites, the SPD also allowed for flexibility and for officers to take an on-balance view for each site.
383. The Committee discussed and debated the report, making the following comments
- Members agreed it was important to have flexibility for officers to take an on-balance view for each site.
 - Members queried having a policy for all of the Park, and how there would be flexibility to deal with differing issues in towns and villages, as what might work for one site may

not necessarily work in other locations. Officers explained that the parking calculator was designed to provide flexibility and account for differences in locations and was a starting point for assessment.

384. **RESOLVED:** The Committee

1. Noted the content of the Consultation Statement (Appendix 1 of the officer's report)
2. Adopted the Guidance on Parking for Residential and Non-Residential Development SPD (Appendix 2 of the officer's report) including Parking Calculator (Appendix 3 of the officer's report).

ITEM 13: Rogate & Rake Neighbourhood Development Plan (NDP) Decision Statement

385. The Senior Planning Policy Officer presented the report.

386. The Committee considered the report by the Director of Planning (Report PC20/21-46) and made the following comments:

- The Committee congratulated the members of the Rake and Rogate Neighbourhood planning group and acknowledged the work that had gone into developing the NDP.
- Members noted the inspector's decision that not all of the extensive tracts of land allocated in the NDP could be designated as local greenspace. Whilst this was disappointing, it was recognised that the inspector based his judgement on criteria set out in the NPPF.

387. **RESOLVED:** The Committee

1. Noted the Examiner's Report and recommended modifications to make the Rogate and Rake Neighbourhood Development Plan meet the basic conditions as set out at Appendix 2 of the report.
2. Agreed the 'Decision Statement' as set out at Appendix 3 of the report, which sets out the modifications that will be made to the Rogate and Rake Neighbourhood Development Plan in response to the Examiner's recommendations.

388. The Chair closed the meeting at 14:55

CHAIR

Signed: _____

Report to	Planning Committee
Date	10 June 2021
By	Director of Planning
Local Authority	Lewes District Council
Application Number	SDNP/18/06103/OUT
Applicant	Luken Beck MDP Ltd
Application	Erection of up to 226 dwellings and Public Open Space with associated infrastructure including new access from Monks Way (Outline with all matters reserved except Access).
Address	Old Malling Farm, Old Malling Way, Lewes East Sussex, BN7 2DY

Recommendation:

- 1) That outline planning permission be approved subject to the conditions set out in Section 9 of this report and subject to the completion of a S106 legal agreement, the final form of which is delegated to the Director of Planning with obligations relating to:**
- **A maximum of 226 dwellings consisting of:**
 - **75 affordable rented dwellings**
 - **28 shared ownership affordable dwellings**
 - **10 Lewes Low Cost Housing Dwellings**
 - **A housing mix for open market dwellings of:**
 - **Approximately 32% 2-bedroom dwellings**
 - **Approximately 50% 3-bedroom dwellings**
 - **Approximately 18% 4-bedroom dwellings**
 - **A housing mix for the affordable dwellings of:**
 - **Approximately 4% 1-bedroom dwellings**
 - **Approximately 66% 2-bedroom dwellings**
 - **Approximately 25% 3-bedroom dwellings**
 - **Approximately 5% 4-bedroom dwellings**
 - **The 10 Lewes Low Cost Housing Dwellings are all to be 2-bedroom dwellings**
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- **Financial contribution of £1.7 million for:**
 - **Improvements to the existing railway cutting permissive path to enable year round use and improved access from the application site to the permissive path;**
 - **Other non-motorised user route improvements for enhanced routes to Lewes Town Centre;**
 - **Highway improvement works for traffic calming measures on Old Malling Way, Church Lane and Mayhew Way;**
 - **Junction improvement works including parking restrictions at the junction between Mantell Close and Old Malling Way.**
 - **The provision of net zero carbon dwellings and sustainability measures in accordance with policy SD3, including zero waste and water efficiency.**
 - **The provision of a Travel Plan and sustainable transport measures (including a car sharing club and electric vehicle (EV) charging points);**
 - **Section 278 Agreement to cover highway works including provision of tactile paving, bus stop improvements and double yellow lines; and**
 - **The provision of Estate Management Plans (to include the maintenance and management of the woodland to the west and north of the application site, landscaped areas, ecological measures, drainage, SuDS, open spaces, lighting, estate roads and footways).**

and note that the Committee confirm in their decision that they have taken into account:

- **the environmental information as required by the Town and Country Planning (Environmental Impact Assessment) Regulations 2017;**
 - **all matters referred to in the Director of Planning's report including comments received from statutory consultees and other interested parties, and;**
 - **all other material considerations**
- 2) That authority be delegated to the Director of Planning to refuse the application with appropriate reasons if the legal agreement is not completed or sufficient progress has not been made within 6 months of the Planning Committee meeting of 10 June 2021.**

Executive Summary

The application site is a 10-hectare green field site, located on the north-eastern edge of Lewes. The site is allocated by policy SD76 of the South Downs Local Plan (SDLP) for a residential development of between 220-240 dwellings.

This outline planning application, which is recommended for approval, is seeking permission for up to 226 dwellings, with a new vehicular access from an existing farm access track in the north-eastern corner of the site from Monks Way.

Consideration of the application follows approval of a Design Brief in October 2020, which provides a positive and meaningful mechanism for delivering a landscape and ecosystem services-led development on the site. Some of these principles would need to be realised at reserved matters stage, however the outline application represents a true reflection of the landscape strategy and concept plan approved as part of the Brief. The application has been made in Outline, with only matters of access for consideration at this stage

During the course of the application, officers negotiated with the applicant to increase the affordable housing offer from 15% to 50%, including the provision of 10 Lewes Low Cost Housing (LLCH)

dwelling. The applicant has also now committed to delivering zero carbon development across the site.

Access is proposed to be delivered in accordance with site allocation policy SD76, via the existing farm access to the north of the site, from Monks Way. The application was submitted during the examination of the South Downs Local Plan (SDLP). Therefore, following the adoption of the Local Plan, further information was required to ensure compliance in respect of policy SD3: Major Development and policy SD28: affordable homes. During consideration of this application further details have also been provided in respect of matters including traffic and access, Offham Marshes Site of Special Scientific Interest and in relation to drainage and flooding.

The application is reported to committee as it involves development on an allocated site within the South Downs Local Plan and due to the scheme being deemed to be major development for the purposes of paragraph 172 of the National Planning Policy Framework.

1. Site Description and Background

- 1.1 The application relates to a 10.08 hectare area of arable farmland forming a green finger, which is located between the Malling Housing Estate and the complex of buildings known as Old Malling Farm to the north of Lewes. The site is accessed via Old Malling Way.
- 1.2 The site is located along the Lower Ouse Valley Side, as defined by the South Downs Integrated Landscape Character Assessment (SDILCA). The river Ouse runs north of the site and meanders around the northwest corner and parallel to its western boundary (within 115m at its nearest point). The site is a promontory – sitting higher than the immediately surrounding land and with the extremities of the site dipping into the valley.
- 1.3 There are well-established woodland belts to the west and east, with mature trees lining both the northern and southern boundaries. A former railway cutting (and Local Wildlife Site) lies within the eastern belt and runs alongside the full length of the site boundary, extending further north towards Hamsey and south towards the town centre – opening out onto the Malling Fields community space. This cutting is at site level to the north and quickly falls as it heads south. Beyond the cutting to the east lies the Malling Housing Estate, which is primarily mid-20th Century housing surrounding Malling House (Grade II Listed), which is now used as the Sussex Police Headquarters.
- 1.4 The existing site access is at the mid-point from Old Malling Way via a bridge over the cutting. A concrete access track then bisects the site, supplemented by a mature tree belt with unmanaged understorey planting along the southern edge. This access is maintained for the residents at the complex of buildings at Old Malling Farm, which includes the Grade II Listed ruins of a College of Benedictine Canons. There is also a field access further north along the eastern boundary, via Monks Way.
- 1.5 The northernmost end of the site is within Flood Zones 2 and 3, although the field access remains outside this in Flood Zone 1, along with the remainder of the site. Beyond the site, on the western bank of the River Ouse, is the Offham Marshes Site of Special Scientific Interest (SSSI). Immediately to the south of the application site is the Malling Deanery Conservation Area, which includes the listed Church of St Michael; the churchyard for which provides views to the site. The site is also visible from Lewes Castle (Scheduled Monument), which is approximately 1 km to the south, the Parish Church of St Peter (Hamsey) to the north and both Malling Down and Offham Hill to the east and west, respectively.

2. Relevant Planning History

- 2.1 *SDNP/17/05300/PRE* – Proposal to develop land for up to 240 dwellings in accordance with policy SP4 of Lewes Joint Core Strategy. Closed following submission of outline planning application.
- 2.2 *SDNP/17/06280/SCOPE* – Screening and Scoping application for a development comprising up to 240 dwellings with associated access from Monks way, Public Open Space and related infrastructure on approximately 10 hectares of land at Old Malling Farm. Screening and Scoping opinion issued 19 January 2018, in which the proposal was determined to meet the

criteria of Schedule II of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) and that an Environmental Statement would need to accompany any future application.

3. Proposal

3.1 This application is seeking outline permission for the construction of up to 226 dwellings, with all matters reserved except access at this stage.

3.2 Reserved matters in this case (to be determined at a later date) are:

- Appearance - the aspects of a building or place within the development which determines the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture;
- Scale - means the height, width and length of each building proposed within the development in relation to its surroundings;
- Layout - the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development; and,
- Landscaping - the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated.

3.3 Turning to access, the application proposes the main vehicular access to be achieved via the existing field access gate at the northern end of the site, from Monks Way. A secondary access is also proposed via the existing bridge over the Railway Cutting, which would restrict vehicular use to those existing residents at Old Malling Farm and for emergency purposes. This access would also be the main access point for pedestrian and cyclists.

3.4 Additional access to the railway cutting is also provided within the proposal. To the north, where the new vehicular access is proposed, pedestrian and cycle access at grade, would be achieved to the railway cutting. To the south, a new access for pedestrians and cyclists to the railway cutting would also be provided.

3.5 The proposed 226 dwellings are made up of 215 houses and 11 flats. The proposed mix of housing is:

- 5 x 1-bed flats,
- 6 x 2-bed flats,
- 104 x 2-bed houses,
- 84 x 3-bed houses, and
- 27 x 4-bed houses.

3.6 The applicant is offering 113 dwellings for affordable housing (50%). A viability appraisal has been provided (carried out by Bruton Knowles on behalf of the SDNPA) that demonstrates this can be achieved. The size of dwellings and tenure being offered is set out below:

- 75 dwellings for affordable rent
 - 5 x 1-bed flats;
 - 6 x 2-bed flats;
 - 38 x 2-bed houses;
 - 21 x 3-bed houses, and
 - 5 x 4-bed houses.
- 28 dwellings for shared ownership
 - 20 x 2-bed houses,

- 7 x 3-bed houses, and
 - 1 x 4-bed house.
 - Ten dwellings for Lewes Low Cost Housing (all 2-bed houses).
- 3.7 Although the application is made in outline, it is accompanied by a series of plans based on the approved Design Brief, which provide the landscape strategy, drainage strategy, broad character areas and movement strategy, as well as a concept plan. These provide high-level details regarding where open space could be located, likely main routes through the site information on broad residential densities.
- 3.8 The proposed development delivers net zero carbon housing across the site and would provide electric vehicle charging for all houses, with provision made on a communal basis for flats. Parking would be provided on an average of 2 spaces per dwelling; i.e. approximately 452 spaces in total.
- 3.9 The application is supported by a completed DEFRA Biodiversity Net Gain Metric, which states that the scheme would provide an 11.5% net gain in biodiversity. This is only an indication as full details of layout and landscaping are not for consideration at this stage.
- 3.10 The application is also accompanied by an Environmental Statement in accordance with the Town & Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended), further details are set out in Sections 6 and 7 of this report.
- 3.11 Further information has been submitted at several points during the course of the consideration of the application. A summary of the key dates this was received, and what was received on each date, is outlined in the table below.

Date	Information Received
January 2021	<ul style="list-style-type: none"> • Ecology Appraisal Update • Non-technical Summary (Environmental Statement) Addendum • Flood Risk Assessment Addendum • Planning Statement Addendum • Transport Assessment Addendum • Landscape and Visual Impact Assessment Addendum • Illustrative Masterplan • Viability Report (Applicants)
March 2021	<ul style="list-style-type: none"> • Transport Assessment version 2.0 • Further information regarding Viability (Applicants)
April 2021	<ul style="list-style-type: none"> • Updated comments from the applicant on Drainage Strategy and Flood Risk Assessment, including updated climate change allowances • Biodiversity Net Gain Report • Further information regarding Offham Marshes SSSI
May 2021	<ul style="list-style-type: none"> • Confirmation on updated description of development (considering access only) • Commitment to 50% affordable housing provision • Commitment to delivering zero carbon in accordance with policy SD3 • Parking Strategy information

	<ul style="list-style-type: none"> • Illustrative plans regarding landscape strategy, drainage, movement and connectivity, character areas and concept plan • Updated access details confirming footway to south of main access
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4. Consultations

4.1 As noted above, as the application progressed, further information was submitted on a number of occasions. In May, the applicant confirmed the outline application would be for all matters reserved except for access, whilst providing additional information in respect of highway matters and Offham Marshes SSSI, confirming the provision of 50% affordable housing and a commitment to delivering net zero carbon development. Those who needed to, have been re-consulted. Some of the comments below pre-date these changes to the application, however the date of the consultee's comment is indicated for clarity.

4.2 Conservation Officer (March 2021) – No Objection.

- The matters sought for approval have not fully met the requirements of the approved Design Brief and further analysis is therefore required regarding the site layout.
- Verification of the location of the green corridor open space through the north-western section of the site, to ensure a view corridor to St Peter's Church (Hamsey) is required. It is recommended that a wireframe analysis is used to present this information.
- No visual impact assessment or heritage impact assessment has been undertaken regarding Lewes Castle and its numerous surrounding designated heritage assets.

4.3 Landscape Officer (June 2021) – No Objection.

- No objection to the proposed access.
- Following submission of further information, and updated terms of the application, previous comments made in March 2021 fall for consideration at reserved matters stage.
- The Landscape and Visual Impact Assessment (LVIA) is lacking in detail in areas such as the balance between opening up views and boundary reinforcement, and clarity on the parameters for assessing visual effects, however these do not go to the heart of what is under consideration as part of the outline application, although will need to be addressed in future reserved matters applications.
- Key visualisations/wireframes will be required at reserved matters stage as well as delivery of Design Brief principles.

4.4 Design Officer (March 2021) – Holding Objection.

- Access location is acceptable.
- The layout of the main access road is broadly acceptable, subject to further information being submitted at reserved matters stage.
- The extent of public open space (POS) is acceptable, but there are instances where a better POS relationship, particularly with the countryside on the western border of the site, should be improved.
- There is a need to acknowledge and address the high standards of sustainable performance that are required by policy SD3 and the Sustainable Construction Supplementary Planning Document (SPD).

4.5 Highways England (April 2021) – No objection

- Satisfied the proposal will have a minimal impact and will not materially affect the safety, reliability and/or operation of the strategic road network.

- 4.6 Local Highway Authority (East Sussex County Council) (March 2021) – Objection**
- Transport Assessment v2.0 has not been formally submitted to the LPA. Within this document survey dates are unclear and summary tables are required to show the impact on the localised and main junctions.
 - Footway along new access should run along southern edge, to better connect to existing network and follow desire line for pedestrians.
 - Off-site highway works that include junction improvements and traffic calming as set out in SD76 (5d) need to be in place prior to commencement of development. CIL payments are not allocated to these improvements by the Highway Authority. Permissive path works for route and links are a requirement for accessibility reasons.
 - As submitted, the application cannot be supported as the Transport Assessment has not been subject of formal consultation by the LPA as they do not have receipt of it.
 - Details of layout and parking and access require clarification and further detail.
- 4.7 SDNPA Access and Recreation (April 2021) – Comment**
- All connections to the adjacent Non-Motorised User (NMU) network must be provided in accordance with national guidance.
 - A suitable at-grade design to access the former railway cutting from the south-eastern corner of the site should be provided.
 - Additional improvements off-site to the cycling and walking network to provide an alternative to car use.
 - Permeable design approach (as proposed as part of the landscape strategy and Design Brief) is welcomed, although pedestrian and cycle paths should take precedence throughout the site. NMU movement should be prioritised above vehicle movements.
 - Open spaces should be secured in perpetuity.
- 4.8 Natural England (March 2021) – Comment**
- Further clarification sought regarding viewpoints from Offham Hill, including provision of photomontages.
 - Corrections and clarification on viewpoint assessment within LVIA in respect of viewpoints from Offham Hill, Table 6.1 and Table 10.2.
 - Concerns regarding lack of assessment of impacts to Offham Marshes SSSI.
 - No details regarding biodiversity net gain being achieved on site.
- 4.9 Ecology (March 2021) – No objection, subject to conditions**
- Recommend larger buffers are provided to the Local Wildlife Site (LWS), badger setts and central hedgerow/tree line.
 - There remains no assessment of the potential hydrological impacts of the proposed development on the SSSI.
 - Further recommendations for planting, mitigation and enhancements works have been provided, to be included as part of any future reserved matters application.
 - Bat surveys will need to be repeated at reserved matters stage, and mitigation/compensation/enhancement measures revised accordingly.
 - Lighting design should ensure key foraging and commuting routes remain unlit.
 - Conditions recommended for Construction and Environmental Management Plan (CEMP), Ecological Design Strategy (EDS) and Landscape and Environmental Management Plan (LEMP).

4.10 Environment Agency – No Objection, subject to conditions (following submission of additional information April 2021)

Conditions are recommended to secure appropriate flood risk measures, unidentified contamination and SuDS infiltration.

It is noted that the applicant has stated the site access level is at levels of approximately 8.5m AOD and therefore will be safe and provide dry access for the lifetime of the development. This seems adequate, albeit the ideal would be to locate the access road further south so that it is within Flood Zone 1. However the EA understand that there may be practical reasons why this is unable to be accommodated for this site.

4.11 Southern Water (March 2021) – No Objection.

The initial study indicates that the additional foul sewerage flows arising from the proposal may lead to an increased risk of foul flooding from the sewer network. Any network reinforcement that is deemed necessary to mitigate this will be provided by Southern Water. The timing of the delivery of this will need to be reviewed with the developer in terms of the occupation of the development. Therefore a condition is recommended to ensure this is undertaken.

4.12 Lead Local Flood Authority (East Sussex County Council) – No Objection

There is the potential for the use of infiltration at the application site subject to appropriate testing and groundwater monitoring between autumn and spring.

Infiltration features should be located 5m away from any foundations, buildings or structures, and the applicant should consider more centralised infiltration features such as infiltration basins.

Conditions are recommended requiring further testing, monitoring and provision of a maintenance and management plan.

4.13 Planning Services (Lewes District Council) (March 2021) - Comment

- Support the principle of the site being developed, but have significant concerns regarding:
 - Delivery of appropriate level of affordable housing
 - Overall mix of housing
 - Car-centric nature of the scheme
 - Lack of information on traffic calming measures, and
 - Lack of information on the potential impact on Offham Marshes SSSI
- Not satisfied that a commitment to the provision of zero carbon homes has been demonstrated.
- Feasibility assessment should be made as to how the scheme could achieve better connectivity with the surrounding cycle network.

4.14 Open Space (Lewes District Council) (March 2021) – Comment

- To effectively discourage the use of cars for short journeys, there needs to be an access point at the southern end to the railway cutting that all residents can use as the desire line to access local shops and amenities. Further investigation work is recommended and further work needs to take account of the Local Wildlife Site.
- Consideration to future access to the countryside north of the development should be given.
- Rain gardens and green roofs are welcomed and should be included as per the Design Brief, in any future reserved matters application.

- Onsite provision of play equipment is essential and should include naturalistic play areas and equipped spaces in keeping with the rural/urban edge landscape.
- Further discussion with Lewes DC should be held regarding a contribution to offsite provision of a Multi-Use Games Area.

4.15 Local Housing Authority (Lewes District Council) (March 2021)– Comment

- Request 50% affordable housing be provided onsite; latest housing register shows there are 168 households who are specifically in need of rented housing in Lewes town.
- Tenure of affordable housing should be limited to affordable rented (75%) and intermediate homes ownership (25%).
- Arrangements should also be made for as many of the affordable rent homes as possible to qualify for Lewes Low Cost Housing, providing it does not negatively impact on the overall amount of affordable housing being provided.
- Affordable housing should not be grouped all together, and where practical, not in groups of more than 10 dwellings.

4.16 Environmental Health – (Original Submission) No objection, subject to conditions regarding contaminated land and provision of a CEMP.

4.17 Archaeology (March 2021) – No objection

The geophysical survey of the site has identified a number of archaeological features, the most notable being those on the western side of the site which appear to comprise structures arranged around a courtyard. These features will be preserved in situ and not impacted by any works. Further features will require investigation by trial trench evaluation, which could also be secured by condition.

4.18 Lewes Town Council – No response received.

5. Representations

5.1 259 representations and one petition containing 52 signatories objecting to the scheme have been received. In addition two general comments (neither expressing support nor objecting to the proposal) have been received. The comments are summarised below.

- Proposed access arrangements are insufficient, which will have a negative impact on Monks Way, with an alternate access point or transport options suggested as an alternative.
- Developer should contribute to developing walking/cycling routes in to Lewes, with reinstating a bridge at the end of the old railway line being suggested as a project.
- Affordable housing provision of 15% is insufficient and contrary to the policies of both the South Downs National Park Authority Local Plan and the Lewes Neighbourhood Plan. The viability report that justifies this 15% provision is misrepresentative.
- Housing mix does not match the housing need in Lewes.
- Development does not do enough to mitigate or adapt to climate change, in particular lacking any zero-carbon or zero-waste commitments and providing no renewable power investment.
- Development would destroy a valuable wildlife corridor and does not present a net gain in biodiversity.
- Current infrastructure and facilities (such as schools and Doctor's surgeries) are insufficient to accommodate residents.
- Development would result in the loss of a valued area of open space.
- Development relies too heavily on private vehicles, providing excessive availability of car parking and no measures to mitigate private vehicle use.

- Does not provide any additional amenity for the town, district or National Park.
- Development does not adhere to Local Plan policies.
- Development will have a damaging effect on the Dark Night Skies designation.
- Insufficient Electric Car charging infrastructure.
- Does not reflect the character of the local area or of the wider town of Lewes
- Site is green field land of agricultural value, while brownfield sites are available in Lewes, therefore the site should not be developed until brownfield sites have been exhausted.
- Development is contrary to Central Government's active travel programme.
- Development does not invest sufficiently in bicycle travel, offering no additional cycle routes and providing insufficient cycle storage.
- Development in this location will be vulnerable to flooding and will have an adverse effect on local ground water reserves and flooding elsewhere as a result of the increased water run-off from the built environment.
- Development lacks an appropriate masterplan or design brief.
- Planning application has misrepresented the level of popular support for this development.
- Development does not offer local work spaces to encourage residents to work locally.
- Application does not contain any protection for the ancient site below ground at Old Malling Farm.
- Timing of the public consultation on the application was inappropriate, given the ongoing public health crisis.

Planning Officer Comment: These comments span the period since the application was validated in 2019 to the present day. They do not include comments made as part of the Authority's separate summer 2020 consultation on the Design Brief. Some of the points raised, such as the lack of Design Brief, have subsequently been overcome during the application process.

5.2 Of the two general comments, one provided photographs of flooding in the local area in the year 2000, while the other acknowledged the need for development and suggested that the site is the only area where development of this kind could take place, but raised concerns that already prevalent traffic and parking problems would be exacerbated by this development if it did not contain an integrated plan to ensure proper traffic management.

5.3 In addition to the above, representations were received from the Friends of Lewes, the South Downs Society, Cycle Lewes, Hamsey Parish Council, Maria Caulfield MP and Ward Councillors Ross and Nicholson. Their comments are summarised below:

Maria Caulfield, MP (comments made in 2019):

- The site is unsuitable for development, because it sits within flood zones 2 and 3, and is also within close proximity to the River Ouse.
- The British Geological Survey also shows risks of groundwater flooding because the groundwater on the site is less than 3 metres below the surface.
- The lower part of Monks Way, where the site's vehicular access is located, was inundated by flood water during the worst flooding in recent years in 2000. This being the only vehicular access point for 226 properties could cause severe access problems if such flooding happened again, without considering what such flooding would do for the properties on the site.

- This single vehicular access point will also cause a significant amount of traffic on Monks Way and Old Malling Way, particularly during peak times during the morning and evening.
- Further consideration must be given to the other local amenities that will struggle to cope with such an influx of people, such as Local Schools and GP services.
- Bringing forward such an application when the site is still being considered by Planning Inspectors as part of the South Downs National Park Local Plan is inappropriate.
- Old Malling Farm is a large green field site and green field sites should not be developed while there are still brownfield sites available for housing within the planning authority area.
- The mix of affordable housing does not provide the type of housing that is needed by local people.

Lewes District Councillors Ross and Nicholson (Ward Councillors) (February 2021):

- The Application does not provide the type of accommodation that is needed in Lewes
- The Application would very significantly increase vehicle movements through the town and on nearby roads, and does not propose any measures to reduce or mitigate the additional traffic
- The Application does not respond to the 21st century sustainability challenges of climate change and biodiversity loss.
- The Application does not provide any additional amenity for the Town, District or National Park.
- The Application does not adhere to the policies of the South Downs National Park Local Plan.

Further comments received from Councillor Ross (May 2021)

- Supports many of the SDNPA Access Officer's recommendations, including improvements to the railway cutting.
- Improvements would need to be carried out so as not to damage existing ecology.
- Does not agree recommendations regarding Wiley's Bridge are essential.
- Notes principles for SDNPA Parking Supplementary Planning Document.
- Considers two parking per dwelling within 1 mile of centre of Lewes is not justified – should be one per dwelling, maximum.
- Site would benefit from small work hub and café/retail facilities.
- Parking provision should be consistent with landscape-led approach.

Friends of Lewes (May 2021)

- Principle of development, with single point of access to the north, is unacceptable and would lead to a car-dependent development based on a number of cul-de-sacs.
- Note representations from ESCC Highways and SDNPA Access and request delivery of essential cycling and walking infrastructure to be provided.
- Increased noise and air pollution as a result of northern access – remain of the view southern access should also be provided.
- Concern that delay to North Street Quarter (NSQ) development would affect the acceptability of this scheme, as reliant on mitigation secured by NSQ.
- Note requirements of the Design Brief have not been met and consider further information should be provided now, rather than as reserved matters.

The South Downs Society (comments made in 2019)

The South Downs Society believes that the sustainability assessment for this application is not suitable, in particular relating to the road layout and access arrangements, and the application should therefore be deferred pending improvements. In particular:

- The current application does not recognise the importance of the road layout in relation to solar power generation.
- There are insufficient measures included within the development to cope with climate change.
- The Environmental Statement submitted takes no account of renewable energy outside of the suggestion of limited solar panel provision. Given the UK's ongoing commitments to climate change agreements, this is insufficient.
- The provision of infrastructure for walking, cycling and mobility users is not treated with equal importance as the provision of roads.
- Insufficient consideration is given to the provision of bus infrastructure in relation to the road layout and site access.

Cycle Lewes (February 2021):

Cycle Lewes raise strong objections to the development as being in conflict with central government policy, South Downs Local Plan Policies SD2, SD3, SD5, SD19, SD20, SD22 and SD76; Lewes Neighbourhood Policy AM1; Hamsey Neighbourhood Plan vision for non-motorised travel and the creation of an effective network of footpaths and new cycle paths linking the communities across the Parish; the East Sussex Local Cycling & Walking Infrastructure Plan (LCWIP) and the principles of the design brief for the site.

- The development is contrary to the Government's active travel programme for cycling and walking.
- The development fails to deliver a sustainable form of development that prioritises zero carbon modes of transport.
- The developments fails to provide a convenient, safe, attractive and easily accessible network of paths and cycle-ways.
- The site must be extended to include a safe, gently graded cycleway and footpath access at its southern end, nearest to Malling Playing fields, so that cycling and walking offer convenient access to the site while avoiding conflict with vehicular traffic.
- The currently proposed pedestrian and cycle routes on to Monks Way and Old Malling Way lack connectivity.
- The vehicular access from Monks Way must provide for the existing walking and cycling route along the railway cutting to be maintained without interruption or compromises to its safe use and therefore must be a bridged vehicular access over the pedestrian and cycle route.
- The development fails to provide the off-site cycle infrastructure requirement set out in the East Sussex Local Cycling & Walking Infrastructure Plan.
- The development should fund significant off site works to provide the cycle and pedestrian facilities into the town centre including of the riverside path from Tesco and Cliff High Street together with cycle lanes and junction improvements at Phoenix Causeway to accommodate the additional pedestrian and cycle journeys.
- There is an over-emphasis on car parking which is excessive with 451 spaces, which encourages the use of cars in conflict with planning policies to protect the environment.
- The development does not provide adequate, high quality, safe, secure and accessible bicycle storage facilities to each dwelling, including charging facilities, contrary to South Downs Local Plan Policies SD5 and SD22.

- Without these access and infrastructure requirements, the development generates avoidable and significant vehicular traffic contrary to planning policy SD2 and SD3 to reduce pollution, meet zero carbon and improve wellbeing.

Hamsey Parish Council (April 2020):

- This design offers nothing to the local communities to mitigate the effects of building on valued green field land.
- The proposal of 15% affordable homes compared to the 40% required by the SDLP is unacceptable.
- To compensate for the landscape and biodiversity loss on this site, any design needs to be progressive, innovative and hopeful with a design that both Lewes and the surrounding villages can be proud of. It is our view that this design doesn't come close.
- Development would erode the green landscape and change forever the character of this green space, within a stone's throw of Offham Marshes SSSI.
- This site defines the local landscape by providing a buffer between rural Hamsey and the town of Lewes.
- Existing brownfield sites should be developed before any green space is lost to controversial developments.
- The Design Brief expresses an intention for providing strong walking and cycling routes, which aligns well with objectives in the Hamsey Neighbourhood Plan; but this does not appear to be reflected in the plans for this development.
- A surfaced shared use path from Old Malling Farm along the disused railway and north over the Ouse would benefit the residents of this development and the wider communities, such as Hamsey Parish, with a sustainable transport opportunity to schools, colleges and commuting, as well as recreation. A cycleway/pedestrian link here could provide an upper Ouse course for the acclaimed Egrets Way.
- The design is missing an opportunity here for truly pioneering, sustainable development which shows exciting alternatives to our reliance on motor vehicles.

6. Planning Policy Context

- 6.1 Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory development plans are the **South Downs Local Plan 2014-2033 adopted July 2019** and the **Lewes Neighbourhood Development Plan 2015-2033 (made 11 April 2019)**. The planning policy context including the development plan policies and other material considerations considered relevant to this application are set out below.

National Park Purposes

- 6.2 The two statutory purposes of the SDNP designation are:
- To conserve and enhance the natural beauty, wildlife and cultural heritage,
 - To promote opportunities for the public understanding and enjoyment of the special qualities of their areas.
- 6.3 If there is an irreconcilable conflict between these two purposes, conservation takes precedence. There is also a duty to foster the economic and social wellbeing of the local community in pursuit of these purposes.

National Planning Policy Framework (NPPF) and Circular 2010

- 6.4 Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 (DEFRA Circular) and The National Planning Policy Framework (NPPF) which was issued and came into effect on 24 July 2018 and further amended in February 2019. The DEFRA Circular and NPPF confirm that National Parks have the highest status of protection and the NPPF states at paragraph 172

that great weight should be given to conserving landscape and scenic beauty in the National Parks and that the conservation of wildlife and cultural heritage are important considerations that should also be given great weight in National Parks.

- 6.5 The NPPF has been considered holistically in the determination of this application, although it is considered that the following sections are of particular relevance:
- Section 2: Achieving Sustainable Development
 - Section 4: Decision-making
 - Section 5: Delivering a sufficient supply of homes
 - Section 8: Promoting healthy and safe communities
 - Section 9: Promoting sustainable transport
 - Section 11: Making effective use of land
 - Section 12: Achieving well-designed places
 - Section 14: Meeting the challenge of climate change, flooding and coastal change
 - Section 15: Conserving and enhancing the natural environment
 - Section 16: Conserving and enhancing the historic environment
- 6.6 In addition to the above, it is considered that paragraphs 7, 8, 10, 11, 47, 54, 55, 56, 57, 64, 91, 92, 96, 98, 102, 108, 109, 110, 111, 117, 118, 122, 127, 150, 151, 153, 163, 165, 170, 172, 175, 178, 180, 182, 184, 189, 190, 192, 193, 195 and 197 of the NPPF are particularly relevant to the determination of this application.
- 6.7 Of these, notably, paragraph 172 states that “Planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of: a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy; b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated. . A footnote to the NPPF states that “Whether a proposal is ‘major development’ is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.” This issue is assessed further in Section 7 of this report.
- Town & Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended)
- 6.8 This application is also supported by an Environmental Statement as the proposals fall within the definition set out in Schedule 2, Infrastructure Project, 10(b) of the Town & Country Planning (Environmental Impact Assessment) Regulations 2017.
- 6.9 As set out in the above mentioned regulations and the 'Planning Practice Guidance' which accompanies the National Planning Policy Framework, there are specific arrangements for considering and determining planning applications that have been subject to an Environmental Impact Assessment (EIA). This includes consideration of the adequacy of the information provided, consultation, publicity, and informing the public of the decision and the main reasons for it. The Local Planning Authority should take into account the information in the Environmental Statement, the responses to consultation and any other relevant information when determining the planning application. Further assessment of the submitted Environmental Statement is made in Section 7 of this report.

Town and Country Planning (Listed Building and Conservation Areas) Act 1990

- 6.10 Sections 66 and 72 of the Town and Country Planning (Listed Building and Conservation Areas) Act 1990 are also relevant.
- 6.11 Section 66 relates to the grant of planning permission and states 'in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority...shall have special regard to the desirability of preserving the building or its setting or any feature of special architectural or historic interest which it possesses'.
- 6.12 Section 72 relates to Conservation Areas and the grant of planning permission and states 'special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area'.

Development Plan Policies

- 6.13 The following policies of the **South Downs Local Plan (SDLP)** are considered of particular relevance to this application and these policies are considered to be compliant with the NPPF:
- SD1 – Sustainable Development
 - SD2 – Ecosystem Services
 - SD3 – Major Development
 - SD4 – Landscape Character
 - SD5 – Design
 - SD6 – Safeguarding Views
 - SD7 – Relative Tranquillity
 - SD8 – Dark Night Skies
 - SD9 – Biodiversity and Geodiversity
 - SD11 – Trees, Woodland and Hedgerows
 - SD12 – Historic Environment
 - SD15 – Conservation Areas
 - SD16 - Archaeology
 - SD17 – Protection of Water Environment
 - SD19 – Transport and Accessibility
 - SD20 – Walking, Cycling and Equestrian Routes
 - SD21 – Public Realm, Highway Design and Public Art
 - SD22 – Parking Provision
 - SD25 – Development Strategy
 - SD26 – Supply of Homes
 - SD27 – Mix of Homes
 - SD28 – Affordable Housing
 - SD45 – Green Infrastructure
 - SD46 – Provision and Protection of Open Space, Sport and Recreational Facilities and Burial Grounds / Cemeteries
 - SD48 – Climate Change and Sustainable use of Resources

- SD49 – Flood Risk Management
 - SD50 – Sustainable Drainage Systems
 - SD54 – Pollution and Air Quality
 - SD76 – Land at Old Malling Farm, Lewes
- 6.14 The following key policies of the **Lewes Neighbourhood Development Plan (LNDP)** are considered of most relevance to this application and these policies are also considered to be compliant with the more up-to-date SDLP and NPPF:
- LE1 – Natural Capital
 - LE2 - Biodiversity
 - HC3A – Heritage Protection of Landscape and Townscape
 - HC3B – Planning Application Requirements and Heritage Issues
 - PL1A – General Housing Strategy
 - PL2 – Architecture and Design
 - PL3 – Flood Resilience
 - PL4 – Renewable Energy and the Resource and Energy Efficiency of New Buildings
 - AM1 – Active Travel Networks
 - AM3 – Car Parking Strategy
 - SS2 – Social and Civic Spaces
 - SS3 – Protection and Enhancement of Green Spaces

South Downs Partnership Management Plan

- 6.15 The Environment Act 1995 requires National Parks to produce a Management Plan setting out strategic management objectives to deliver the National Park Purposes and Duty. National Planning Policy Guidance (NPPG) states that Management Plans “contribute to setting the strategic context for development” and “are material considerations in making decisions on individual planning applications”. The South Downs Partnership Management Plan, as amended for 2020-2025 on 19 December 2019, sets out a Vision, Outcomes, Priorities and a Delivery Framework for the National Park over the next five years. The priorities of most relevance to this development proposal are 1.1, 1.2, 2.2, 3.1, 4.1, 5.1, 5.2, 5.3, 7.1, 9.1 and 9.2.

Old Malling Farm Design Brief

- 6.16 Policy SD76 of the SDLP requires that development should be informed by a comprehensive and integrated Design Brief, subject to the SDNPA’s approval. In January 2020, a draft Design Brief, prepared by the applicant in collaboration with SDNPA officers, was considered by Planning Committee. It was resolved to approve the Brief for consultation and that for any minor changes necessary following the consultation to be dealt with by the Director of Planning and Chair of the Planning Committee. Such minor changes were made and agreed and the Brief approved in October 2020.
- 6.17 During the consultation on the Design Brief, comments were received from 67 respondents including local residents, community groups, national bodies, councillors and local authority representatives. Key themes emerging from the consultation were sustainable transport, parking, sustainable construction and zero carbon. Further information and amendments were secured on all of these themes in the approved Design Brief.
- 6.18 The Design Brief also outlines a robust Green Infrastructure Strategy which has led to the emergence of 4 character areas; the Old Hamsey Quarter to the north, Railway Quarter to the east (adjacent to the cutting), Riparian Quarter to the west and Deanery Quarter to the south, which has the lowest density of the four areas. Another key component of the Brief

is the creation of a 'green spine' through the site, which would allow key views into and out of the site, connecting it to local features, such as Lewes Castle and Hamsey Church. The illustrative masterplan at Appendix 2 provides further details of how the principles and strategies could be achieved. Overall, the Brief represents a positive and meaningful mechanism for guiding and delivering a landscape and ecosystem-services led development, through a series of strategies and design principles.

7. Planning Assessment

7.1 The main issues for consideration with regard to this application are:

- the principle of the development, the assessment of major development and the assessment of the submitted Environmental Statement;
- the 'landscape-led' design (including the impact on eco-systems services, landscape character, views, tranquillity and dark night skies) of the proposal;
- the affordable housing provision and housing mix;
- the requirements for zero carbon and sustainable construction;
- the impact on highway issues (including in respect of pedestrians and cyclists) and parking;
- the impact on local amenity;
- the impact on heritage assets;
- the impact on flood risk and drainage; and
- the impact on ecology and biodiversity.

Principle of the Development / Major Development / Environmental Statement

7.2 The application site is allocated for between 220-240 dwellings in the South Downs Local Plan 2014-2033 (policy SD76). This allocation was carried over from the Lewes and SDNPA Joint Core Strategy (May 2016), where despite concerns raised by the SDNPA at the time, the Examiner saw fit to include the site for development. At this time, the location of the main vehicular access to the site was also considered by the Examiner and included as part of the policy (this is the same access point as that put forward in this outline planning application).

7.3 During the SDLP examination process, the application site was deemed to be Major Development for the purposes of paragraph 172 of the NPPF, on account of the scale of the development proposed and the potential for a development of this scale to have a significant adverse impact on natural beauty, wildlife and cultural heritage. This paragraph states planning permission should be refused for major development other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest. An assessment of any such application needs to consider, as part of the assessment, the need, the cost of and scope for developing outside the designated area and any detrimental effects on the environment. The proposed development is within the parameters of the scale set out in Policy SD76 but undertaking of this assessment remains necessary.

7.4 All reasonable options for a strategic scale peripheral expansion of the Lewes town would be within the National Park boundary. Therefore, based on all other relevant factors, including its availability, deliverability and proximity to the town centre, this site stands out as one of the most sustainable of those that could realistically provide the necessary new housing within the plan period, particularly as any realistic alternative options would be of greater landscape sensitivity. There are Brownfield sites within the town that form part of the development strategy, such as development at North Street Quarter, but these alone cannot deliver the level of housing required to meet the need. The Inspector of the Lewes Joint Core Strategy saw fit to allocate the site for housing despite being considered to be major development and the SDNPA accepted that decision. Lewes is the largest town within the National Park boundary and in this instance, following the decision made by the Inspector of the Lewes JCS, the provision of housing on a green field site is accepted as an

exceptional circumstance. This was recognised and accepted through the allocation of the site in the Local Plan for between 220 and 240 residential dwellings, which in itself carries substantial weight in the determination of any application.

- 7.5 As explained above, the evidence base for both the SDLP and Lewes JCS sets out there are few appropriate opportunities within the National Park to provide a substantial number of new homes to address the housing needs of the area, an issue which is considered to be demonstrably in the public interest. Increased housing supply is also a core objective of Government policy. There is a recognised need for more housing in the southeast of England, where many Local Authorities are struggling to find sites to deliver the level of housing expected by central Government. This was a major consideration of the allocation of the site in the development plan. The delivery of housing in this area would therefore be of public benefit. The benefit it provides to Lewes is discussed in more detail throughout the report.
- 7.6 Through the examination process for the Lewes JCS, the examiner considered that in order to meet the housing need for Lewes District at that time, sites within the National Park boundary may need to be considered. Lewes is the County Town for East Sussex and provides a wide range of facilities for the surrounding communities, including direct transport links to London, Brighton and Eastbourne, schools, shops and employment opportunities. Whilst there may be other opportunities to deliver housing elsewhere within the local area, outside of the National Park and beyond Lewes town, to do so may be at the cost of delivering in a single location and without the benefit of such good transport links and access to facilities. The delivery of the same range of benefits that could be secured through this scheme (e.g. improvements to the railway cutting and provision of the public open space) are also likely to be harder to achieve if the development came forward on sites outside of the National Park. The SDNPA recognised that this remained the case in creating their own Local Plan and so the allocation was retained.
- 7.7 The effect on the environment, the landscape and recreational opportunities is considered in detail in the assessment below. In summary, whilst it is acknowledged there will be some impact on landscape character and in views, as well as on wildlife, this impact could be mitigated to ensure it would not be significant and that opportunities for biodiversity and recreation could be enhanced. Overall, it is therefore considered that the three tests of Major Development as set out in paragraph 172 have been met for this allocated site.
- 7.8 The application is also accompanied by an Environmental Statement (ES), in accordance with the Town & Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended). This describes the 'Environmental Impact Assessment', which assesses the potential environmental effects of the development during the construction and completed scheme (beneficial or adverse), the degree of impact, and mitigation measures to avoid, reduce or offset negative impacts. The issues covered are: Landscape and Visual, Highways and Access, Ecology and Nature Conservation, Heritage, Flood Risk, Drainage and Water Quality, Lighting and Air Quality, as required as part of the EIA scoping opinion. The Statement concludes that, overall, the scheme is considered environmentally acceptable following implementation of the required mitigation.
- 7.9 Policy SD76 requires that the development is informed by a 'comprehensive and integrated design brief'. Following initial consideration by Planning Committee and a period of public consultation, the Old Malling Farm Design Brief was approved in October 2020. This provides a summary of key evidence associated with the site and its setting, covering aspects including topography, landscape elements, perceptions and movement. It goes on to analyse this evidence, drawing out challenges that need to be addressed through the design and opportunities on which a series of Design Principles are based.
- 7.10 Policy requirements, such as the amount of development and location of the access have been incorporated into the Brief and evidence has been used to further define principles for development, such as the character area that could provide capacity for a higher density of development.

- 7.11 The application is made in outline, with all matters reserved except access and therefore less detail has been provided regarding how the Design Brief principles will be delivered. The applicant has provided a series of parameter plans that provide the strategies for landscape, drainage and movement, upon which future reserved matters would be based. These have been lifted from, or very strongly influenced by, the approved Design Brief and demonstrate at a high level how future development of the site could deliver the landscape-led design principles already established for the site.
- 7.12 Officers are satisfied that the principles of the Design Brief remain alive within the outline application and can be delivered more comprehensively in the future reserved matters applications.

Landscape Character and Visual Impact

- 7.13 The principle of development on this site was established through the examination into both the Lewes JCS and SDLP – it is the nature of how the site is developed that is for consideration as part of the application process and it is on this basis landscape character and visual impact are assessed. The Landscape and Visual Impact Assessment (LVIA) has been updated during the application process and examines the landscape character visual characteristics in detail.
- 7.14 The site is located on a promontory of elevated land at the bottom of the eastern slope of the Ouse Valley Sides Landscape Character Area (SDILCA) and is broadly consistent with the characteristics and sensitivities associated with this character area. In particular, elements such as the wooded boundaries and topography are highlighted as important elements and the approved Design Brief includes principles regarding the development of the site that take these aspects into consideration, such as the main spine road following the site contours and the enhancement and reinforcement of wooded boundaries. These aspects are also carried forward onto the illustrative masterplan and suite of parameter plans submitted in 2021 as part of this outline planning application.
- 7.15 The Examiner at the point of allocation, stated the impact on the National Park and its setting would be limited, however officers note the site to be readily visible from a series of key viewpoints, including Offham Hill, Malling Down and Hamsey Church. These have now been included as part of the Visual Assessment, as part of a series of 16 locations providing short, mid and long-distance viewpoints. Further information and clarification on how some of the conclusions of the visual assessment within the LVIA and related particularly to these viewpoints was requested by the Landscape Officer and Natural England. In further information received May 2021, the applicant advises that the parameters on which conclusions have been drawn and the further clarification requested, can be found in the Design Brief. This has not been entirely satisfactory to overcome the concerns raised in the consultation comments, however these are not concerns regarding the legality of the level of information provided and relate more to best practice. Whilst it would be preferable for this information to be presented now, it is likely that much of the visual impact would be capable of being mitigated through design choices at reserved matters stage. In particular those from Offham Hill and towards Hamsey Church would need further evidence provided to support reserved matter design decisions. This may include visualisations and/or wireframe diagrams in order to demonstrate decisions relating to layout, external appearance and the scale of the built form would not result in significant or prolonged visual harm.
- 7.16 There are 2 key principles which the landscape and visual impact assessment relies on, in order to ensure the development of the site would not cause significant harm. These are the strength of the woodland boundaries (particularly to the north and west) and the location of open space (which also seeks to resolve cultural heritage and ecological considerations as well). It is considered that these aspects go to the heart of the principle of development and should be assessed at this stage.
- 7.17 The woodland to the west of the site and tree planting along the northern boundary provide important screening to the site, providing a strong influence on the enclosed character of the application site. The woodland comprises a large number of Ash trees, whilst the

northern boundary is primarily planted with aging Poplars. These are both at risk of diminishing over the short to mid-term, which would lead to a change in character of the site and also expose the site to much wider views. These tracts of woodland and tree planting are in the same ownership as that of the site and it is therefore considered reasonable and directly related to the development of the site to secure future management of these areas so that the integrity of the boundaries is not diminished. This could include further planting of native species and understorey management, as part of a woodland management plan to be delivered under a Section 106 Agreement.

- 7.18 The amount of green space and broad locations of these spaces have been determined as part of the Design Brief and are indicated on both the landscape strategy and concept plans. The proportion of green space across the site is significant – each responding to the landscape elements and capable of achieving its own identity and character. Provision of play equipment and securing the principles of the green space provision can also be achieved through conditions and the S106 Agreement. The potential character and function of the green space is outlined in the Design Brief and further detail reflecting this would be expected to be provided as part of a reserved matters application.
- 7.19 Whilst a separate chapter in the ES, lighting is considered under landscape for the purposes of this report. The application site is within the EI(b) Transition Zone. Again, as the application is made in outline only, the details of lighting are limited to those principles within the approved Design Brief. The Lighting Strategy that accompanies the application concludes that the proposed lighting scheme on which the assessment has been carried out meets the Institute of Lighting Professionals (ILP) sky glow limitations for this particular location and would have a neutral magnitude of impact. A detailed lighting strategy would be provided at reserved matters stage.
- 7.20 Through the development of the Design Brief, officers focussed on how ecosystem services could be integrated throughout the development and delivery of these has underpinned many of the principles that have been brought forward through the strategies submitted as part of this application. For example, the implementation of SuDS support the sustainable management of land, the Green Infrastructure (GI) strategy would protect and provide more, better and joined up natural habitats and provide opportunities to improve people's health and wellbeing. No formal ecosystem services statement accompanies the application, as it was submitted prior to the requirement for one to be provided. Officers are however satisfied that the applicant has demonstrated the development would have an overall positive impact on the ability of the natural environment to contribute goods and services.
- 7.21 Based on the principle of development in this location having been established subject to the conditions proposed and a S106 Agreement to secure the woodland management plan and broad accordance with the landscape strategy and concept plan, together with further assessments to be made at reserved matters stage, it is considered the proposal would be acceptable and would not have a significant adverse visual impact. The visual harm that there would be needs to be set against the benefit of provision of housing on this allocated development site. Overall the development proposal would be in accordance with policies SD4, SD5, SD6, SD7 and SD8 of the SDLP.

Access, Highways and Parking

- 7.22 The applicant has submitted an updated Transport Assessment as part of the ES in support of the application demonstrating that there would not be a detrimental or 'severe' impact on the local road network. The main vehicular access would have good visibility in both directions, with nearly all traffic arriving from the south. A footway along the south of the access would link to the existing housing to the east and provide direct, at grade access to the railway cutting.
- 7.23 The existing access point from Old Malling Way would be repurposed for use by cyclists, pedestrians and for emergency access and residents of the existing dwellings at Old Malling Farm. This will be achieved through the installation of a lockable feature that would prevent unrestricted car use of the access. The Design Brief provides a suite of principles aimed at

delivering a clear, recognisable shared access that would be prioritised for non-motorised access. These would be assessed and delivered through the reserved matters application.

- 7.24 The applicant has advised that the parapet on the bridge for this secondary access is too low for safe use by cyclists at approximately 1m and that cyclists would therefore need to be asked to dismount in order to cross the bridge. As the bridge is outside of the application site, the applicant has suggested it would not be possible for them to deliver any mitigation, such as installing a rail on either parapet to increase the height to 1.4m. The bridge is owned by Lewes District Council and officers have sought and received agreement from LDC to enable railings, or another appropriate measure, to be installed as part of the proposed development. This measure can be secured through a Grampian condition, which would be imposed through this application and prevent the need for cyclists to dismount.
- 7.25 The position of the proposed access was defined as part of the original JCS policy and remained undisputed by the Examiner in his report on the SDLP. Since that time, there have been no changes in the immediate vicinity that preclude why the access cannot remain as proposed. The Local Highway Authority (LHA) do not raise an objection to the location of the proposed access and officers consider its location to be satisfactory and appropriate.
- 7.26 The LHA has objected to the proposed development on grounds that can broadly be split into 3 themes:
- Lack of information/commitment to off-site highway works
 - Provision of suitable pedestrian and cycling infrastructure, and
 - Lack of detail in respect of secondary access, drawing consistency, modelling and parking strategy.

Comments that link to these concerns have also been received through other consultation responses and many of the third party representations. These issues will be reviewed in turn.

- 7.27 Policy SD76 states that “development is contingent on appropriate off-site highway improvement works to be provided in specific locations”. Of those listed in the policy, ‘suitable traffic calming in local roads’ remains the only measure that has not already been delivered or had funding secured for its delivery. No specific measures have been identified by either the applicant or the LHA as to what a scheme of traffic calming may look like, however these could include the adoption of a ‘quieter streets’ approach with interventions such as road narrowing, chicanes, raised table junctions and 20mph speed limits. Through discussions between officers and the applicant, a sum of £1.7 million has been agreed to go towards improvements to the local highway and improved access to the town centre. The need to deliver traffic calming measures and improve non-motorised user (NMU) access to the town centre and countryside has been identified within policy SD76 and reiterated in several consultation responses, including ESCC Highways. Such a requirement is therefore considered to be necessary to make the development acceptable. All measures listed above are also considered to be directly related to the development, as they would be along the main vehicular routes linking the application site to the town centre. Whilst specific information has not been received, it is considered this particular issue could be resolved as part of the S106 Agreement, with parameters for the types of schemes suitable for the area identified as part of the Agreement.
- 7.28 The financial contribution would also be used to provide improvements to the existing permissive path within the railway cutting and ensuring there is a realistic alternative route to the town centre for non-car modes of transport. This would include the surfacing of the path, making it suitable for year-round use. It would join with existing paths further south on the recreation ground, providing a non-vehicular direct link to town. The contribution would also part-fund a link from the application site at its southern end, to enable residents to benefit from this direct link without having to first travel to the northern end of the site. As above, these options are considered to be directly related to the development as they are in close proximity to the site and the improvements would be on routes that provide a clear link between the site and town centre facilities and provide suitable alternatives to car

use. Various options as to how the southern pedestrian link could be achieved are being explored, which include a fully ramped solution and stepped access. There is a balance to be struck between achieving the most direct and accessible link and conserving the local wildlife site and associated ecological features. Whilst funding is secured for this through the S106 agreement the exact details require continued discussions between the SDNPA, Lewes DC (as landowners of the cutting) and Lewes Town Council, as well as the applicant.

- 7.29 The proposed sum of £1.7 million in the S106 agreement is based on investigations into the cost of improvements to the railway cutting and allows a balance to be struck between traffic calming and achieving a meaningful alternative for new residents to getting in a private car. The commitment of the applicant to enable the delivery of the improvements is acknowledged and the contribution is both reasonable in scale and kind, therefore meeting the necessary tests of the regulation 122 of the Community Infrastructure Regulations 2010 (as amended). This is also considered to resolve the second matter within the LHA's comments.
- 7.30 Concern has been raised about highway safety and traffic mediation measures that had been previously secured through approved schemes, such as North Street Quarter, not coming forward in advance of this application. Whilst this is acknowledged, the proposed development needs to be considered on its own merits. The proposal would not have a severe impact on the local or strategic highway network and a considerable mitigation package has been secured to deliver a range of traffic calming, non-motorised user improvements and highway works. It is therefore considered that any delay in the delivery of the North Street Quarter scheme should not have a bearing on the timing of delivery of this scheme.
- 7.31 Through the delivery of the off-site works, both in terms of traffic calming and improved NMU links, it will be essential to ensure the works complement each other and that connectivity to existing NMU routes is achieved.
- 7.32 Further information submitted following the objection being raised by the LHA advises that parking would be provided at an average of 2 spaces per dwelling. As well as the comments regarding parking from the LHA that raised concerns regarding the lack of information for parking provision, there have also been concerns raised by third parties about there being both too much and, on the other hand, too little parking provided on site.
- 7.33 According to 2011 Census data, 80% of households within Lewes Bridge ward had 1 or less cars, whereas 16.3% had 2 cars/vans per household and the remainder had more. There is an average of 0.94 cars per household. Turning to the proposed development most car parking spaces would be provided on plot, or within small parking courts, as proposed in the Design Brief. The split between allocated and unallocated/visitor spaces has been suggested in the Transport Assessment to be 406 allocated for residents and 45 spaces unallocated for visitors. Given the level of detail required at the outline application stage, the exact nature and location of spaces would be a matter for a future reserved matters application. As further details of the layout become available, the exact number of spaces would be reviewed in accordance with the SDNPA Parking SPD, although a balance would need to be struck between;
- ensuring the proposal would not exacerbate existing issues regarding parking in the surrounding area;
 - providing the number of spaces recommended through the Parking Calculator;
 - creating a development with a high quality public realm and
 - providing encouragement for residents to seek alternative methods of transport to the private car.

There is likely to be a shortfall of spaces within the site, when taking into account the number recommended by the Parking Calculator, which based on current information indicates 496 spaces would be required (compared to the 451 spaces proposed in the development). This is considered acceptable because of the other measures proposed by

the development, such as the improved pedestrian and cycle access towards the town centre and public transport hubs and the provision of car club spaces.

- 7.34 Car clubs are an important aspect of providing sustainable travel alternative and so such details, including numbers, location and their retention are proposed to be secured by S106 Agreement.
- 7.35 Electric Vehicle (EV) charging is proposed across the site – for all on plot parking and allocated parking for houses. For communal parking the Authority’s Sustainable Construction SPD requires 1 EV charging point per 10 spaces, with ducting for every 1 in 5; and provision for this is secured through the S106 Agreement.
- 7.36 The LHA have raised concerns regarding the clarity of information within the Transport Assessment. Despite this being updated and resubmitted, it still references the JCS, rather than the SDLP. Officers, however, can confirm that the transport evidence base that informed the SDLP allocation of the application remained unchanged from that considered in the JCS examination and therefore this does not affect the conclusions of the Transport Assessment. Therefore the information legally required by the EIA Regulations has been provided, albeit not in as clear and comprehensive a manner as the LHA would have liked.
- 7.37 It is acknowledged that there is significant local concern regarding increased traffic along Old Malling Way and Monks Way, as a result of the access being located toward the northernmost point of the site. The cost of reinforcing and expanding the existing access, or the provision of a new access further south would likely cause significant ecological, landscape harm and could impact upon viability. This has not been pursued in any detail by the applicant, as the policy is clear in terms of the appropriateness of the northern access point and the Local Highways Authority have raised no objection to this access. The focus for officers has been instead to seek measures that would enable a real alternative to private car use, in a bid to reduce reliance on car journeys. It is considered this would be achieved through the mitigation package outlined above.
- 7.38 The potential for a bus route to loop through the site has been raised through the consultation, by third parties. This had been explored by the applicant, but at the present time, the local bus company is not prepared to change the route. The nearest bus stop is just south of the existing access from Old Malling Way. This would be 400m from the furthest point within the application site, which, is broadly considered acceptable. Additionally, in order to provide a bus route within the site may lead to additional infrastructure being provided within the site that could have an impact on other landscape and biodiversity enhancements. Taking into consideration the existing public transport provision, officers consider the provision for buses is acceptable.
- 7.39 In conclusion, it is considered that the scheme does not give rise to severe or unacceptable cumulative impacts on the road network, does not have a detrimental impact on highway safety and adequate provision would be made for parking. Good provision would be made for pedestrians and cyclists. Taken together the development scheme is considered to accord with policies SD19, SD20, SD21, SD22 and SD76.

Affordable Housing and Housing Mix

- 7.40 Following a series of discussions between officers and applicant, the application proposes to deliver 50% affordable housing across the application, with a tenure split of 75% affordable rented and 25% intermediate housing. As part of this provision, 10 dwellings that accord with the definition of LLCH set out in the Lewes Neighbourhood Plan would also be provided. LLCH is defined on page 60 of the Lewes Neighbourhood Plan as:
- The maximum cost affordable on the average Lewes salary whether for sale or rent. The Government’s definition of 80% of market value is not ‘affordable’ on the average Lewes income of £23,000 or household income of less than £30,000, and for that reason will not address the community’s housing need.

The provision of these units is important, however should not be at the expense of delivering affordable housing overall. In this instance, the applicant has indicated agreement with the viability appraisal carried out by Bruton Knowles, on behalf of the SDNPA, which

demonstrates that the scheme can accommodate these units. The provision of 113 affordable units is of significant benefit to both Lewes town and the SDNPA as a whole. The number, housing mix and tenure split are fully compliant with policy SD28.

- 7.41 The tables below set out the proposed housing mix for both the market and affordable units and how that compares to the requirements of Policy SD27 of the SDLP.

Proposed Housing Mix and Affordable Housing Tenure

Size of Unit	Market Housing		
	Total number of units proposed	Total %	Policy SD27 requirement, total % by size of unit
1 bed unit	0	0%	At least 10%
2 bed unit	36	32%	At least 40%
3 bed unit	56	50%	At least 40%
4 bed unit	21	18%	Up to 10%
Total	113		

Size of Unit	Affordable Housing				
	Number of Affordable Rented	Number of Shared Ownership	Number of LLCH	Total % by size of unit	Policy SD27 requirement, total % by size of unit
1 bed unit	5			4%	35%
2 bed unit	44	20	10	66%	35%
3 bed unit	21	7		25%	25%
4 bed unit	5	1		5%	5%
Total	75	28	10		

- 7.42 The affordable housing mix provides a greater percentage of 2-bed units than required, rather than a 50/50 split between 1 and 2-bed units. This mix has enabled the delivery of the 50% affordable housing, and tested as part of the viability assessment process. Further, Policy SD27 allows for the substitution of 1-bed affordable units with 2-bed affordable units and as such, the affordable housing mix and proposed tenure split is considered to be policy compliant and acceptable.
- 7.43 The proposed market housing mix on which the viability assessment is based provides a higher percentage of 4-bed units than policy SD27 indicates. However, over 80% of the housing proposed would be 2 and 3 bed units. This is typical of the mix within the surrounding area and so wouldn't be out of context. The slight departure from policy is also considered against the provision of the 50% affordable housing and provision of LLCH units, as well as the provision of extensive green infrastructure and the character areas emerging

from the Design Brief. Overall, it is considered that the general approach to the market housing mix is acceptable in these particular circumstances and outweighs the housing mix requirements of policy SD27.

- 7.44 Officers are therefore satisfied that the development would deliver a satisfactory housing mix on site.

Sustainable Construction and Zero Carbon

- 7.45 As already stated, it is considered that when it comes to the major development 'test' exceptional circumstances exist and the development would be in the public interest. Therefore, in accordance with policy SD3 of the SDLP, any development of this site has to deliver on eight guiding principles of sustainable development. As the application has been made in outline, with most matters of detail left to reserved matters, there is little information in the application documents as to how each of the criteria will be addressed. In particular, matters regarding zero waste and sustainable materials will be dealt with at the reserved matters stage. The Design Brief includes a set of principles and guidance on measures appropriate to each of the criteria, which would be expected to guide any future application.
- 7.46 The Authority's viability appraisal for the application includes sums that would enable the provision of electric vehicle (EV) charging across the site, as well as accounting for the upcoming increase in carbon reduction requirements within Building Regulations. The appraisal also identifies enough of a profit margin to enable further contributions to be made towards achieving a 'zero carbon' development. Whilst details have not been provided as to how this would be achieved (which is not unreasonable in an outline planning application), the applicant has demonstrated a willingness to comply and deliver a zero carbon, zero waste development that would include renewable energy (such as air source heat pumps and photovoltaics), and water efficiency measures. This would be a significant public benefit. Further details of how compliance with policy SD3 and SD48 would be met, with particular regard to zero carbon, would be achieved through the submission of an energy strategy to be secured by S106 Agreement.
- 7.47 For the sustainable transport measures (to reduce the need to travel and encouraging low / zero carbon modes of transport) the applicant is providing a financial contribution to improve the existing permissive path within the railway cutting. This would provide a more direct non-motorised link to Lewes town centre. Improvements to existing bus stops, car sharing club spaces within the site and the provision of electric vehicle charging points and associated infrastructure for all residential units would also be provided.
- 7.48 For sustainable water, the applicant is proposing a drainage strategy which ensures the total future water run off rate (plus an allowance for climate change) does not exceed run off from the existing site together with a number of SuDS measures including swales and bio-retention ponds. .
- 7.49 For land use and wildlife, the landscape strategy / green infrastructure for the site has been the driving force behind the proposals. Further details on the built form would be required as part of future reserved matters applications.
- 7.50 For culture and community, again through the landscape strategy, it is considered that the scheme respects the local character of the area. It is acknowledged that there have been several representations suggesting that additional community and work facilities should be provided as part of the development. This is not a policy requirement and whilst such provision could be of benefit, the improved green spaces and opportunities to improve routes to community facilities further south, are considered to satisfy this criterion.
- 7.51 For health and wellbeing, much of the detail would be provided and assessed in the reserved matter applications. The green infrastructure across the site provides for walking and cycling routes, spaces for people to relax and enjoy the environment and more formal spaces where people can gather and play outdoor games (such as on the proposed village green).

- 7.52 In conclusion, in as far as an outline planning application where access is the only matter to be determined, it is considered that this scheme would not result in any adverse impact, and is likely to have an overall positive impact, on the environment and is therefore in accordance with policies SD3 and SD48 of the SDLP. It is acknowledged that much will depend upon the securing of further details to be submitted as part of future reserved matters applications, and adherence to the principles within the Design Brief through suitably worded conditions and obligations within the Section 106 legal agreement. This is not unusual in the case of large complex schemes and the same robust policies will apply to any subsequent details submitted.

Impact on Local Amenities

- 7.53 Although used informally by some walkers there is no right of access to the site by members of the public. The provision of additional public open space and a circular walk around the site are considered to be beneficial not only to future residents but also to existing local residents. The proposed development also secures funding for an improved non-motorised route leading to the town centre along the existing railway cutting, which would also be of benefit to existing residents. Car club spaces within the site would be available for use by existing nearby residents. Several representations have been made requesting the proposal also makes allowance for further community facilities, such as a shop and/or employment space. Whilst the benefit of such provision is noted, it is not a requirement of the local plan for such provision to be made. The development is not required to directly fund additional school places, or GP services as at this point there has not been an indication from local providers that such provision is necessary. If required, any future provision could be funded in whole or part by the CIL receipts from this and other development within the SDNP. The development will be liable to pay the community infrastructure levy, which will be calculated following any approval of reserved matters.
- 7.54 As already stated the site is characterised by its strong wooded boundaries, which lead to a sense of seclusion and there would also be relatively limited direct inter-visibility between the existing residents to the east on the Malling estate and new residents of the site. There would be a more direct (but not unacceptable) impact on the residents of Old Malling Farm itself. A number of concerns have been raised by these residents through the course of the application and Design Brief consultation, many of which have been considered as part of theme-specific assessments above. One such example would be the issue of surface water run-off from the existing field into the farm complex, which would be addressed when further details of the drainage mitigation and enhancement measures are submitted as part of the reserved matters application. Continued access to the farm complex and privacy/security measures have also been raised. The former has been addressed in earlier paragraphs, whilst the latter is matter for the reserved matter stage.
- 7.55 The existing dwellings are well screened by existing woodland; measures for the retention and management of this woodland have been discussed above. The layout and scale of the new dwellings has not yet been determined but officers consider it would be possible to deliver the proposed quantum of development without leading to overlooking or loss of private residential amenity to the existing dwellings. The location of the existing properties, the topography of the site and broad parameters for the scale of new buildings noted in the concept plan would not result in a loss of daylight or sunlight to existing residents. The illustrative masterplan (Appendix 2) shows one way in which this might be achieved.
- 7.56 The approach to these existing dwellings would be directly impacted by the construction of the proposed development, however this could be mitigated against through the imposition of a construction and environmental management plan condition.
- 7.57 The impact of the additional dwellings on the local road network has been considered above, and it is acknowledged there is already significant on-road parking along Old Malling Way as a result of the Policy and Ambulance headquarters nearby, as well as existing residents. The proposal is considered to have provided adequate measures through its parking strategy and the proposed mitigation to improve NMU access to the town centre to

prevent the development resulting in an unacceptable impact on the road network or exacerbating parking on-street.

- 7.58 The construction phase of the proposed development would involve a number of activities that could produce polluting emissions to air. Predominantly, these will be emissions of dust. For the operational phase the primary concern would be additional traffic and potential heating methods. Chapter 11 of the ES considers the impact of air quality and proposes a number of mitigation measures that could be secured through a Construction and Environmental Management Plan (CEMP). The report considers that there would be a negligible impact on air quality as part of the operational phase of the development and therefore proposes no mitigation. Overall, this may be the case, however officers recognise the importance of taking steps to make enhancements and therefore encouraging alternative methods of travel have formed part of the assessment, and are discussed elsewhere in the report. Consideration of how dwellings would be heated are part of the consideration for reserved matters.
- 7.59 For existing residents at Old Malling Farm and in the Malling Estate it is recognised there would be both a visual and aural impact as a result of the scheme and the experience of users of Old Malling Way will change. This impact, however, is considered to be moderate and not to be out of character with a residential area where in many cases, an element of through traffic is inevitable. The site is allocated for development and this also has to be weighed against the many benefits the scheme would bring; in terms of additional public green space, housing and affordable housing and that the additional traffic generated by the development could be absorbed within the capacity of the highway network.
- 7.60 Hamsey Parish Council has requested that the railway cutting improvements extend to the north and continue over the River Ouse to link with rural communities beyond. Whilst this would be desirable, it is not considered necessary in order to make the development acceptable.
- 7.61 In conclusion, subject to conditions securing the proposed mitigation measures already mentioned above (and as supported by the comments from the consultees) and as set out the ES, it is considered that there will be no significant detrimental impacts to the existing residents or occupiers of the proposed development, and such mitigation measures are reasonable and necessary.

Heritage Assets

- 7.62 Whilst there are no Listed Buildings on site nor is it within a Conservation Area, there are both within the immediate vicinity, as well as others further afield where the inter-visibility between the site and asset should be considered.
- 7.63 The Grade II listed ruins of a college of Benedictine Canons lies within the Old Malling Farm complex to the west of the application site. The site of the ruins has only a minimal connection with the application site, although some potential archaeology within the site on the western boundary, may be related to the ruins. Geophysical surveys have been completed, which are inconclusive as to what this archaeology may be, however the concept plan and landscape strategy propose to omit this area from the developable areas. This is considered to ensure adequate protection of the potential below ground heritage assets and would also provide preservation of the setting of the known asset at Old Malling Farm.
- 7.64 Similarly, the character and appearance of the Malling Deanery Conservation Area, which adjoins the southern boundary of the site has been recognised as requiring preservation within the landscape strategy. The lowest density housing and further green space are proposed at the southern end of the site (in accordance with the Design Brief), where there would also be opportunities for additional planting in order to preserve the secluded and tranquil character associated with the character area and Grade II* Listed St Michael's Church.
- 7.65 A potential connection between the above heritage assets and the Parish Church of St Peter (Grade I) to the north has been acknowledged as part of the Heritage Statement and within the Conservation Officer's comments. The landscape strategy and Design Brief aim to

facilitate a visual connection through the provision of a 'green spine' on site that enables views to these features, as well as south towards Lewes Castle. A careful balance of opening up these views and additional planting to retain the tranquil, secluded character of features is required, which would need to be demonstrated and delivered as part of future applications.

- 7.66 Officers consider that the development of the site overall would lead to 'less than substantial' harm to surrounding heritage assets, in particular the Malling Deanery Conservation Area. The application is made in Outline only and measures to accompany the reserved matters such as additional boundary planting and the existing separation between the site and assets would go a long way to mitigating the less than substantial impact. Strategies for how this could be achieved, namely the landscape strategy, character areas and concept plan, have been included and are considered to provide an appropriate basis on which further details could be provided. The limited harm has to be set against the significant public benefit of providing housing and affordable housing for Lewes on a site allocated for housing in the Local Plan.
- 7.67 No visual or heritage impact assessment regarding Lewes Castle, a Grade I Listed Building, was provided by the applicants. Heritage was 'scoped in' to the Environmental Statement, and the impact on Lewes Castle has been considered in as much as the proposal impacts on the land between the Castle and historic battlefields. Whilst the setting of the Castle has not been considered specifically, officers consider that this does not mean that the applicant has not fulfilled the legal requirements for EIA. The SDNPA has undertaken an assessment of the impact of the development, to determine whether there would be any harm caused to the setting of the Grade I listed building and scheduled monument. This has clearly concluded that the development of the application site would cause less than substantial harm to Lewes Castle and its setting, mainly due to the limited inter-visibility between the sites. The scale of the development in relation to the existing built up area of Lewes, existing vegetation and physical separation between the sites assists in minimising any potential harm to Lewes Castle and its setting from the proposed development. Mitigation relating to vegetation, materials and street lighting are recommended and would be delivered through reserved matters application.
- 7.68 Through imposition of conditions regarding further archaeological investigation, it is considered that the development would not cause harm to the heritage assets around the site and provision could be made through future reserved matter applications to conserve and enhance the setting of these assets, thereby according with policies SD12, SD15 and SD16 and the requirements of the Listed Building legislation.

Flood Risk, Drainage and Contaminated Land

- 7.69 Following the submission of amended and additional details, such as the updated climate change allowance figures and imposition of the necessary conditions restricting the location of residential development to within Flood Zone 1 (the area of lowest flooding risk), it is considered that the scheme does not present a flood risk. There are appropriate alternatives that will enable emergency access to and egress from the site via the existing bridged access point, in the event of a flood event, despite the northern access point being partly within Flood Zone 2 and 3 and therefore it is considered acceptable.
- 7.70 During the course of the consideration of the application, matters associated with layout were omitted, to be dealt with as part of a future reserved matters application. The Lead Local Flood Authority has therefore removed their objection regarding insufficient information, although it is noted that further information will be required as part of the reserved matters application. A drainage strategy has been provided, on which it would be expected future applications to be based. As part of this, swales along roads and within the central green spine, identification of areas for bio-retention and rain gardens are all included. There are also proposals as part of the sustainability section of the Brief to deliver water use efficiency measures, including rain and grey water harvesting. In combination, these measures would ensure an adequate response for drainage resulting in run-off being restricted to undeveloped green field rates, as well as delivering multiple benefits to the residents of the scheme and local ecology and biodiversity.

- 7.71 Flood risk has been a particular concern in many of the representations made on the application. Strategic flood risk issues were considered when the site was allocated at both the JCS and SDLP examinations, and the principle of allocation and the location of the access were accepted by the Examiner in both instances. The updated Flood Risk Assessment has taken into account the most recent data available in terms of climate change allowances, which still indicates the access point is of a sufficient level to remain dry and safe. The Environment Agency has accepted this conclusion. The arable field currently provides little intervention to slow surface water run-off. The application presents an opportunity to enhance surface water drainage on the site, which would benefit existing residents. Further details of how this would be achieved would be provided as part of the reserved matters, however the Lead Local Flood Authority and SDNPA officers are satisfied with the strategy proposed at this stage.
- 7.72 A site investigation report was carried out by Soils Ltd in March 2018, which identified a very low risk of ground contamination, and recommended a range of mitigation measures in order to avoid any detrimental effects during construction and operational phase. These will be secured by condition. Conditions requiring a verification report and measures to be taken in the event unidentified contamination is discovered (Conditions 20 and 22 in section 9) are also included, as recommended by the Environmental Health Officer. A further condition requesting a full contamination report was considered to be unnecessary, based on the findings in the investigation report carried out by the applicant and in the absence of evidence to the contrary.
- 7.73 In conclusion, it is considered that subject to conditions securing the details and proposed mitigation measures, it is considered that there will be no significant detrimental impacts to flood risk and drainage and the required mitigation measures are reasonable and necessary.

Ecology and Biodiversity

- 7.74 The site has been in arable use for many years, comprising two fields; the boundaries of which are mature woodland and hedgerow. These boundary features and land immediately beyond the site provide many ecological and biodiversity opportunities, however the fields themselves have low biodiversity value.
- 7.75 Part of the Design Brief's objective was to outline a GI strategy that would support existing landscape elements and increase biodiversity across the site. The Brief and the Landscape Strategy demonstrate how increased habitat connectivity, diversity across the proposed green spaces and protection for key species could be delivered. This is further supported by a number of ecological surveys that form part of the Environmental Statement. Based on the information submitted at this outline stage, the proposal would deliver 11.5% overall biodiversity net gain (as supported by the submitted DEFRA metric). However, this may increase at reserved matters stage, as further detailed information becomes available.
- 7.76 The site is within 250m of the Site for Special Scientific Interest (SSSI) for Offham Marshes, which is designated for biological interest and noted for its large amphibian population. This lies adjacent to the opposite bank of the River Ouse. Consideration of the potential impact of the development has been considered further, following concerns raised by Natural England. The further assessment concludes the application would have a negligible impact on the SSSI during both the construction and operational phases, providing mitigation measures including a SuDS scheme controlling surface water run-off, boundary reinforcement and appropriate storage of hazardous materials are secured. It is noted that areas of Offham Marshes were considered to be in an unfavourable but recovering condition in 2018; the application is not considered to effect the ability of the SSSI to continue to recover. These measures are all considered to be reasonable and would be secured via condition as part of this application.
- 7.77 The impact on the Local Wildlife Site (LWS) along the eastern boundary has also been considered. This site is known for its bat foraging and roosting potential and therefore the impacts of lighting would need to be carefully considered at reserved matters stage.
- 7.78 In conclusion, it is considered that the scheme will provide significant benefits to ecology and biodiversity (including providing biodiversity net gain). Importantly it enables the

environment to deliver beneficial goods and services, including health and well-being benefits, as well increasing people's understanding and enjoyment of the special qualities of the National Park, in accordance with policies SD2, SD3, SD9 and SD11 of the SDLP.

8. Conclusion

- 8.1 It is considered that this outline application would enable a detailed landscape-led design on this Local Plan allocated site to come forward. Proposed mitigation and enhancement measures are appropriate to the landscape character of the area and follow the approved Design Brief principles. The proposal would not have a detrimental impact on the character of the local area and the development of this allocated housing site would conserve and enhance the natural beauty, wildlife and cultural heritage of the National Park. The proposed access is in accordance with policy and the 'gateway' status of the secondary access for non-motorised Users is welcomed. Provision of 50% affordable housing is in accordance with policy SD28 and securing a zero carbon development is also highly beneficial and in compliance with the requirements of SD3. The financial contribution to be secured by S106 Agreement would help deliver a package of traffic calming and NMU infrastructure that would benefit new and existing residents.
- 8.2 It is also considered that the likely environmental impacts of the development have been adequately assessed through the Environmental Statement (and its addendums) and the conditions recommended below would secure appropriate and acceptable mitigation and enhancement measures.
- 8.3 In conclusion, it is considered that the proposed development would have an overall positive impact on the ability of the environment to contribute goods and services and provide multiple benefits, including health and well-being benefits for the future occupiers of the scheme and enhancements which may benefit existing residents. It is considered that exceptional circumstances exist and the development would be in the public interest, including opportunities to conserve and enhance the special qualities of the National Park, to grant permission, particularly given the land is allocated for development in the South Downs Local Plan. No material considerations of such weight or importance have been identified that outweigh the legislative requirement under Section 38 (6) of the Planning and Compulsory Act (2004) to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.
- 8.4 Therefore, it is considered that the proposal would be acceptable and would broadly accord with the relevant policies within the National Planning Policy Framework, the South Downs Local Plan, Lewes Neighbourhood Plan, the South Downs National Park Partnership Management Plan 2019-2025 and the DEFRA Circular and purposes of the National Park.

9. Recommendation and Conditions

- 9.1 That outline planning permission be approved subject to the conditions below subject to the completion of a S106 legal agreement, the final form of which is delegated to the Director of Planning with obligations relating to:
- A maximum of 226 dwellings consisting of:
 - 75 affordable rented dwellings
 - 28 shared ownership affordable dwellings
 - 10 Lewes Low Cost Housing Dwellings
 - A housing mix for open market dwellings of:
 - Approximately 32% 2-bedroom dwellings
 - Approximately 50% 3-bedroom dwellings
 - Approximately 18% 4-bedroom dwellings
 - A housing mix for the affordable dwellings of:
 - Approximately 4% 1-bedroom dwellings

- Approximately 66% 2-bedroom dwellings
- Approximately 25% 3-bedroom dwellings
- Approximately 5% 4-bedroom dwellings
- The 10 Lewes Low Cost Housing Dwellings are all to be 2-bedroom dwellings
- Financial contribution of £1.7 million for:
 - Improvements to the existing railway cutting permissive path to enable year round use and improved access from the application site to the permissive path;
 - Other non-motorised user route improvements for enhanced routes to Lewes Town Centre;
 - Highway improvement works for traffic calming measures on Old Malling Way, Church Lane and Mayhew Way;
 - Junction improvement works including parking restrictions at the junction between Mantell Close and Old Malling Way.
- The provision of net zero carbon dwellings and sustainability measures in accordance with policy SD3, including zero waste and water efficiency.
- The provision of a Travel Plan and sustainable transport measures (including a car sharing club and electric vehicle (EV) charging points);
- Section 278 Agreement to cover highway works including provision of tactile paving, bus stop improvements and double yellow lines; and
- The provision of Estate Management Plans (to include the maintenance and management of the woodland to the west and north of the application site, landscaped areas, ecological measures, drainage, and sustainable drainage systems (SuDS), open spaces, lighting, estate roads and footways).

and note that the Committee confirm in their decision that they have taken into account:

- the environmental information as required by the Town and Country Planning (Environmental Impact Assessment) Regulations 2017;
- all matters referred to in the Director of Planning's report including comments received from statutory consultees and other interested parties, and;
- all other material considerations

That authority be delegated to the Director of Planning to refuse the application with appropriate reasons if the legal agreement is not completed or sufficient progress has not been made within 6 months of the Planning Committee meeting of 10 June 2021.

9.2 Conditions

General

1. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the Reserved Matters, as defined in Condition 2 to be approved, whichever is the later.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

2. No development shall commence until details of the:
 - a) layout
 - b) scale
 - c) appearance

d) landscaping

(hereinafter called "the Reserved Matters") have been submitted to and approved in writing by the Local Planning Authority. Application for the approval of the Reserved Matters shall be made within three years of the date of this permission. The development shall accord with the approved details.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

3. The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".

Reason: For the avoidance of doubt and in the interests of proper planning.

4. The Reserved Matters shall be submitted in broad accordance with the submitted landscape strategy (drawing no. D2749_405), concept plan (drawing no. D2749_432) drainage strategy (D2749_420), movement and connectivity plan (D2749_436), character areas plan (D2749_418) and the Old Malling Farm Design Brief approved October 2020.

Reason: To ensure a detailed design that will deliver a landscape-led development, which makes best use of natural resources, conserves and enhances landscape character, biodiversity, cultural heritage and views into and from the application site.

5. At the reserved matters stage, the approved ecological measures secured through condition 3 shall be reviewed and, where necessary, amended and updated. The review shall be informed by further ecological surveys commissioned to:

- a) establish if there have been any changes in the presence and/or abundance of bats and badgers; and
- b) identify any likely new ecological impacts that might arise from any changes. Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the local planning authority prior to the commencement of development. Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.

Reason: As species are mobile and habitats can change and become more or less suitable, it is important that the surveys reflect the situation at the time on any given impact occurring to ensure adequate mitigation and compensation can be put in place and to ensure no offences are committed.

6. The development shall be carried out in accordance with the submitted Flood Risk Assessment (dated June 2018, The Civil Engineering Practice and updated 09 April 2021) and additional information submitted, and the following mitigation measures detailed therein:
 - The area of residential development will be located entirely in Flood Zone 1 (section 8.2)
 - The residential development will be set above the existing 6.5m land contour (as specified in an email dated 9 April 2021 from Mr Stuart Magowan of The Civil Engineering Practice).

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

Prior to Commencement

7. Prior to the commencement of the development, a phasing plan that indicates how the development will come forward, including access arrangements at each phase, the delivery of the green infrastructure strategy and other associated works, shall be submitted to and approved in writing by the Local Planning Authority. The phasing shall be implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate capacity is available to adequately service the development.

Reason: To ensure the development makes adequate provision for access, green infrastructure and sewerage at each stage.

8. Prior to the commencement of the development a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The content of the LEMP shall include the following:
 - a) description and evaluation of features to be managed;
 - b) ecological trends and constraints on site that might influence management;
 - c) aims and objectives of management;
 - d) appropriate management options for achieving aims and objectives;
 - e) prescriptions for management actions, together with a plan of management compartments;
 - f) preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period;
 - g) details of the body or organisation responsible for implementation of the plan;
 - h) ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body (ies) responsible for its delivery. The plans shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: Biological communities are constantly changing and require positive management to maintain their conservation value. The implementation of a LEMP will ensure the long term management of habitats, species and other biodiversity features

9. Prior to the commencement of the development, including any site clearance works, hereby permitted, a Construction Environmental Management Plan (CEMP), shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved CEMP shall be implemented and adhered to throughout the construction period. The CEMP shall provide details as appropriate but should include:
 - An indicative programme for carrying out the works;
 - The anticipated number, frequency and types of vehicles used during construction;
 - The method of access and routing of vehicles during construction;
 - Details of the parking of vehicles by site operatives and visitors;
 - Details of the location of site office and welfare facilities, and sales office;
 - Details of the loading and unloading of plant, materials and waste;
 - Details of the storage of plant and materials used in construction of the development;

- The timings of deliveries to site;
- Details of the provision of loading / offloading areas;
- Traffic management in the adjoining highways;
- Site operative's travel plan;
- The provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders where necessary);
- The erection and maintenance of security hoarding and use of protective fences, exclusion barriers and warning signs for the public and ecological protection;
- Management measures being taken to ensure no burning of construction materials on site;
- Measures to control the emission of dust and dirt during the demolition / construction process;
- Measures to minimise the noise (including vibration) generated by the demolition / construction process to include hours of work, proposed method should foundation piling occur, the careful selection of plant and machinery and use of noise mitigation barriers (and other measures in accordance with the approved Environmental Statement and its addendums);
- Measures to mitigate flood risk during construction;
- Details of any flood lighting, including location, height, type and direction;
- Details of any Tree Works / Removal and a Tree Protection Plan (indicating which trees are to be removed and / or pruned and how the remaining trees will be protected, in accordance with the details required under Condition 13);
- Other ecological mitigation measures, including method statements and measures to be adopted to avoid and manage impacts on the adjacent designated sites, protected species and other important habitats (in accordance with the approved Environmental Statement and its addendums);
- Measures to ensure existing residents of Old Malling Farm are able to continue to access their properties;
- A scheme for recycling / disposing of waste resulting from construction works;
- A method to record the quantity of recovered material (re-used on site or off site), and;
- Details of public engagement both prior to and during the construction works.

Reason: To enable the Local Planning Authority to control the development in the interest of maintaining a safe and efficient highway network, in the interests of amenity, to conserve and enhance the landscape character and biodiversity of the area and to ensure no adverse impacts on designated sites and protected species.

10. No development shall take place until details, including plans and cross sections of the existing and proposed ground levels associated with the development, have been submitted to and approved in writing by the Local Planning Authority. The development shall not be completed other than in accordance with the approved details.

Reason: To ensure a satisfactory relationship between the new development and adjacent buildings.

11. No development shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. This should include trial-trench evaluation of the curvilinear features

identified by the geophysical survey dated June 2018, in order to confirm the character and dates of the features.

Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework.

12. Prior to the commencement of the development a preservation in-situ method statement relating to the area of archaeological sensitivity shown on the application plans, demonstrating the preservation in-situ of archaeological remains during and subsequent to the development shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the archaeological and historic interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework.

13. Prior to the commencement of the development hereby permitted details of the protection of the trees to be retained shall be submitted to and approved in writing by the Local Planning Authority. The measures of protection should be in accordance with BS5837:2012 and shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the Root Protection zones.

Reason: In the interests of the amenity and the landscape character of the area.

14. No development shall take place until an ecological design strategy (EDS) addressing protection of the Disused Railway Line Local Wildlife Site; creation, restoration and enhancement of semi-natural habitats; provision for wildlife corridors, linear features and habitat connectivity; and the creation of new wildlife features has been submitted to and approved in writing by the local planning authority. The EDS shall include the following:

- a) purpose and conservation objectives for the proposed works;
- b) review of site potential and constraints;
- c) detailed design(s) and/or working method(s) to achieve stated objectives;
- d) extent and location /area of proposed works on appropriate scale maps and plans;
- e) type and source of materials to be used where appropriate, e.g. native species of local provenance;
- f) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- g) persons responsible for implementing the works;
- h) details of initial aftercare and long-term maintenance;
- i) details for monitoring and remedial measures;
- j) details for disposal of any wastes arising from works.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To ensure that any adverse environmental impacts of development activities can be mitigated, compensated and restored and that the proposed design, specification and implementation can demonstrate this.

15. Prior to the commencement of development, full details of the proposed means of foul drainage disposal shall be submitted to and approved in writing by the Local Planning Authority. Thereafter all development shall be undertaken in accordance with the approved details and no occupation of any of the development shall take place until the approved works have been completed. The foul drainage system shall be retained as approved thereafter.

Reason: In order to secure a satisfactory standard of development.

16. Prior to the commencement of the development, and notwithstanding the details submitted on drawing number 20A, measures to increase the height of the parapet of the bridge across the railway cutting (or other measures to be agreed), also referred to as the secondary site access, and details for the proposed design of the access including surfacing materials, bollards, barriers and signage, shall be submitted to and agreed in writing by the Local Planning Authority. These measures shall be installed prior to the occupation of the development and shall be retained for the lifetime of the development.

Reason: To ensure appropriate access is achieved for existing residents and emergency vehicles and to improve the accessibility for all non-motorised users to and from the site.

Prior to Occupation

17. Prior to first occupation of the development hereby approved visibility splays at the site's primary access in accordance with approved plan 20A shall be provided and thereafter retained in accordance with that approved plan.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.

18. Prior to occupation of the development (or any phase therein) details shall be submitted to and approved in writing by the Local Planning Authority, of the proposed mechanisms for restricting vehicular access of the existing access from Old Malling Way to the existing residents of the properties at Old Malling Farm and for emergency access. The approved details shall be installed and operable prior to the occupation of the development and shall remain so for the lifetime of the development.

Reason: To ensure the development is served by appropriate access in the interests of highway safety and local amenity.

19. Prior to the first occupation of the development hereby permitted, details of car parking and electric vehicle charging points shall be submitted to and approved in writing by the Local Planning Authority. The spaces and electric vehicle charging points shall be carried out in full accordance with the approved details and provided prior to the occupation of the relevant residential dwelling and thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking spaces and electric vehicle charging for the use.

20. Prior to the first occupation of the development hereby permitted, details of covered and secure cycle parking spaces shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved details and provided prior to the occupation of the relevant residential dwelling and thereafter be retained.

Reason: To provide alternative travel options to the use of the car.

21. Prior to occupation of the development a lighting design strategy, including full details of any new lighting, shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall:

- a) Demonstrate how it complies with the requirements of the SDNPA's Technical Advice Note on Dark Skies (April 2018);
- b) Identify those areas/features on site that are particularly sensitive for bats and badgers and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- c) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above

species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy.

Reason: To preserve Dark Night Skies and as many species active at night (e.g. bats and badgers) are sensitive to light pollution. The introduction of artificial light might mean such species are disturbed and/or discouraged from using their breeding and resting places, established flyways or foraging areas. Such disturbance can constitute an offence under relevant wildlife legislation.

22. No phase of the development hereby permitted shall be brought into use until the archaeological site investigation and post - investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) for that phase has been completed and approved in writing by the Local Planning Authority. The archaeological site investigation and post - investigation assessment will be undertaken in accordance with the programme set out in the written scheme of investigation approved under condition 8.

Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework.

23. Prior to the occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.

Reason: To ensure that risks from any land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

24. Prior to the first occupation of the development hereby permitted, details of how superfast broadband connection will be provided (or an equivalent alternative technology) and installed on an open access basis, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in full accordance with the approved details.

Reason: To provide satisfactory broadband connection for new dwellings.

Ongoing

25. No construction or demolition activities shall take place, other than between 0800 to 1800 hours (Monday to Friday) and 0800 to 1300 hours (Saturday) with no work on Sunday or Bank Holidays.

Reason: To protect the amenity of local residents.

26. The development hereby permitted shall be carried out in accordance with the Section 6 of the Site Investigation Report carried out by Soils Limited March 2018.

Reason: To ensure that risks from any land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

27. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local

Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site.

28. Any proposals for the use of infiltration to manage surface water runoff should be supported by findings of infiltration testing in accordance with the BRE365 methodology (2016 publication). The detailed design of the soakaways should be informed by findings of groundwater monitoring between autumn and spring. The design should leave at least 1m unsaturated zone between the base of the soakaways and the highest recorded groundwater level. Infiltration testing should be carried out at the same depths and locations of the proposed soakaways. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details with a programme of implementation provided prior to the commencement of each phase of development.

Reason; To ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants.

10. Crime and Disorder Implications

- 10.1 It is considered that the proposal does not raise any crime and disorder implications as the overall design principles used for this scheme as followed best practice in 'designing out crime'.

11. Human Rights Implications

- 11.1 This planning application has been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.

12. Equality Act 2010

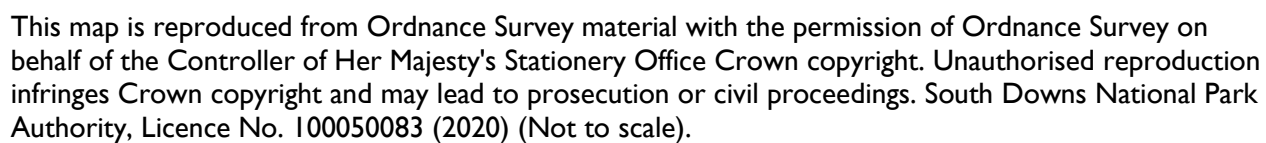
- 12.1 Due regard has been taken of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010. In particular, consideration of access to the railway cutting for all potential residents has been considered in the process of determining the most appropriate interventions. Provision of a fully Disability Discrimination Act compliant ramp at the southern end of the application site, into the cutting would need to be balanced against adverse impacts to the Local Wildlife Site (in comparison to the lower impact on wildlife and trees a stepped access could result in) and the cost of delivering this in relation to the scale of the development. Level access would always still be possible from the northern entrance to the cutting. Officers consider this an operational matter that will be addressed with stakeholders at a later stage.

13. Proactive Working

- 13.1 In reaching this decision the South Downs National Park Authority has worked with the applicant in a positive and proactive way, in line with the NPPF. This has included pre-application discussions to ensure that the development brought forward conserves and enhances the natural beauty, wildlife and cultural heritage of the National Park.

TIM SLANEY
Director of Planning
South Downs National Park Authority

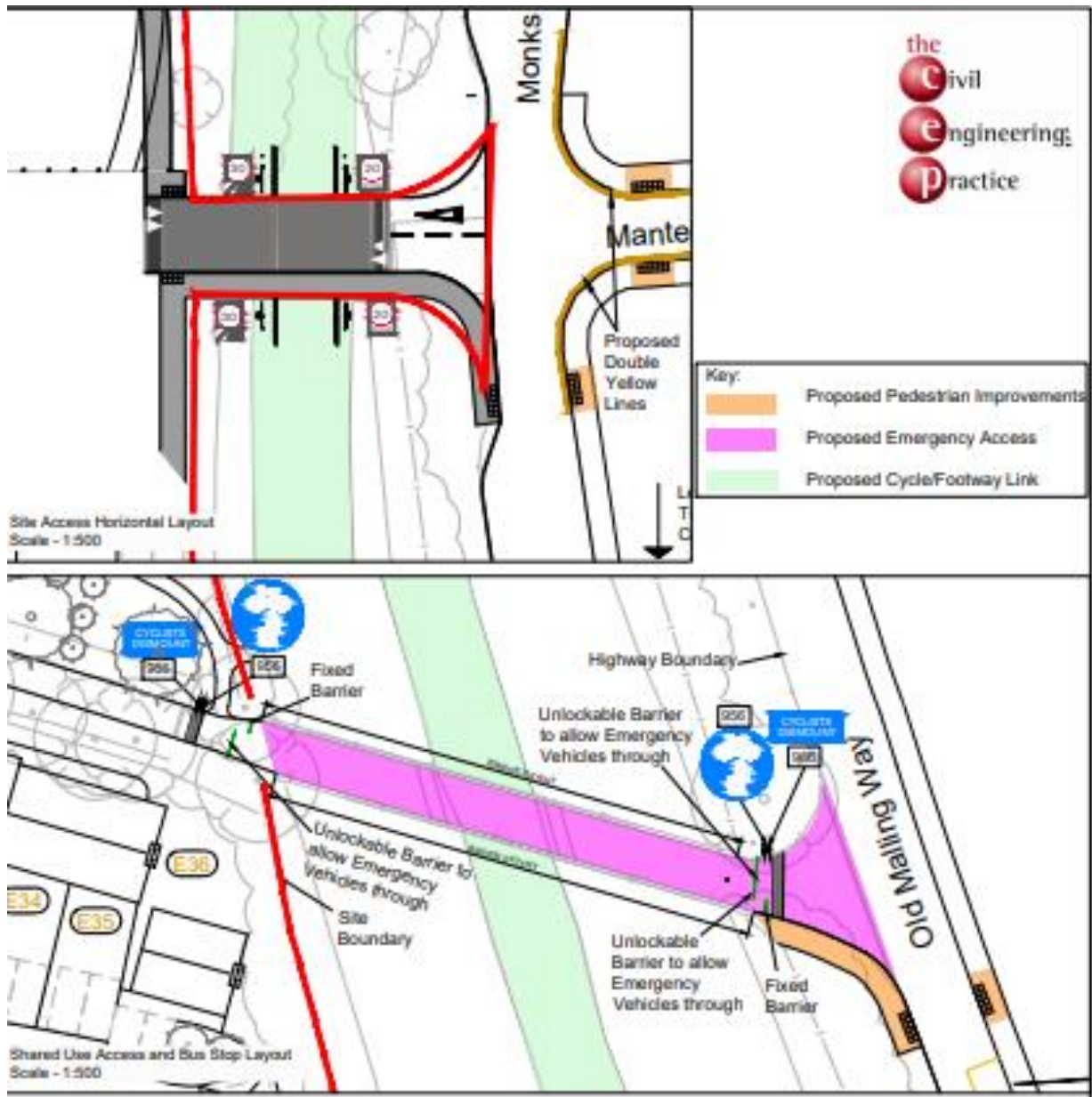
Contact Officer:	Vicki Colwell
Tel:	01730 819280
email:	vicki.colwell@southdowns.gov.uk
Appendices	<ol style="list-style-type: none">1. Site Location2. Illustrative Site Masterplan3. Site Access Plan4. Plans and documents referred to in consideration of this application
SDNPA Consultees	Legal Services & Major Planning Projects and Performance Manager
Background Documents	<u>All planning application plans, supporting documents, consultation and third party responses for SDNP/18/06103/OUT</u> <u>National Planning Policy Framework 2019</u> <u>South Downs Local Plan</u> <u>Lewes Neighbourhood Plan</u> <u>South Downs National Park Partnership Management Plan</u> <u>Old Malling Farm Design Brief</u>



Illustrative Masterplan



Site Access Plan



Plans and Documents referred to in consideration of this application

The application has been assessed and recommendation is made on the basis of the following plans and documents submitted:

Plans and Documents				
Drawing Reference	Version No.	Date on Plan	Date Received	Plan / Document Title
01				Location Plan
I6/330/100 A				Topographical Survey
I6/330/100 B				Topographical Survey
I6/330/100 C				Topographical Survey
I6/330/100 D				Topographical Survey
I6/330/100 E				Topographical Survey
I6/330/100 F				Topographical Survey
I6/330/100 G				Topographical Survey
I6/330/100 H				Topographical Survey
I6/330/100 I				Topographical Survey
LLD1037/01-01				Tree Constraints Plan
LLD1037/01-02				Tree Constraints Plan
LLD1037-ARB-DRG 002 1 of 2				Tree Retention and Protection Plan
LLD1037-ARB-DRG 002 2 of 2				Tree Retention and Protection Plan
221			Dec 2020	Site Layout – Refuse Vehicle Tracking Sheet 1
231			Dec 2020	Site Layout – Fire Tender Vehicle Tracking Sheet 1
20	A		21 May 2021	Updated Site Access Option
Report				Environmental Statement
Report		January 2021		Environmental Statement and Non-Technical Summary Addendum

Agenda Item 7 Report PC20/21-47 Appendix 4

Plans and Documents				
Drawing Reference	Version No.	Date on Plan	Date Received	Plan / Document Title
Report	2.0	19 September 2019		Transport Assessment
Report	01	12 November 2020		Updated Ecological Appraisal
Report		08 December 2020		Flood Risk Assessment Addendum
Further Information Received		09 April 2021		Drainage and Flood Risk (CEP)
Report		August 2020		Landscape and Visual Impact Assessment (Fabrik)
Report	1.2	22 December 2020		Transport Addendum
Further Information Received		29 April 2021		Impact on Offham Marshes SSSI (Lizard Landscape, Design and Ecology)
Further Information Received		04 May 2021		Luken Beck
Drawing No 8.				Proposed Formalisation of PROW

Reasons: For the avoidance of doubt and in the interests of proper planning.

Agenda Item 8
Report PC20/21-48

Report to	Planning Committee
Date	10 June 2021
By	Director of Planning
Local Authority	East Hampshire District Council
Application Number	SDNP/20/05058/FUL
Applicant	Aldi Stores Ltd
Application	The erection of a Class E retail unit with access, car parking and associated works.
Address	Paris House, Frenchmans Road, Petersfield, Hampshire, GU32 3AW

Recommendation: That planning permission be granted subject to:

- 1) The completion of a legal agreement to secure the following, the final form of which is delegated to the Director of Planning:**
 - **Travel Plan for the operational management of the site and monitoring fees.**
 - **Off-site highways works on Frenchmans Road and at the junction of Frenchmans Road and Winchester Road.**
- 2) The conditions as set out in paragraph 10.2 of this report.**
- 3) That authority be delegated to the Director of Planning to refuse the application with appropriate reasons if the S106 Agreement is not completed or satisfactory progress is not being made within 6 months of the 10th June 2021 Planning Committee meeting.**

Executive Summary

The application site is vacant brownfield land formerly occupied by a 1970s large industrial building known as Paris House, which was demolished in 2018. The site is located to the west of Petersfield town centre and railway station and it has easy access with the A3. It lies within an area characterised by a mix of residential dwellings and commercial premises. Tilmore Brook runs along its north and east boundaries. There have been two dismissed appeals, one in 2016 which proposed 46 dwellings and in 2019 for a proposed extra care scheme.

The application proposes a new retail store by Aldi, with a sales floorspace of 1,315sqm. The store would be sited in the southern part of the site with the remaining area occupied by a new car park of 112 spaces. The proposed building is of a contemporary design which has some references to Petersfield in terms of its materials, but an important attribute is its extensive green mono-pitched roof. A new landscaping scheme is also proposed which includes enhancements to the site.

The site is allocated in the Petersfield Neighbourhood Development Plan (PNDP) for employment purposes. The PNDP and South Downs Local Plan (SDLP) policies seek to retain such sites for

employment uses unless it is demonstrated that there is no market demand. The Local Plan defines 'employment' as a type of economic development relating to the B use classes as defined by the Use Classes Order, namely B1 business, B2 general industrial and B8 storage and distribution. This has been superseded to a degree by 2020 changes to the Use Classes Order. Offices (formerly B1) and retail use have now been amalgamated, post the adoption of the Development Plan, into the same Use Class, namely Class E. The proposed food store would constitute a form of commercial development albeit not a traditional 'employment' use. Marketing evidence has been provided in accordance with SDLP and PNP policies. Concerns have been raised by East Hampshire District Council's Economic Development Team (EDT) about a new store on this site instead of other commercial uses and these have been considered alongside relevant policy considerations. A sequential test, as required by the NPPF, has been satisfactorily undertaken to demonstrate that no other alternative suitable and available sites are identified.

The proposals have been subjected to a Retail Impact Assessment, which has been independently assessed for the Authority, to determine the likely impacts upon the vitality and viability of the town centre. The conclusions of the independent review are that other large supermarkets would experience the biggest impacts, rather than the smaller stores, regarding diverted trade of convenience and comparison goods from the town centre to Aldi but, overall, this would not have a significantly adverse impact upon the town centre vitality and viability.

The application is before Members due to previous proposals being considered by the Planning Committee, the nature of the development, the policy issues it raises regarding the site's allocation for employment purposes and retail impact upon the town centre, and the level of third party interest.

1. Site Description

- 1.1 The application site is a 0.91 hectare area of land on Frenchmans Road. It was occupied by a large 1970s building used as a factory, offices and warehousing, which was demolished in 2018. It is now vacant previously developed land but retains these established uses.
- 1.2 The site is located in an area which is characterised by a variety of residential and commercial uses. There is a large warehouse to the south and eastwards is a timber fencing business. The rear gardens of dwellings on Rushes Road abut the site's western boundary, which consists of a mixture of concrete block walls, timber and chain link fencing and some trees. Conifer trees and fencing define the northern site boundary, beyond which are dwellings on Winchester Road, including a listed dwelling, and a small car park. The site's frontage is along Frenchmans Road where there is a large metal fence, gated access, and mature trees at its southern end. Tilmore Brook also runs along the north and eastern boundaries including underneath the site access and areas of the site are also within designated flood zones 2 and 3.
- 1.3 The site is near to Petersfield Railway Station and west of the defined town centre, between which is a Lidl store next to the railway station. Within the town centre there is a range of convenience and comparison goods retailers which include supermarkets, such as Waitrose M&S and Tesco, other national retailers as well as independent stores. The main retail core is within the vicinity of Petersfield Square, which also lies within a conservation area that extends along Lavant Street up to the railway station.
- 1.4 The site is not particularly visible from within the wider townscape and in elevated views of Petersfield from Butser Hill the site is not prominent or discernible.

2. Relevant Planning History

- 2.1 SDNP/13/05345/PRE: Proposed 53 dwellings. Advice provided 10.01.2014.
- 2.2 SDNP/14/04736/FUL: Residential development comprising 47 dwellings following demolition of existing building. Refused 16.11.2015 and dismissed on Appeal on 28 September 2016.
- 2.3 SDNP/17/05795/DEM: Prior notification of proposed demolition of Parish House. Prior Approval not required. 08.12.2017.
- 2.4 SDNP/17/05240/PRE: Pre-application enquiry for assisted living/extra care accommodation. Advice provided 05.02.2018.

- 2.5 SDNP/18/03309/FUL: Erection of 66 apartments for assisted living/extra care accommodation with communal facilities and 45 car parking spaces. Refused 19.12.2018. Appeal dismissed 29.07.2019. A summary of the Inspector's findings are below:
- The loss would remove an element of existing supply of employment land.
 - The viability had not been fully tested in regard to different commercial re-development scenarios.
 - Concerns over the value attributed to the site in its current lawful use.
 - Not sufficiently demonstrated that the site is no longer suitable or fit for purpose for business uses.
 - Had previously been a realistic prospect of new business occupiers being found.
 - Concern over the valuation of the site and that an independent red book valuation could have better informed the marketing campaign.
 - No substantive evidence that the site was marketed at a price commensurate with a value for its existing permitted use.
 - Given the current and previous offers for the site it has not been demonstrated that there is no prospect of business users being found or that there is no market demand even on a mixed use basis.
 - Not been demonstrated that there are circumstances that would justify the loss of employment land and its contribution to the supply of employment land within the NP and therefore contrary to BPI and 2 and SD35.

Design and landscape

- Proposals did not adopt a fully landscape led approach which would lead to harm to the character and appearance of the area. Why? How?
 - The scheme has not 'embraced' a landscape-led approach and this approach includes consideration of townscape.
 - Limited evidence that the appellant actively considered incorporating Tilmore Brook into the scheme, as part of a landscape led approach instead of seeing it as a constraint.
 - Opportunities to enhance Tilmore Brook with riparian planting were not fully considered and the proposed landscape scheme throughout the scheme was too ornamental.
- 2.6 SDNP/20/04987/SCREEN: Request for Screening Opinion under the Town and Country Planning Environmental Impact Assessment (EIA) (England & Wales) Regulations 2017 for a large retail store. EIA not required. Decision issued 03.12.2020.
- Previous pre-application advice relating to a new retail store
- 2.7 SDNP/17/01790/PRES: Demolition of existing buildings and erection of food store (Use Class A1) and B class floor space with associated car parking, landscaping and associated works. Advice issued 19.07.2017.
- 2.8 SDNP/20/00550/PRE: Proposed Aldi food store. Advice issued 26.05.2020. A summary of the advice is below:
- Further justification for the loss of the Site's employment use (former B class uses) and allocation required, in order to address policy SD35 to establish to the principle of development.
 - Retail Impact Assessment required to consider impacts upon the Town Centre and other stores.
 - Consideration of other alternative sites within the Town Centre required under a sequential test.

- The Site could be an appropriate location for a food store given its characteristic, size, location and accessibility, but the same consideration applies to other new businesses uses.
- A high quality landscape led design will be required.

2.9 SDNP/20/03076/PRE: Redevelopment of the site to provide an Aldi store, car park and associated works. Follow up to advice to SDNP/20/00550/PRE, as follows:

Design

- Evidence based approach to explain design rationale required.
- Tilmore Brook needs to become more of a feature and enhance biodiversity.
- Additional green infrastructure within the car park required and multifunctional Sustainable Drainage Systems (SUDS) approach needed.
- Consider green roof for the building.
- Further consideration of the Sustainable Construction SPD required.
- Consider pedestrian accessibility on Frenchmans Road.

Retail and employment

- Sequential approach required.
- EHDC Economic Development Team seek industrial uses on the Site.
- There have been changes to the Use Classes Order and Class E amalgamates retail and other commercial uses.
- SDNPA publishing a Planning Position Statement promoting economic recovery.
- Concerns regarding increased traffic including deliveries.

3. Proposal

3.1 A new food store is proposed on the site, which would be occupied by Aldi. The building, described below, would have an internal sales floor area of 1,315sqm, plus staff facilities, service and storage areas.

3.2 The store would operate as follows:

- Monday to Saturday: 08:00 and 22:00
- Sundays and bank/public holidays: 10:00 to 16:00
- Delivery/collection times: 06:00 and 22:00 Monday to Friday, 07:00 and 22:00 on Saturdays, 08:30 to 20:30 on Sundays, bank and public holidays.
- Goods sold: 70% convenience goods (eg. groceries) and 30% comparison goods (eg. clothing, toys).

The building

3.3 The building is proposed in the southern part of the site and orientated with its longest elevations (59m) facing Frenchmans Road and dwellings to the west. A contemporary design is proposed with some references to Petersfield in terms of material choices. Its main entrance on the north elevation would have a glazed frontage with a grey aluminium canopy above large windows and doors that would wrap around the corner of the building and extend partly along its east elevation. The north elevation would also have a large area of brick and flint work, which would be hand laid. The main entrance would face the car park.

3.4 The eastern elevation, facing towards Frenchmans Road, would have a horizontal row of high-level windows along its entire length with red brick at ground floor level and rendered panels above, with a series of vertical brick piers. The west elevation would include the service area and ramp for deliveries. The elevation would be a mix of brick, render and silver metal cladding and two ground floor windows. This elevation would be the lowest

height of the building. The southern elevation would be a mix of the same materials as the west elevation, with no windows. There would also be a fenced area for plant/machinery.

- 3.5 A large mono-pitched green roof is proposed which would cover the footprint of the building and be a wildflower mix (to be further specified via a planning condition). Its eaves would be clad with grey aluminium to match the entrance canopy. Its lowest height of 5.5m would be on western side of the building and it would slope up to a height of 12m on the eastern elevation.

Sustainability of the building

- 3.6 The building is proposed to meet the BREEAM 'excellent' rating and in certain specific aspects of its design (energy performance) it exceeds this standard. Aldi propose renewable technologies within the building as opposed to external options such as solar panels. A heat loss recovery system connected with the chiller units would utilise the heat expelled from them within the building. Further renewable technology would be installed to help heat the building without using traditional combustion. The green roof is a sustainability feature which would enable biodiversity enhancements.
- 3.7 The proposed water efficiency standards are 25% higher than current building standards. Means of monitoring water consumption are proposed within the systems of the buildings to achieve high efficiency water savings.
- 3.8 The store would operate a waste management plan which would include facilities for storage of recyclable waste, which would be returned to a regional distribution centre for recycling, which would include cardboard, paper, plastics and batteries. Collected food waste would be returned for recycling and use in anaerobic digestion plants elsewhere.

Access and vehicle parking

- 3.9 The existing site access would be used for both deliveries and customers. A pedestrian route running through it is proposed but otherwise there are no fundamental changes to its dimensions. The access bridges Tilmore Brook and due to structural concerns it is proposed to be replaced. The access would lead into a parking area on the eastern side of the building and continue into the main parking area and the goods and service entrance on the western side of the building.
- 3.10 112 car parking spaces are proposed. Disabled parking is proposed directly in front of the building's entrance whilst parent and child parking is proposed on its eastern side. The main parking area in front of the building would be in two central rows with spaces around the edges of the car park. Two seating areas alongside Tilmore Brook are proposed.
- 3.11 Electric vehicle charging points are proposed for 4 spaces. A further 20 'passive' charging spaces are proposed which entail installing the electricity infrastructure ready for future implementation of new charging sockets for vehicles.
- 3.12 40 cycle spaces are proposed for staff and customers. Covered staff cycle parking would be behind the building (southern elevation) whilst cycle parking for customers would be located around the Store's entrance and eastern elevation.

Off-site highways works

- 3.13 New pedestrian footways either side of the access are proposed. Works are proposed to the Frenchman's Road/Winchester Road junction which involve new traffic islands and road markings as well as pedestrian crossings with new tactile paving, dropped kerbs and a new traffic island being used as a refuge point when crossing Winchester Road.

The landscape scheme

- 3.14 A site wide hard and soft landscape scheme is proposed. Immediately in front of the building would be an area of paving to denote the entrance and a pedestrian area. Similarly, paved areas adjacent to the two seating areas are proposed. The main circulation space around the car park would be tarmac whilst spaces would be surfaced with block paving.
- 3.15 The planting scheme would include native mixed hedging along the western and southern site boundaries, which would be accompanied by a 2.4m high timber fence, and between the

central rows of car parking spaces. At the ends of rows of parking and other areas shrub planting is proposed. In the northern part of the site and along Tilmore Brook, mixed native species plants new trees and wildflower planting are proposed. Existing trees would predominantly be retained. Alongside Tilmore Brook's channel new marginal planting is proposed.

4. Consultations

4.1 **Arboriculture:** No objection, subject to condition.

4.2 **Dark Night Skies Officer:** Comments:

- The scheme will increase light pollution from the previous use.
- Whilst the lighting design is well constrained, illuminance upon the surfacing will create secondary light pollution and sky glow from Petersfield.
- Given the surrounding area is well lit, no discernible impact upon dark night skies.
- The external lighting scheme is acceptable.
- Welcome lighting not in use when the store is closed; would welcome a reduction in the lighting use during the later hours of the evening beforehand.
- Concern that any illumination of the store brand logo should follow the Advertisement Regulations and be sited to reduce visibility from surrounding hilltops.

4.3 **Design Officer:** Objection.

SUDs and green infrastructure

- Satisfied efforts to maximise opportunities for SUDs made, however, scale and nature of the development constrain what could be further achieved.
- Needs to be landscape led and alternative car park layout should be explored.
- The need to maximise car parking to serve the scale of the store restricts opportunities for more meaningful green infrastructure across the car park.
- Drainage strategy impacts the landscape design and ability for multifunctional SUDs.
- Opportunity for strong network of GI across the car park missed.
- Positive that run off attenuation includes a 100-year storm event and climate change.
- Positive that the green roof would intercept rainfall and excess directed to a rain garden.
- The large areas of permeable paving under car spaces is positive.
- Preferable if ornamental planting in the car park changed to rain gardens with trees.
- Opportunities to provide more, better, and joined up habitats not delivered.
- Important asset of Tilmore Brook wasted and fails to inform the landscape design.
- Recommend changes to the profile of the deep and canalised stream.

Siting and building design

- The design's simplicity and modest height is positive but it is otherwise unexceptional.
- Some references through materials (red brick) and its green roof to Petersfield and National Park location, but otherwise not locally distinctive in form and style.
- Green roof is a positive design element; species need to be locally characteristic.
- Use of flint positive but should be hand laid.
- East elevation simple and contemporary; perceived mass reduced by materials.
- Glazing on the north elevation and its corner fits the contemporary aesthetic and complemented by the mono-pitch green roof.

- Ground floor glazing makes the north elevation well animated.
- Support siting the building adjacent to the neighbouring commercial building.
- Height and mono-pitch roof reduces the building's impact upon residential properties.
- Layout driven by operational need to accommodate car spaces and access around the site; combination of a large building and car park results in a 'hard' development.
- The floor scape around the building needs to be high quality, giving this zone a 'lift.'

Sustainability

- BREEAM 'excellent' standard achieved and some credits exceeded to reach BREEAM 'outstanding.' No commitment to low/zero carbon energy production by 20%, but given BREEAM standards which can be reached this could be waived.

4.4 **Drainage:** No objection, subject to conditions.

4.5 **Ecology:** No objection, subject to conditions.

- Advise that the landscape plan is updated to include native trees and ornamental shrubs should not be used as a buffer to boundaries. Green roof would be a significant biodiversity net gain.

4.6 **Economic Development (East Hampshire District Council):** Objection.

- Contrary to planning policy; would result in a net loss of employment, impact on the town centre and potential displacement of employment.
- Should remain in business use to meet local industrial occupiers' needs and create jobs.
- Marketing undertaken since December 2019 but prospect of retaining the site in its current use remains; objection to a retail use.
- Still a large demand for industrial and office space; enquiries received for space in excess of 5,000sqm, which can't be met locally.
- Demand for better quality small and serviced office space; policy BP5 identifies Frenchmans Road where this could be significantly delivered.
- Insufficient justification for a new supermarket, especially given the proximity of Lidl.
- No evidence to demonstrate impact upon trade, footfall and the vitality of the town centre and displacement of employment from other supermarkets.
- Would greatly reduce the site's potential for job creation compared with business uses.
- Would create 50 jobs, whereas other commercial schemes could result in 90-239 jobs.
- Proposals would limit opportunities to access higher quality employment in the area.

4.7 **Environment Agency:** No objection, subject to conditions.

4.8 **Environmental Health (contamination):** No objection, subject to conditions.

4.9 **Environmental Health (protection):** No objection provided the store is not open 24 hours and subject to conditions.

4.10 **Highways Authority:** No objection subject to securing the following via a legal agreement and condition:

- A full Travel Plan to be submitted to and approved by the Highway Authority and associated approval, monitoring fees and bond prior to occupation; and,
- The provision of an improved vehicular access and footway on Frenchmans Road with a formalised crossing point north of Rushes Road roundabout, which will need to be completed to adoptable standards prior to occupation of the site
- Improvement works to the Station Road staggered crossroads as shown on drawing 20060-010 Rev B and will need to be completed to adoptable standards prior to

occupation of the site

- Approval and monitoring fees of £1,500 and £15,000 respectively.
- Highways works will be subject to a S278 Agreement.

4.11 **Historic Buildings Officer:** No objection.

4.12 **Lead Flood Authority:** No objection, subject to conditions.

4.13 **Petersfield Town Council:** Objection.

- Change of use to Class E retail is inappropriate for this site.
- Access and egress from the site would be onto a busy Frenchmans Road.
- Contrary to PNDP policy BP5; outlines that the Frenchmans Road area would be suitable for a Business Enterprise Centre.
- The plans do not show any footway or cycle links to the Town Centre.

4.14 **Planning Policy:** No objection.

- The proposal will provide new jobs on a brownfield site in an accessible location.

Loss of employment land

- Proposals would contribute to the regeneration of the area, but it would not offer the enterprise centre sought in the Petersfield Neighbourhood Development Plan (PNDP).
- The store would create 50 jobs.
- Satisfied that the marketing information provides sufficient detail of the marketing campaign to meet policies SD35 and BP2.
- Changes to the Use Classes Order to incorporate retail and commercial uses demonstrates a change in direction by Government.
- Planning Position Statement includes SD35 and no longer requiring marketing evidence over a period of at least 12 months for a change of use from an employment use to another commercial use.

Retail

- Support the conclusions of the independent review of the Applicant's Retail Impact Assessment, which is robust and well considered.
- The Applicant has demonstrated that there are no sequentially preferable sites.

4.15 **Southern Water:** No objection, subject to condition.

5. Representations

5.1 53 objections and 7 responses in support have been received, which raise the following:

Objections

- Need to explore alternative uses; more suitable for a retirement home, small dwellings, affordable housing with greenspace, light industrial units with greenspace, business centre, or a garden centre; more beneficial community use.
- Site should be developed in accordance with PNDP, to create greater employment.
- Site should not be used for retail or industrial given proximity to dwellings.
- Too many supermarkets already, not needed. – Lidl already close to the site.
- Historic market town with abundance of independent shops, Aldi will negatively affect this and attract less visitors to Petersfield.
- Unsuitable location; too far from the town centre and within a residential area.
- Impact upon town centre trade, including smaller businesses and supermarkets.

- Will lead to loss of employment within smaller businesses and minimal jobs created.
- Will divert people from the town centre and won't result in linked trips; need to support local businesses.
- Increased online shopping.
- More likely town centre shops would be used by workers of new industrial units.

Character and appearance

- Development will change the feel of the area.
- Precedent for similar development in Frenchmans Road.
- Need to consider significant changes to environment and lifestyles to deliver a sustainable future; new store will add to the climate issues long term.

Loss of employment site

- Contrary to the PNDP allocation and creation of a business enterprise centre.
- Believe lower offers for the site for alternative uses were received.

Amenity

- Noise, disturbance and air pollution from vehicles, including HGVs deliveries
- Light pollution towards residential properties and dark night skies.
- Need to maintain the privacy of adjoining dwellings.
- Increase in traffic on residential roads (eg. Rushes Road, Princes, Noreuil Road).
- Potential for anti-social behaviour within the car park and seating area.
- Rear gardens of Rushes Road properties will be less secure.
- Insufficient boundary treatments with Rushes Road.
- Rear gardens of Rushes Road experience water saturation; urbanisation will exacerbate.
- Not demonstrated how Tilmore Brook and on site drainage (rainwater garden) will cope with rainfall and affect the water table.
- Industrial units would provide a better amenity – closed at weekends.
- Overlooking from seating area towards opposite residences.

Highways

- Roads are already busy and congested; proposals for automated gates at the railway crossing will exacerbate congestion.
- Increased traffic on surrounding residential roads and vehicle speeds.
- Traffic calming measures should be considered.
- Junction of Frenchmans Road and Station Road poorly designed and causes issues.
- Impact on highway safety, including pedestrians crossing roads.
- Unsuitable location due to poor access.
- Need to provide good pedestrian access into the town centre.
- Need to encourage more pedestrian and cycle traffic.
- Frenchmans Road too narrow for heavy traffic.
- Cumulative impact of extra traffic from nearby supermarkets.
- Transport Assessment not robust.

- Increased flow of traffic will be affected by on street parking and HGVs accessing commercial sites on Frenchmans Road.
- Increased traffic has the potential to impede fire engines.
- Excessive car parking and insufficient consideration of public transport, electric charging points and pedestrian/cycle access; more sustainable transport options needed.
- Biodiversity
- Need to landscape the Brook and retain areas suitable for wildlife.
- Tilmore Brook needs to be enhanced and made more of a feature.
- Risk of proposed landscaped areas becoming overgrown and unsightly.
- More existing habitat needs to be retained.
- Better provision of SUDs to improve the stream for wildlife, to help mitigate flooding.
- Green roof needs to be diverse.

Design

- Unattractive building and go against principles of the National Park Authority.
- Would not be an exemplary standard of design to be a positive contribution to the character and appearance of the area, local distinctiveness and sense of place.
- Proximity of the loading bay to neighbouring properties.
- Benches by the Brook would encourage loitering.
- Little consideration for dark night skies.
- Insufficient sustainability targets within the building.
- A carbon neutral building needs to be achieved, including whole lifecycle of the building.
- Need solar panels on the roof.
- All hard surfaces to be permeable and from recycled materials.

Lidl objection

- Contrary to the Development Plan – site retained for B1 (now class E)/B2/B8 uses.
- Robust marketing not undertaken particularly given previous Appeal decisions, and details submitted.
- Aldi relying on changes to the Use Classes Order however wider Class E uses are not what are envisaged in the Development Plan and Class E(a) would be contrary to policy.
- Has not been satisfactorily demonstrated that the redevelopment for continued employment use is unviable (reference 2019 Appeal Decision).
- Significant adverse impact on Lidl, which is under-estimated, and as a town centre store is a material consideration.
- Retail Impact Assessment inaccurate regarding Lidl's store turnover and inflow of shoppers into the town.
- Contrary to the NPPF.
- Walking distance and accessibility to the town centre means pedestrian linked trips would be small.
- Reduced linked trips to the town centre.
- Concern over transparency and availability of information.

Tesco objection

- Due to Aldi's business model they cannot meet all shopping needs and other stores will need to be relied upon, which is not modelled in the traffic assessment work.
- Use of household survey data to model shopping patterns provides an inaccurate and misleading picture to assess the impact on the town centre.
- Lack of an up to date post Covid-19 town centre health check.
- Sequential assessment of potential sites is inappropriately limited and needs to include a wider range of potential opportunities given the site's allocation.
- Cleared site is allocated for employment purposes and available. Retaining the employment use has been recognised by two Inspectors.
- Impact from noise and light pollution.
- Impact on setting of heritage asset.

Waitrose objection

- Contrary to the site's allocation in an up to date Development Plan.
- Retail Impact Assessment insufficiently robust and inaccurate.
- Recommend an independent assessment of the retail impacts.
- Covid-19 has underlined the vital role of food stores to meet local needs challenges of the retail and leisure sectors and supporting the vitality and viability of the town centre.
- Insufficient assessment in relation to NPPF policy (para 89).
- Waitrose has an anchor role in the town centre, which affects town centre health.
- Retail Impact Assessment not robust. It under states Aldi's turnover and proportions of sales of convenience and comparison goods is different to usual trading model; understates the impact on Waitrose and other food stores; a design year of 2023 should be applied which would identify a greater impact; inaccurate expenditure figures within the town centre given a bigger shift to online shopping which will reduce the turnover of bricks and mortar stores; greater clarity on market share of other stores needed.
- Over trading of town centre supermarkets not a justification for a new food store.
- Not all food stores in the town centre are trading strongly.
- Aldi compete for market share with all existing supermarkets.

Support

- Would add competition and offer more choice in Petersfield.
- Welcome addition to grocery offer and would sit well amongst existing stores.
- Offers a more 'ordinary' affordable shop as opposed to more boutique shops.
- Would reduce carbon footprint of shoppers who travel further afield to shop at Aldi elsewhere (eg. Havant, Alton) and allow people to shop more locally.
- Would reinforce the town as a centre for surrounding areas and provide competition.
- Would create employment in construction and operation.
- Would regenerate a disused brownfield site.
- Store would be easy to reach and offer easy parking.
- Would complement other businesses including butchers, bakers and convenience stores.
- Traffic already a problem.
- Landscaping and layout very good and will enhance the appearance of Frenchmans Road.

5.2 **The Petersfield Society:** Objection.

- Site should be safeguarded for a Business Enterprise Centre as identified in the PNDP.
- Insufficient justification for an additional supermarket.
- Strong trend towards on-line shopping and home deliveries drawing customers away from visiting large outlets.
- Additional traffic on Frenchmans Road would overload local highway network.
- Frenchmans Road used as a 'rat-run' by drivers avoiding the railway station barriers
- Most visits would be single car journeys; few customers would travel on foot or cycle.
- Impact on surrounding residential amenities from activity on site.
- The building is of a poor design and not of distinction.
- Variety of materials unnecessary and not cohesive. Flint work tokenistic.
- Site frontage should have more substantial planting as per PNDP indicative master plan.
- Offsite footpath and cycleway works needed to improve town centre connectivity.
- Recommend refusal in favour of serviced office space, including a Business Enterprise Centre.

5.3 **EHDC Councillor Mr Jamie Matthews:** objection.

- Insufficient justification for a large retail store in this location.
- It has not been robustly demonstrated that there is no other viable alternative use.
- Proposed retail use contrary to the site's allocation in the PNDP.
- The retail assessment fails to recognise that the two large town centre supermarkets are intrinsically linked with other town centre small and independent retailers by their physical location and ease of pedestrian access in the town centre.
- Justification that no suitable town centre sites exist is inadequate and unconvincing.
- Site is outside of the town centre boundary and disconnected from the town centre.
- Traffic study out of date. Does not reflect temporary town centre closure to through traffic, which is anticipated to be permanent as part of the Town Spine project.
- Increased traffic along Rushes Road detrimental to residents.
- Improvements at the site access welcomed but it is disconnected from the town centre with no proposals to enhance pedestrian or cycle connections.
- The height of the building and green roof are positive attributes, but otherwise it is a poor design that doesn't reflect local vernacular.
- Landscaping proposals designed to fit around the space left by the building and car park.
- Proposals make little attempt to be landscape led.

6. **Planning Policy Context**

6.1 Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The relevant statutory Development Plan comprises the South Downs Local Plan (SDLP) 2014-2033 and the Petersfield Neighbourhood Development Plan (PNDP) 2013-2028. The particularly relevant policies are set out in section 7 below.

National Park Purposes

6.2 The two statutory purposes of the SDNP designation are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage of their areas;

- To promote opportunities for the public understanding and enjoyment of the special qualities of their areas.

If there is a conflict between these two purposes, conservation takes precedence. There is also a duty in pursuing National Park purposes to foster the economic and social wellbeing of the local community.

National Planning Policy Framework and Circular 2010

- 6.3 Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF), which was issued and came into effect on 24 July 2018 and revised in February 2019. The Circular and NPPF confirm that National Parks have the highest status of protection and the NPPF states at paragraph 172 that great weight should be given to conserving landscape and scenic beauty in the national parks and that the conservation of wildlife and cultural heritage are important considerations and should also be given great weight in National Parks.

Major development

Paragraph 172 of the NPPF also outlines that *“the scale and extent of development within these designated areas should be limited. Planning permission should be refused for major development (55) other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:*

- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;*
- b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and*
- c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated”*

- 6.4 Footnote 55 to paragraph 172 provides further clarification; *“For the purposes of paragraphs 172 and 173, whether a proposal is ‘major development’ is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined”.*

- 6.5 Having assessed the application and considered relevant case law, the scheme is not major development for the purposes of paragraph 172 of the NPPF and its footnote (no.55) and policy SD3. This is a matter of judgement based on the scale, character, nature and setting of the development and whether there would be a significant adverse impact on the purposes for which the National Park has been designated or defined.

- 6.6 In this instance, the site is located well within the urban context of Petersfield and is surrounded by a mix of commercial uses and dwellings. It is not discernible from elevated vantage points towards Petersfield. Given the overall scale of development and its surrounding built context there would not be a significant adverse impact upon the National Park landscape and the purposes for which the area has been designated or defined.

Relationship of the Development Plan to the NPPF and Circular 2010

- 6.7 The Development Plan policies listed below have been assessed for their compliance with the NPPF and are considered to be compliant with it.

National Planning Policy Framework (NPPF) 2019

- 6.8 The NPPF has been considered as a whole and its following sections are particularly relevant in the assessment of this application:

- Achieving sustainable development
- Building a strong, competitive economy
- Ensuring the vitality of town centres

- Promoting sustainable transport
- Making effective use of land
- Achieving well-designed places
- Conserving and enhancing the natural environment
- Conserving and enhancing the historic environment
- Meeting the challenge of climate change, flooding and coastal change.

The South Downs National Park Partnership Management Plan 2020-2025

- 6.9 The Environment Act 1995 (as amended) requires National Parks to produce a Management Plan setting out strategic management objectives to deliver the National Park Purposes and Duty. National Planning Policy Guidance (NPPG) states that Management Plans “contribute to setting the strategic context for development” and “are material considerations in making decisions on individual planning applications.” The South Downs Partnership Management Plan as amended for 2020-2025 on 19 December 2019, sets out a Vision, Outcomes, Policies and a Delivery Framework for the National Park over the next five years. The relevant policies include: 1, 3, 5, 9, 24, 25, 38, 39, 40, 48, 50.

Legislation for Heritage Assets

- 6.10 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states “in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 6.11 Section 72 of the Town and Country Planning (Listed Buildings and Conservation Area) Act 1990 relates to conservation areas. It requires “special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”

The Town and Country Planning (Environmental Impact Assessment) Regulations 2017

- 6.12 Paragraph 2.5 above summarises that a previous screening opinion determined that a retail development was not EIA development within the meaning of the relevant 2017 legislation and therefore did not require an EIA. A screening of the current application has concluded that the proposals do not constitute EIA development for reasons of its scale, use, character and design and environmental considerations associated with the site and proposals.

The Conservation of Habitats and Species Regulations 2017

- 6.13 Following a screening of the proposals, it is considered that a likely significant effect upon a European designated site, either alone or in combination with other proposals, would not occur given the scale, use, and location of what is proposed. Consequently, an Appropriate Assessment under a Habitats Regulation Assessment is not required.

Other relevant material considerations

- 6.14 The following are relevant considerations:
- Adopted Sustainable Construction SPD.
 - Adopted Parking for Residential and Non-Residential Development SPD.
 - Ecosystems Services Technical Advice Note 2019.
 - The Petersfield Town Design Statement 2010.
 - South Downs National Park Planning Position Statement 2020.
 - Dark Night Skies Technical Advice Note 2020.

7. Planning Policy

7.1 Whilst the SDLP must be read as a whole, the following policies are particularly relevant:

- SD1: Sustainable Development
- SD2: Ecosystems Services
- SD3: Major Development
- SD4: Landscape Character
- SD5: Design
- SD8: Dark Night Skies
- SD9: Biodiversity and Geodiversity
- SD11: Trees, Woodland and Hedgerows
- SD12: Historic Environment
- SD13: Listed Buildings
- SD17: Protection of the Water Environment
- SD19: Transport and Accessibility
- SD21: Public Realm, Highways Design and Public Art
- SD22: Parking Provision
- SD25: Development Strategy
- SD34: Sustaining the Local Economy
- SD35: Employment Land
- SD36: Town and Village Centres
- SD37: Development in Town and Village Centres
- SD38: Shops Outside Centres
- SD45: Green Infrastructure
- SD48: Climate Change and Sustainable Use of Resources
- SD49: Flood Risk Management
- SD50: Sustainable Drainage Systems
- SD52: Shop fronts
- SD53: Advertisements
- SD55: Contaminated Land

7.2 Whilst the PNDP must be read as a whole, the following policies of the PNDP are particularly relevant:

- BEP1: The character, setting and quality of the town's built environment
- BEP6: The settlement boundary
- BEP7: Sustainable and adaptable Buildings
- NEP1: Natural environment policy I
- NEP7: Biodiversity, trees and woodland
- NEP8: Flooding risk and waterway enhancement
- BPI: Allocate sites specifically for employment Use

- BP2: Protect existing employment sites
- BP3: Encourage business to come to Petersfield
- BP5: Redevelopment of the Frenchmans Road Area
- RP1: Encourage new retail development in the town centre
- RP2: Maintaining an appropriate mix and balance of retail uses
- GAPI: Provide pedestrian, cycle and mobility scooter access to the town centre from new developments

8. Planning Assessment

Background

- 8.1 This brownfield site has been vacant since the former industrial building was vacated in 2015 and its subsequent demolition in 2018. There have been two dismissed appeals for different uses and forms of development during this time.
- 8.2 The site has been marketed for business uses since 2015 albeit the two previous Inspectors considered this had not been sufficiently robust. Since the latest appeal, the marketing has continued which resulted in Aldi's renewed interest (they originally sought pre-application advice in 2017) in the site. Marketing details and a record of enquiries have been submitted with this application.
- 8.3 Petersfield has a reasonably buoyant economy with a reasonably high occupancy rate of business premises and a low vacancy rate within the town centre in comparison with other town centres. It is unclear at present how the Covid-19 pandemic will affect particularly the town centre in the short to longer term once a 'new normal' is established through the recovery.
- 8.4 Officers have sought independent advice on the retail impact of the Aldi store upon the town centre. It advises that a spike in town centre vacancies in the short term are anticipated but this is likely to happen regardless of the proposed Aldi food store. An issue therefore is how the proposals would impact the town centre in the longer term. The conclusions of the Retail Impact Assessment are outlined below.
- 8.5 The SDNPA published Planning Position Statement (PPS) in August 2020 sets out our response to the Covid-19 pandemic (**Appendix 2**). It is a material planning consideration that has been afforded some weight in the recommendation. Government changes to the Use Classes Order (UCO) in September 2020 attempt to support town centres through the amalgamation and simplification of different use classes (eg. retail, food and drink and offices) which is also a material planning consideration that has been afforded weight.

Allocated employment sites & Development Plan policy

- 8.6 The three PNDP policies summarised below collectively outline a position of retaining sites allocated for employment purposes, which originate from the PNDP's objectives of Petersfield remaining as a town where people can live and work. The term 'employment' typically focusses on former B class uses such as light industrial and office uses, now partly amalgamated into the new Use Class E (commercial, business and services uses).
- 8.7 The PNDP outlines a need for small flexible units to support the growth of local firms and that there is an unfulfilled demand for business premises such as good quality small scale office space and workshops. It identifies Frenchmans Road as an area for a potential business enterprise centre of flexible space with shared facilities, as this area is seen as needing investment and has an advantageous proximity to the town centre and railway station.
- 8.8 Policy BPI allocates the site for employment uses and supports its redevelopment only where it wouldn't result in the loss of business floor space. Policy BP2 supports BPI insofar as it seeks to safeguard existing employment sites unless it is demonstrated that they are no longer suitable for business use and that they have been actively marketed for at least 6 months on realistic market terms, with no prospect of new business occupiers being found. Policy BP5 identifies Frenchmans Road for potential economic regeneration, with the

objective of creating a business enterprise centre focussed on small scale office space. An indicative masterplan associated with BP5 includes the application site and the neighbouring commercial sites to the south and east and indicates a preference for new office space.

- 8.9 Policy SD34 of the SDLP offers general broad support for fostering the economic and social wellbeing of local communities, in line with the National park duty, and supports the provision of new business enterprises. Policy SD35 outlines an overall provision for new employment land and its supporting text identifies that this need is being met through sites with extant permission, Neighbourhood Plan allocations (including Paris House) and SDLP allocations. It also safeguards principal and local employment sites that are fit for purpose from non-employment uses. This site is a local employment site and criterion 4(b) of SD35 outlines that commercial uses will be safeguarded from proposals for non-commercial uses unless a robust marketing campaign of at least 18 months has been undertaken.

No loss of an employment site

- 8.10 The proposals would not result in the loss of business floor space (policy BP2) insofar as none currently exists, albeit the site retains its use, but importantly the store is now within the same use class as other business/commercial uses like light industrial and offices. Consequently, new business floor space would be created. Therefore, the proposals would not be contrary to BP2 and SD35 as the site would not be lost to an alternative non-commercial use, given retail is now included in Class E and would consequently provide new commercial floor space. The marketing requirements of these policies become less relevant as a result.
- 8.11 That said, there are obvious differences between a new store and office/workshop units for instance and the District Council's Economic Development Team and other representations received have objected to the loss of the site as an employment site. EHDC's Economic Development Team (EDT) objections raise concern about meeting a demand for other business premises as well as a net loss of employment in regard to the number of jobs that could be created compared with a new store, as well as the range of jobs. More specifically, they outlined that they had received enquiries from businesses seeking large premises (5,000sqm plus).
- 8.12 In response, the Applicant provided further information on available existing available and new premises. Officer's sought further detail from EDT concerning their comments such as clarifying the demand and extent of enquiries for industrial and office premises as well as on the further information submitted, however, no further detailed comments were forthcoming. The EDT contend that a higher number of jobs could be created through an alternative commercial scheme and this has been raised in representations, but no such scheme has previously been proposed and the current proposals would introduce new investment into Petersfield. Aldi contend that there would be direct and indirect economic benefits with the provision of a new store.
- 8.13 In terms of available premises and demand, this will vary over time and it is uncertain how Covid-19 and future working patterns will affect demand for office space in particular in the future. It is noteworthy that in 2020 the SDNPA approved outline permission for a mixed development at the allocated employment site of Buckmore Farm near to Frenchmans Road, which includes 4,730sqm of new employment floor space which would, if delivered, provide modern new premises. In this respect, there is potential for new provision to be realised elsewhere in Petersfield. Furthermore, the current application proposals represent deliverable investment in Petersfield and the creation of new jobs.

Marketing Evidence

- 8.14 Marketing evidence has, nonetheless, been provided and considered. It details that the site has been marketed through a variety of means and the records of enquiries include interested parties such as a builders merchants and trade counter businesses, rather than any notable interest regarding light industrial uses or offices as emphasised in the PNDP. In regard to marketing, the planning position statement is also relevant as it outlines some flexibility of marketing requirements at present. Notwithstanding the policy position regarding BP2 and SD35, the details provided are sufficient.

Policy summary

- 8.15 The relevant Development Plan policies support the retention of allocated employment sites but do allow scope for their loss to alternative uses, where sufficient justification is provided. The onus is, therefore, on applicants to justify their proposals. A retail use is, however, now in the same use class as other commercial uses in Class E. Consequently, the proposals would be a commercial redevelopment of the site with an employment generating use.
- 8.16 The proposals would, however, be contrary to policy BP5 as this policy seeks a new business enterprise centre. This policy needs to be balanced against others as well as the material considerations above and it is considered that these outweigh BP5.
- 8.17 Taking into account the policy considerations above, the Authority's Policy team advice, the PPS and the NPPF's policy that 'significant weight' should be given to supporting economic growth, as well as delivering sustainable development, and representations received, no objection on policy grounds is raised in regard to the loss of this employment allocation.

Retail considerations – Development Plan policies and impacts upon the Town Centre

- 8.18 The NPPF (paragraph 85) outlines that planning decisions should support the role that town centres play within communities by taking a positive approach to their growth, management and adaptation. It goes on to outline considerations for assessing the impacts of new stores outside of town centres, as in this instance, which are addressed below.
- 8.19 Policies SD36, SD37 and RPI encourage new development in town centres and RPI furthers this by restricting new larger retail stores outside of it, as below. Given the site is outside of the town centre policies RPI and SD38 are particularly relevant. Their supporting text state that Petersfield is 'well supplied' with supermarkets and currently there are various stores in the defined town centre (eg. Tesco, Waitrose, M&S and Lidl).
- 8.20 RPI restricts new retail provision outside of the town centre to small scale convenience shops with a maximum floor space of 280sqm, in appropriate locations to meet local needs. The application site is considered to be an 'edge of centre' site. In this respect, the proposals are contrary to RPI insofar as a large retail store is proposed outside of the town centre, albeit close to its boundary (approximately 250m). Whilst the PNDP and representations outline that Petersfield's needs are met by existing stores, importantly, SD38 and the NPPF outline an impact based approach is required to determine the acceptability of a new store rather than whether it is needed, where out of centre stores are proposed. More weight has, therefore, been given to SD38 than RPI because it is a more up to date policy and is more consistent with the NPPF.
- 8.21 Policy SD38 requires a Retail Impact Assessment (RIA) when proposals exceed 750sqm in market towns, which has been provided. This approach is supported in the NPPF (paragraph 89) which outlines that when assessing retail development outside of town centres, which are not in accordance with an up to date development plan, local planning authorities should require an impact assessment if proposals are above a locally set floor space threshold. The submitted RIA has been independently assessed by consultancy Lichfields for the Authority. They have previously undertaken an East Hampshire district wide retail and main town centre uses study for EHDC in 2018 and are experienced in critiquing RIAs and their advice is considered below.
- 8.22 As above in paragraph 8.20, the proposals are contrary to RPI and as such the following two aspects of the NPPF (paragraph 89) listed below have been considered. Where these tests are not met paragraph 90 of the NPPF advises that proposals should be refused.
- a) the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal and;
 - b) the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme).
- 8.23 In addition to the above, the NPPF (para 86) outlines that a 'sequential test' for proposals for main town centres uses (eg. retail) which are neither in a town centre or in accordance

with an up to date plan should be undertaken. Furthermore, that when considering edge of centre proposals preference should be given to accessible sites which are well connected to the town centre. This test is considered first below followed by an assessment of the impacts upon the vitality and viability of the town centre.

The Sequential Test

- 8.24 A sequential test's purpose is to consider whether there are potential sequentially preferable alternative sites for such proposals within a town centre first. Where edge of centre sites are considered, preference should be given to readily accessible sites, which are well connected to the town centre, and Frenchmans Road is an accessible location. The sequential test is also based on whether alternative sites for new stores have the same or similar catchment areas and in this instance the proposed store is anticipated to largely serve Petersfield and its hinterland.
- 8.25 Importantly, this test focuses on the suitability and availability of sites to accommodate the proposed development and not an alternative form of retail development (eg. disaggregating the proposed floor space into smaller units). The assessment should also not be specific to an individual retailer, rather it is the type of retail offer proposed – in this case Aldi is a 'Limited Assortment Discount' retailer. In addition, both the Applicant and local planning authorities should adopt a flexible approach on issues such as the format and scale of new stores when considering other sites, so that opportunities of potential sites are fully explored.
- 8.26 The Applicant has provided an assessment of alternative sites. It includes reviewing vacant premises and retail allocations in the PNDP, however, their assessment has not resulted in an alternative site being identified due to sites being too small and not available, as they are already in use and are unlikely to become available within a reasonable period of time.
- 8.27 This assessment has been scrutinised by Officers and as well as Lichfields. Lichfields have cited a variety of appeals and High Court judgements, as have the supermarket retailers and applicants, concerning how sequential tests should be undertaken. Taking these into account, it is considered that the sequential test has been satisfactorily addressed to justify a new store on this site as no alternative sites are suitable and available.

Impact upon the Town Centre's vitality and Viability

- 8.28 The impacts of the pandemic upon town centres and what a 'new normal' trading pattern for retailers in the longer term are uncertain. An important issue is whether the proposed store would significantly exacerbate potential medium to longer term impacts of the pandemic. There is a variety of data which can be used to assess impacts upon a town centre which includes population growth and expenditure in East Hampshire, financial turnover in town centres and individual stores as well as household survey data.
- 8.29 Such data has been used in the submitted RIA. It contends that there would not be a significantly adverse impact upon the town centre overall from a diversion of trade and that the impacts on other supermarket retailers to the smaller independent shops would not undermine their viability. Representations from three supermarkets operating within Petersfield and other third party responses raise concerns about town centre impacts and the robustness of the RIA.
- 8.30 Initially, key aspects for consideration in policy terms are that a RIA is required by SD38 and the likely impacts need to be satisfactorily demonstrated, from which a judgement can be made as to the acceptability of these impacts. There is no accepted threshold for whether a certain amount of diverted trade to stores outside of town centres is significantly adverse or not, as it depends on a wide range of factors such as the existing health of a town centre and the attractiveness of its environment for shoppers.
- 8.31 Understanding the health of the town centre is based on a variety of indicators. These include the diversity of uses, amount of independent stores, vacancies and its physical characteristics for example. Approximately half of the total town centre floorspace is occupied by convenience and comparison goods retailers, which range from independent stores (eg. butcher, newsagent) to national chains such as Boots, Superdrug, Poundland and

Holland and Barrett as well as major supermarkets. The information submitted shows that the town centre is reasonably healthy with a vacancy rate of 4%, which is below the 11% national average.

- 8.32 Given Aldi trade in both convenience and comparison goods, the impact of trade diversion for each of these is addressed below. Lichfields' assessment is based on likely impacts once the new store would reach a 'mature' trading pattern or in national planning guidance known as the 'design year'. There are differing views on the design year between the RIA and representations and Lichfields have determined a more middle ground of 2024 as the year from which to base their assessment, which is a reasonable approach. A sensitivity analysis has also been undertaken where a worst case scenario has also been assessed in terms of a higher percentage of convenience goods being sold by Aldi. Currently a split of 70 % convenience and 30% comparison goods are proposed but also an 80/20 split has been considered for added robustness.

Convenience goods (food, groceries)

- 8.33 Based on the RIA submitted, Lichfields outline that the Aldi store would generate a total of £12.24m turnover. Convenience goods sales are stated as £10.26m with the majority of this (85%) being trade diverted from the town centre. The RIA outlines that the majority of this would be experienced by the major supermarkets, with Lidl being the most affected, rather than the more independent local shops. Lidl's could experience a reduction in trade of 28.8% whilst other larger retailers would experience smaller reductions of between 6.7% to 10.9% with the largest out of these being Tesco. In terms of the much smaller and independent stores the estimated loss of trade overall is estimated at 5.4%.

Comparison goods (clothing, toys)

- 8.34 Aldi's sale of comparison goods varies significantly on a weekly basis within their 'central aisle' offers. There would, therefore, be a more dispersed impact upon town centre stores. Aldi contend that there would be no trade diversion from the town centre from selling such goods however this is unrealistic. Based on 30% of the new store's sales being comparison goods, Lichfields outline this could equate to £2.67m of turnover with 85% of this being diverted from the town centre (worst case).

Overall impacts on the town centre

- 8.35 As a worst case scenario there would be an average impact of 12.6% loss of turnover amongst town centre convenience stores. Importantly, over 70% of this loss would be experienced by Lidl and Tesco which are outside of the traditional retail core of the town centre. The average impact across stores in the retail core area is estimated at 8.2% with 85% of this reduction experienced by Waitrose. The more specialist convenience shops would be less affected with an estimate 5.7% fall in turnover Lichfields has advised that these losses would not result in stores becoming unsustainable and vulnerable to closure, even though trade may fall below a company average benchmark. This is pertinent for the health of the town centre regarding anchor stores like Waitrose which draw people in and encourage linked trips for shopping. Tesco and Lidl are more peripheral in this respect but nonetheless could draw in linked trips to the town centre. Estimated linked trips are anticipated to fall by between 32,000 to 36,000 trips per annum.
- 8.36 Regarding comparison goods, an estimated reduction in turnover of between 2.9% to 3.7% is forecast. Importantly, Lichfields advises that this trade diversion would be offset by future anticipated expenditure growth in the town centre by 2024, whereby Aldi would not significantly impact the trade of comparison goods in the future as a result.
- 8.37 Based on the above and consideration of linked shopping trips the overall combined reduction in turnover in the town centre is likely to be 7.5% with most of the impact affecting the large food stores.
- 8.38 The trade diversion figures and anticipated growth in expenditure within the town centre suggest the associated impacts of the Aldi store would not result in a large number of shop closures or a significant increase in the overall vacancy rate within the Town Centre. Also, a

significant reduction in consumer choice or existing investment within the town centre is not envisaged.

Policy summary

- 8.39 Based on the considerations above, whether the impacts are considered significantly adverse to refuse the application is a matter of judgement taking all considerations into account. The proposals would accord with policy SD38 and the NPPF in terms of satisfying the sequential approach and demonstrating that a significantly adverse impact upon the vitality and viability of the town centre is not envisaged as outlined in Lichfields' advice.

Design considerations and impact on the character and appearance of the area

- 8.40 The siting and orientation of the building has resulted from a range of considerations such as environmental constraints (eg. flood risk) and opportunities (Tilmore Brook), relationship with neighbouring properties and creating a frontage onto Frenchmans Road and utilising the existing access. The building is large however it would sit reasonably comfortably within the site and the southern part is considered the most appropriate location. Its siting affords the greatest opportunities for enhancements within the site, accommodate parking efficiently and create an acceptable relationship with neighbouring development. The car park design adopts a functional character in form and layout as it tries to efficiently use the space available.
- 8.41 A contemporary form of architecture is proposed. The Design Officer has advised that it is 'unexceptional' and representations have also criticised its design, but that there are positive elements to it. There is reasonably good articulation within the elevations in terms of detailing and use of materials, which also help to 'break up' the massing of the building. The substantial green roof is a great asset for the building and it is unfortunate that this has not been able to be showcased through the design. An interpretation board is proposed at the seating area next to Tilmore Brook which could include details about the roof as well as the Brook itself. This is recommended as a condition.
- 8.42 The building is of a sufficiently good design to be in keeping with the mixed commercial and residential area character of Frenchmans Road and its overall scale would not appear overly dominant in the street scene, given it would be set back from the road frontage and seen in the context of the large warehouse to the south. Indeed, it is smaller in scale to the adjacent warehouse building. Its high sustainability credentials, including reaching BREEAM 'excellent' standard also contribute to its acceptability and whilst no external renewable technologies are proposed (eg. solar panels) this has been balanced against the provision of the extensive green roof and the building's sustainability attributes within it.
- 8.43 The scale of the store and need for parking does reduce the potential for maximising green infrastructure throughout the site. There does, however, need to be balance between making best use of the site and weight given to individual policies concerning green infrastructure (SD45). In urban areas schemes should reflect local landscape character and be multifunctional wherever feasible. It is accepted that the proposed scheme maximises its opportunities for multifunctional SUDS and green infrastructure within the context of the scale of development, however, the design officer considers opportunities are missed as a result of the amount of development proposed.
- 8.44 On balance, the proposed surface water drainage scheme and the landscape scheme is acceptable and, in addition to the considerations above a landscape led design is sufficiently achieved to accord with SD5. To further improve the scheme, a condition which seeks further work on the Tilmore Brook in terms of re-profiling the banks to facilitate further planting to enhance it as a feature and contribute to amenity and biodiversity.

Flood Risk and drainage

- 8.45 Further to the above, there is an identified flood risk on site. The County Council, as Lead Flood Authority, the Environment Agency and the district council engineer have not raised objections regarding the drainage scheme subject to conditions.

Eco-systems services

- 8.46 In regard to eco-systems services and policy SD2, the landscape enhancements assist the scheme according with this policy as well as the surface water strategy. Further biodiversity enhancements such as bug hotels are also proposed within the scheme. The green roof would also make a notable contribution to improving biodiversity and managing surface water including via a rainwater garden for excess run-off. In light of these aspects, and those above, it is considered that SD2 is accorded with. These enhancements would be secured via conditions.

Highways considerations and parking provision

- 8.47 The existing access would be retained and is of a sufficient scale and visibility to accommodate the proposals. The Highways Authority has not raised a concern regarding its use.
- 8.48 The Highways Authority has also not raised an objection in regard to the capacity of the local network to accommodate anticipated traffic movements and highways safety issues. They have also not objected to alterations to the junction of Frenchmans Road and Winchester Road would help to facilitate better vehicle and pedestrian movements.
- 8.49 In regard to parking arrangements, policy SD22 requires development to provide an appropriate level of vehicle and cycle parking to serve the needs of the development. The Parking SPD provides further detail and based on the scale of the store 129 spaces are required. 112 spaces are proposed however the parking SPD allows for flexibility and outlines that applicants need to carry out a site specific assessment of parking for proposals.
- 8.50 The submitted Transport Assessment outlines that the 112 spaces would be sufficient based on a modelling of vehicle movements which concludes that this amount of parking provision is sufficient. Given the reasonably sustainable location and its accessibility it is considered that on the basis of the information provided and the Highways Authority's views regarding highway safety the level of parking is acceptable. 4 electric vehicle charging spaces are proposed and a further 20 'passive' spaces for future use would be provided. This would accord with the SD22 and the Parking SPD guidance. The proposed 40 cycle spaces would also accord with the SPD.
- 8.51 The Highways Authority have requested transport contributions in relation to securing and monitoring an agreed Travel Plan. It is considered that this contribution is justified in order to monitor the impact of the development and ensure the mitigation in the Travel Plan is implemented and managed. Therefore, it is to be secured in a S106 Agreement.

Impact on surrounding amenities

- 8.52 Representations have raised concern regarding noise and disturbance as well as light and air pollution. The site has been vacant for many years and the proposals would introduce new activity 7 days a week, within the proposed store hours, from customers using the store. In addition, there would be on average 4 HGV deliveries per day plus 1-2 weekly collections of waste. Visits by smaller deliveries, such as newspapers, would also occur.
- 8.53 Regarding noise and disturbance, a row of car parking spaces would run parallel with the adjacent rear garden boundaries and 3m away from it whilst other spaces are more centrally located and alongside the Brook. Regarding deliveries, the service entrance is on the western side of the building and therefore near to the rear garden boundaries of Rushes Road properties. The deliver ramp would extend downwards into a contained area where, due to the equipment and mechanisms used for the loading/unloading of lorries this can be done without any external activity such as forklift trucks that would generate additional noise. The service area is also a reasonable distance from residential boundaries.
- 8.54 External lighting within the car park is proposed. Concern have also been raised regarding light pollution. Lighting columns are proposed within the car park and would be angled downwards. They are also of an appropriate luminosity. The proposals also involve switching off lights when the store is closed.

- 8.55 Environmental Health have not raised any objection regarding impacts upon surrounding amenities, subject to conditions. Concerns have also been raised about increased traffic in the area and road congestion. The Highways Authority and Environmental Health again have not raised objections on these grounds. Having considered their advice and assessed the impacts, it is not considered that there would be a significantly harmful impact to justify a reason for refusal on amenity grounds, particularly bearing in mind former uses and its allocation.
- 8.56 Regarding the design of the building, the main west elevation (minus the loading bay area) would be a sufficient distance away from the neighbouring properties, which have long rear gardens, and given its height, which would be commensurate with the height of adjacent properties, no significant harm would be caused in regard to unneighbourly impacts. Given the distances from other surrounding residential properties to the north and east no significant harm would be caused by the siting and design of the building to the amenities of these properties. The building would also not have any significant impact upon the large commercial premises to the south.

Ecology and trees

- 8.57 The site is a cleared brownfield site and there has been limited opportunity for protected species to currently inhabit the site. The ecologist has not raised any concerns. Existing trees are limited to site boundaries. The proposed landscape scheme would deliver biodiversity enhancements and the Applicant has used the 'DEFRA Metric' to determine that at least a 10% net biodiversity gain can be achieved via the scheme. The majority of existing trees are proposed to be retained with the exception of a maple in the south east corner of the site. Conditions are recommended to secure a landscape scheme and biodiversity enhancements and ecosystems services benefits.

Dark Night Skies

- 8.58 A lighting scheme has been proposed which includes lighting columns within the car park. The Dark Skies officer has reviewed the information and does not raise an objection. A condition relating to the implementation of the scheme is recommended.

Cultural Heritage

- 8.59 The closest listed building is a dwelling north west of the site which fronts onto Winchester Road. No concerns are raised in regard to impact upon the setting of this building and, consequently, its special architectural and historic interest would be preserved. Also, the proposals are not likely to affect the character and appearance of the conservation area or its setting.

Contributions

- 8.60 The proposed development is CIL liable.

9. Conclusion

- 9.1 Representations have raised a breadth of concerns which range from planning professionals representing supermarkets to local residents and an EHDC Member. Concerns have been assessed in the context of consultee advice as well as through the independent advice from Lichfields.
- 9.2 Consideration has been given to the proposal in relation to the site's status as an employment allocation and the impact upon the vitality and viability of the town centre. For the reasons outlined in the report, the relevant Development Plan policies and NPPF are broadly accorded with, particularly in light of changes to the Use Classes Order which influenced how the proposals have been considered as well as the sequential and impact assessments. The design and layout of the scheme is acceptable. Whilst there are some outstanding concerns from the design officer and other third parties, the design is of a sufficient quality to accord with relevant policy and guidance and includes a number of good features.
- 9.3 It is considered that the impacts are not harmful in planning terms and the proposals represent investment in the Frenchmans Road area on a vacant brownfield site which would

create jobs and would add to the choice of retail offer for Petersfield residents primarily. It is considered that the proposals represent sustainable development in terms of policy SD1 and the NPPF in regard to social, economic and environmental considerations.

- 9.4 The application has been assessed in relation to the Development Plan, the NPPF, National Park Purposes and duty, material planning considerations and relevant legislation. In light of the above assessment, the application is recommended for approval subject to the completion of a S106 Agreement and conditions.

10. Reason for Recommendation and Conditions

- 10.1 The recommendation is to grant planning permission subject to:

- 1) The completion of a legal agreement to secure the following, the final form of which is delegated to the Director of Planning:
 - Travel Plan for the operational management of the site.
 - Off-site highways works on Frenchmans Road and at the junction of Frenchmans Road and Winchester Road.
- 2) The conditions as set out in paragraph 10.2 of this report.
- 3) That authority be delegated to the Director of Planning to refuse the application with appropriate reasons if the S106 Agreement is not completed or satisfactory progress is not being made within 6 months of the 10th June 2021 Planning Committee meeting.

- 10.2 And the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the provisions of Section 91 (1) of the Town and Country Planning Act 1990 (as amended) and Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".

Reason: For the avoidance of doubt and in the interests of proper planning.

Use

3. The development hereby approved shall only be used as a retail shop within Use Class E(a) (commercial, business and service use) of the Town and Country Planning (Use Classes) Order 1987 (as amended) and for no other purpose within Class E or any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification.

Reason: To enable the Local Planning Authority to manage the use of the site.
4. The net sales floor area of 1,315sqm shall only be used for the sale of no more than 70% convenience and 30% comparison goods at any time.

Reason: To manage the impacts of the development upon the vitality and viability of the town centre economy.
5. The development shall only be open for trading during the following times:
 - Monday to Saturday: 08:00 and 22:00
 - Sundays and bank/public holidays: 10:00 to 16:00

Reason: To safeguard the amenities of the area.
6. Deliveries to and waste collections from the store, and the operation of plant and machinery associated with deliveries and/or waste collections, shall be limited to the hours between 06.00 and 22:00 Mondays to Fridays, 07.00 and 22:00 on Saturdays and 08:30 to 20:30 on Sundays, Bank and Public Holidays.

Reason: In the interests of the amenities of nearby residential properties.

Materials & construction

7. No development above slab level shall be commenced unless and until a schedule of materials and samples of such materials, finishes and colours to be used for external walls, windows and doors, roofs, chimneys and rainwater goods of the proposed building(s) have been submitted to and approved in writing by the Local Planning Authority. All materials used shall conform to those approved.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of the character and appearance of the area and the quality of the development.

8. Prior to the construction of the flint wall on the north elevation of the building hereby approved, a 1sqm sample panel of the flintwork shall be constructed on site for approval in writing by the Local Planning Authority. The flintwork shall thereafter match the approved details.

Reason: To ensure a high quality development.

9. Prior to the commencement of the development hereby permitted, detailed information in a design stage sustainable construction report in the form of:
- i. interim stage BREEAM NC certification and associated assessment report
 - ii. SBEM calculations
 - iii. product specifications
 - iv. Grown in Britain or FSC certificates;
 - v. sustainable material strategy
 - vi. building design details
 - vii. demonstrating that the development will:
 - viii. achieve BREEAM NC excellent standard
 - ix. reduce predicted CO2 emissions by 20% due to on site renewable energy compared with the maximum allowed by building regulations.
 - x. provide at least 4 EV charge points with a minimum power rating output of 7kW and a universal socket together with cable routes for 20 passive spaces.

Achieve these specific BREEAM NC credits:

- Ene 01 – ‘outstanding’ mandatory credits (minimum 6).
- Ene 04 (passive design analysis);
- Wst 01 (diversion of resources from landfill credit);
- At least half of Material credits;
- Pol 03 credit (minimum no.2 SUDs credits achieved);
- Wst 05 credit;
- Provision of green roof.
- for timber used, shall be certified ‘Grown in Britain’ timber where possible, and where not possible, FSC or PEFC certified.

shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with these agreed details.

Reason: To ensure the development demonstrates a high level of sustainable performance to address mitigation of, and adaptation to, predicted climate change.

10. Within 3 months after the development hereby permitted is brought into use, detailed information in a post construction stage sustainable construction report demonstrating how the development has been carried out in accordance with all of the requirements set out in condition 10 shall be submitted to and approved in writing by the Local Planning Authority. This documentary evidence shall include, but not be limited to, interim stage BREEAM NC certification and associated assessment report together with post construction SBEM calculations.

Reason: To ensure the development demonstrates a high level of sustainable performance to address mitigation of, and adaptation to, predicted climate change.

11. No development shall commence until a Construction Environmental Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The approved Plan shall be adhered to in full throughout the construction period. The Plan shall provide for:
- a) An indicative programme for carrying out of the works and methods and phasing of construction works;
 - b) Construction work shall only take place in accordance with the approved method statement.
 - c) The arrangements for public consultation and liaison during the construction works;
 - d) Measures to minimise the noise (including vibration) generated by the construction process to include hours of work, proposed method for constructing foundations, the selection of plant and machinery and use of noise mitigation barrier(s);
 - e) Details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination;
 - f) The parking of vehicles of site operatives and visitors;
 - g) The arrangements for deliveries associated with all construction work;
 - h) Loading and unloading of plant, machinery, and materials and access and egress;
 - i) Storage of plant and materials used in demolition (if any) and constructing the development;
 - j) Location of temporary site buildings and compounds;
 - k) Protection of pedestrian routes during construction.
 - l) The erection and maintenance of security hoarding, where appropriate;
 - m) Wheel washing facilities;
 - n) Measures to control the emission of dust and dirt during construction;
 - o) A scheme for recycling/disposing of waste, including spoil, resulting from demolition and construction works;
 - p) Working hours.

Reason: In the interests of highway safety and the amenities of the area.

Landscaping and ecology

12. No development above slab level shall take place until a detailed Scheme of Soft and Hard Landscape works has been submitted to and approved in writing by the Local Planning Authority. These details shall include:
- a) Written specifications (including cultivation and other operations associated with plant and grass establishment;
 - b) Planting methods, tree pits & guying methods;
 - c) Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate;

- d) Retained areas of trees and hedgerows;
- e) Details of all hard-surfaces, including paths, kerb edges, access ways, boundary treatments, bin and cycle stores and parking spaces, including their appearance, dimensions and siting.
- f) Details of the siting, specifications and management of the Sustainable Urban Drainage systems.
- g) A landscape schedule and management plan designed to deliver the management of all new and retained landscape elements to benefit people and wildlife for a minimum period of 5 years including details of the arrangements for its implementation;
- h) A timetable for implementation of the soft and hard landscaping works.

The scheme of Soft and Hard Landscaping works shall be implemented in full accordance with the approved details and timetable. Any plant which dies, becomes diseased or is removed within the first five years of planting, shall be replaced with another of similar type and size, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To achieve an appropriate landscaping scheme to integrate the development into the landscape and provide a setting for the new development.

- 13. No development above slab level shall take place until a site-wide detailed Landscape and Ecological Management Plan (LEMP) is submitted to and approved in writing by the Local Planning Authority. The LEMP shall include, but not necessarily be restricted to, details of measures to retain existing boundary features; long term objectives and management responsibilities; the management regime of the landscape scheme; measures to enhance ecology through the provision of landscape species. The approved measures shall thereafter be implemented in full and maintained in accordance with the approved details.

Reason: To conserve and enhance flora and fauna.

- 14. The development shall be undertaken strictly in accordance with the submitted Tree Protection Plan 20181-BT4 and Arboricultural Assessment and Method Statement (reference 20181-AA4-PB).

Reason: To conserve trees which are proposed to be retained.

- 15. Prior to the construction of the green roof, technical details of its design and specification of the species, planting methods, and details of its means of drainage, future management and maintenance shall be submitted to and approved in writing by the Local Planning Authority. In the event that part of or the whole of the green roof does not become established or fails it shall be repaired or replaced with a like for like replacement.

Reason: To secure a satisfactory implementation and management of the green roof and to ensure its establishment and long term retention.

- 16. The eco-systems services measures outlined in the Ecosystems Services Statement (3.11.2020) and Plan 2212-120A shall be implemented in full prior to the building being brought into use.

Reason: To secure biodiversity enhancements.

- 17. Prior to reaching the slab level of the building, details, including cross sections, of a re-profiling of Tilmore Brook banks south of the site access to create shallower gradients for the implementation of new landscaping, to be agreed in condition 13, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To improve the amenity and biodiversity of Tilmore Brook.

- 18. Prior to the building being brought into use, the details to be included for the interpretation board identified on Plan 2212-SHP-123 shall be submitted to and approved in writing by the Local Planning Authority. It shall thereafter be erected in

accordance with these details and within 3 months after the building has been brought into use and maintained thereafter.

Reason: To promote the understanding and enjoyment of the scheme to visitors.

Environmental Health

19. Details of noise levels from mechanical services plant shall be provided to the Local Planning Authority before installation of any such plant or equipment. The details required must demonstrate compliance with the assessment criteria as set out in Section 4 (Noise from mechanical services plant) of the Environmental Noise Report (Sharps Redmore, dated 3 November, 2020, Project No.2019836).

Reason: In the interests of the amenities of nearby residential properties.

20. The submitted external lighting scheme shall be implemented in full prior to the site being brought into use. External lighting shall be installed and operated in accordance with the details supplied by Building Management Technology in the External Lighting Report & Specification [BMT Ref: B2340; ISSUE: C 26.10.2020 (LSC)].

Reason: In the interests of the amenities of nearby residential properties and dark skies.

Highways

21. Prior to the development being brought into use, the car parking and cycle parking shall be provided in full. They shall, thereafter, be retained at all times for their designated purpose.

Reason: To provide sufficient parking on site to serve the development.

22. Prior to the development being brought into use, provision of a minimum of 4 electric vehicle charging spaces and 20 'passive' electric vehicle charging spaces for future implementation of charging points shall be provided. These shall thereafter be maintained.

Reason: To provide on-site sustainable parking facilities.

23. The development shall be operated in accordance with an updated Travel Plan to be submitted and approved in writing by the Local Planning Authority. The measures within the Travel Plan shall, thereafter, be implemented in full.

Reason: To ensure a more sustainable form of development.

Drainage

24. No development shall commence until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The sustainable drainage scheme shall be managed and maintained thereafter in full accordance with a management and maintenance plan to be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure satisfactory provision of surface water drainage. DR02 and DR04

25. No development shall commence until a detailed drainage scheme detailing the proposed means of foul water disposal has been submitted to and approved in writing by the Local Planning Authority. These details shall include a maintenance plan with management responsibilities. The development shall be carried out in full accordance with the approved details.

Reason: To ensure satisfactory provision of foul water drainage.

26. No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the Local Planning Authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory development given the shallow groundwater levels in this area and risks from surface water infiltration from the proposed sustainable drainage system (SUDS) and pollution of controlled waters.

27. The drainage system shall be constructed in full accordance with the Flood Risk Assessment & Sustainable Drainage Strategy Ref: 3727231. Surface water discharge to the Tilmore Brook shall be limited to 6.13 l/s and the following mitigation measures shall be undertaken:

- a) Finished floor levels shall be set no lower than 65.65m above Ordnance Datum (AOD).
- b) This mitigation measure shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements.
- c) The measure detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Any changes to the approved documentation must be submitted to and approved in writing by Local Planning Authority. Any revised details submitted for approval must include a technical summary highlighting any changes, updated detailed drainage drawings and detailed drainage calculations.

Reason: To ensure a satisfactory means of drainage for the development.

Contamination

28. No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:
 - all previous uses;
 - potential contaminants associated with those uses;
 - a conceptual model of the site indicating sources, pathways and receptors;
 - potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. Any changes to these components require the written consent of the Local Planning Authority.

Reason: To ensure that contamination risks are identified and mitigated.

29. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources.

30. Piling and using penetrative methods shall not be carried out other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with any such approved details.

Reason: Piling and using penetrative methods can result in risks to potable supplies from, particularly as shallow groundwater is present and groundwater is particularly sensitive in this location because the proposed development site is located upon a Secondary Aquifer.

11. Crime and Disorder Implication

- 11.1 It is considered that the proposal does not raise any crime and disorder implications.

12. Human Rights Implications

- 12.1 This planning application has been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.

13. Equality Act 2010

- 13.1 Due regard has been taken of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010.

14. Proactive Working

- 14.1 In reaching this decision the Local Planning Authority has worked with the applicant in a positive and proactive way, in line with the NPPF.

Tim Slaney

Director of Planning

South Downs National Park Authority

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Appendices
1. Site Location Map
2. SDNPA Planning Position Statement 2020.
Legal Services, Development Manager.

SDNPA

Consultees

Background

Documents

All planning application plans, supporting documents, consultation and third party responses

<https://planningpublicaccess.southdowns.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

South Downs National Park Local Plan

<https://www.southdowns.gov.uk/planning/national-park-local-plan/>

Petersfield Neighbourhood Development Plan 2016

<https://www.southdowns.gov.uk/planning/planning-policy/neighbourhood-planning/neighbourhood-development-plans/petersfield-neighbourhood-plan/>

National Planning Policy Framework (2019)

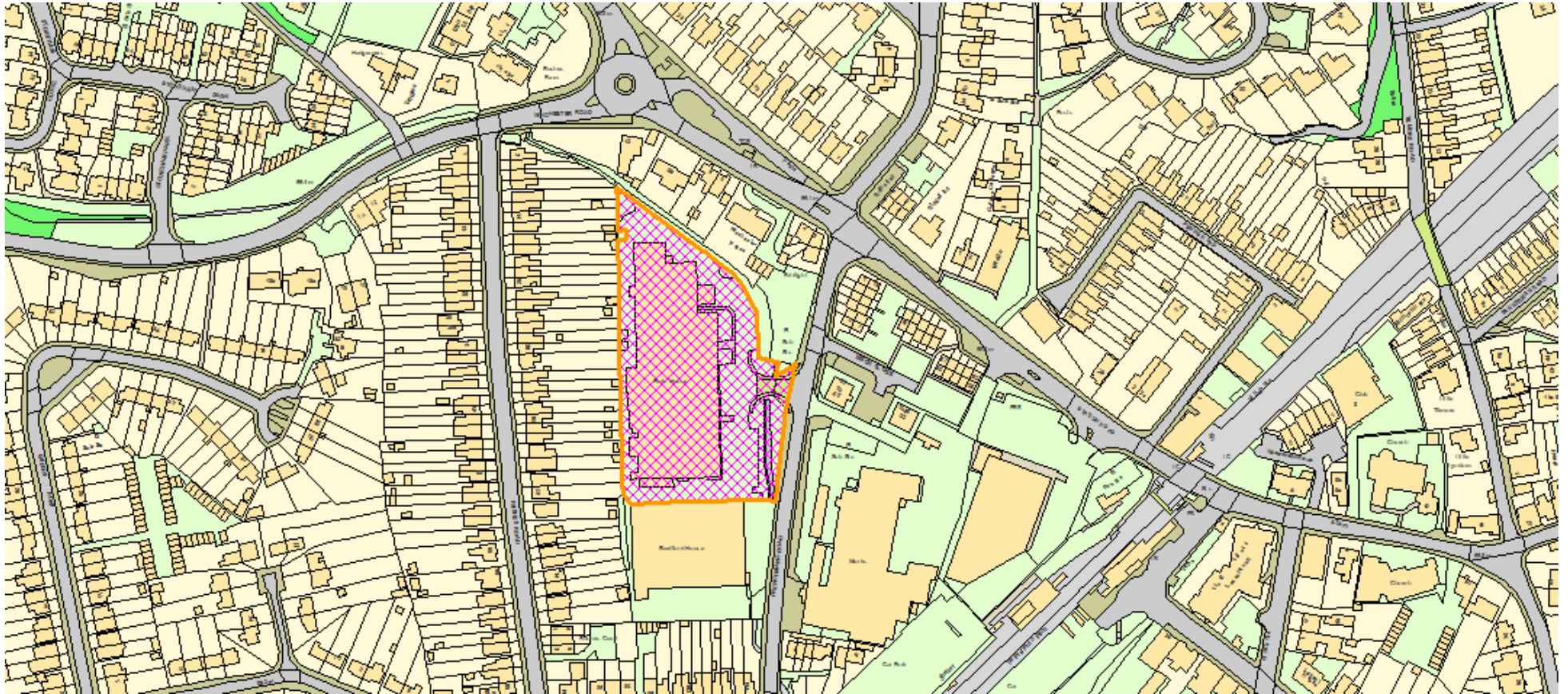
<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

South Downs National Park Partnership Management Plan 2020-2025

<https://www.southdowns.gov.uk/partnership-management-plan/>

South Downs Integrated Landscape Character Assessment 2005 and 2011

<https://www.southdowns.gov.uk/planning/planning-advice/landscape/>



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Planning Position Statement by the South Downs National Park Authority during COVID-19 Pandemic

This statement by the South Downs National Park Authority (SDNPA) sets out our response to help local businesses during the COVID-19 Pandemic in line with our socio-economic duty. It was discussed with Members at a workshop on 17 August 2020 and with the Agents' Forum on 30 September 2020. It will be kept under review as we adjust to the new normal and prepare for a green and local recovery.

Purpose:

- Identify key priority sectors of the local economy that Planning may assist.
- Produce a time limited Planning Position Statement for these unprecedented times to help us build a sustained and green recovery for the National Park without harm to its special qualities. It will be reviewed regularly after its practical implementation.
- It will be a material consideration in the determination of planning applications both by the National Park Authority (NPA) and local authorities through hosted arrangements¹.

Context of note:

- National response to Covid-19 and the White Paper: Planning for the Future.
- Duty of National Park Authorities: To seek to foster the economic and social well-being of the local communities within the National Park.
- Partnership Management Plan Outcome (10): A diverse, sustainable, dynamic economy which is positively linked to the special qualities of the National Park. Specifically, (10.1) To strengthen and support sustainably managed land-based industries and local enterprise; (10.2) To increase awareness and desirability of the South Downs as a special place to visit; and (10.3) To establish the South Downs as an exemplar in sustainable tourism.
- Partnership Management Plan Outcome (7) To develop initiatives which enable local communities and individuals to improve health and wellbeing.
- Local Plan objective: To protect and provide for local businesses including farming, forestry and tourism that are broadly compatible with and relate to the landscapes and special qualities of the National Park.

Core Policy SDI of the Local Plan states that 'When considering development proposals that accord with relevant policies in this Local Plan and with National Park purposes, the Authority will take a positive approach that reflects the presumption in favour of sustainable development. It will work with applicants to find solutions to ensure that those development proposals can be approved without delay, unless material planning considerations indicate otherwise.' This Position Statement follows on from this policy.

Priority sectors of the local economy

Studies carried out for the NPA have identified the following sectors of the National Park Authority to be at greatest risk under the pandemic:

¹ Winchester District Council, East Hampshire District Council, Chichester District Council, Horsham District Council and Lewes District Council



- Land-based industries include agriculture, forestry and fishing. An environment shaped by centuries of farming is one of the National Park's special qualities and 85% of its area is farmed.
- The visitor economy including visitor attractions and visitor accommodation is at greatest risk during the pandemic. The visitor economy is linked to both the second purpose of national parks and our socio-economic duty. With 39 million day visits each year to the South Downs with an annual spend of £333 million² it is a vital part of our economy.
- The knowledge sector includes businesses where the production of goods and services is based primarily upon knowledge intensive services such as advanced manufacturing. Almost a third of the National Park's businesses are in this sector and it is classified as medium risk in terms of the current economic climate.

In line with our socio-economic duty and given the impact of Covid-19 on smaller business with less 'back up', we will prioritise micro (fewer than 10 employees) and small (10 to 49 employees) businesses operating in these three sectors.

1. Planning process

In regard to small and micro businesses in the above named sectors the Authority will:

- Prioritise the validation and determination of planning applications arising from the pandemic
- Prioritise the discharge of conditions to allow development to commence and seek details up front for planning applications arising from the pandemic
- Consider the requirement for certain studies such as noise assessments and transport assessment, which cannot be carried out during the pandemic and consider the use of post-commencement conditions so that the studies can take place after permission is granted. We will provide a standard template for S106 legal agreements to address this as necessary
- Work pro-actively with businesses which are currently applying for grants or funding that must have planning permissions in place prior to submission of their full funding application
- Work pro-actively with the Agents' Forum to identify further opportunities for assistance

2. Financial factors

In regard to small and micro businesses in the above named sectors the Authority may consider as matter of discretion to:

- Provide free pre-application advice (one meeting followed up with written advice)

² <https://www.nationalparks.uk/students/whatisanationalpark/factsandfigures>



- b) Exceptionally waive monitoring fees for Section 106 legal agreements

3. Policy interpretation

There are a number of Local Plan policies that are particularly relevant to small and micro businesses in land-based industries, the visitor economy and the knowledge sector. For example, many people have worked from home using outbuildings. Paragraph 7.96 of the supporting text for Policy SD31: Extensions to Existing Dwellings and Provision of Annexes and Outbuildings states that 'the use of outbuildings to support home working and home-based businesses will generally be supported where this does not involve a change of use of the main dwelling or have an adverse impact on the residential amenities of adjoining residents or the landscape of the National Park.' It is important to remember that all development plan policies will be taken into account when determining applications. The Authority may consider as matter of discretion to show temporary flexibility in regard to the following aspects of the following Local Plan policies:

- a) Policy SD34 Sustaining the Local Economy: Add the 'knowledge sector' to the list of key sectors in criterion 1(a).
- b) SD35 Employment Land: No longer require marketing evidence over a period of at least 12 months currently for a change of use from an employment use (B use) to another commercial use (non-B use). The marketing requirements will stay in place for change of use from employment to residential.
- c) SD36 Town & Village Centres & SD37 Development in Town & Village Centres: Consider positively all applications for commercial uses in our town and village centres that will increase footfall, with less regard to specific Use Classes definitions and more regard to likely impacts.

For further help for businesses please look at the following page of our website:

<https://www.southdowns.gov.uk/national-park-authority/our-work/coronavirus-covid-19-update/supporting-businesses/information-for-businesses-during-the-covid-19-pandemic/>

08 October 2020

Report to	Planning Committee
Date	10 June 2021
By	Director of Planning
Local Authority	Chichester District Council
Application Number	SDNP/20/05627/FUL
Applicant	Mr Angus Sprackling
Application	Change of use of agricultural land to use as campsite, for seasonal camping use with 18 pitches between May and October only. Landscape character and biodiversity enhancements for a further 4 hectares.
Address	Land And Building South Of Clarefield Copse, Dumpford Lane, Nyewood, South Harting, GU31 5JL, West Sussex

Recommendation: That planning permission be granted subject to the conditions as set out in paragraph 10.2 of this report.

Executive Summary

The application site is part of a farm that seeks to diversify through the provision of the proposed low-key campsite in the National Park. The campsite in question has operated in some form for 2 seasons benefiting from permitted development rights, which has raised concerns in the locality.

This planning application seeks permission for 18 pitches within approximately 7 hectares, reduced from the initially proposed 25 pitches in 11 hectares of farm land. It seeks to operate in a seasonal basis from May to September.

The applicant has worked during the process of the application with officers to address the concerns raised in terms of scale of the development, ecology, parking, amongst others. The use of the site for camping is considered to be appropriate in the proposed scale and location as controlled by the suggested conditions, minimising harm to the local community or dark night skies. A series of campsite management rules are agreed with the applicant and secured by condition.

Overall, it has been demonstrated that the proposal would provide opportunities for understanding and enjoyment of the special qualities of the National Park in line with the Development Plan requirements. This initiative also delivers the SDNP Partnership Management Plan and needed low cost visitor accommodation along a key route. For the reasons explained in the report, and in the absence of any material consideration to warrant a reason for refusal, this application is recommended for approval.

This application is placed before Members due to the significant number of third party representations.

I. Site Description

- I.1 The application site to which this application relates is located to the south of Clarefield Copse, within the countryside. The site is accessed via Dumpford Lane with the proposed campsite being located to the south of the copse within a series of fields that stretch from Clarefield Copse to a tributary of the River Rother and ponds that form the boundary of the site along the south and east. Nyewood is located approximately 800 metres to the west.
- I.2 Immediately south of the copse there is a barn which gained permission in 2008 for uses associated with the restoration of steam engines. The area immediately south of the copse also features a large flat hard-standing used for parking by the angling club users and a new stockman's dwelling which is under construction. Two residential properties are in the locality: Nyewood House, approximately 300 metres to the east of the car park, and Tygalls Farm, about 400 metres away to the east.
- I.3 The site is an irregular-shaped field south of Dumpford Lane and measures approximately 7 hectares. It comprises predominately pastoral fields, which are grazed by livestock, with a large fishing pond to the south, hedgerows and woodland. There is also a shallow ditch that crosses the site in an east to west direction. The site is bordered to the south by a stream and there is a small area of Ancient Woodland adjacent to the northern boundary. An access track and car park already exists at the site. Within the wider landscape are scattered houses, pastoral and arable fields as well as woodland parcels. The land falls gently from the access of the site towards the south east to a tributary of the River Rother.
- I.4 The application site forms part of a larger farm of approximately 400ha which is primarily based in two locations: Eames Farm on the south coast near Emsworth and the Rother Valley, in Nyewood and Rogate. The primary function of the farm is organic beef production. Livestock spend the summers on the lowland coast (Eames Farm) and winter in Rother Valley. The meat is primarily sold via Rother Valley Farm Shop and Butchery, which is based in Nyewood.
- I.5 The Serpent Trail runs along Dumpford Lane. The site is not visible from Dumpford Lane, although views can be achieved from public footpath no. 872, which runs in a north to south direction along the access track and western boundary of the site. The site is also partially visible from long distance viewpoints along the chalk scarp to the south, such as Harting Down approximately 3.7 kilometres away. Also, the dismantled railway (Petersfield to Midhurst) is 400 metres south of the site, which is safeguarded as a non-motorised route, but offers no views of the site.
- I.6 The site falls within landscape character area M2: Rother Farmland and Heath Mosaic, as classified in the South Downs Landscape Character Assessment 2020 (SDLCA). This area is formed by a slightly elevated sandstone plateau, where woodlands and heaths are common and where land is well drained. It is also characterised by an intimate mix of semi-natural habitats and agriculture, creating a valuable foraging and over-wintering sites for birds. Nyewood House historic parkland is located to the west of the site.
- I.7 The majority of the application site falls within flood zone 1 (low risk). Banks along the tributary to River Rother and ponds have the risk of flooding (zones 2 and 3). No listed buildings, conservation areas or other designated heritage assets are located nearby.
- I.8 The application site is located within the Dark Sky Core (Zone E0). This is also an area of medium level of relative tranquillity as shown in the SDNP Tranquillity Study. The further south of the site, the higher tranquillity levels are due to the absence of aural and visual disturbance.

2. Relevant Planning History

- 2.1 The most recent planning history relating to land adjacent to Clarefield Copse consists of the following:

SDNP/19/04198/FUL Change of use of land from agricultural to campsite with disabled access. Planning application withdrawn, December 2019.

- 2.2 The proposal consisted of the change of use of the paddock to the east of Clarefield Copse into a 17-pitches campsite. The site was located immediately south of Dumpford Land and adjacent to ancient woodland. Whilst officers were supportive of the principle of rural tourism accommodation, the proposal did not consider carefully landscape, parking and wildlife appropriately, amongst others. In the absence of sufficient information to assess proposals and lack of progress, the application was withdrawn.

SDNP/13/03454/FUL Material amendment to existing approval (stockman's dwelling to replace temporary stockman's dwelling (revised siting) application HT/10/05065/FUL alterations to windows on north, south, west and east elevations. Planning permission granted, February 2014

- 2.3 This planning permission is being implemented.

HT/10/05065/FUL Stockman's dwelling to replace temporary stockman's dwelling (revised siting). Planning permission granted, April 2011

3. Proposal

- 3.1 The proposal has been subject to amendments over the course of the application. Originally the application proposed the change of use of 11 hectares of agricultural land to seasonal campsite with 25 pitches.
- 3.2 The revised submission proposes the change of use of approximately 7 hectares of agricultural land to seasonal campsite with 18 pitches. The seasonal use would take place from the 1st of May to the 30th of September. The type of campsite proposed is relatively wild and low-key, with direct vehicular access to pitches, no hard surfacing within the camp area, no electricity and water available to individual pitches.
- 3.3 The campsite includes the erection of a temporary amenity hut with toilet, showers and bins. This is a temporary transportable structure to be removed from site and stored during the low season (October to April).
- 3.4 Furthermore, the proposal includes the re-use and extension of the existing car park south of Clarefield Copse. This car park would provide parking space for 50 vehicles, to be shared with the users of the Petersfield & District Angling Club, the stockman's dwelling and the barn immediately to the east of the car park. Secure cycling storage for campers has been also proposed by the applicant.
- 3.5 A grass management and planting scheme has been proposed for the area covered by this application, as well as fencing and ecological mitigation and enhancements. These are to protect key habitats from recreational pressure.
- 3.6 A Campsite Management Plan is proposed, which identifies a series of rules such as limits to people allowed per pitch and booking (maximum 2 adults and 4 children), no amplified music, no noise after 10pm, tents to be located within the allocated pitches only, etc.

4. Consultations

4.1 Harting Parish Council: Objection.

- Concern with likely unacceptable levels of noise and light pollution. The absence in the last two years of a warden made not possible to observe rules.
- A 50 spaces car park is excessive.
- Concerns with increase in litter and air pollution (barbeques and camp fires).
- Concerns over the impact on traffic levels on Dumpford Lane.
- Visual impact from footpaths nearby and top of the Downs.
- The Parish Council agrees with the Ecology Officer's comments on impact to ancient woodland and wildlife.
- The WC and showed provision seems inadequate.
- The site may not be financially viable for 18 pitches.

- 4.2 **Rogate Parish Council** is a neighbouring parish and commented on this application. They objected and raised the following comments:
- Unacceptable levels of noise and light pollution from vehicles, people, music, camp fires. Pollution from fires and barbeques.
 - Increase traffic on Dumpford Lane, a single track narrow lane, with few passing places and used by walkers. No public houses in walking distance.
 - Negative impact on views and landscape. The amenity hut is a permanent structure.
 - Toilet and shower facilities seem inadequate. Campsite unlikely to be viable.
 - Suggested conditions: a) require on-site manager; b) limit number of pitches and months of operation; c) tents only, no caravans, camper vans or sleeping in vehicles.
- 4.3 **Trotton with Chithurst Parish Council** is a neighbouring parish and commented on this application. They objected and raised the following comments:
- Unsuitable location. No suitable access for the expected volume of traffic. Safety concerns on Dumpford Lane.
- 4.4 **SDNPA Landscape Officer:** No objection.
- The reduction in number of pitches and continuation of the agricultural use of the land during low season helps to make the proposal acceptable in landscape character terms.
 - 18 pitches and a 'wild camping' ethos with basic facilities represents the maximum this site has the capacity for, whilst retaining its positive contribution to character and the land's ability for be farmed.
 - Iterations to the layout and planting and additional information submitted have largely addressed landscape character concerns. Additional tree planting within the grazed field is uncharacteristic.
 - Tranquillity, dark night skies and indirect effects from traffic: reducing the number of pitches and limiting the numbers on site help to address concerns on the perceptual qualities. The Campsite Management Plan set out clear rules, with no external lighting, which is supported.
 - Recommended conditions: a) planting (location, species, establishment and maintenance); b) Landscape and Environmental Management Plan, with a year round management for landscape enhancements and biodiversity net gain; c) details of fencing and facilities hut.
- 4.5 **WSSC Highways:** No objection.
- No objection was raised to the initial proposal for 25 pitches. It is however appreciated that a reduced number of pitches will also reduce the number of vehicular trips.
 - Plans demonstrate the provision of more than sufficient parking space for 18 pitches. Parking bays are suitable in size and on-site turning appears achievable.
 - Proposals would not have an unacceptable impact on highways safety or result in 'severe' cumulative impacts on the operation of the highway network.
- 4.6 **CDC Environmental Health:** No objection.
- A condition is recommended controlling noise and lighting (as proposed) and requiring the site to be operated in accordance with proposed management rules.
 - Fire pits: a condition limiting the type of material burnt, limiting the size of individual fire pits and limiting to a number of specific identified locations would be reasonable.
- 4.7 **WSSC Public Rights of Way:** No objection:
- Public footpath 872 runs along the track from Dumpford Lane to the ponds to the south and then connects through the field to the crossing bridge. There are signs to a 'used'

route from the hardstanding to the bridge across a field, but this unsurfaced and is not the definitive public right of way.

- The definitive footpath has been blocked at the south end of the stone track by a post and wire fence. This obstruction has been requested to be removed.
- WSCC recommends to condition the removal of the fence obstruction.
- A shared use of the public right of way with vehicles increases the risk of accidents or injury. It is encouraged to review the risks to public safety and to introduce appropriate measures such signage to advise vehicles drivers of the hazards and act responsibly.

4.8 **Natural England:** No objection.

4.9 **HCC Ecology:** No objection.

- A pre-commencement condition is recommended to detail and clarify all the mitigation and enhancement measures required to ensure no adverse impact on designated sites, notable habitats and protected species.

4.10 **SDNPA Sustainable Tourism:** Support.

- There is strong demand for accommodation in the National Park during peak months. This application supports Policy SD23 and delivers the SDNP Sustainable Tourism Strategy.
- This is a low impact, affordable camping in an area with little other camping offer. It provides visitors with opportunities to explore the extensive Rights of Way network and could provide additional income to visitor attractions and associated visitor economy & food and drink businesses.
- It is recommended providing carts/wheelbarrows for transporting equipment/belongings from the car park to the pitch.

4.11 **SDNPA Sustainable Economy:** Support.

- Proposals will enable this land based business to continue with traditional farming activities, manage the landscape as well as introduce much needed holiday accommodation in the National Park. This proposal will ensure the farm is financially resilient at an incredibly precarious time for farms and will ensure the business continues to positively contribute to the National Park.

4.12 **SDNPA Planning Policy:** Support.

- Upon resubmission and reduction in the number of tents, this has reduced our concerns (traffic, amenity and landscape) and would be supportive from a policy perspective.
- The scale of development could detract from the amenity of the area if not carefully managed.
- Although not nearby any other tourist attractions, it is closely associated with Public Rights of Way, including the Serpents Trail and the safeguarded dismantled railway.
- The Campsite Management Plan is a welcomed. This document sets out features that would be important to conserve and enhance the special qualities of the National Park.

4.13 **Environment Agency:** No objection.

4.14 **WSCC Fire and Rescue Service.** Comments:

- Further information is required on the intended access to the proposed holiday cabins, as there seems to be insufficient access for the Fire Service.
- There is insufficient supply of water for firefighting as the nearest hydrant is 400 metres away.

4.15 **WSCC Lead Local Flood Authority:** No objection.

4.16 **WSCC Minerals and Waste:** No objection.

5. Representations

5.1 A total of 56 third-party representations have been received across two rounds of consultation: 54 objecting to the proposal and 2 in support. These are summarised below.

5.2 First round of consultation (26 objections, 1 support):

Objection:

- Campsite has been running for two years already. It is already advertised online.
- Noise, air and light pollution: recurrent problems raised by neighbours in the past. Music played at night, car headlights and camp fires impact dark skies.
- Access is along narrow country roads which cannot sustain the increase in traffic in the summer. Dumpford Lane is used for walkers, cyclists and horse riders, it is a narrow lane of poor surfacing. There is no public transport.
- An objector commissioned a transport analysis that concluded excessive traffic movements. It suggests to reconsider the Local Highways Authority's assessment.
- Servicing the amenity huts would require commercial vehicles, which is not practical.
- Campers have driven in the past to the pitches over fields alongside a public right of way causing harm to ecology. Campers will insist on vehicular access to their pitches. The parking area is not sufficient for 25 pitches.
- There is no provision for rubbish collection and removal. Pollution will increase from traffic and litter. Reported past cases of rubbish being dumped within and around the site. Potential hazard from campfires and barbecues. Increased fumes, smells and air pollution from fires.
- The site is not near any local pub or facility, except a farm shop, increasing car journeys. Site outside the settlement policy boundary.
- Lane unsuitable for motor homes and caravans. No passing places and damage to banks, verges and hedges. The lane is not capable to handle greater traffic.
- Area known for its tranquillity and dark skies, to be disrupted by campsite.
- Concerns on grounds of safety, security and misbehaviour in relation to livestock. Access of emergency vehicles is difficult.
- Guests have foraged wood nearby in the past, disturbing fauna and flora. Guests haven't complied with the Countryside Code in the past.
- Clarefield Copse is an ancient woodland. The site is partly waterlogged, drainage is poor and the site is muddy. Insufficient screening between public footpath and campsite.
- Any access of campers to neighbouring land outside campsite through a small bridge over stream would be dangerous and would impact biodiversity.
- Pressure from campers to protected habitats and species. The proposal should have an Environmental Impact Study. Should planning permission be granted, conditions should ensure ecological mitigation is enforceable. Dog proof fence should be provided.
- The site is visible many points. Proposals will have a negative visual impact.
- A planning application for a similar proposal covering a smaller area was submitted in 2019 which was opposed by locals and withdrawn.
- The code of conduct is unenforceable without staff monitoring.
- Massive scale, loss of agricultural land, and the intention is for permanent change of use.
- A sequential test should be done of all the farmer's land holdings to consider whether this is most appropriate site for diversification.
- This application does not align with purposes, objectives and policies of the SDNP.

Support:

- Great way to bring business to a remote community, pubs and farm shops. Great asset in the community.

5.3 Second round of consultation (28 objections and 1 support):

Objection:

- The changes to the application do not alter previous comments. 18 pitches is too many. Concerns remain in terms of traffic, highways safety, landscape and pollution, and others, as above.
- The capacity of the campsite will continue to increase regardless of the reduction in size and numbers. A 50 spaces car park implies an increase in pitches and increased traffic. No electric vehicle charging points proposed.
- If compliant with submitted information, the campsite would be economically unviable.
- Lakes, banks, ditches and stream are safety hazards.
- Toilet and shower facilities are insufficient.
- The stockman's cottage is unfinished. Impact visible all year round and ability to use site for livestock constrained. The car park is incongruous with the landscape and it's visible. Proposals lead to suburbanisation effect.
- Increased density of pitches and water runoff.
- The campsite management plan is un-implementable and impractical. It should be part of a Section 106 agreement and strictly applied. There is no policing or supervision.
- The plan includes 6 hectares of Dumpford Park Farm submitted without permission.
- The stockman's dwelling being constructed in not being lawfully implemented and this application cannot rely on it.

Support:

- The Petersfield & District Angling Club believe that with the proposed minimal facilities will unlikely attract undesirable campers; but only those that will respect and enjoy the natural beauty of its surroundings. They support the application.

6. Planning Policy Context

- 6.1 Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The relevant statutory Development Plan comprises of the **South Downs Local Plan 2014-2033**. The relevant policies are set out in Section 7 below.

National Park Purposes

- 6.2 The two statutory purposes of the SDNP designation are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage of their areas;
- To promote opportunities for the public understanding and enjoyment of the special qualities of their areas.

If there is a conflict between these two purposes, conservation takes precedence. There is also a duty to foster the economic and social well-being of the local community in pursuit of these purposes.

National Planning Policy Framework and Circular 2010

- 6.3 Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF) which was issued and came into effect in February 2019. The Circular and NPPF confirm that National Parks have the highest status of protection and the NPPF states at paragraph 172 that great weight should be given to conserving landscape and scenic

beauty in the national parks and that the conservation of wildlife and cultural heritage are important considerations and should also be given great weight in National Parks.

National Planning Policy Framework (NPPF) 2019

6.4 The National Planning Policy Framework has been considered as a whole. The following NPPF sections have been considered in the assessment of this application:

- Achieving sustainable development
- Building a strong, competitive economy
- Promoting healthy and safe communities
- Promoting sustainable transport
- Making effective use of land
- Achieving well-designed places
- Meeting the challenge of climate change, flooding and coastal change
- Conserving and enhancing the natural environment
- Conserving and enhancing the historic environment

Relationship of the Development Plan to the NPPF and Circular 2010

6.5 The development plan policies listed below have been assessed for their compliance with the NPPF and are considered complainant with it.

The South Downs National Park Partnership Management Plan 2020-2025

6.6 The South Downs Partnership Management Plan as amended for 2020-2025 on 19 December 2019, sets out a Vision, Outcomes, Policies and a Delivery Framework for the National Park over the next five years. The relevant outcomes include:

- Outcome 1: Landscape and Natural Beauty
- Outcome 2: Increasing Resilience
- Outcome 3: Habitats and Species
- Outcome 5: Outstanding Experiences
- Outcome 6: Lifelong Learning
- Outcome 7: Health and Wellbeing
- Outcome 8: Creating Custodians
- Outcome 10: Great Places to Work

Other relevant documents

- Parking Supplementary Planning Document (2021)
- South Downs Landscape Character Assessment (2020)
- Draft Camping and Glamping Technical Advice Note (2021)
- Dark Night Skies Technical Advice Note (2018)
- Ecosystem Services Technical Advice Note (2019)
- Habitats Regulations Assessments (HRA) Technical Advice Note (2021)
- Roads in the South Downs (2015)
- Planning Position Statement by the SDNPA during COVID-19 Pandemic (2020)
- SDNPA Sustainable Tourism Strategy 2015-2020

7. Planning Policy

7.1 The following policies of the **South Downs Local Plan 2014-2033** are relevant to this application:

- SD1 – Sustainable Development
- SD2 – Ecosystems Services
- SD4 – Landscape Character
- SD5 – Design
- SD6 – Safeguarding Views
- SD7 – Relative Tranquillity
- SD8 – Dark Night Skies
- SD9 – Biodiversity and Geodiversity
- SD10 – International Sites
- SD11 – Trees, Woodland and Hedgerows
- SD17 – Protection of the Water Environment
- SD19 – Transport and Accessibility
- SD20 – Walking, Cycling and Equestrian Routes
- SD21 – Public Realm, Highway Design and Public Art
- SD22 – Parking Provision
- SD23 – Sustainable Tourism
- SD25 – Development Strategy
- SD34 – Sustaining the Local Economy
- SD40 – Farm and Forestry Diversification
- SD45 – Green Infrastructure
- SD48 – Climate Change and Sustainable Use of Resources
- SD49 – Flood Risk Management
- SD54 – Pollution and Air Quality

8. Planning Assessment

Background

- 8.1 The land in question has been used for camping since the summer of 2019 as the applicant has benefited from the 28 days (now 56) of permitted development rights for the use of the land for other uses in each year. Permitted development rights (Class B, Part 4, Schedule 2, General Permitted Development Order (GPDO)) allows the landowner to use their land as a campsite during 56 days as well as to provide moveable structures for the purposes of the permitted use.
- 8.2 As explained in Section 2 (Planning History section), a planning application was submitted in 2019. The proposal consisted of approximately 1 hectare and 17 pitches immediately adjacent to Clarefield Copse and Dumpford Lane. The application was withdrawn following concerns raised by officers due to the lack of proper consideration to parking, landscape and wildlife in the application.
- 8.3 Since then, the campsite continued to operate in the summer 2020 and it is understood that the campsite has re-opened in May 2021. The campsite has been in operation on site for two consecutive seasons, raising concerns from nearby communities with regards to pollution and traffic mostly. The site currently benefits from permitted development rights

and campsites do not require planning permission to operate for a limited period of time (56 days per year). When it comes to a permitted development campsite, the SDNPA has no planning controls over the scale and operation of the site. This planning application, although proposes a longer season than allowed under permitted development rights, has been negotiated with officers to reduce and mitigate negative impacts in the area and secure benefits.

- 8.4 Initially, the current planning application sought planning permission for the change of use of an area of 11 hectares of agricultural land to seasonal campsite with 25 pitches. Following the consultation period, concern was raised by officers and third parties with the number of pitches and with the excessive size the site, amongst others.
 - 8.5 An opportunity to address issues raised by officers was given to the applicant, and following negotiations, as revised proposal was submitted in April 2021. This revision reduced the site from 11 to 7 hectares and the number of pitches from 25 to 18. The revised proposal was also supported with additional ecological information, a Farm Diversification Plan and with a Campsite Management Plan. This is the scheme under consideration in this report.
 - 8.6 Although this is major development for the purposes of the Development Management Procedure Order (more than 1 hectare), the proposal does not constitute major development for the purposes of paragraph 172 of the NPPF and Policy SD3 of the Local Plan. It is not considered major development (172 NPPF) due to the relatively small scale of the site and the low-key nature of the proposal, not having the potential to have significant adverse impact on the purposes of the National Park.
- Farm diversification
- 8.7 The National Park purposes are of significance in the assessment of this planning application since the proposed seasonal campsite has the potential to deliver on both purposes. Purpose one refers to the conservation and enhancement of the natural beauty, wildlife and cultural heritage of the area. Purpose two relates to the promotion of opportunities for the understanding and enjoyment of the special qualities of the National Park by the public.
 - 8.8 Policy SD34 of the SDLP is relevant as it relates to sustaining the local economy and supports proposals that foster the economic and social well-being of local communities. In particular, it supports proposals that promote and protect business linked to agriculture and tourism, two key sectors in the National Park. Tourism and farming, are identified by the SDNPA Planning Position Statement as to be at greater risk under the Covid-19 pandemic.
 - 8.9 Policy SD25 of the Local Plan sets out the development strategy of the National Park, resisting development outside the defined Settlement Policy Boundaries. Exceptionally, Policy SD25 permits development outside settlement boundaries where it complies with relevant policies of the SDLP, responds to the context of the relevant area and there is an essential need for a countryside location. The application site is located outside any Settlement Policy Boundary. However, that there is an essential need for a countryside location for this visitor accommodation enterprise, especially given its wild camping ethos, being in line with the development strategy.
 - 8.10 The proposal is presented by the applicant as an opportunity to diversify the farming business at Rother Valley Farm, which is mainly focused on the production of organic beef. The applicant is seeking to make a compatible use of downland fields for farming and other means of income, in this case, through visitor accommodation. When livestock is moved to farms on lowland in the summer, fields become available for other uses and this proposal seeks to establish a seasonal low-key campsite, with minimum infrastructure.
 - 8.11 The principle of diversification is supported in the Local Plan, particularly in Policy SD40, which seeks to support the long term viability of the National Park's farm enterprises. A Diversification Plan was submitted with the application, which explains the proposed strategy and actions towards diversification. This plan includes several actions that currently generate additional income to the farm, such the rental of fishing lakes, a dog training area and camping. The proposed diversification has been supported by both SDNPA Sustainable Economy and Planning Policy Officers.

- 8.12 The proposed campsite will provide additional income that will benefit the farming business while remaining subsidiary to the agricultural operation. This is due to the modest proportion of the farm proposed for camping (7 hectares) and the compatibility with the agricultural operations, as camping would only take place during the months when the fields are not used by livestock. Also, the low-key nature of the proposed camping facilitates the transition from campsite to farming use of the site, and vice versa, through the seasons. Therefore, the proposed use will not cause disruption to the normal operation of the farm, which will retain its agricultural use.
- 8.13 Policy SD40 also requires that any diversification development re-uses or replaces existing buildings, where feasible. Where not feasible, it requires for development to be physically and functionally related to existing buildings and to be of an appropriate scale, retaining the agricultural character. In this case, the proposed campsite requires fields for camping and basic infrastructure, e.g. parking, and it will be directly connected to the stockman's dwelling under construction on site. Proposals re-use the existing car park south of Clarefield Copse that currently serve the users of the angling club, the barn and stockman's dwelling. This is a welcomed approach, in line with the aim of Local Plan of re-using existing buildings (in this case, existing hard-standing). Furthermore, the campsite is well-related to the existing car park fishing lakes, two main assets within the farm, are well connected to these and the access track, avoiding intensive intervention in the farm and landscape. Due to the limited physical development proposed (car park and amenity hut) and the low-key nature of the campsite, proposals retain the agricultural character of the site. Overall, the proposal is consistent with requirements and aims of Policy SD40 regarding diversification of farms.

Sustainable tourism

- 8.14 Policy SD23 (Sustainable Tourism) sets out criteria for visitor accommodation across the National Park. This proposal for an 18 pitches seasonal campsite and will provide opportunities for visitors to increase their awareness of the special qualities of the National Park, and in particular to this location, the dark night skies. This application has the support of the SDNPA Sustainable Tourism Officer.
- 8.15 Policy SD23 requires for the design and location of proposals to minimise the need for travel by private car and to encourage access and travel by sustainable means, such as cycling. In general terms, this location lacks good public transport options. There are bus stops in Nyewood, 0.6 miles away, and whilst a bus service connects Nyewood with Chichester and Petersfield, this service is limited to 5 times a day from Monday to Saturday. This service would unlikely be used frequently by campers. Notwithstanding this, the site is well connected to the public right of way network, including the Serpent Trail and walking, cycling are suitable options for campers. The applicant has agreed to incorporate cycle storage within the site to encourage cycling to and from the campsite. This is secured by condition.
- 8.16 Camping accommodation along key routes of the National Park is supported in the SDNPA Tourism Strategy (2015-2020). One of these key routes is the Serpent Trail, which runs along Dumpford Lane. In the future, it is also expected that the dismantled railway line south of the site is converted into a non-motorised route from Petersfield to Pulborough, which will likely become one of these key routes. However, it was raised by third parties that the site is disconnected from settlements and from key services, such as pubs and local shops, which are not in a comfortable walking distance. A local farm shop is available at Rother Valley Farm, only 800 metres away. Notwithstanding the concerns raised around its location, given the relatively 'wild' nature of the campsite, this location is appropriate. The Local Plan requires to demonstrate that proposals minimise the use of private cars and encourage sustainable means of transport. It is considered that although the campsite will rely mostly on the use of private cars, options for more suitable means of travelling are available. Given its location along one of the key cycling and walking routes of the National Park and the provision of cycle storage, its location is, on balance, acceptable and in line with policies SD19 (Transport) and SD23.
- 8.17 This proposal will not detract from the experience of visitors, but it will provide an opportunity for visitors to enjoy and understand the special qualities of the National Park. It

is not considered that it will lead to adverse impacts to vitality and viability of town/village centres in the area and other assets of community value, due to the unique nature of the proposal. It would be expected for this campsite to lead to the opposite effect, and will complement rural communities and assets with affordable low-key visitor accommodation, which are much needed in the National Park.

- 8.18 It is considered that the campsite and its associated planting and good management of the fields and boundaries will positively contribute to the conservation and enhancement of the landscape character and wildlife. In order to control these benefits, conditions are proposed.
- 8.19 To conclude, it is the officer's view that the proposed campsite, in its reduced size and number of pitches, will be consistent with the first purpose of designation of the National Park. It will also contribute to the diversification and resilience of an established local farm enterprise and will provide affordable accommodation along existing and future key routes in the National Park. Therefore, the proposal is consistent with the aims and requirements of policies SD23, SD34 and SD40 of the Local Plan. Further assessment on the impacts of the proposed development in the area can be found below.

Landscape and design

- 8.20 The site in question is comprised of agricultural fields and a hard-standing located south of Clarefield Copse, an ancient woodland. This is immediately south of Dumpford Lane, a historic narrow road that connects Trotton with Dumpford and Nyewood. The area is characterised by its strong agricultural feel, medium relative tranquillity level and dark skies.
- 8.21 Policies SD4 (Landscape character) and SD5 (Design) of the Local Plan require any development proposal to adopt a landscape-led approach and respect the local character, through sensitive and high quality design that makes a positive contribution to the character and appearance of the area. Any proposal should also conserve and enhance landscape character. Policy SD5 requires development proposals to be integrate with, respect and complement the landscape character. For this site, there are several relevant landscape considerations such surface and ground water, trees and hedgerows, key habitats, the agricultural character of the area, tranquillity and dark skies that are important landscape factors.
- 8.22 The Landscape Officer commented on this application and initially raised some concerns with the number of pitches and the size of the application site, and potential loss of agricultural land. The latter is no longer considered to be an issue, as the applicant has confirmed that the fields will retain their agricultural use during the lower season as fields are used for livestock grazing in the winter. This is welcomed and contributes to retain the area's agricultural character.
- 8.23 In terms of the scale of the campsite, the reduced size of the site and number of pitches has positively addressed the capacity issues raised initially. The Landscape Officer considered disproportionate the initial proposal of 25 pitches across two large fields north and south of the fishing ponds. The latest revision for 18 pitches within one field only (north of fishing ponds) is a welcomed amendment and is considered appropriate and which this landscape has capacity for. It is considered that, subject to robust conditions proposed, the change of use of the field would not lead to landscape harm.
- 8.24 From a landscape character perspective, the proposed change of use of agricultural fields to seasonal campsite would have only very limited impact. This is mainly due to the low-key intervention in the area and the re-use of existing infrastructure. The presence of a maximum of 18 pitches with tents in a dispersed manner throughout the field is not considered to lead to harm to landscape character on a temporary basis and due to the light nature of tents. A new amenity hut would be installed on site, but again, this one would lead to a minimum landscape character impact, especially due to its moveable nature and provision during the campsite season only. The design of the hut is considered to be appropriate, as it is of a modest and utilitarian appearance, ancillary to the main use and of a proportionate scale that would not be harmful to the character of the area in a temporary basis. Conditions are recommended to ensure that the amenity hut is accessible to all users, of appropriate materials and finishes and that it is removed and stored away from October

to April. These conditions are necessary to ensure that the proposal would not lead to a negative impact on landscape character in the long term.

- 8.25 Outdoor cycle storage and amenity huts are the two only structures to be installed on site. Once uses cease on a definitive basis on site, these shall be removed, as controlled by condition.
- 8.26 With regards to the car park, this is an existing hard-standing that has been used for parking for some years now. The proposal seeks to re-use it and share it with different parties: campers, fishing club users, stockman's dwelling and barn. The shared use of the car park is welcomed and together with appropriate planting proposed along the southern boundary, a positive intervention in the landscape that will tidy up the area.
- 8.27 Trees are to be protected from development, and none is expected to be felled or directly affected by the development. New planting along boundaries is positive and will contribute to improve the green infrastructure network and to screen the car park from long distance views. Single trees are proposed sporadically throughout the site. The one to be planted within the field south of the car park would be consistent with the landscape character of the area as it formed part of a historic design landscape of Nyewood House. The trees within the field to the south east of the car park are not characteristic according to the Landscape Officer, but these will not be an obstacle to the farming operations, and will provide benefits in terms of biodiversity, screening and shadow for in the camping season. These are acceptable and specifications are, together with other planting, controlled by condition.
- 8.28 Overall, the proposal is considered to integrate well with the surrounding and to respect the agricultural character of the area. Furthermore, the proposal, together with proposed planting, re-use of the car park and a robust control with conditions, will conserve and likely enhance landscape character. Proposals are consistent with policies SD4 and SD5 of the Local Plan.

Tranquillity and dark night skies

- 8.29 The application site is located within the Dark Sky Core. The area is also in an area of medium level of relative tranquillity as shown in the SDNP Tranquillity Study.
- 8.30 Policy SD8 relates to the conservation and enhancement of the intrinsic quality of the dark night skies, and the integrity of the Dark Sky Core. The application documents confirm that no external lighting is proposed within the site. The only light sources would be eventual camp fires and head torches used by visitors. This is reflected in the Campsite Management Plan and no other external lighting will be allowed. This is controlled by condition.
- 8.31 In the absence of external lighting, the proposal is in line with the requirements of Policy SD8 of the Local Plan as it will conserve and enhance the quality of dark skies and the integrity of the Dark Sky Core.
- 8.32 Policy SD7 of the SDLP states that development proposals will only be permitted where they conserve and enhance the relative tranquillity of the National Park. The site is located within an area of medium tranquillity scores, and it is perceived as a tranquil space given its relative remoteness. The latest revision had omitted the previously proposed camping area south of the lakes, which is an area of higher tranquillity levels. This is welcomed.
- 8.33 The proposal would lead to a low level localised impact on tranquillity for a limited period of time in a year (a season of 5 months per year). The Landscape Officer, in consideration of the tranquillity sensitivities of the area, has requested that lighting should be avoided, which is the case. It is also requested that the number of pitches and Campsite Management Plan submitted to the SDNPA is adhered to and controlled by conditions. The Campsite Management Plan includes limits to the number of people allowed per pitch (2 adults and 4 children), no motor-homes, caravans or similar, no arrivals at night time, no fireworks, no amplified music at any time and requires campers to keep noise levels to a minimum between 10pm and 8am, as well as the manager's right to refuse entry/eject from site people causing nuisance. It is considered that the abovementioned rules in the Campsite Management Plan and the presence of a member of staff on site at night times at the

stockman's dwelling will help to keep nuisance levels down. Complete adherence to the approved Campsite Management Plan is required by condition.

- 8.34 The use of the site for camping is limited to the summer season, noise controlled, facilities and parking are localised, and there is a reasonable Campsite Management Plan with clear conduct rules. In light of the above, it is considered that the proposal conserves the relative tranquillity of the area. Consequently, the proposal is in accordance with Policy SD7 of the Local Plan.

Views

- 8.35 With regards to views, Policy SD6 of the South Downs Local Plan requires of development proposals to preserve the visual integrity, identity and scenic quality of the National Park, and key views in particular.
- 8.36 There are several publicly accessible areas within the locality from which the site is visible. The most obvious view of the site is from footpath 827, which runs along the access track from the north towards the south and along the western boundary of the campsite. The Landscape Officer has not raised concerns with regards to the visual impact of the proposal. Some tents would be visible from a stretch of public footpath 827 on its southern section along the site, but the majority of the fields and hut would be distant from the path and partially screened by trees and hedges (existing and proposed). The visual impact of tents is modest in this localised point, and low overall. The current car park would be better screened due to proposed planting along the south boundary, which would be an improvement.
- 8.37 The site is only partially visible throughout small gaps in the hedgerow from Dumpford Lane, however these views are not prominent. Also, the site is partially visible from higher ground level along the South Downs Way and Harting Down, which are approximately 3.7 kilometres south of the site. Whilst partial views of the existing hard-standing and field can be achieved in the long distance, the site's contribution to this long distance panoramic view is trivial. This is due the substantial distance, existing tree screening and the light touch nature of the proposed campsite. It is not considered that tents located sparsely within the field and the amenity hut would cause a negative visual impact from the South Downs Way and other long distance viewpoints.
- 8.38 Proposals preserve the scenic quality of the National Park and preserve the identity of the area as clearly rural and agricultural. Key views from the South Downs Way are also conserved. Consequently, the proposal is consistent with Policy SD6 of the Local Plan.

Highways, public rights of way and parking

- 8.39 This proposal is assessed against policies SD19, SD20, SD21 and SD22 of the Local Plan and read together with the 'Roads in the South Downs' document.
- 8.40 Policy SD21 of the Local Plan states that development proposals will be permitted where they protect and enhance highway safety. It also requires to give consideration to historic rural roads and the impact of development proposals on biodiversity, landscape and the amenity vale and character of these roads.
- 8.41 The Local Highways Authority (LHA) was consulted on this application and raised no objection to the proposal. The LHA state that there are no visibility issues at the access point, and that whilst there would be an intensification of use and an increase on number of trips, these will remain low and these will not cause a severe impact on the highway network. Following revision reducing the amount of pitches from 25 to 18, the LHA appreciated the reduced number of trips that the site will generate. No concerns are raised from a highways safety perspective.
- 8.42 Dumpford Lane is a relatively narrow tarmac road, with few passing spaces that can be accessed with a regular vehicle. This road is also used by cyclists, horse riders and walkers in the area and it forms part of the Serpent Trail. Concern was raised by the Parish Council and residents on potential conflicts with these users as traffic increases. Notwithstanding this, the LHA do not identify any adverse highways safety impact resulting from the proposal.

These lanes are commonly shared by all road users, including farm traffic, and shared lanes is expected.

- 8.43 An increase in traffic is considered by the community to potentially cause harm to the character of Dumpford Lane due to the absence of sufficient passing places, and the erosion of verges and banks. Notwithstanding this, the amount of traffic generated by this campsite, on a seasonal basis only, would not be substantial as stated by the LHA, especially given that cars already lawfully use the campsite under permitted development rights and that farm traffic is common. The reduced scale of development (from 25 to 18 pitches) certainly contributes to reduce the potential impacts.
- 8.44 The LHA was made aware of a third party representation, which was accompanied with a transport statement raising concerns with traffic increase. In review of this statement, the LHA maintained their no objection comment. Officers agree that the proposal will not significantly impact the local highway network.
- 8.45 The most convenient route to access the campsite is via Nyewood (and Habin Hill Road) from the west, rather than from the east, where some mud can be found on the road and the longer narrow stretch of Dumpford Lane is. The route from Nyewood to the campsite along Dumpford Lane is approximately 750 metres long, it is safe and offers good visibility in the distance. It is recommended via an informative that the applicant advertises this access route as the preferred option for visitors.
- 8.46 It is not considered that an increase of vehicle movements on Dumpford Lane would result in a significant material change of the traffic patterns as to adversely impact the character of the lane.
- 8.47 The Public Rights of Way Team at the LHA have also commented and raised no objection. The proposal will not alter any public right of way and the proposed parking and access layout would not interfere with the definitive public footpath. However, officers identified an existing obstruction on the footpath near the fishing lakes, and an alternatively used path. To remediate this and direct users to the definite route that directly connect with the site, a condition was suggested by the LHA seeking the removal of this obstruction within the applicant's land. This is accepted and added to the list of conditions.
- 8.48 The proposed car park has been detailed in the latest revised submission to ensure that it has capacity for campers visiting the site, as well as other users from the barn adjacent to the site, the stockman's dwelling and users of the fishing pond. 50 parking spaces are proposed for all, which is considered to be sufficient for 18 pitches and other users. The Parking SPD does not specify standards for campsites, but for hotels instead, and requires 1 parking space per bedroom. That same rate can be applied to this proposal, therefore requiring at least 18 parking spaces, which is met. The remaining parking spaces would be used for additional vehicles from campers and other users such members of the angling club.
- 8.49 The provision of parking within the existing hard-standing is positive, as it reduces landscape impacts, in line with 'Roads in the South Downs'. Cycle storage is proposed and secured by condition. Therefore, the parking provision is consistent with Policy SD22 of the Local Plan.
- 8.50 In light of the above, the proposal is considered to comply with Policies SD19, SD20, SD21 and SD22 of the Local Plan.

Impact on amenity of the local residents and environment

- 8.51 Policy SD5 of the Local Plan requires proposals to have regard to avoiding harmful impacts upon surrounding uses and amenities. As mentioned in Section 1, there are two main residential properties in the area, and others in the distance. There is also surrounding farmland with livestock in adjacent fields.
- 8.52 Neighbours have raised concerns on potential impacts from noise and smell from the proposed campsite. This is due to their experience in previous years of the campsite under permitted development rights. Concerns were also raised by neighbouring farmers due to uncivil behaviours of campers with livestock, deadwood gathering for campfires and littering in the area.

- 8.53 As explained above, amplified music will not be allowed on site and this is controlled by condition. The normal noise from people gathering and camping would not be detrimental in term of noise to residents' living conditions due to the distance between the campsite and the nearest properties.
- 8.54 The Environmental Health Officer was consulted and asked to comment on any potential nuisance to nearby residents and on the use of fire at the campsite in particular. No objection was raised from the Environmental Health Officer on these aspects. It is considered that the campsite would not cause a detrimental impact on living conditions of nearby residents to the east and west of the site as long as the comprehensive campsite rules are in place. A condition has been imposed requiring that the site is operated in accordance with the proposed Campsite Management Plan.
- 8.55 With regards to fire and potential smoke and smell nuisances to nearby residents, the Environmental Health Officer recommends that camp fire rules are in place, limiting the number, location and size of fire pits and the type of material burnt (dried wood preferably). Prohibiting fires at the campsite is considered by the Environmental Health Officer to not to be a reasonable action. The District Council has statutory nuisance powers in the event of nuisance from smoke. In light of the above, the distance between the site and other properties and the conditioned controls, any indirect impact of fires on nearby residents would not likely cause a detrimental impact on residents' living conditions. Appropriate measures are in place to ensure that smoke and smells do not cause a harmful impact on surrounding residents.
- 8.56 Proposals also include waste and recycling bins at the amenity hut, which are to be emptied by farm staff on a daily basis.
- 8.57 In the absence of music, vehicles parked in an ordered manner, a comprehensive Campsite Management Plan, farm staff presence on site and controls over fires, the proposed campsite would not lead to harmful nuisance levels as to detract from living conditions. Proposals, as controlled by condition, are consistent with Policy SD5.
- 8.58 Policy SD54 relates to pollution and requires proposals to not to have a significant negative effect on people and the environment.
- 8.59 Light pollution is considered to be inexistent due to the absence of external lighting proposed. With regards to air pollution, it was considered above that in order to control the levels of smoke and any potential nuisance to nearby residents, a condition was put in place. This is supported by the Environmental Health Officer, who do not object to the principle of camp fires within the site. The application indicates that these should be only take place within the designated fire pits. Officers consider that sufficient control on the location, size and design of the fire pits and type of material burnt will allow to reduce any significant air pollution, not causing nuisance to residents and having a negligible impact on the environment. An appropriate design of fire pits would also reduce the impact of burning on the soil and grass.
- 8.60 Proposals, as explained above and conditioned, are considered to be in line with Policy SD54 regarding air, noise, light and odour pollution.

Utilities

- 8.61 Individual pitches will not be provided with water or electricity supply. The ethos of the campsite is to be relatively wild with only basic shared services. The amenity hut will feature a solar panel on the roof and will supply electricity to the hut. It will also be connected to the mains water supply available on site and water will be heated by a combination of solar panels and bottled gas locked in the amenity hut. Solar panels for electricity and heating are welcomed and consistent with Policy SD48 of the Local Plan with regards to using low carbon technologies.
- 8.62 The proposal will deal with foul water from the amenity hut by draining to wastewater storage tanks to be installed below ground level. These will not discharge any waste water to the ground or watercourse and the tank will be emptied regularly. Details are controlled

by condition to prevent potential pollution on ground water, in line with policies SD17 and SD54.

Ecology and biodiversity net gain

- 8.63 Policy SD9 of the Local Plan requires proposals to demonstrate that they conserve and enhance biodiversity as well as have identified and incorporated opportunities for net gains in biodiversity. Following the receipt of additional information regarding protected species and habitats, as well as revised plans, the County ecologist has not raised concerns with the principle of the campsite proposed. It has been recommended that a pre-commencement condition is placed to agree in detail the proposed ecological mitigation and enhancement scheme for the site. This requirement has been incorporated in a condition.
- 8.64 Biodiversity net gain could be achieved with the landscape scheme primarily through the proposed south edge wildlife margins, planting and bat and bird boxes, amongst others via conditions. It is important to note that the scheme aims to manage grassland and any proposed planting through the year in a manner that conserves and enhances landscape character and the biodiversity of the site, while being compatible with camping and farming operations. The principles for the management of the site are supported and should be detailed in the landscape and ecological management plan to be submitted prior the first use. The Landscape Officer suggested the imposition of a Landscape and Ecological Management Plan for the site, as well as the County Ecologist the mitigation and enhancement details to be conditions. Given that these two go together, they have been incorporated in a single ad hoc condition to reduce the number of condition and in the interest of reasonable and necessary conditions only.
- 8.65 Proposals are considered to be consistent with policies SD9, SD10 and SD11 of the Local Plan.

Ecosystem Services and Green Infrastructure

- 8.66 Policy SD2 of the SDLP relates to ecosystem services and states that development proposals will be permitted where they have an overall positive impact on the ability of the natural environment to contribute goods and services. Policy SD45 is also relevant as it requires to maintain and enhance Green Infrastructure (GI) assets.
- 8.67 This proposal would provide affordable opportunities for access to the natural and cultural resources and people's well-being. Moreover, the campsite will support an existing organic farming enterprise, encouraging the sustainable production of food. Other ecosystem benefits relating to habitat enhancements and biodiversity which would result from the implementation of a series of enhancements controlled by condition.
- 8.68 With regards to green infrastructure and wildlife, proposals include additional planting and creation of buffers/measures of protection of key habitats (ancient woodland, riparian habitat). The proposed fencing around the ancient woodland is considered sufficient to prevent encroachment and pressure on this habitat. Planting proposed will strengthen the existing green infrastructure network within the site, meeting the aims of policies SD11 and SD45.
- 8.69 Proposals are in line with policies SD2 and SD45 of the Local Plan.

Flood risk

- 8.70 With regards to flood risk, pitches are located within Flood Risk Zone 1 (low risk), whilst the southern boundary of the site is within Zone 3 (high risk), as it coincides with the stream and fishing lakes. Given that not camping or structures are proposed within higher risk areas, there are no concerns raised in terms of safety. The Lead Local Flood Authority was consulted on this application and raised no objection. No increase in flood risk is expected as result of this proposal given the negligible seasonal increase in impervious surfaces. Proposals are consistent with Policy SD49 of the Local Plan.

Fire risk

- 8.71 The fire risk aspect has been reviewed by the West Sussex County Council Fire and Rescue Service. They advised that further information should be provided demonstrating that a fire

appliance is capable of accessing the proposed holiday built cabins, for the purpose of meeting building regulations. However, this comment must have been a misinterpretation of the proposal, as no holiday cabins are proposed, but only camping within fields and an amenity hut with showers and toilets.

- 8.72 The Campsite Management Plan prohibits smoking in the shower/WC hut. Measures to control any fire risk from fire pits is controlled by condition, as details on the number, location and size of equipment is required as well as mechanisms towards reducing fire risk and facilitating their extinction should there be an eventual fire.
- 8.73 The comments made by the Fire and Rescue Service were based on holiday huts (which are not proposed) and compliance with building regulations requirements. However, from a planning perspective, the SDNPA considers that the proposed safety measures are proportionate and adequate for this proposal. This proposal deals with fire risks in a proportionate manner and conditions will secure that fire safety measures are adhered to during the life of the development.

9. Conclusion

- 9.1 Given the assessment above, it is considered that the proposal is in accordance with the Local Plan and there are no overriding material considerations to otherwise indicate that permission should not be granted.
- 9.2 The proposal, in its revised reduced size, has demonstrated that a mixed use of the fields for farming and seasonal camping will not detract from the special qualities of the National Park and to be in line with the purposes of designation. The proposal will provide affordable opportunities for understanding and enjoying of the special qualities of the National Park.
- 9.3 Conditions will ensure that the campsite does not lead to any harmful impact to nearby residents, tranquillity and dark night skies and that potential fire and pollution risks are adequately managed within the site. Proposed additional planting and ecological mitigation and enhancement will contribute towards biodiversity net gain and to avoid harmful impacts on habitats and species. It is therefore recommended that planning permission is granted subject to conditions.

10. Reason for Recommendation and Conditions

- 10.1 Planning permission is recommended to be granted subject to:
- 10.2 Proposed conditions:

Timescale

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the provisions of Section 91 (1) of the Town and Country Planning Act 1990 (as amended)/ To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

Approved plans

2. The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".

Reason: For the avoidance of doubt and in the interests of proper planning.

No external lighting

3. No external lighting shall be installed on any building or within the site.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of night time amenity, tranquillity, wildlife and protect and conserve the International Dark Night Skies.

Landscape and Ecological Management Plan

4. The development hereby permitted shall not be brought into use until a landscape and ecological management plan, including the management objectives and responsibilities and maintenance schedules for a minimum of five years for all the site has been submitted to and approved in writing by the Local Planning Authority. The landscape and ecological management plan shall include a detailed scheme of ecological mitigation and enhancement of the site demonstrating no adverse impact on designated sites, notable habitats and protected species. These shall include details of any fencing proposed. Once approved, the landscape and ecological management plan shall be implemented and adhered to in complete accordance with the approved details.

Reason: to ensure the protection of habitats and designated sites and the protected species against recreational pressure and unsympathetic management as well as to ensure a satisfactory development and in the interests of amenity and landscape character and conserve and enhance the ecological standard. In line with Policies SD2, SD4, SD9, SD10 and SD11 of the South Downs Local Plan and the first purpose of designation of the National Park.

Planting details

5. Prior to the commencement of the development hereby permitted a detailed scheme of planting proposals shall be submitted to and approved in writing by the Local Planning Authority. All such work as may be approved shall then be fully implemented in the first planting season, following commencement of the development hereby permitted and completed strictly in accordance with the approved details. Any plants or species which within a period of 5 years from the time of planting die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory development and in the interests of amenity, ecology and landscape character. It is considered necessary for this to be a pre-commencement condition as these details relate to the landscape design of the development and thus go to the heart of the planning permission.

Campfires

6. No part of the development shall be first brought to use until details of the fire pits to be provided on site are submitted to and approved by the Local Planning Authority. There shall include the number, location and size of fire pits and type of firewood to be provided as well as mechanisms towards reducing fire risk and facilitating their extinction. Once approved, the development shall operate in complete accordance with the approved details.

Reason: In the interests of residential amenity, of preventing pollution and control fire risk.

Parking

7. No part of the development shall be first brought to use until the car parking spaces have been constructed in accordance with the approved plans. These spaces shall thereafter be retained at all times for their designated purpose. No parking of any vehicle is allowed within the fields, but only within the designated car park.

Reason: To provide sufficient car parking space for the use and to protect the area from negative impacts in terms of landscape character, views and pollution from vehicles parked within fields.

Cycle storage

8. Before the development hereby permitted is first brought into use, details for the provision of secure cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The approved cycle storage details shall be implemented prior to the occupation of the development and thereafter retained. Should the campsite use

cease on site, cycle storage shall be removed from the site and the ground restored to its previous condition, or otherwise agreed in writing by the Local Planning Authority.

Reason: To provide for alternative modes of transport and in support of non-vehicular routes in the area.

Amenity hut

9. Before the development hereby permitted is first brought into use and prior to the installation of the amenity hut, details of the amenity hut shall be submitted to and approved by the Local Planning Authority. These details shall include details of the materials and finishes to be used for construction, as well as technical specifications waste water equipment and details of its maintenance and management during operation of the campsite and after. Once approved, the amenity hut and waste water system shall be implemented and operated in full accordance with the approved details.

Reason: in the interest of landscape and visual value of the area and protection of the area from ground and water pollution.

Seasonal campsite use only

10. The site shall be used for seasonal campsite use from the 1 of May until the 30 of September of each year only. All visitor stay shall be limited to a maximum of 18 pitches and the designated tent pitches as shown on approved drawing W2113-02 Rev E (Site Plan). No sleeping in vehicles is allowed within the site. The site shall operate in complete accordance with the approved Campsite Management Plan (April 2021).

Reason: To enable the Local Planning Authority to regulate and control the development of land.

Amenity hut removal

11. The approved amenity hut shall be used for ancillary purposes to the seasonal campsite and shall be removed from site from October to April each year.

Reason: To comply with the details of the application and avoid any visual and landscape character impact when the building is not in use.

Foul water drainage

12. The development shall be carried out in accordance with the foul sewerage specifications contained in page 18 of the approved Design & Access Statement (November 2020) and shall not discharge waste water to the ground or water courses. Should the campsite use cease on site, all relevant underground structures and tanks associated to the use shall be removed from the site and the ground restored to its previous condition, or otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of the conservation of groundwater quality and avoid pollution to ground and water.

Waste

13. A waste collection bin and recycling bin shall be provided at the amenity hut and shall be collected daily by the site manager.

Reason: To comply with the details of the application and provide appropriate waste management for the site, avoiding potential pollution and negative visual impacts.

Public footpath obstruction

14. Any obstruction of public footpath 872 within the application site shall be removed prior the first use of the campsite, and a gap of at least 110cm in width should be provided for access.

Reason: To ensure that public access to the site and surroundings is available to all users, including walkers.

Removal of permitted development rights

15. A Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) no development falling within the following Classes of Schedule 2 of the Order shall be carried out without the prior written approval of the South Downs National Park Authority: Part 4 Classes A and B, and Part 6 Classes A and B. This condition will apply to all land edged in red and blue on approved drawing W2113 - 01 & 02 REV E (Site plan).

Reason: To ensure the development is satisfactory in accordance with the purposes of the South Downs National Park and does not result in harm to landscape or in an unacceptable intensification of use.

Informatives

1. The applicant is advised to include on the campsite website listing and in the pitch booking terms and conditions that the preferred option to access the site with vehicles is through Dumpford Lane, via Habin Hill (towards Harting and Rogate) to the west, rather than from Dumpford and Trotton. This is to direct campers towards the more convenient route to the site.
2. The Environment Agency advises the applicant to sign up with Environment Agency flood warnings and have a flood evacuation plan. The applicant/occupants should phone Floodline on 0345 988 1188 to register for a flood warning, or visit <https://www.gov.uk/sign-up-for-flood-warnings>. It's a free service that provides warnings of flooding from rivers, the sea and groundwater, direct by telephone, email or text message. Anyone can sign up. Flood warnings can give people valuable time to prepare for flooding – time that allows them to move themselves, their families and precious items to safety. Flood warnings can also save lives and enable the emergency services to prepare and help communities. For practical advice on preparing for a flood, visit <https://www.gov.uk/prepare-forflooding>. To get help during a flood, visit <https://www.gov.uk/help-during-flood>.

11. Crime and Disorder Implication

- 11.1 It is considered that the proposal does not raise any crime and disorder implications.

12. Human Rights Implications

- 12.1 This planning application has been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.

13. Equality Act 2010

- 13.1 Due regard has been taken of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010.

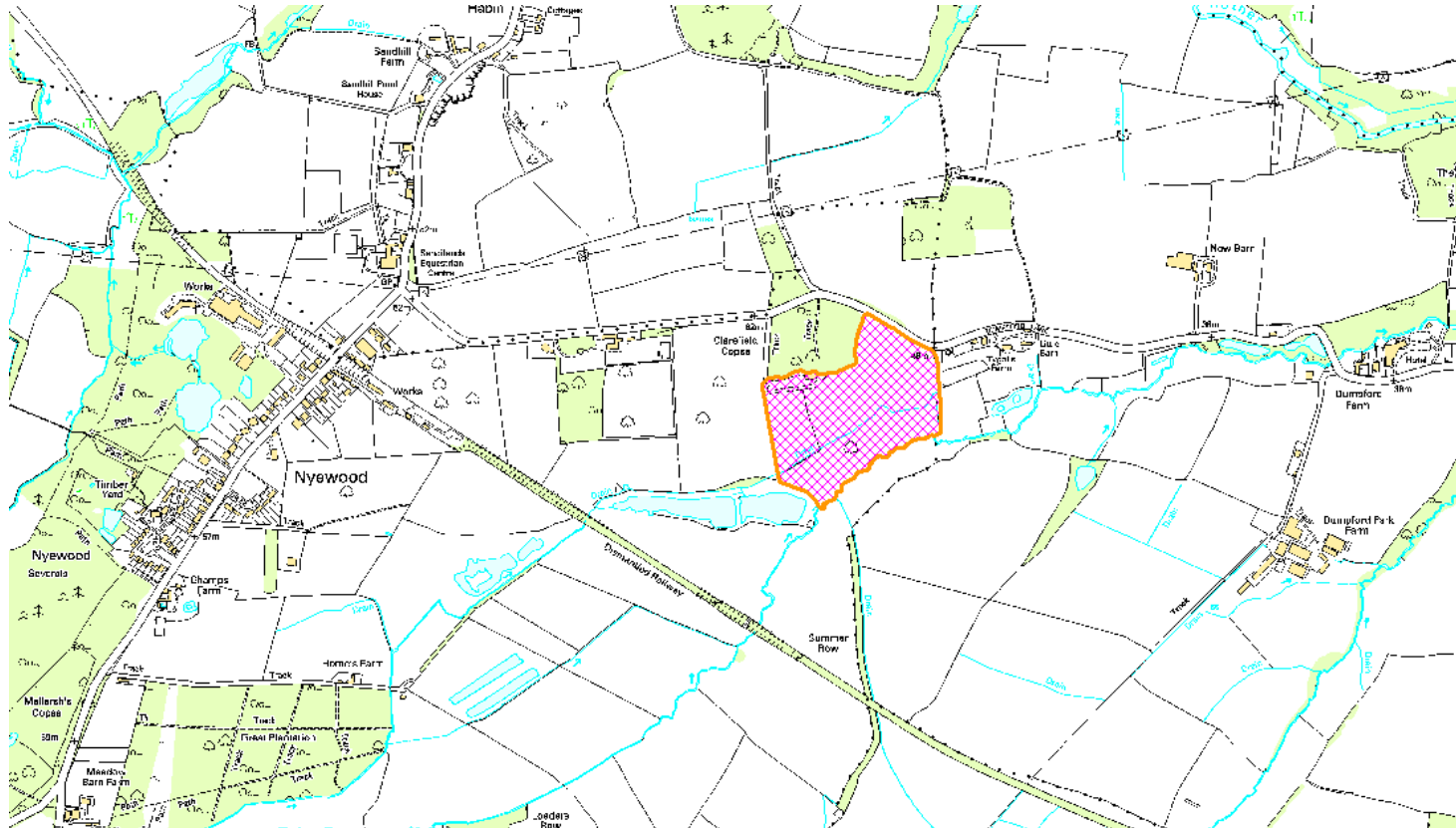
14. Proactive Working

- 14.1 In reaching this decision the Local Planning Authority has worked with the applicant in a positive and proactive way, in line with the NPPF. This has included the provision of advice from the SDNPA Senior Development Management Officer, Landscape and Policy Officers, the opportunity to provide additional information and revisions to the proposal for the purposes of adding value and address concerns with the proposals.

Tim Slaney
Director of Planning
South Downs National Park Authority

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Appendices	I. Site Location Map
SDNPA Consultees	Legal services
Background Documents	Planning application (documents, representations and consultation responses) https://planningpublicaccess.southdowns.gov.uk/online-applications/simpleSearchResults.do?action=firstPage South Downs Local Plan 2014-2033 https://www.southdowns.gov.uk/planning/south-downs-local-plan_2019/ National Planning Policy Framework (2019) https://www.gov.uk/government/publications/national-planning-policy-framework--2 The South Downs National Park Partnership Management Plan (2020-2025) https://www.southdowns.gov.uk/national-park-authority/our-work/partnership-management-plan/ English National Parks and the Broads: UK Government Vision and Circular (2010): https://www.gov.uk/government/publications/english-national-parks-and-the-broads-uk-government-vision-and-circular-2010 South Downs Integrated Landscape Character Assessment (2020) https://www.southdowns.gov.uk/landscape-design-conservation/south-downs-landscape-character-assessment/south-downs-landscape-character-assessment-2020/ SDNPA Supplementary Planning Documents https://www.southdowns.gov.uk/planning-policy/supplementary-planning-documents/ SDNPA Technical Advice Notes https://www.southdowns.gov.uk/planning-policy/supplementary-planning-documents/technical-advice-notes-tans/ Draft Camping and Glamping Technical Advice Note (2021) https://www.southdowns.gov.uk/wp-content/uploads/2021/02/Final-Camping-Glamping-TAN.pdf Roads in the South Downs (2015) https://www.southdowns.gov.uk/wp-content/uploads/2015/09/Roads-in-the-South-Downs.pdf Planning Position Statement by the SDNPA during COVID-19 Pandemic (2020) https://www.southdowns.gov.uk/planning-position-statement-update/ SDNPA Sustainable Tourism Strategy 2015-2020 https://www.southdowns.gov.uk/wp-content/uploads/2017/06/Sustainable-Tourism-Strategy-2015-20.pdf

Agenda Item 9 Report PC20/21- 49 Appendix I Site Location Map



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Report to	Planning Committee
Date	10 June 2021
By	Director of Planning
Title of Report	Review of SDNPA Statement of Community Involvement (SCI)
Purpose of Report	To gain approval from Members of the updated Statement of Community Involvement

Recommendation: The Committee is recommended to:

- 1) Approve the SDNPA Statement of Community Involvement (Version 4) 2021 subject to any changes agreed at Planning Committee; and**
- 2) Delegate authority to the Director of Planning, in consultation with the Chair of the Planning Committee, to make minor amendments to the Statement of Community Involvement that are required prior to its publication.**

1. Summary

- 1.1 The Statement of Community Involvement (SCI) Version 4 2021 (**Appendix I**) sets out the processes and methods of consultation and community engagement that the Authority will undertake during the development of all planning policy and the process of determination of planning applications.
- 1.2 The SCI was originally adopted in March 2012, the First Revision approved in January 2014 and a Second Revision subsequently approved in August 2017. This adopted SCI has been updated to refer to the latest versions of legislation, national and local planning policy and reflect the need for flexibility and adaptability in consultation methods in response to the Covid-19 pandemic. The consultation principles remain fundamentally unchanged.
- 1.3 This report sets out the revisions and updates that have been undertaken and the purpose and scope of the document.

2. Statement of Community Involvement

- 2.1 In preparing the original SCI, the South Downs National Park Authority (SDNPA) notified individuals, groups and organisations of its intention to prepare a SCI and invited people to provide their comments and views on how and when they would like to get involved in the planning policy and planning application processes. The comments received informed the original SCI
- 2.2 A second consultation was then carried out for eight weeks between 17 October 2011 and 9 December 2011. This asked for comments on the content, format and ease of use of the document. These comments informed the original SCI, which was then adopted on 13 March 2012 and later revised in 2014 and 2017.
- 2.3 Since the last revision in 2017 there have been changes in legislation and policy including the adoption of the South Downs Local Plan. New methods of engagement are being used and

this has increased during the Covid 19 pandemic with the need for consultation to implement more flexible and adaptable methods.

- 2.4 The revised SCI takes into account these changes and different sections have been updated as a result, including adding further information and updating web links in the document. The section on Neighbourhood Planning has been made more concise retaining information on consultation and reducing the content on the plan production process which is covered in Government guidance.

3. Planning Committee

- 3.1 The original SCI was adopted at Planning Committee on 16 February 2012. Revisions to the SCI First Revision and Second Revision were agreed at Planning Committee on 23 January 2014 and 10 August 2017 respectively. Minor changes were recommended by committee and these changes were made.

4. Other Implications

Implication	Yes*/No
Will further decisions be required by another committee/full authority?	No
Does the proposal raise any Resource implications?	The nature and extent of the consultation and community involvement methods identified in this document have been influenced by staff capacity, timescales identified in the current version of the Local Development Scheme and the resources available.
Has due regard been taken of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010?	The South Downs National Park Authority has had due regard to the Equality Act 2010. In consulting with the local community the SDNPA will take all reasonable efforts to make documents accessible to everyone. In doing so the SDNPA will use a range of methods to engage with specific groups, especially those which are under-represented.
Are there any Human Rights implications arising from the proposal?	In the preparation of the SCI the SDNPA has had regard for current legislation particularly the Human Rights Act 1998.
Are there any Crime & Disorder implications arising from the proposal?	None.
Are there any Health & Safety implications arising from the proposal?	In respect of the Covid-19 pandemic, virtual engagement online reduces the risk of transmission of the virus.
Are there any Sustainability implications based on the 5 principles set out in the SDNPA Sustainability Strategy?	2. The increasing use of digital tools in particular virtual engagement reduce the need to travel for purposes relating to consultation resulting in lower carbon emissions from transport.

5. Risks Associated with the Proposed Decision

Risk	Likelihood	Impact	Mitigation
Out of date Statement of Community Involvement	Medium to High	An out of date SCI risks a legal challenge on the consultation methods employed by the SDNPA in the preparation of policy documents or the determination of planning applications.	An up to date adopted SCI significantly reduces the risk of legal challenge on consultation methods used in planning decision making.

TIM SLANEY

Director of Planning

South Downs National Park Authority

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 Appendices I. Statement of Community Involvement, Version 4 June 2021
 SDNPA Consultees Legal Services; Chief Finance Officer; Monitoring Officer; Director of Planning
 External Consultees
 Background Documents Statement of Community Involvement (Second revision), Version 3 August 2017
<https://www.southdowns.gov.uk/wp-content/uploads/2015/02/Statement-of-Community-Involvement-August-2017.pdf>



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South Downs National Park

Statement of Community Involvement (Version 4) June 2021

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If you need this document in a different format please contact the Planning Policy Team at:

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South Downs Centre

North Street

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Or to: planningpolicy@southdowns.gov.uk

or contact the Planning Policy Team on 01730 814810

The Statement of Community Involvement is available:

- On the SDNPA website www.southdowns.gov.uk
- At the South Downs Centre, Midhurst
- By post, on request

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EXECUTIVE SUMMARY

The Statement of Community Involvement (SCI) sets out how the South Downs National Park Authority (SDNPA) will consult with all stakeholders, including local communities, businesses and public bodies, on planning matters.

This is the fourth version of the SCI with the first adopted in 2012. This latest version of the SCI reflects updates to government legislation, the adoption of the South Downs Local Plan and the need for flexibility and adaption in consultation as a result of the Covid 19 pandemic.

Changes to the planning system and the context of the SCI are explained further in the Introduction.

Consultation and engagement on Planning Policy and Development Management (the planning application process), are covered in chapters 3 and 4 respectively.

Neighbourhood Planning is a key part of planning for local communities in the South Downs National Park. Consultation on neighbourhood planning is covered in chapter 5.

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I. INTRODUCTION

- I.1 The South Downs National Park Authority (SDNPA) updated the Statement of Community Involvement (SCI) in June 2021 to ensure consistency with legislative changes since the previous version and amend the text to reflect the adoption of the South Downs Local Plan in July 2019. In addition, the SCI was updated to reflect the flexible and adaptable approach to consultation using different methods of electronic and virtual engagement arising from the Covid-19 pandemic.
- I.2 The South Downs National Park Authority (SDNPA) first adopted its *Statement of Community Involvement (SCI)* in 2012 to highlight the role that communities and other key partners play in influencing the formulation of planning policies and the determination of planning applications in the area. It identified what the Authority would do to ensure that the local community was proactively involved and has the opportunity to 'have their say' in planning decisions. Public participation remains at the heart of the process and allows interested parties to influence the decisions made.

Ia) WHAT IS A STATEMENT OF COMMUNITY INVOLVEMENT?

- I.3 The SCI sets out how the SDNPA will effectively involve residents, groups, organisations, businesses, other representatives and individuals within the community in decisions on planning applications and in the preparation and review of planning policies.

Data Protection

- I.4 The consultation and engagement methods in the SCI, including the recording and storage of personal data for those purposes, will be conducted in accordance with the principles of the Data Protection Act 2018.

Ib) THE PLANNING SYSTEM

- I.5 The planning system is underpinned by Acts of Parliament and guided by Government policy in the National Planning Policy Framework (NPPF). Greater community participation and empowerment is high on the national agenda as outlined in the Localism Act 2011 and the NPPF. The Neighbourhood Planning Act (2017) aimed to strengthen planning at the community level and the impact on consultation is outlined below.

The National Planning Policy Framework (NPPF)

- I.6 The NPPF sets out the Government's policies for the system of writing plans, the planning application process and clarifies the overarching objectives for sustainable development. Particular reference is made to National Parks in the document (paragraph 172). It also directs readers to the *English National Parks and the Broads: UK Government Vision and Circular (2010)* for further guidance (NPPF footnote 54).

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- I.7 Each Local Authority is required to produce a Local Plan, which can be reviewed in whole or in part. Any additional development plan documents should only be used where clearly justified.
- I.8 Paragraph 16 of the NPPF promotes early and meaningful engagement with the local community so that Local Plans are reflective of a collective vision and set agreed priorities for the sustainable development of the area, including those contained in any neighbourhood plans that have been made.
- I.9 The NPPF also sets one of the overarching roles of the planning system as having a set of core land-use principles that underpin plan-making and decision-taking. One of those principles is to empower local people to shape their surroundings, with succinct local and neighbourhood plans setting a positive vision for the future of the area.

The Localism Act 2011

- I.10 The *Localism Act 2011* introduced a number of changes to the planning system. These included the introduction of Neighbourhood Development Plans (NDP) and Neighbourhood Development Orders (NDO) and the removal of Regional Spatial Strategies, such as the *South East Plan*.

The Neighbourhood Planning Act 2017

- I.11 The *Neighbourhood Planning Act (2017)* became law on 27 April 2017 and aims to strengthen neighbourhood planning.
- I.12 Measures in the Act make the following changes:
 - Section 6 made it necessary for Local Planning Authorities (LPAs) to set out in their SCI the policies for giving advice or assistance on proposals for the making, or modification, of NDPs
 - LPAs must take account of well-advanced NDPs and give these plans full legal effect at an earlier stage, and an adopted NDP forms part of the Development Plan
 - LPAs must notify the Parish Council (or neighbourhood forum) of planning applications if there is a NDP in place in that area
 - Section 13 amends the *Planning and Compulsory Purchase Act (2004)* to require LPAs to set out in their SCIs their policies for involving interested parties in the preliminary stages of plan-making
 - Local authorities in England must identify the strategic priorities for development in their areas in an up-to-date plan
 - The Act also restricts the use of pre-commencement conditions on planning permissions
 - The Act gives power to the Secretary of State to require the LPA to prepare joint local plans and to intervene where local plan preparation is failing

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Ic) CHANGES TO THE PLANNING SYSTEM

- I.13 A range of temporary measures were introduced into the planning system by the Government in response to the Covid-19 pandemic. These were to make it easier to operate the planning system, especially the development management process, within the public health guidelines that had been set.
- I.14 The temporary measures included greater flexibility in the methods used for publicising planning applications, extensions to the expiry date of planning permissions, the extension of the period for temporary uses of land without the need for planning permission, and the postponement of neighbourhood planning referendums until May 2021. Regulations were changed to enable planning committees to be conducted in a virtual format online on a temporary basis until May 2021.
- I.15 The temporary measures as a result of the Covid-19 pandemic provided an opportunity for SDNPA to be flexible in the methods used for engaging with the public on planning applications and policy issues. The possibility of using virtual engagement was explored and SDNPA was able to be agile in responding to the different needs of the public in the changing circumstances. For example, with the offices closed, a telephone number was publicised for people without internet access to arrange for printed copies of documents to be sent by post. Consultation methods will be kept under review, including virtual engagement, to learn from and make use of the methods used during the pandemic.
- I.16 This SCI is in accordance with current policy and regulation (as of 10 June 2021) governing the development management process and development of planning policy documents.
- I.17 The Government consulted on a Planning White Paper in summer 2020, which proposed fundamental changes to the planning system. The SCI will updated as necessary in accordance with any future changes that are implemented.

Id) THE SOUTH DOWNS NATIONAL PARK AUTHORITY AND PLANNING

- I.18 The SDNPA assumed its full planning responsibilities as local planning authority (including minerals and waste planning) for the National Park on 01 April 2011.
- I.19 The SDNPA's role is to ensure that the two purposes of National Park designation are achieved. These purposes, set out in the National Parks and Access to Countryside Act (1949), as amended by the *Environment Act (1995)*, are:
- Conserve and enhance the natural beauty, wildlife and cultural heritage of the area; and
 - Promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public.

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- I.20 In pursuing these purposes, the SDNPA also has the duty to seek to foster the economic and social well-being of local communities within the National Park.
- I.21 The South Downs National Park (SDNP) covers parts of: Adur, Arun, Chichester, East Hampshire, Eastbourne, Horsham, Lewes, Mid-Sussex, Wealden, Winchester and Worthing districts, Brighton and Hove unitary authority area, and includes land within the counties of Hampshire, East Sussex and West Sussex (Map, see Appendix I).
- I.22 As the local planning authority for the National Park the SDNPA is responsible for:
1. Spatial planning;
 2. Minerals and waste planning;
 3. Development management;
 4. Planning enforcement and;
 5. Other related regulatory functions within the National Park.
- I.23 In July 2019, the SDNPA adopted the South Downs Local Plan (SDLP) providing policies for determining planning applications within the National Park. The SDLP replaced over a thousand policies across the National Park.
- I.24 The SDNPA receives on average 4,000-5,000 planning applications each year. To maximise use of resources and maintain local engagement and involvement, the SDNPA works in partnership with the local authorities covering the National Park to deliver the planning service. Legal agreements have been in place since 2011 with five of the authorities ('host authorities'): Chichester, East Hampshire, Horsham, Lewes and Winchester. The agreements delegate the decision making power to the host authority, who are then able to determine planning applications on behalf of the SDNPA. The development management service and enforcement are delivered directly by the SDNPA in Arun, Adur and Worthing, Eastbourne, Brighton and Hove, Wealden and Mid-Sussex.
- I.25 In these local authority areas where the planning service has been 'recovered' by the SDNPA all development management work, including processing of all applications and related activities, will be undertaken directly by the SDNPA.
- I.26 As the SDNPA is the minerals and waste planning authority it is responsible for areas within the SDNP previously covered by Hampshire, West Sussex and East Sussex County Councils and Brighton and Hove City Council.
- I.27 Through working in partnership we now have adopted the following joint minerals and waste local plans:
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (2013)
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (2017)
 - Hampshire Minerals and Waste Plan (2013)
 - West Sussex Waste Plan (2014)

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- West Sussex and South Downs Joint Local Minerals Plan (2018) (Partial Review March 2021)

Ie) PARISH WORKSHOPS

- I.28 The SDNPA recognise the important role Town and Parish Councils play in engaging with communities across the South Downs and can support the Authority in disseminating important information about the work of the Authority. The SDNPA established a Memorandum of Understanding (MoU) with The Associations of Local Councils within the South Downs to establish a process for engaging with all Town and Parish Councils across the National Park.
- I.29 The Authority carried out a review in 2021 of the Town and Parish Council workshops, and surveyed Town and Parish Councils across the National Park to understand how the Authority can more effectively engage with Local Councils. Following the review the Authority will now hold three engagement activities with Town and Parish Councils every year. The Authority will hold two Parish webinars for Town and Parish Councils and the wider community (April and October). The webinars will present details of local community action, which has contributed to the delivering the Outcomes identified in the Partnership Management Plan; the webinars will provide an opportunity for local communities to share best practice on local projects which have addressed local community issues.
- I.30 In addition to the SDNPA webinars the Authority will hold three Parish meetings per year, one for each of the constituent counties of the National Park (Hampshire, West Sussex and East Sussex). These meetings are an opportunity for Town and Parish Councils to hear about the work of the SDNPA in their local area; they also give Town and Parish Councils an opportunity to raise concerns they may have and ask questions of SDNPA officers and Members.
- I.31 The Parish meetings will cover topics including The Partnership Management Plan, South Downs Local Plan, and provide updates on key projects in the SDNPA. The workshops will also be used to facilitate engagement and consultation on key SDNPA policy.

If) DEVELOPING THE STATEMENT OF COMMUNITY INVOLVEMENT

- I.32 During July and August 2011, the SDNPA notified individuals, groups and organisations of its intention to prepare a SCI and invited people to provide their comments and views on how and when they would like to get involved in the planning policy and the planning application process. The comments received informed the original SCI.
- I.33 A second consultation was carried out for eight weeks between 17 October 2011 and 9 December 2011. This asked for comments on the content, format and ease of use of the document. These comments informed the SCI, adopted on 13 March 2012.

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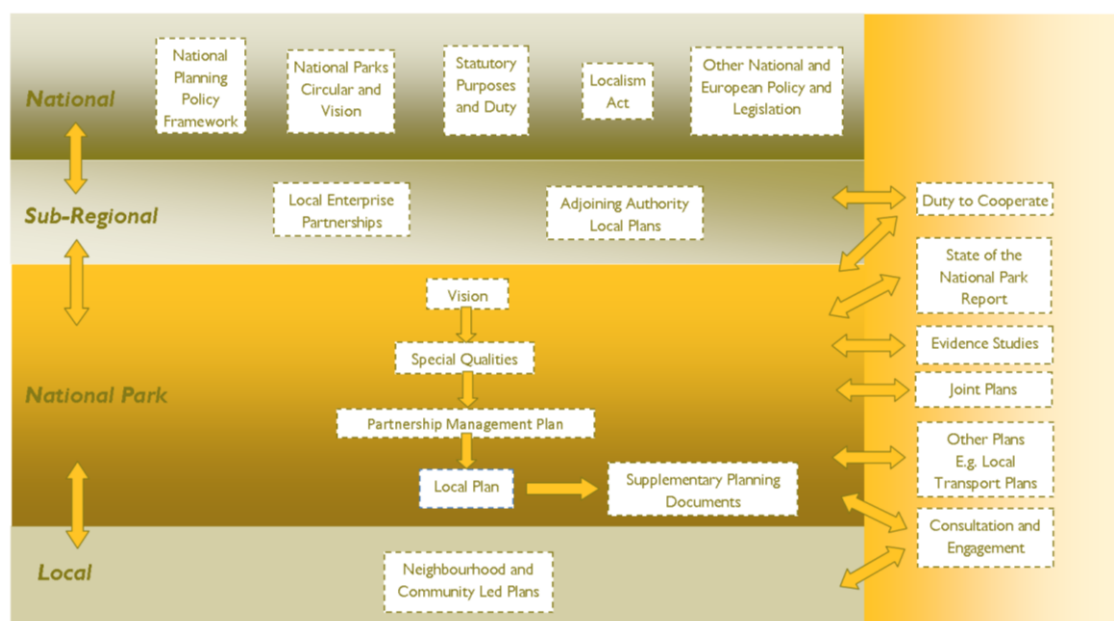
- I.34 In January 2014 and August 2017, the SDNPA updated the adopted SCI. These changes were focused primarily on factual updates as a result of changing national planning policy and legislation.
- I.35 As explained in the Introduction the SDNPA updated this adopted SCI in June 2021.
- I.36 The SDNPA will continue to regularly review the SCI to ensure it reflects any changes in legislation.

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2. DEVELOPING PLANNING POLICY

2a) THE PLANNING POLICY FRAMEWORK

- 2.1. The diagram below shows the different documents that together make up the planning policy framework.



- 2.2. The Development Plan Documents (DPD) set out planning policies to deliver the spatial strategy for the SDNPA (see Appendix 2 for list of the documents making up the Development Plan for the South Downs National Park). The different types of DPDs in the National Park are:

- Local Plan
- Area Action Plans
- Joint Minerals and Waste Local Plans
- Neighbourhood Development Plans (NDPs)

Neighbourhood Development Plans

- 2.3. Neighbourhood Development Plans (NDP) are DPDs prepared by local communities. Adoption or making will be subject to majority support at a local referendum.
- 2.4. Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area. It allows local communities to:
- Set planning policies through a NDP that is used in determining planning applications

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- Grant planning permission through NDOs and Community Right to Build Orders for specific development which complies with the order
- 2.5. There are a number of other supporting documents which inform and/or monitor the plan making process:
- Statement of Community Involvement (SCI)
 - Local Development Scheme (LDS)
 - Authority Monitoring Report (AMR)

Supplementary Planning Documents

- 2.6. Supplementary Planning Documents expand upon existing policy or provide further detail to policies in the Local Plan, for example a Design Guide. They should only be used where clearly justified to help applicants make successful applications or aid infrastructure delivery and should not be used to add unnecessarily to the financial burdens on development.

Technical Advice Notes

- 2.7. Technical Advice Notes (TANs) are non-statutory documents that provide explanatory information and advice to applicants on specific policies. Consultation is discretionary and will be conducted using a method most appropriate to each individual TAN.

Sustainability Appraisal

- 2.8. A *Sustainability Appraisal (SA)* of the Local Plan (and in some circumstances of the NDP) is required by law; this must also incorporate the requirements of the *European Strategic Environmental Assessment Directive (SEA)*. The main purpose of the SA process is to assess the potential positive and negative impacts of policies, whether social, environmental or economic, at an early stage, allowing any negative effects to be mitigated. The appraisal is subject to consultation, and takes place alongside the preparation of the Local Plan. The SA for the Local Plan can be viewed on the SDNPA website¹. Consultation with the statutory consultees (Historic England, Natural England and the Environment Agency) is also carried out on the scoping report for the SA for a period of five weeks in accordance with the Regulations.

¹ <https://www.southdowns.gov.uk/planning-policy/south-downs-local-plan/local-plan-evidence-base/core-document-library/submission-documents/>

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3. APPROACH TO CONSULTATION (PLANNING POLICY)

3a) WHO WILL WE CONSULT?

- 3.1 Section 13 of *The Neighbourhood Planning Act 2017* amends the *Planning and Compulsory Purchase Act (2004)* to require local planning authorities to set out in their Statements of Community Involvement their policies for involving interested parties in the preliminary stages of plan-making.
- 3.2 The South Downs National Park Authority (SDNPA) is committed to opening the planning process to all sections of the community and hearing from as many groups and individuals as possible throughout the development of planning policy. There are existing legal requirements for consultation set out in the *Town and Country Planning (Local Planning) (England) Regulations (2012)*. The regulations categorise consultees into two groups (see also Appendix 3). These are:
- **Specific Consultation Bodies** - The regulations list specific organisations and types of organisations that should be defined as specific bodies. A local planning authority must consult with those organisations in this list that they consider may have an interest in the subject of the proposed planning document.
 - **General Consultation Bodies** - The regulations list categories of organisations that should be defined as general consultation bodies. A local planning authority must consult with those organisations in their list of general consultation bodies, as they consider appropriate.
- 3.3 In consulting with the local community the SDNPA will take all reasonable efforts to make documents accessible to everyone.² We are committed to doing additional outreach to engage with underrepresented groups. These groups can include:
- Young people (specifically aged 16-24)
 - People with disabilities (including people with learning disabilities)
 - People from socially deprived areas (including areas of rural deprivation)
 - Black and Minority Ethnic groups (including Gypsies and Travellers)
 - People with no or limited internet access
 - People with children/and other caring commitments who may not be able to attend evening meetings

² During the COVID-19 pandemic, the Authority had to review the way in which we consulted and engaged with our consultees and communities. We needed to keep in mind the health and safety of our visitors and members of staff. This meant for a period of time, for example during any 'Lockdown', that hard copies of documents would not be available.

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3.4 We use a variety of mechanisms for engaging with these underrepresented groups. The SDNPA is actively using digital methods for consultation with the public and other stakeholders having understood the drive towards these forms of engagement. During the COVID-19 pandemic, the Authority implemented and tried additional methods. Examples of some of the methods we use include:

- Making documents available in different formats (for example in larger print or braille) and languages (on request)
- Engaging through any existing networks and establishing links with existing groups
- Providing hard copy documents, or parts of documents (on request) and enabling consultee response by letter
- Providing electronic copies of documents on 'memory sticks'
- Providing a phone service for members of the public to ring to discuss any consultation documents. This was particularly used during the 'lockdown's of the COVID-19 pandemic (see footnote 2).
- Using Social media channels such as Instagram and twitter to promote consultations
- Creating and filming You Tube videos to further explain consultations

3b) ONGOING ENGAGEMENT ON PLANNING POLICIES

3.5 We are committed to providing as much information as possible and keeping our local communities up to date with the progress of planning policy development, as well as providing information on the wider / national changes to the planning system.

3.6 Three channels that we will utilise are:

- **Website** - we will maintain the SDNPA website, publishing regular updates and information, documents, and contact details. This should be a first port of call to members of the community and stakeholders
- **Planning Newsletter** - the SDNPA produce a newsletter, covering a range of topics relating to planning. The newsletter is sent via email to all contacts on the consultee database and published on the SDNPA website (<https://www.southdowns.gov.uk/planning-newsletter/>). Paper copies will be made available to those without access to email or the internet
- **Media Releases and Social Media** - the SDNPA will publicise consultations through media releases and through social media channels

3c) CONSULTATION PRINCIPLES

3.7 Responses to the first version of the SCI produced a set of principles that are still relevant and important. These principles include the following:

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- Consultations on all SDNPA Development Plan Documents will be for a **minimum of 8 weeks**
- We will alert members of the public and stakeholders to upcoming consultations, to provide **early notification**, through updates on the SDNPA website and the Local Plan Newsletter
- We will maintain a **consultee database** for all those who wish to be kept informed and alerted to consultations (if you would like to be added to or removed from this list, or would like to update your contact details please contact the Planning Policy Team at planningpolicy@southdowns.gov.uk)
- We will endeavour to **avoid running consultations in the month of August or over the Christmas and New Year period**, when many people are on holiday and many local councils do not meet. If it is necessary for a consultation to run over August or the Christmas and New Year period, then the length of the consultation period will be extended.
- We will use a **range of methods of consultation** as is most appropriate for the type of document, the stage in its production and the geographical area covered by the document

3d) MINIMUM CONSULTATION REQUIREMENTS

Development Plan Documents (DPDs)

3.8 DPDs include Local Plans, Minerals & Waste Plans and Area Action Plans. The tables below show the minimum consultation required by the Regulations during the production of a DPD.

3.9 It is standard practice to consult on main modifications to a DPD after its examination. The Authority will consult on such modifications for eight weeks.

FIGURE 5.1: CONSULTATION REQUIREMENTS

Minimum consultation required by Regulations	
Reg. 18	Reg. 19
Notify each of the Specific Consultation Bodies that the SDNPA considers may have an interest in the DPD and invite representations.	Send, to those Specific Consultation Bodies invited to make representations at Reg. 18, a statement of where proposed Submission documents are available and the procedure for making representations.
Notify those of the General Consultation Bodies that the SDNPA considers appropriate and invite representations.	Send, to those General Consultation Bodies invited to make representations at Reg. 18, a statement of where proposed Submission documents are available and the procedure for making representations.

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Invite representations from persons who are resident or carrying on business in the National Park as the SDNPA decides is appropriate.	Any person may make representations on a proposed Submission document (that would include residents or those carrying on business) [N.B. This provision is in Reg. 20]
Methods used to notify these bodies and invite representations: either email or where email is not available by letter in post.	Methods used to send statement of where proposed Submission documents available and how to make representations: either email or where email is not available by letter in post.
The SDNPA must carry out the consultation on the DPD for a period of not less than eight weeks.	The SDNPA must carry out the consultation on the DPD for a period of not less than eight weeks.
Copies of the proposed document(s) to be made available in The South Downs Centre.	Copies of the proposed Submission document(s) to be made available in The South Downs Centre.
Publish proposed document(s) on SDNPA website.	Publish proposed Submission document(s) on SDNPA website.

Supplementary Planning Documents (SPDs)

- 3.10 The table below shows the minimum consultation required during the production of a SPD and the additional range of methods to be used by the SDNPA as it sees appropriate for the type and coverage of document and the resource implications for the SDNPA.
- 3.11 Consultation on a draft SPD will involve two stages. For the first stage there is no prescription in the Regulations as to how this consultation is conducted. SDNPA will carry out this consultation for a minimum of eight weeks. For the second stage the minimum requirements for consultation are explained in Figure 5.2 below. SDNPA will extend the consultation to six weeks for the second consultation from the minimum statutory period of four weeks. After both stages any issues raised and how these were addressed by, along with any necessary changes to, the SPD, will be summarised in the consultation statement referred to in Figure 5.2.

FIGURE 5.2: CONSULTATION REQUIREMENTS (SPD)

Minimum consultation required by Regulations (SPD)
Before adopting an SPD, the authority must prepare a consultation statement setting out who has been consulted, a summary of the main issues raised and how these issues have been addressed in the SPD (that is who was consulted and the issues raised from the first

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consultation).

Before adopting an SPD the proposed document must be made available for comment along with the consultation statement. There is a minimum statutory period of four weeks allowed for any representations to be made (Reg. 12).

3e) OPTIONAL CONSULTATION METHODS

3.12 The following are a list of additional consultation methods for DPD and SPD production processes, which may also be used by the SDNPA:

- Early notification through Planning Newsletter
- Production of summary leaflet to accompany DPD/SPD documents
- Consultation of general consultees as appropriate (e.g. may depend on location for SPDs)
- Notification to all contacts in consultee database
- Public meetings and / or manned and unmanned exhibitions
- Public notices / posters
- Media release
- Stakeholder workshop
- Virtual events
- You Tube videos
- Social media press releases and posts
- Consultation phone service

3f) STANDARDS FOR ACKNOWLEDGING AND REPORTING BACK ON REPRESENTATIONS

3.13 The SDNPA will acknowledge any comments on DPD consultations received electronically. Anyone who comments early on in the production process of a document will be included on the SDNPA's electronic database and will automatically be informed of any consultation exercise that takes place at later stages in the process of producing a planning policy document. At the end of each period of consultation we will analyse the responses received and prepare a summary report. This report will be considered by the Planning Committee and made available for inspection at the South Downs Centre and on the SDNPA's website.

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4. APPROACH TO CONSULTATION (DEVELOPMENT MANAGEMENT)

4a) INTRODUCTION

- 4.1 Development Management is responsible for processing and determining planning applications, along with other applications including works to trees, advertisements and listed buildings. These planning services are provided by either the SDNPA or local authorities through hosted arrangements. The Development Management teams provide pre-application planning advice and investigates and takes appropriate action in respect of breaches of planning control.
- 4.2 Involvement of the community and stakeholders at an early stage of the decision-making process is more likely to deliver development which meets their needs and aspirations, whilst ensuring the statutory purposes of the South Downs National Park Authority (SDNPA) are adhered to. The *Statement of Community Involvement (SCI)* is an important tool for involving the wider community in the planning process, particularly in the decision making process for key planning applications.
- 4.3 Determination of planning applications is dealt with either by councils (host authorities) within the SDNPA, or directly by the SDNPA where the planning services have been 'recovered', as explained in section 1d) above.

4b) CALL-IN PROCEDURE

- 4.4 Within the authority areas where the role of dealing with the applications is delegated i.e. the host authorities, the SDNPA will also identify key applications which could potentially generate particular, special or major issues for the National Park and which will then be 'called in' to be dealt with by the SDNPA.
- 4.5 The 'call in' process is a 'Direction' served on the relevant local authority by the SDNPA stating the reason for the 'call in'. In some cases an application may be major development (in terms of its size as defined by the General Permitted Development Order)³, but it is not considered likely to have a significant adverse impact on the beauty, wildlife, cultural heritage or recreational opportunities provided by the South Downs National Park (SDNP). In those cases a 'Reverse Direction' is served which allows the local council to continue dealing with the application. Directions can be served at any time after the application has been accepted as valid, up to the point before a decision is made. In some cases the SDNPA may accept a host authority

³ The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

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recommendation to its planning committee, but would issue a 'Potential Recovery Direction' (informally "red card") which gives the SDNPA an opportunity to call the application in if local councillors resolve to make a decision against officer recommendation. All such Directions are published on the SDNPA website on the planning register⁴ and can be found in the list of documents for the relevant application.

4c) PRE-APPLICATION CONSULTATION

- 4.6 The SDNPA directly provides the pre-application service for the parts of Arun District Council, Adur and Worthing Council, Eastbourne Brough Council, Brighton and Hove City Council, Mid Sussex District Council and Wealden District Council within the National Park. Outside these areas, but within the National Park, the host authorities will continue to provide the pre-application service on our behalf.
- 4.7 Advice provided by SDNPA is free for householder proposals although there may be a charge if a meeting is required. Advice for other forms of development will be subject to a fee depending on the proposals.
- 4.8 For applications which are likely to be 'called in' and considered by the SDNPA, any pre-application advice registration and fee charges are still administered by the relevant host authority but a planning officer from the SDNPA may provide the advice.
- 4.9 The SDNPA operate a transparent service, whereby pre-application details and responses, although not actively publicised, will be placed on the online planning register. This is unless the applicant gives reasons why the enquiry is commercially sensitive.
- 4.10 Applicants will be encouraged to consult the community when developing their proposal in a way that is proportionate to the scale and impact of the proposal. The SDNPA's *Local Validation List* is a list of documents and information that, together with the national government list, will be required before an application is accepted as valid. This list can be found on our website⁵. Consultation will be carried out on the IAPP local validation list every two years with all relevant parties to ensure the information required to submit a planning application is up to date and fit for purpose. The consultation will be published on the SDNPA website and will be carried out for eight weeks.
- 4.11 The Authority greatly values the role of neighbourhood plans and the qualifying bodies who prepare them. Therefore, we have established a protocol on pre-application advice for parishes with a made Neighbourhood Development Plan; this is set out in Appendix 4 of this document. The purpose of the protocol is to invite qualifying bodies to provide a formal response to the SDNPA or the host authorities working on its behalf in regard to locally significant pre-application advice requests. This is to ensure concerns / issues are identified as early as possible and dialogue established to

⁴ <https://www.southdowns.gov.uk/planning-applications/find-an-application/>

⁵ <https://www.southdowns.gov.uk/planning-applications/apply/local-validation-list/>

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explain and where possible resolve any conflict between parties in relation to the proposals.

4d) PUBLICITY FOR PLANNING APPLICATIONS

- 4.12 Our initial consultation with stakeholders and members of the public showed the importance of site notices, the publicising of planning applications in the local press and informing adjoining neighbours.
- 4.13 All applications will be publicised via a site notice and the issuing of letters to adjoining neighbours⁶. In addition we will place an advertisement in the local press where specifically directed by Article 15 of the *Town and Country Planning Development Management Procedure Order (2015)*. See Appendix 5 for further information on what type of publicity is required (site notice, advert in local newspaper, neighbour notification) depending on the nature of the development being proposed.
- 4.14 There will be a minimum of 28 days to respond to the site notice, the newspaper advertisement and / or the letter and the date of the 28 day period expiry will be clearly stated on each form of publicity. However, if the dates of the site notice being put up, the newspaper being published, and the letter being sent out to neighbours are different than the overall expiry date will be the latest of the 28 day expiry periods. As soon as the overall publicity date has expired the application can be determined. It is therefore advisable to ensure that a letter of representation is sent before the expiry date on the form of publicity to which they are a response. It will also not be possible to respond via the public access web site after this date.
- 4.15 In our consultation with the public in preparing the 2012 SCI it was clear that email communication was preferred for both receiving information and providing comments to the SDNPA. For initial contact, such as to neighbouring owners, when email addresses will be unknown, information will have to be provided in hard copy but, where an email address is then provided, subsequent contact will be made via email.
- 4.16 A public access system allows users to do the following:
- Search and view a weekly or monthly list of applications, appeals and enforcements;
 - Search and view applications, appeals and enforcements, using address, keyword or using a map based search;
 - Make comments online linked to an application;
 - Track the progress of applications (once registered) and;
 - Register to be notified of applications.

⁶ Neighbours will be considered to be adjoining where the boundaries of the application site are at any point contiguous, or would be contiguous if there was not a footpath or highway in between

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- 4.17 The easiest way to comment on a planning application is to search for it on our website⁷. You can search for an application by address or by its planning reference number and submit your comments online. Alternatively you can send comments to us by post addressed to SDNPA, South Downs Centre, North Street, Midhurst, West Sussex, GU29 9DH, to planning@southdowns.gov.uk or to the relevant host authority (link to contact details in footnote⁸).
- 4.18 Comments on applications submitted by email or letter will be published on the SDNPA website. Comments submitted online via the Public Access system will be automatically processed and published immediately on that platform. A summary copy of the comments submitted online will be automatically sent to the contributor by return email. Comments submitted by email or letter will be published on the SDNPA website⁹. No acknowledgement will be sent for comments received by email or letter.
- 4.19 All consultation responses and representations received by the publicity expiry date which are material to planning and relevant to the proposal, will be summarised in the case officer report and taken into account, whether the application is determined by officers or by the Planning Committee. SDNPA will exercise discretion in considering comments received after the publicity expiry date.
- 4.20 Only 'material planning considerations' will be taken into account when reviewing the comments submitted. There are many material considerations but the most common include:
- Loss of light / overshadowing
 - Overlooking / loss of privacy
 - Visual amenity (but not loss of view)
 - Adequacy of parking / loading / turning
 - Highway safety / traffic generation / Road access
 - Smells, Noise and disturbance resulting from use
 - Hazardous materials
 - Loss of trees
 - Effect on listed building and conservation area
 - Layout and density of building
 - Design, appearance and materials
 - Landscaping

⁷ <https://www.southdowns.gov.uk/planning-applications/find-an-application/>

⁸ <https://www.southdowns.gov.uk/planning-applications/do-i-need-planning-permission/who-deals-with-my-planning-application/where-to-go-for-help-with-planning/>

⁹ Pre-application enquiries, notifications and EIA screening / scoping are available to view on the Public Access system, however comments cannot be taken in to account as the merits of the proposal are not a consideration at this stage

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- Local, strategic, regional and national planning policies,
- Proposals in the Development Plan
- Government circulars, orders and statutory instruments
- Disabled persons' accessibility
- Compensation and awards of costs against the Council at public enquiries
- Previous planning / appeal decisions
- Nature conservation
- Archaeology

4.21 The following are NOT considered to be valid planning concerns:

- Effect on property value
- The loss of view
- The impact of construction work or competition between firms
- Restrictive covenants
- Boundary, access matters or ownerships disputes
- Personal moral issues or opinion of the applicant

4e) PLANNING APPLICATIONS DECIDED BY THE PLANNING COMMITTEE

4.22 If the application is for a development which is considered, by the Director of Planning, to have potential significant impact or could set an important precedent it will be referred to the Authority's Planning Committee for consideration. In addition, some major applications will be referred to the Planning Committee for consideration or applications submitted by Authority members, the Authority itself, or by an Authority employee.

4.23 All those who make a representation on planning applications will be informed (by email, or by letter if they have not provided their email address) of the date when the application is going to committee. Reports and agendas for Planning Committee meetings can be found on the website five clear working days before the meeting date.

4.24 Anyone can speak at a SDNPA Planning Committee providing they have made written representations on the planning matter in question beforehand and have notified the Member Services Officer at the SDNPA at least 3 working days before the meeting.

4.25 A maximum of six people are invited to speak on each planning application or related matter, for example, three in support and three against. If more than three individuals or representatives wish to raise similar points, then they will be asked to agree amongst themselves who should speak on their behalf. If necessary, the Chair of the Planning Committee will make any final decision on which members of the public may

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speak on an issue. The Chair may also use his/her discretion to increase the number of people who may speak.

- 4.26 Further information on public speaking at Planning Committee meetings can be found on our website¹⁰.

4f) PLANNING APPLICATION DECISIONS

- 4.27 All decision notices are available to view on the SDNPA website¹¹.

4g) APPEALS

- 4.28 If a planning application is refused, or a decision is not made within specified time limits, the applicant may choose to appeal. In this circumstance an independent planning inspector or the Secretary of State will make a final decision on the application, and there may be a further opportunity for public involvement in the process.

¹⁰ <https://www.southdowns.gov.uk/national-park-authority/committees-meetings/public-participation-meetings/>

¹¹ <https://www.southdowns.gov.uk/planning-applications/find-an-application/>

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5. APPROACH TO ADVICE AND ASSISTANCE FOR NEIGHBOURHOOD PLANNING

5a) INTRODUCTION

- 5.1 Neighbourhood Development Plans (NDPs), Neighbourhood Development Orders (NDOs), including the Community Right to Build, provide the tools for successful neighbourhood planning; allowing communities to decide the future of the places where they live and work.
- 5.2 The introduction of the *Neighbourhood Planning Act (2017)*, in particular section 6, made it necessary for Local Planning Authorities to set out in their Statement of Community Involvement (SCI) the policies for giving advice or assistance on proposals for the making, or modification, of NDPs.
- 5.3 This section of the SCI sets out our procedure for providing this advice and assistance to Parish Councils and to local community groups interested in following the Neighbourhood Planning process.

5b) NEIGHBOURHOOD DEVELOPMENT PLANS

- 5.4 Communities are able to establish general planning policies for the development and use of land in a neighbourhood through a NDP. They could influence where new homes and offices should be built and what they should look like and what infrastructure should be provided. Producing NDPs is optional and while the South Downs National Park (SDNPA) will provide technical advice and support, the NDPs will need to be produced and led by a Parish/Town Council or a Neighbourhood Forum (known as the qualifying body).
- 5.5 A NDP should support the strategic development needs set out in the Local Plan and plan positively to support local development (as outlined in paragraph 29 of the *National Planning Policy Framework*).
- 5.6 The NDPs made by the SDNPA are shown on a map in Appendix 6.

5c) NEIGHBOURHOOD DEVELOPMENT ORDERS

- 5.7 A NDO is an order which grants planning permission for specific types of development in a particular Neighbourhood Area specified in the order.
- 5.8 The community can therefore extend permitted development rights in their area for development they want to see go ahead. For example a NDO could allow things like improvements to shop fronts or extensions to houses or other buildings.

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- 5.9 All other consent regimes will still apply e.g. Building Regulations or Listed Building consent.

5d) COMMUNITY RIGHT TO BUILD

- 5.10 This is a type of Neighbourhood Development Order for a particular scheme that benefits the community. A community organisation, formed by members of the local community, are able to bring forward development proposals which will be able to go ahead without requiring a separate traditional planning application, providing they meet minimum criteria and can demonstrate local support through a referendum.

5e) NEIGHBOURHOOD PLANNING CONSULTATION

- 5.11 A qualifying body (Parish/Town Council or Neighbourhood Forum) should be inclusive and open in the preparation of its NDP or Order. They should ensure that the wider community: is kept informed of what is being progressed; is able to make views known throughout the process; has opportunities to be actively involved in shaping the draft plan or Order and is made aware of how their views have informed the draft plan or Order. Furthermore, a qualifying body must publicise the draft NDP or Order for at least 6 weeks and consult any of the consultation bodies whose interests it considers may be affected by the draft plan or order (as per the Neighbourhood Planning Regulations 2012 as amended). A qualifying body must prepare a consultation statement setting out the engagement and consultation undertaken in the preparation of the plan or Order.
- 5.12 Where a draft NDP or Order submitted to the SDNPA meets legal requirements, the SDNPA must publicise the NDP or Order for a minimum of six weeks, invite representations, notify any consultation body referred to in the consultation statement and send the draft plan or Order for independent examination.

5f) HOW ARE WE GOING TO WORK TOGETHER?

- 5.13 The SDNPA's *Memorandum of Understanding (MoU)* (see Appendix 7) outlines the key roles and responsibilities of the main parties involved in the development of a NDP for the Parish (or Neighbourhood Forum in non-Parished areas). In doing so it confirms the willingness of all parties to work positively together and sets out the protocols and parameters by which the NDP will be prepared in order to produce a planning document for the local community that is suitable for adoption as a NDP.
- 5.14 The Parish Council (or Neighbourhood Forum) will be responsible for the overall content of the NDP prepared and for its submission to SDNPA. Regard must be had

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for the National Park Purposes¹² when preparing and agreeing a NDP proposal for submission to SDNPA. This is in line with the duty set out in Section 62 of the Environment Act (1995)

- 5.15 SDNPA have agreed a Protocol (see Appendix 4) for consulting qualifying bodies (Parish/Town Council or Neighbourhood Forum) with a made NDP on significant pre-applications within their neighbourhood area.

5g) WHAT SUPPORT WILL WE PROVIDE?

- Professional and timely advice on NDP preparation and other relevant planning matters, particularly the Local Plan;
- SDNPA will check the compatibility of the draft NDP with the National Park Purposes and Duty, and adopted Local Plan;
- Provide a view on the requirement or otherwise for a Strategic Environmental Assessment (SEA) of the NDP (known as a 'screening opinion');
- Support and advise as necessary, on the scoping and development of a proportionate SEA including the appropriateness of this forming part of a wider Sustainability Appraisal and Habitats Regulations Assessment of the Plan, if required;
- Endeavour to attend meetings and events where possible and useful to developing the NDP;
- Nominate a lead officer at the SDNPA who will be responsible for co-ordinating the input of other technical specialists from within the SDNPA as may be required to support the process. The lead officer will also liaise with the relevant District and County Council on technical matters such as highways and schools where necessary;
- Liaise with the Parish Council to ensure that the NDP is in conformity with the strategic policies of the adopted / emerging Local Plan;
- Consult development management officers to assess the effectiveness and robustness of any potential policies;
- Digitise any proposals or allocations maps included the NDP to be incorporated into the SDNP development plan; and
- Consider other reasonable requests for support based on the circumstances.

5h) OUR LEGAL DUTIES

- 5.16 We have a legal duty to carry out the following:

¹² The SDNPA has statutory purposes and socio-economic responsibilities as specified in the Environment Act (1995): Purpose 1: To conserve and enhance the natural beauty, wildlife and cultural heritage of the area. Purpose 2: To promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public

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- To designate a neighbourhood area for the purposes of neighbourhood planning within nationally set timescales.
- To provide advice and assistance to the Parish Council on the preparation of a NDP;
- To validate, check and publicise a NDP prior to submission for independent examination;
- Appoint an independent examiner in consultation with the Parish Council(s) and meet the costs of performing independent examination and;
- Bring the NDP into force subject to the results of the referendum.

5i) FUNDING

- 5.17 SDNPA will apply to the Government for funding which has been made available for local authorities to provide support to the development of NDPs to help fulfil the support outlined above.
- 5.18 The allocation of discretionary resources, including the giving of grants will be decided by the Director of Planning and may be subject to revision according to circumstances.

5j) REVIEWING NDPS

- 5.19 If a review of a NDP is required the same process as above will be followed with the exception of streamlining the process only where minor changes are required.

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6. FURTHER INFORMATION

6a) PLANNING AID

- 6.1 Planning Aid is a voluntary service linked to the Royal Town Planning Institute (RTPI), which offers free independent and professional advice on planning issues. Planning Aid is aimed at community groups and individuals who have limited resources to participate effectively in planning matters.
- 6.2 The current remit of Planning Aid involves advising community groups in negotiations with the local planning authority, and, if necessary, representing the groups at public examination or inquiry.
- 6.3 Every part of the UK is covered by Planning Aid. Further information on Planning Aid is available on the RTPI website¹³.

6b) MONITORING AND REVIEW OF THE STATEMENT OF COMMUNITY INVOLVEMENT

- 6.4 Community involvement and engagement should evolve and develop as circumstances change. This document will be subject to regular review. As the success of community involvement techniques are monitored and reviewed, the results will be fed into the preparation of future planning policy documents and the consideration of significant planning applications.
- 6.5 We have endeavoured to make the SCI flexible enough to deal with changing circumstances; it should only be necessary to revise the document if significant changes have occurred in government legislation or to local policies. The Covid-19 pandemic as an exceptional circumstance required changes to the SCI to reflect the use of different methods of engagement and the alterations to government legislation.

6c) LEGISLATION

- 6.6 In the preparation of the Local Plan and in the determination of planning applications, the SDNPA will have regard for current legislation particularly: the *Human Rights Act (1998)*, *Race Relations Act (Amendment 2000)*, *Disability Discrimination Act (1995)*, the *Freedom of Information Act (2000)* and the *Data Protection Act (2018)*.

¹³ <https://www.rtpi.org.uk/planning-advice/>

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7. ABBREVIATIONS

AMR	Authority Monitoring Report
DM	Development Management
DPD	Development Plan Document
LDD	Local Development Document
LDS	Local Development Scheme
LP	Local Plan
LPA	Local Planning Authority
NPA	National Park Authority
NPPF	National Planning Policy Framework
RTPI	Royal Town Planning Institute
SA	Sustainability Appraisal
SEA	Strategic Environmental Assessment
SCI	Statement of Community Involvement
SOS	Secretary of State
SDNP	South Downs National Park
SDNPA	South Downs National Park Authority
SPD	Supplementary Planning Document

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8. GLOSSARY

Authority Monitoring Report

This report looks at the implementation of the *Local Development Scheme* and how well the policies in the Local Development Documents are being achieved.

Development Plan

As set out in section 38 of the *Planning and Compulsory Purchase Act (2004)*, an area's development plan consists of adopted Local Plans and Neighbourhood Development Plans.

Development Plan Documents

All Planning Authorities must produce Development Plan Documents, such as the Local Plan. These are spatial documents and are subject to independent examination. There will be a right for those making representations seeking change to be heard at an independent examination.

Digital / Virtual Engagement

A collective term for using digital technology, in forms of software, hardware and infrastructure to share information, discuss ideas, gather views and provide services.

Host Authority

Local authorities partly within the National Park where planning services are provided by local authorities through hosted arrangements (Winchester City Council, East Hampshire District Council, Chichester District Council, Horsham District Council and Lewes District Council)

Local Community

A generic term which includes all individuals (including the general public) and organisations external to the SDNPA that have an interest in a local area. It includes the statutory and other consultees.

Local Development Scheme

This document sets out the timetable for the preparation of the Local Development Documents. It identifies which Development Plan Documents and Supplementary Planning Documents are to be produced and when.

Local Plan

The plan for the future development of the local area. The Local Plan will set out the vision, objectives and provide the framework for the preparation of Supplementary Planning Documents (SPDs) and Neighbourhood Development Plans. It will also include a number of criteria-based development management policies needed to achieve the strategy.

National Planning Policy Framework

The Government published the revised *National Planning Policy Framework (NPPF)* on 19 February 2019, and the *National Planning Policy for Waste* on 16 October 2014. As of June

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2021, the Government are considering responses to a consultation on further amendments to the NPPF.

Neighbourhood Development Plan

A community led and developed document, which forms part of the planning policy framework. It is subject to independent examination and a community referendum.

Neighbourhood Forum

Body responsible for the production of a Neighbourhood Plan if there is no Parish or Town Council.

Partnership Management Plan

The National Park *Partnership Management Plan* provides statements on the National Park Authority's policies for managing and carrying out its functions in relation to the National Park and reflects the Purposes and Duty of the National Park Authority. This document sets the context for the planning policy framework of the National Park.

Prior Approval

Some permitted development requires an application to the local planning authority for prior approval. In other specified cases, an application is made to the local planning authority to determine if their prior approval will be required. This allows the local planning authority to consider the proposals, their likely impacts in certain specified matters (e.g. transport and highways) and how these may be mitigated.

Planning law sets out certain classes of permitted development where specific proposals are granted without the need to submit a planning application.

Policies Map

The adopted *Policies Map* illustrates all of the policies and proposals in the Development Plan Documents.

Regulations

Regulations are statutory instruments that provide detail on specified matters in Acts of Parliament. For example, the *Town and Country Planning (Local Planning) (England) Regulations (2012)* set out procedures for preparing development plan documents.

Stakeholders

Stakeholders include any person or organisation, local or national, who has a legitimate interest in what happens in our area.

Statement of Community Involvement

This *Statement of Community Involvement* is the South Downs National Park Authority's formal policy to identify how and when local communities and stakeholders will be involved in the preparation of the documents to be included in the South Downs National Park Local Plan. The Statement also governs the development management process for all planning applications within the South Downs National Park.

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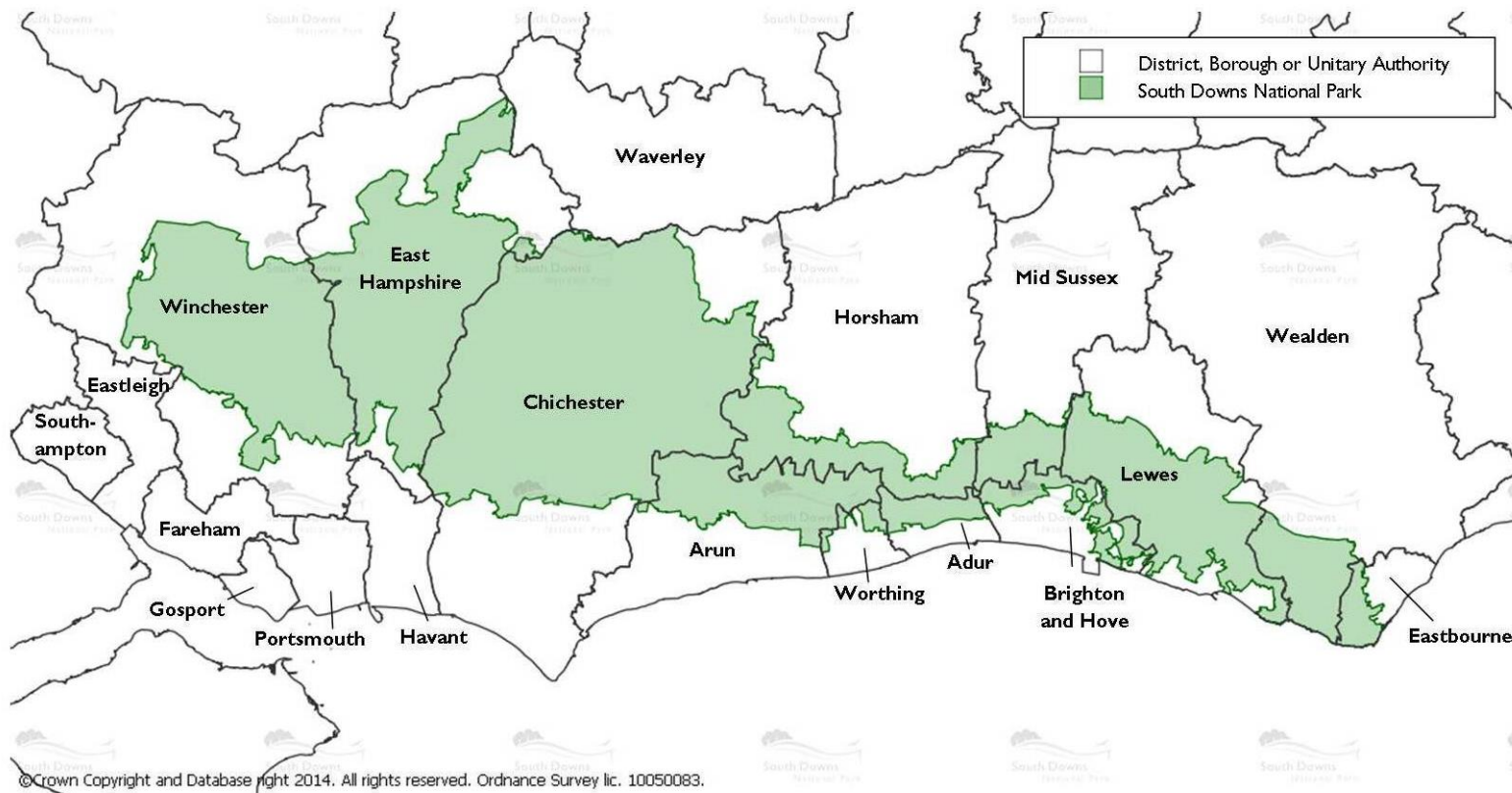
Supplementary Planning Documents

These documents provide supplementary information to the policies in the Development Plan Documents. They do not form part of the Development Plan and are not subject to independent examination.

Sustainability Appraisal

Sustainability Appraisal is a tool for appraising policies to ensure that they reflect sustainable development objectives (i.e. social, economic and environmental factors). It is required under the *Planning and Compulsory Purchase Act (2004)* to be carried out on all Development Plan Documents and where necessary on Supplementary Planning Documents.

APPENDIX I: INDICATIVE MAP OF THE SOUTH DOWNS NATIONAL PARK SHOWING LOCAL AUTHORITY BOUNDARIES



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APPENDIX 2 : PLANNING POLICY WITHIN THE NATIONAL PARK

‘Development Plan’ for the SDNP consists of:

- South Downs Local Plan
- Adopted Joint Minerals and Waste Plans:
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (2013)
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (2017)
 - Hampshire Minerals and Waste Local Plan (2013)
 - West Sussex Waste Plan (2014)
 - West Sussex Joint Minerals Local Plan (2018) (Partial Review March 2021)
- Made Neighbourhood Plans¹⁴

¹⁴ For details of made Neighbourhood Plans please see the SDNPA website:
<https://www.southdowns.gov.uk/planning-policy/neighbourhood-planning/neighbourhood-development-plans/>

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APPENDIX 3: LIST OF STATUTORY CONSULTATION BODIES

3.1 These consultation bodies are those referred to in Regulation 25 of the *Town and Country Planning (Local Development) (England) Regulations (2004, as amended)*. Please note, this list is not exhaustive and relates to successor bodies where reorganisations occur.

Specific Consultees

- County Councils (Hampshire, West Sussex, East Sussex) and Brighton and Hove Unitary Authority
- Adjoining Local Planning Authorities (LPAs)
- Town and Parish Councils both within and adjoining the South Downs National Park
- The Environment Agency (EA)
- Natural England
- Historic Buildings and Monuments Commission for England (English Heritage) (EH)
- The Marine Management Organisation
- Relevant telecommunications companies:
- Primary Care Trusts,
- Relevant electricity and gas companies
- Relevant sewerage and water undertakers
- Government Departments
- Network Rail Infrastructure Limited
- The Highways Agency
- Secretary of State for Transport
- The Coal Authority
- The Homes and Communities Agency

General Consultees

- Voluntary bodies some or all of whose activities benefit any part of the authority's area;
- Bodies which represent the interests of different racial, ethnic or national groups in the authority's area;

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- Bodies which represent the interests of different religious groups in the authority's area;
- Bodies which represent the interests of disabled persons in the authority's area and;
- Bodies which represent the interests of persons carrying on business in the authority's area.

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APPENDIX 4: PROTOCOL FOR NEIGHBOURHOOD PLANNING AND PRE-APPLICATION ADVICE

Protocol between the South Downs National Park Authority and Qualifying Bodies on Pre-Application Advice

Purpose

- To invite Qualifying Bodies (QB) to provide a formal response to the South Downs National Park Authority (SDNPA) or the host authorities working on its behalf¹⁵ in regard to pre-application advice requests
- To enable discussion between the SDNPA and the QBs to ensure concerns / issues are identified as early as possible and dialogue established to explain and where possible resolve any conflict between parties in relation to the proposals

Background

- The SDNPA is the local planning authority for the South Downs National Park
- A qualifying body leads neighbour planning in their designated areas. They are our 'local experts' when there is a neighbourhood development plan (NDP) in place. In the South Downs all QBs are either parish or town councils to date.

Which QBs will be invited to respond to Pre-application advice requests?

- QBs will be invited by email to input into the pre-application process by the SDNPA development management case officer dealing with the application.
- QBs with an NDP at an advanced stage of development will be invited to provide input i.e. the Plan has passed examination and reached the Decision Statement stage of the NDP process (Regulation 19).

When will the SDNPA invite the QB to provide Pre-application input?

- When a pre-application enquiry relates to any site allocated or designated by the NDP in their designated area. This would include housing allocations, local green spaces, named community facilities and safeguarded employment sites.
- When an application proposes a locally significant development in the relevant designated area. What constitutes a locally significant development varies between communities and is a matter of judgement for the case officer in consultation with other officers as necessary.
- The SDNPA will not request input from QBs on householder pre-application enquiries.

How will the input from the QB be used by the SDNPA?

- The response from the QB will be included in the SDNPA's response to the applicant/agent

Further information on pre-application advice can be accessed on the SDNPA website here:
<https://www.southdowns.gov.uk/planning-applications/advice/>

¹⁵ Winchester District Council, East Hampshire District Council, Chichester District Council, Horsham District Council and Lewes District Council

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This protocol will be subject to periodic review by the SDNPA in partnership with the QBs.

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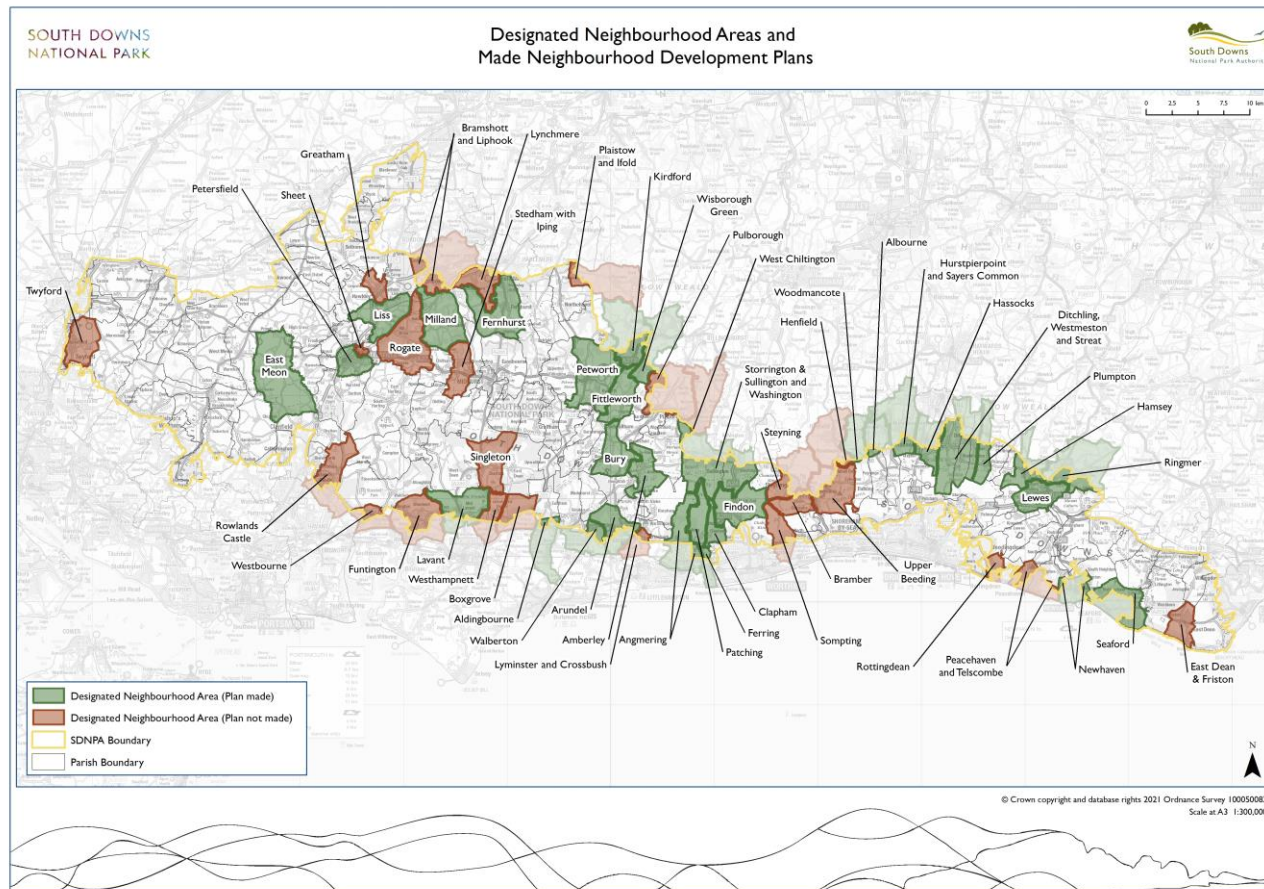
APPENDIX 5: MINIMUM STATUTORY PUBLICITY REQUIREMENTS

- 4.1** As a local planning authority we are required by law to publicise all planning applications. This can include advertisements in a local newspaper, site notices and neighbour notifications. Applications are also advertised weekly on the SDNPA's website.

Nature of Development	Publicity Required
Applications that: <ul style="list-style-type: none">• Are accompanied by an environmental statement;• Are departures from development plan;• Affect a public right of way; or• Are made by the authority.	Site notice and advert in local newspaper
Major development ¹⁶ (which includes Minerals and Waste applications)	Site notice and advert in local newspaper
Minor development	Site notice and advert in local newspaper
Development affecting the setting of a listed building	Advert in local newspaper and either a site notice or neighbour notification
Development affecting the character or appearance of a conservation area	Advertisement in newspaper, site notice and neighbour notification
Permitted development requiring prior notification to local planning authority	Site notice posted by developer

¹⁶ Major development as defined by Article 2, The Town and Country Planning (Development Management Procedure) (England) Order 2015 as amended.

APPENDIX 6: MAP OF DESIGNATED NEIGHBOURHOOD AREAS



(Map as at May 2021)

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APPENDIX 7: MEMORANDUM OF UNDERSTANDING IN RELATION TO NEIGHBOURHOOD PLANNING

Memorandum of Understanding

between

**Example Parish Council and South Downs National Park Authority
in relation to Neighbourhood Planning**

1. Background

- 1.1 This Memorandum of Understanding outlines the key roles and responsibilities of the main parties involved in the development of a Neighbourhood Plan for the parish of Example. In doing so it confirms the willingness of all parties to work positively together and sets out the protocols and parameters by which the neighbourhood plan will be prepared.
- 1.2 The parties are: Example Parish Council (EPC), Example Neighbourhood Steering Group¹⁷ (ENSG) and the South Downs National Park Authority (SDNPA).
- 1.3 The neighbourhood plan will be produced for the designated neighbourhood area of Example as defined by the map in Annex I. The neighbourhood area is wholly / partly within the SDNP and the main centre of population is within the National Park. Therefore, SDNPA is the lead authority for neighbourhood planning for Example Parish Council.
- 1.4 The parties will work in cooperation to prepare a planning document for the local community that is suitable for adoption as a Neighbourhood (Development) Plan. Work on the plan and evidence produced for it could also contribute to future development plan documents and / or the Local Plan produced by SDNPA.

¹⁷ Example Parish Council have delegated the production of the neighbourhood plan to Example Neighbourhood Plan Steering Group (ENSG). See Appendix 2 for ENSG Terms of Reference.

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2. Roles and Responsibilities

- 2.1 EPC, ENSG and SDNPA are committed to maintaining an open and transparent relationship to enable the effective development of the Example Neighbourhood Plan. The key roles of each party in the neighbourhood planning process are as follows:

Example Parish Council

- 2.2 EPC is the “relevant body”¹⁸, with legal authority to produce a neighbourhood plan under neighbourhood planning regulations. It is the properly elected democratic body representing the entire local community within the parish and is committed to ensuring that the community's views are fully reflected in all local planning decisions within the parish.
- 2.3 The Parish Council will be responsible for the overall content of the neighbourhood plan prepared and for its submission to SDNPA.
- 2.4 The Parish Council will formally agree the final draft neighbourhood plan at a Parish Council meeting prior to submission to SDNPA to ensure the neighbourhood plan is supported by the Parish Council.
- 2.5 The Parish Council will fulfil its duty to have regard for the National Park Purposes when preparing and agreeing a neighbourhood plan proposal for submission to SDNPA.

Example Neighbourhood Plan Steering Group

- 2.5 ENSG is a group formed of councillors and residents of Example Parish acting under terms of reference and recognised by Example Parish Council for the purpose of preparing a plan for the future development of the parish.
- 2.6 ENSG, on behalf of the Parish Council and the community of Example Parish, will be responsible for carrying out the work necessary to deliver the neighbourhood plan.
- 2.7 ENSG will:
- i. Seek to involve the whole community and gather the views and opinions of as many groups and organisations in the community as possible in the preparation of the neighbourhood plan. An extensive and inclusive programme of community participation and consultation will be carried out to help develop the plan;
 - ii. Project manage the preparation of the plan, prepare a project plan and budget and regularly report back to the Parish Council on details of progress against timetable and budget on (at least) a monthly basis, and share the project plan with the SDNPA;
 - iii. Act as the main conduit between the Parish Council, the local community, the SDNPA and the relevant district and county councils for neighbourhood planning matters;

¹⁸ For the purposes of section 61G of the 1990 Town and Country Planning Act being the parish council for the entire neighbourhood planning area, i.e. the whole Parish.

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- iv. Submit a description of the scope of the proposed neighbourhood plan to Example Parish Council for its consideration and approval as soon as is practicable;
- v. Liaise with relevant authorities and organisations to ensure that the Plan is as effective as possible, is fit for purpose and complies with the National Park Purposes and Duty¹⁹ and the strategic elements of the emerging *SDNP Local Plan*;
- vi. Ensure that the scope and content of the Neighbourhood Plan is appropriate to the issues raised by the local community, is prepared utilising robust and proportionate evidence and takes full account of Government policy set out in the *National Planning Policy Framework (NPPF) and Regulations* governing the production of a neighbourhood plan;
- vii. Seek a view from the SDNPA on the requirement or otherwise for Strategic Environmental Assessment (SEA) - known as a 'screening opinion', and provide sufficient key information in order for SDNPA to formulate a screening opinion. Should the screening opinion indicate that an SEA be required, the responsibility for meeting this requirement will be met by EPC;
- viii. Share an early draft (pre-submission neighbourhood plan proposal) with SDNPA to check the compatibility of the draft neighbourhood plan with the National Park Purposes and Duty, adopted Local Plan and emerging local policies;
- ix. Submit a final version of the neighbourhood plan proposal to Example Parish Council for its approval prior to the Plan being submitted to SDNPA for Independent Examination; and,
- x. Be responsible for the design, publication and maintenance of a neighbourhood plan webpage to ensure wider awareness of the neighbourhood plan production. The webpage should include an opportunity for people to volunteer to be part of the group.

South Downs National Park Authority

- 2.8 SDNPA has a number of legal duties in relation to the production of a neighbourhood plan. These are:
- i. To publicise and designate a neighbourhood area for the purposes of neighbourhood planning within nationally set timescales.
 - ii. To provide advice and assistance to EPC and the ENSG on the preparation of a neighbourhood plan;

¹⁹ The SDNPA has statutory purposes and socio-economic responsibilities as specified in the Environment Act (1995):

Purpose 1: To conserve and enhance the natural beauty, wildlife and cultural heritage of the area.

Purpose 2: To promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public.

Duty: To seek to foster the social and economic wellbeing of the local communities within the National Park in pursuit of our purposes.

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- iii. To validate, check and publicise a neighbourhood plan prior to submission for independent examination;
 - iv. Appoint an independent examiner in consultation with the Parish Council and meet the costs of performing independent examination;
 - v. Bring the neighbourhood plan into force subject to the results of the referendum.
- 2.9 At the end of the neighbourhood plan process, the plan is made (adopted) by the National Park Authority and to that end it is in the interests of SDNPA to work with EPC and ENSG to deliver a robust, fit for purpose and high quality document for the local community. For these reasons and in the spirit of working together for the benefit of the local community and in accordance with *Schedule 4B of the Town and Country Planning Act (1990)*²⁰, SDNPA will provide the further following support to EPC / ENSG for neighbourhood planning activities:
- i. Provide professional and timely advice on neighbourhood plan preparation and other relevant planning matters particularly the Local Plan. The SDNPA will endeavour to acknowledge any request for advice within 5 days and provide a full response within 2 weeks. Where this is not achievable, SDNPA will indicate when a full response can be provided;
 - ii. Provide a view on the requirement or otherwise for a Strategic Environmental Assessment (SEA) of the Neighbourhood Plan (known as a 'screening opinion'). Support and advise as necessary, on the scoping and development of a proportionate SEA including the appropriateness of this forming part of a wider Sustainability Appraisal and Habitats Regulations Assessment of the Plan, if required;
 - iii. Endeavour to attend meetings and events where possible and useful to developing the neighbourhood plan;
 - iv. Nominate a lead officer at the SDNPA who will be responsible for co-ordinating the input of other technical specialists from within the SDNPA as may be required to support the process. The lead officer will also liaise with the relevant District and County Council on technical matters such as highways and schools where necessary;
 - v. Liaise with the Parish Council and ENSG to ensure that the neighbourhood plan is in conformity with the strategic policies of the adopted / emerging Local Plan;
 - vi. Consult development management officers to assess the effectiveness and robustness of any potential policies;
 - vii. Digitise any proposals or allocations maps included the neighbourhood plan to be incorporated into the SDNP development plan; and

²⁰ "Give such advice or assistance to parish councils and designated Neighbourhood Forums as in all the circumstances, they consider appropriate for the purpose of or in connection with facilitating the preparation of Neighbourhood Development Plans." [Schedule B of the 1990 Act] ('duty to support').

NB: There is no legal requirement to give financial assistance.

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- viii. Consider other reasonable requests for support based on the circumstances.
- 2.10 SDNPA will apply to the Government for funding which has been made available for local authorities to provide support to the development of Neighbourhood Plans to help fulfil the support outlined above. The allocation of discretionary resources to the Qualifying Body, including the giving of grants will be decided by the Director of Planning and may be subject to revision according to circumstances.

3. Reviewing the Memorandum of Understanding

- 3.1 This Memorandum of Understanding will be kept open to review during the development of the Neighbourhood Plan. Amendments may be made following agreement between EPC, ENSG and SDNPA.

Signed:

Signed:

Date:

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Annex I

Designated Example Neighbourhood Planning Area

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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

Director of Planning

South Downs National Park Authority

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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

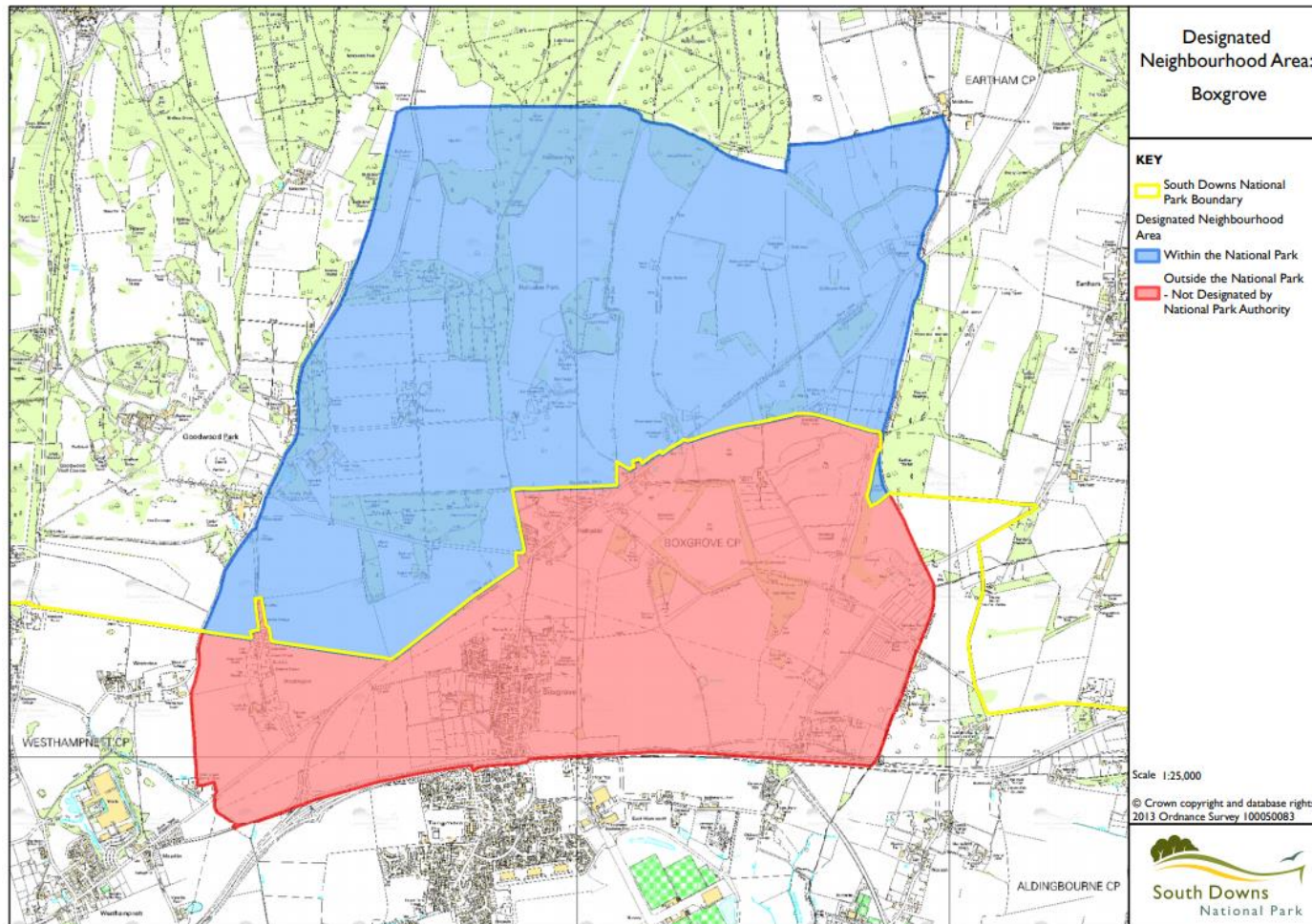
External Consultees

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.

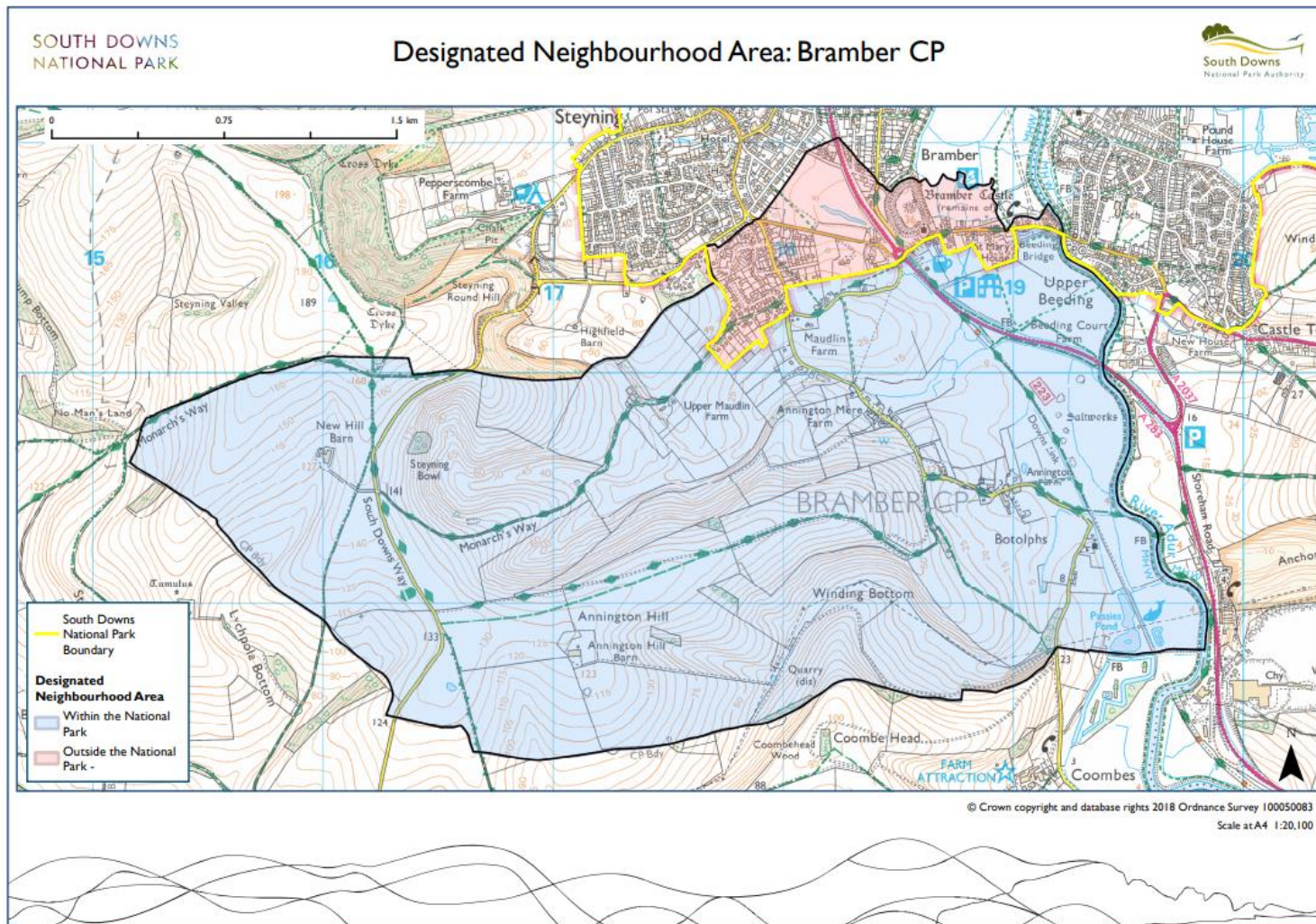
- **Amend Policy GA4 as follows “Development proposals with a significant transport impact should demonstrate how these impacts are mitigated, including as appropriate through:**
 - **extension or improvement of walking and cycling routes**
 - **supporting improvements to public and community transport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

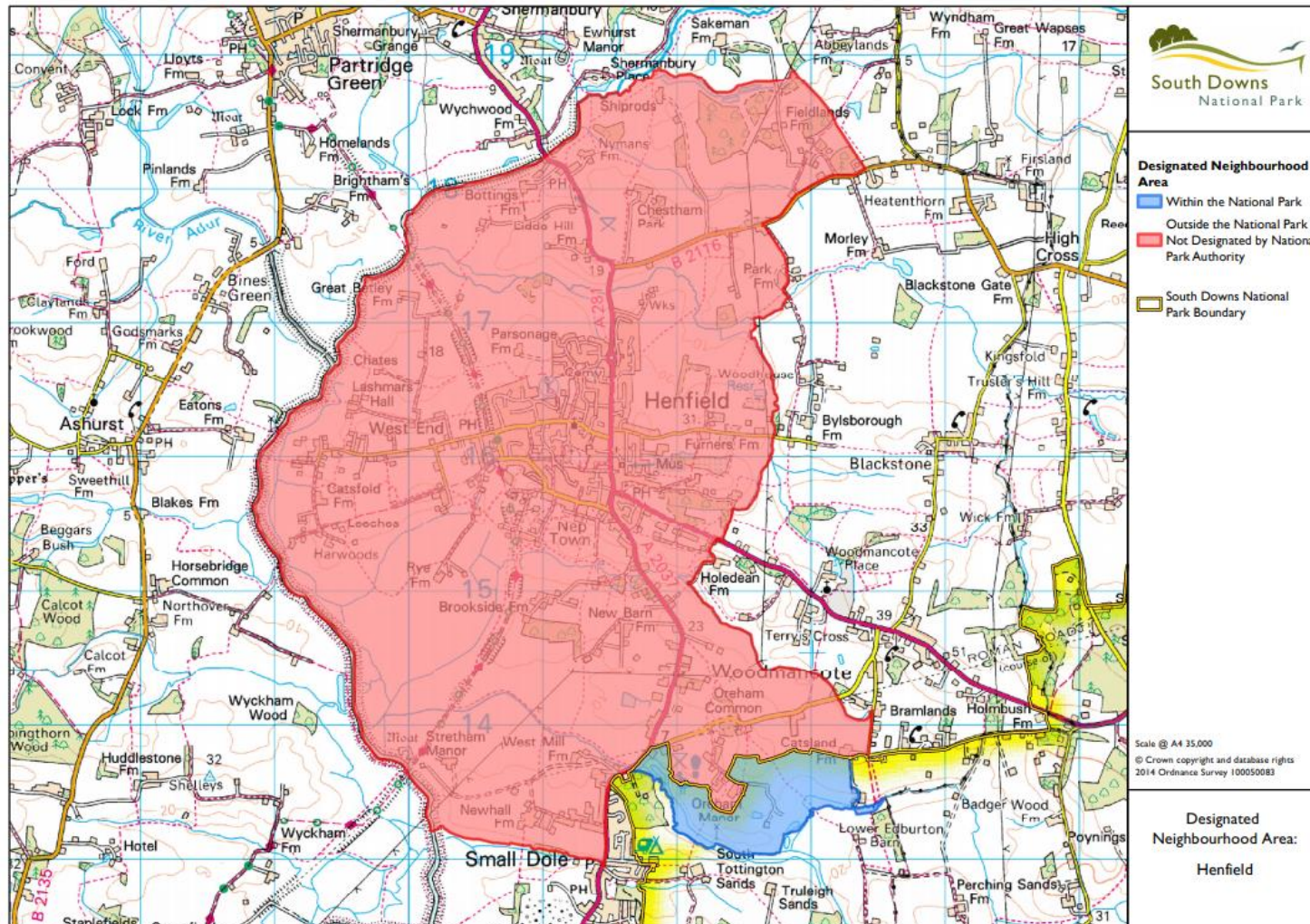
- 8.3 On the basis of the findings in this report I recommend to Horsham District Council and the South Downs National Park Authority that, subject to the incorporation of the modifications set out in this report, the Bramber Neighbourhood Development Plan should proceed to referendum.

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

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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

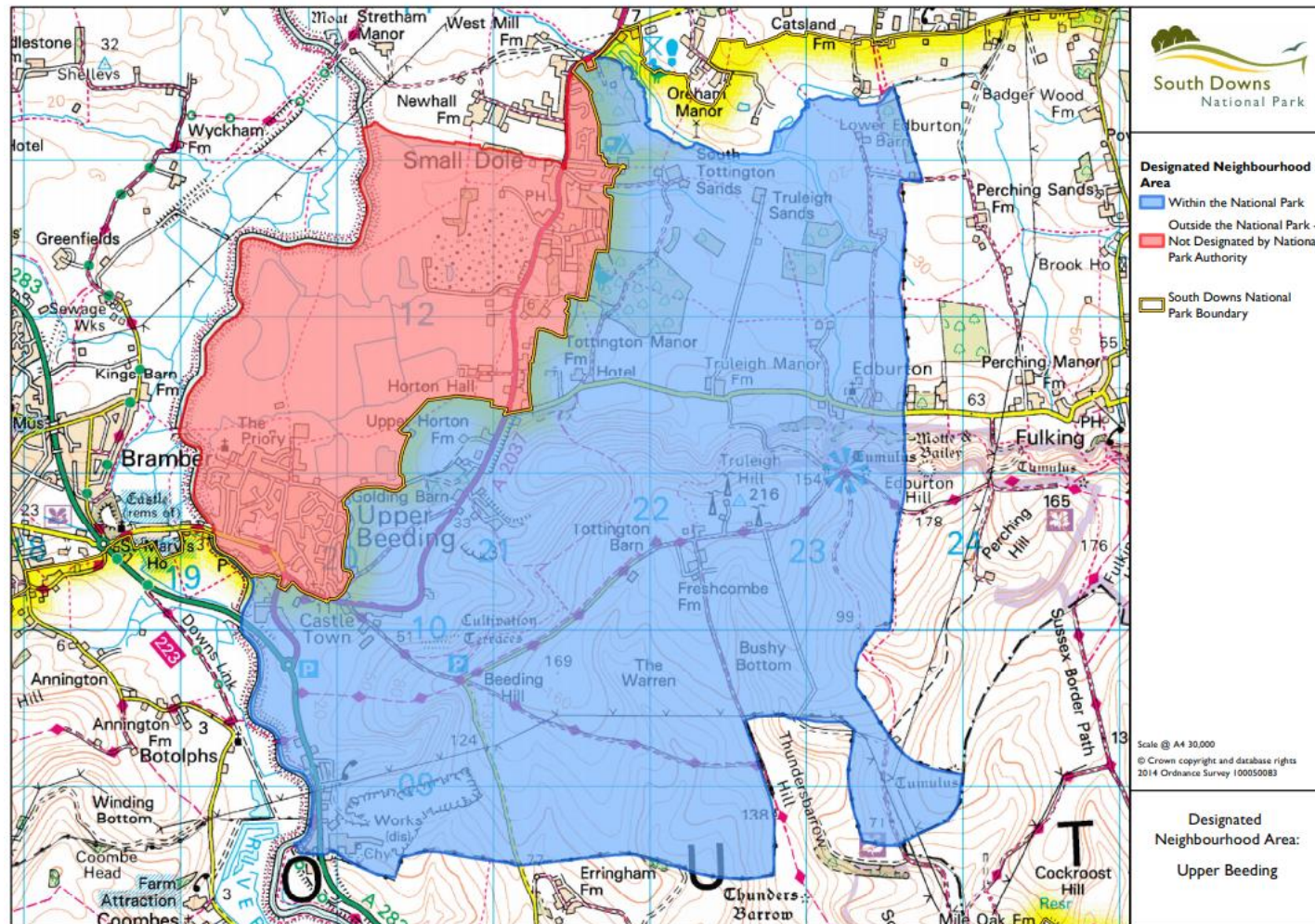
- 8.3 On the basis of the findings in this report I recommend to Horsham District Council and the South Downs National Park Authority that, subject to the incorporation of the modifications set out in this report, the Henfield Neighbourhood Development Plan should proceed to referendum.

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



Report to	Planning Committee
Date	10 June 2021
Title of Report	Summary of appeal decisions received from 21 January 2021 – 12th May 2021
Purpose of Report	To update SDNPA Members on appeal decisions received

Recommendation: To note the outcome of appeal decisions.

I. Overview

- I.1 The attached table (**Appendix I**), ordered by date of decision, provides members with a summary and brief commentary on the appeal decisions recently received by the Authority. This covers both those appeals dealt with by the host authorities and directly by the South Downs National Park Authority.
- I.2 From the 21 January to 12 May:
- 25 appeal decisions were received, 20 of which were dismissed.
 - 3 applications were made by appellants for an award of costs, and none were awarded.
 - 2 Judicial Reviews were submitted and conceded; 1 by the SDNPA, and 1 by East Hampshire District Council acting on behalf of the SDNPA. Details of these judicial reviews are included within the table below.
- I.3 From 21 January 2021 until 12 May 2021, the Authority had 80% of appeals dismissed. In comparison, the dismissal rate over the last financial year was 67%.

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Appendices: I. Summary of Appeal Decisions
SDNPA Consultees: Director of Planning, Legal Services

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Key to Appeals Reporting

Method of decision	All are delegated decisions unless otherwise specified	Allowed A
Appeal method	All are determined via written representations unless otherwise specified	Dismissed D

Planning Appeals				
Planning Application No	Authority	Site	Judicial Review	Decision
SDNP/20/00822/CND	East Hants	Land South East Of Gardners Farm Pratts Lane Steep Marsh Petersfield GU32 2BJ	Application for judicial review in respect of decision to grant variation of Condition 5 of SDNP/19/01184/FUL to allow the continued use of the building as Class B2 use permanently	A 31 March 2021 (Costs Decision)
<ul style="list-style-type: none"> In May 2019 planning permission (SDNP/19/01184/FUL) was granted for the “Retention and temporary change of use of existing B1 Light Industrial usage to B2 for the preparation and storage of rally cars”. Condition 5 of that permission states ‘Within 364 days from the date of this planning permission, all B2 use of the site shall immediately and permanently cease’. In 2020 a Section 73 application was made and approved (SDNP/20/00822/CND) to delete condition 5 to enable the B2 use to continue permanently. This decision (taken by EHDC on behalf of SDNPA) was subject to an application for judicial review. Following legal advice, for the reasons set out below, EHDC and the SDNPA conceded the claim, thereby quashing the permission granted. <ul style="list-style-type: none"> Ground 1 of the applicant’s case was that the removal of Condition 5 to effectively allow a permanent permission was ‘ultra vires’. Whilst it was considered that there was an argument to be had regarding the definition of ‘temporary’ and that this could mean indefinite, it was advised that this argument was unlikely to succeed as Condition 5 was integral to the original planning permission and therefore its deletion was outside of the remit of a Section 73 application. Ground 2 of the applicant’s case related to the absence of an ecosystem services statement (required by Policy SD2 of the SDLP). The officer’s report failed to mention the lack of an ecosystem services statement on this change of use application and did not provide any material considerations indicating why planning permission should be granted despite the lack of a statement. In the absence of this consideration, it was 				

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advised that it would be likely that the Courts would determine that the defendant (SDNPA) failed to have regard due regard to the relevant considerations.

- Ground 3 related to noise impacts on residents on which the legal advice indicated the Authority's position was defensible.
- Given the legal advice received that the Court would have been likely to uphold the claim for judicial review the Authority agreed to quash the planning permission prior to the merits of the matter being heard by a Judge. Lessons learnt from this case have been disseminated internally.
- The applicant for the judicial review also submitted a claim for costs, which was subsequently granted by the Courts in March this year.

Appeal Reference	Authority	Site	Enforcement Appeal	Decision
APP/Y9507/C/20/3251190	SDNPA	Land East of Pony Farm, Findon, West Sussex BN14 0RS	Change of use of the Land from equestrian by the importation and storage of waste materials on the Land.	D 27 January 2021

Inspector's Reasoning

- The appellant referenced a previous Lawful Development Certificate (LDC) made in 2019, for which only the hardstanding and access track were determined to be lawful. The Class B8 storage of building materials, plant and equipment, were not found to be lawful.
- The B8 use (building material storage, plant and equipment) was clarified as being distinctly separate to the alleged use as part of the appeal.
- The site was described as 0.3 hectare rectangular piece of land immediately to the rear of the back gardens of three dwellings (no's 4, 5, and 6), a cul-de-sac of detached houses. It was located to the eastern edge of the village outside the settlement boundary and was surrounded to the north, east and south by agricultural land.
- The Inspector found two buildings and some associated hard standing at the northern end of the site were being used to store a range of building material, plant, and equipment. There was also a separate and distinct location being used to store building rubble and waste, and therefore the Inspector clarified that there were two uses, one with value and one not, that were being operated.
- There was no evidence provided to demonstrate that the use of the land for storing waste was lawful, or had any planning permission. The Inspector confirmed that there was a breach and the appeal failed on Ground C.
- The appellant appealed on Ground D, that the use of the land was continuously used for 10 years for storage of waste and therefore enforcement action could not be taken. The appellant relied on the 2019 LDC evidence, which was for a different use and was subsequently refused by the LPA. In the absence of anything materially different, the Inspector confirmed that the appeal on this ground failed.
- The appellants also appealed under Ground F; that the enforcement notice requirements were excessive and ambiguous. However, the Inspector strongly refuted this and confirmed that the actions in the notice were clear, and the appellant would be able to distinguish between waste and other materials stored for building purposes.

Costs Decision – Refused <ul style="list-style-type: none"> The application was made on two grounds: procedural and substantive grounds. The procedural ground was that the LPA refused to respond to the appellant’s reasonable requests for information. The substantive grounds were that the LPA failed to draft the enforcement notice with sufficient clarity, failed to identify the lawful use of the site, and failed to give appropriate weight to the appellants’ evidence. The Inspector acknowledged that the SDNPA did provide a delegated report, which the appellants were able to consider in making any appeals. The Inspector confirmed that the SDNPA did not need to identify the lawful use of the site, only the breach of planning control and the steps required. The Inspector found no demonstrable unreasonable behaviour or expense as described in the PPG, and refused the award of costs. 				
Planning Application No	Authority	Site	Description of Development	Decision
SDNP/20/02351/HOUS APP/Y9507/D/20/3260267	Chichester	The Laurels, The Street, Graffham, GU28 0QA	Replacement outbuilding.	D 04 February 2021
Inspector’s Reasoning <ul style="list-style-type: none"> The Inspector described the property as a detached house lying within the village of Graffham, which was traditional in appearance and had a sense of spaciousness to the plot. From evidence provided by the appellant, the Inspector agreed with the appellant that the outbuilding and garden stores were present in 1978, and as such concluded that the outbuildings could be considered within the ‘existing floorspace’. Therefore, the proposal would result in less than a 30% increase, and would accord with Policy SD31. The current outbuildings were staggered back from the garage, which reduced the visual presence of the buildings. The proposal would not be staggered and would increase the ridge height considerably, resulting in an increased visual impact. The domestic appearance of the design, by virtue of large amount of glazing, doors and porch, would compound the increased presence. The building would compete in scale, design and function to the main house, and as a result would detract from the spacious character of the plot and wider landscape. The outbuilding would be solely for bedrooms and living accommodation, which would not satisfy a functional or physical dependence on the host dwellings, contrary to Policy SD31. For the reasons above the Inspector dismissed the appeal. 				

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Planning Application No	Authority	Site	Description of Development	Decision
SDNP/20/00500/FUL APP/Y9507/W/20/3255422	SDNPA	Kymber House, Hale Hill, West Burton, RH20 1HE	Change of use of agricultural building to 1 no. dwelling.	D 04 February 2021
Inspector's Reasoning <ul style="list-style-type: none"> The Inspector explained that the appeal site was located outside of the SD25 policy settlement boundary. Policy SD4I permits the conversion of redundant agricultural or forestry buildings outside the defined settlement, subject to certain criterions being met. The Inspector found that when visiting the site, the building was partially collapsed and so was considered redundant. The Inspector noted that the lack of information provided meant that the appellants could not demonstrate that the conversion would lead to a new agricultural building. Furthermore, the Inspector found the substantial collapse of the main building and the poor construction of the lean to would require substantial reconstruction, which would not satisfy criterion c. Whilst the proposal would retain the form of the existing building (albeit collapsed), the Inspector shared the SDNPA's concern regarding the wider area. The proposal would include French doors which would open onto a field that was located outside of the appeal site. The proposed opening would cause domestication of the field, changing the character from rural agricultural to a domestic dwelling in a residential setting. The opening would also harm tranquillity and introduce lit development contrary to policies SD7 and SD8. The proposed parking to the north would result in necessary clearing and works which would exacerbate this domestic character. The Inspector concluded that there would be a conflict with criterion f, and policies SD4 and SD5, which aim to conserve and enhance the landscape character. The Inspector remarked that the dwelling would also be an open market house, as no robust evidence demonstrated why the occupier would need to be located at the appeal site. Criteria g was therefore not satisfied. The Inspector concluded that the development would be in conflict with SD4, SD5, SD7, SD8, SD25, and SD4I and therefore dismissed the appeal. 				

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Planning Application No	Authority	Site	Description of Development	Decision
SDNP/18/05963/FUL APP/Y9507/W/19/3225109	SDNPA (Planning Committee)	Market Garden Caravan Site, Clappers Lane, Fulking BN5 9ND	Retrospective change of use of land for stationing of caravans for residential occupation with facilitating development (hard standing).	A 08 February 2021
<p>Inspector's Reasoning <i>The effect on the character and appearance of the area</i></p> <ul style="list-style-type: none"> The site was described as a small undeveloped grass field set back from the road and enclosed by hedging and close boarded fencing. Access was through the appellants existing Market Garden site, which had two pitches set discreetly behind a belt of dense landscaping. Housing along Clappers Lane was noted as being set towards the front of plots with long rear gardens, typical of Fulking. The proposed scheme would introduce mobile homes, areas of hardstanding and other paraphernalia. The siting and nature of the proposal would intensify the presence of scattered development on the village edge, which would erode Fulking's nucleated form and character. Moreover, the location would be out of character with the linear frontage pattern of the village. The urbanisation of the plot would diminish the rural character, and was concluded to harmfully jar with the form, character, and grain of Fulking as a whole. However, the Inspector noted that these impacts would not be apparent in close range views from Clappers Lane. Existing planting was well established; planting to the south was within the appeal site and could be retained, whilst the planting to the west was not within the site but there was nothing which suggested it was to be removed in the near future. The Inspector added that the impacts would be apparent from the Fulking Escarpment, including locally important views from the South Downs Way, Devils Dyke and various viewpoints. The Inspector said the appeal scheme would be viewed in the wider context of sporadic development in the village. It was regarded as not isolated in this respect. Further, the cluster of houses south of the site moderate the impact of the appeal scheme on the nucleated form of the village. The proposal included landscaping to the south to soften the view from the escarpment, and both parties agreed there was additional scope to reduce the extent of the hardstanding. The Inspector noted that a condition to control rubbish, waste and paraphernalia would be important. 				

- Overall the Inspector noted that the scheme would still be visible from the escarpment, sited where it would consolidate development on the edge of a nucleated settlement. Therefore there would be a residual harmful impact to the character and appearance of the area, and would be contrary to the first purpose, as well as policies SD4, SD5, and SD6.

Whether the proposal would result in an over concentration of sites in one location or be of a disproportionate size to nearby communities

- In relation to Policy SD33, the provision of two plots would not be considered an over concentration of pitches in relation to Fulking as a whole. However, the proposal would increase the provision of pitches by 50%, and make up around 10% of the homes in the village. The cumulative size of the six pitches would amount to 500square metres, resulting in a large residential area relative to the nucleated footprint of the village, with a distinctly different domestic character, which would result in a disproportionate over concentration of pitches in one location.

The need for Gypsy and Traveller accommodation

- The SDLP acknowledged a need for 23 permanent pitches as of 1 October 2018, and had allocated 10 pitches with the remainder as unmet need. Policy SD33 seeks to permit planning permission on currently unidentified windfall sites in three area of the National Park; Mid Sussex was not one of those areas because the Gypsy and Traveller Accommodation Assessment (GTAA) did not identify a need there. However, the Inspector questioned the GTAA and whether it accounted for household formation, and therefore the Inspector took caution in relation to Mid Sussex in Table 7.4 in the SDLP, along with the strategy set out in Part 2 and Criteria 3a) of Policy SD33.

Five-year Supply of Pitches

- Authorities are required to set pitch targets for Gypsies and Travellers, for which the SDNPA were unable to identify current supply. As such the Inspector deemed that the SDNPA had failed to demonstrate five-year supply for pitches.

Accommodation needs of the future occupants and alternative options

- The appellants' two youngest sons were said to be married with young families, no longer dependent on the appellant and have no permanent base of their own. Due to overcrowding and absences of planning permission for additional units, the families are described by the Inspector as being in immediate housing need.
- Various sites were considered but were insufficient due to location, availability or were not yet developed. Therefore, the Inspector found that the accommodation needs were unlikely to be met elsewhere in the National Park.
- Given that residing at Market Garden pitches is not permitted, or desirable, the families would need to take to the road in the short term to seek temporary or unauthorised pitches.

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Personal Circumstances

- Ethnic travellers have the protected characteristic of race under s149 (7) of the Equality Act 2010. The Act requires due regard to be had to advance equality of opportunity between persons who share and do not share a relevant protected characteristic, including minimising disadvantages that are connected to that characteristic.
- Without a settled base, their nomadic habit of life would be difficult, as often a permanent address is needed for paying bills, administration, accessing healthcare to confirm with modern living.
- The unavailability of vacant sites also indicated the inequality in housing opportunity, which is an important aspect to address to achieve social sustainability sought by paragraph 13 of the Public Sector Equality Duty.
- Article 3(1) of the United Nations Convention on the Rights of the Child stipulates that the best interests of the child shall be a primary consideration; no other consideration is more important. A settled base would allow the families to be anchored within the community and allow the children to have certainty over their education, attend clubs and make friends.

Planning balance and Conclusion

- Whilst the proposal would meet immediate accommodation needs, which was a significant point in favour of the proposal, the harm to the National Park would not be outweighed. Nevertheless, the Inspector pointed out that the interests of the children were the primary consideration, and the benefits to them would “just about” outweigh the cumulative harm.
- On the consideration of the children, the appeal was allowed with conditions restricting the use by the current occupiers and their resident dependents.

Planning Application No	Authority	Site	Description of Development	Decision
SDNP/20/01311/FUL APP/Y9507/W/20/3261128	Lewes (Planning Committee)	Land to the South of 46 Beacon Road, Ditchling, East Sussex BN6 8UL	Erection of a detached dwelling and garage, with new access & associated landscaping (Following withdrawal of SDNP/19/04109/FUL).	D 10 February 2021

Inspector's Reasoning

- The site comprised and enclosed a tennis court and adjacent grassed areas within the southern part of a large back garden to 46 Beacon Road. The host dwelling and the immediate back garden to no.46 were within the settlement boundary for Ditchling (Neighbourhood Plan); the appeal site is outside of this boundary.
- Policy DSI in Ditchling Neighbourhood Plan (DNP) permits development outside of the settlement boundary where it complies with criteria. Criterion g) states, “It is an appropriate re-use of a previously developed site, excepting residential gardens”. Policy SD25 (of the SDLP) has a similar principle stating “It is an appropriate reuse of a previously developed site, excepting residential gardens, and conserves and enhances the special qualities of the National Park”.
- The appeal site was confirmed as “previously developed land” in that the tennis court occupies much of the site. However, the status of the land changed to domestic when the tennis court was built. Therefore, the Inspector noted that the proposal would not satisfy the exception imposed by SD25 and DSI.
- The appellant contended that there are other material considerations to justify the development being approved not in accordance with the development plans. The proposed property would be opposite housing on the western side of Beacon Road. A residential scheme was agreed on land outside the settlement boundary to the south of this site. The proposed dwelling would be closer to the centre of the settlement than the permitted dwellings, and would form a ‘full stop’ to the village with little scope of development south due to the woodland buffer separating the site from the open countryside.
- The appellant argued that the dwelling would provide a ‘much needed downsizer’ property for the village and provided a planning boundary assessment for Ditchling which showed there were no other comparable sites so it would not set a precedent.
- The Inspector found that the agreed scheme (south of this site) was an exception to the boundary to meet a perceived need of affordable homes, and that this development would correspond closely with houses in Long Park Corner. In contrast, the proposed dwelling would be relatively remote from the cluster of dwellings around the junction with Nye Lane on the eastern side of Beacon Road.
- Retention of a frontage hedgerow would help screen the house, and the Inspector acknowledged the proposed dwelling would reflect the character of other dwellings in Ditchling. However, the Inspector found that the dwelling would still be seen through the gap used for access, and its siting would not be appropriate. Furthermore, the location would still be beyond the settlement boundary.
- The Inspector considered the dwelling to be a personal benefit to the appellant, and a permanent addition to the settlement. Overall the development would undermine the adopted development strategy, and the material considerations raised would not amount to exceptional circumstances.
- The Inspector concluded that the dwelling would result in inappropriate residential use outside the settlement boundary for Ditchling, which would not relate well to the context of the settlement in terms of its location, and dismissed the appeal.

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Planning Application No	Authority	Site	Description of Development	Decision
SDNP/19/05392/FUL APP/Y9507/W/20/3260442	Chichester	Copyhold, Copyhold Lane, Fernhurst GU27 3DZ	Replacement dwelling and linked self-contained ancillary accommodation following demolition of existing dwelling and detached self-contained ancillary accommodation.	D 11 February 2021
Inspector's Reasoning <ul style="list-style-type: none"> The appeal site comprised Copyhold, a detached dwelling, and Copyhold Cottage, a detached building sited away from the main dwelling which had been used as self-contained ancillary accommodation. The site was located at the northern end of Copyhold Lane, a no through road that extended into common land in front of the site. There are multiple public footpaths within the vicinity of the appeal property. The Inspector described the character of the area as highly tranquil; a high level of perceive naturalness; a lack of visible overt human activity; low density settlement; and low noise levels. Landscape management advice (taken from the SDILCA) advises avoiding the further spread of small holdings and detached houses with gardens, particularly in the north of the character area (where the appeal was located), in order to avoid eroding the sense of tranquillity and remoteness. Copyhold was described as a substantial two storey property, with accommodation in the roof space served by dormer windows, located in an elevated position above Copyhold Lane. Its mass and height was found to have presence, especially in views approaching from the south along Copyhold Lane. The use of materials, modest detailing, and generally small opening and undulating landscape, were thought to soften the appearance, and relate well the picturesque valley. The Inspector determined that as a result the dwelling made a positive contribution to the character and appearance of the SDNP. The property had been heavily altered, however the remnants of the original late seventeenth / early eighteenth century farmhouse were still visible in the centre of the south elevation of the building. The facades were considered important both in terms of the historical significance and the high perception of local distinctiveness. The proposal aimed to retain part of the southern and eastern walls of Copyhold in the new build. Apart from a large picture window in the east elevation, the fenestration in the existing south and east elevations proposed to be retained was small in scale and positioned in a way that enhanced the rural vernacular. The proposal would consolidate the built form on the site, but the Inspector noted that the northern extension would result in a dramatic increase in the footprint, mass and overall size of Copyhold. The dominant structure would visually upset the existing proportional relationship between the built and natural environment, and would not be representative of how, historically, rural buildings developed. 				

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- The core of the proposed dwelling would be designed to reflect the Georgian period, and have a classical mansion appearance. However, the design of the western side would step away from the Georgian styling, having pitched roof slopes of varying heights, and openings of varying styles and sizes. As a result, the Inspector found that the building would lack cohesion across its elevations, and would be generally unsympathetic to the existing built form.
- The dwelling would appear incongruous and jarring within its setting. The impact of the proposal would be exacerbated by users on the adjacent public right of way, even though native planting and setting back of the extension were proposed. The Inspector pointed out that even if the sites long views were limited by woodland cover, the proposal would be unacceptable in design and conservation terms, because it would have a visually harmful effect on the immediate surroundings.
- It was acknowledged that there were existing windows and dormers in the current dwelling and ancillary building, however no evidence was provided to demonstrate that the proposed dwelling would not cause more harm to Dark Night Skies than the existing dwelling. The appellant suggested timed blinds/shutters/blackout blinds, but the Inspector was not presented with evidence of their effectiveness, and therefore could not be certain that the issue could be addressed.
- The Inspector concluded that the proposal was not landscape led, and would conflict with policies SD1, SD4, SD5, SD6, SD7, SD8 and SD12 of the LP. The appeal was therefore dismissed.

Planning Application No	Authority	Site	Description of Development	Decision
SDNP/20/01228/HOUS APP/Y9507/D/20/2363668	SDNPA	20 The Brow, Friston, Eastbourne BN20 0ES	Replacement garage.	D 12 February 2021

Inspector's Reasoning

- The Inspector noted that the works had commenced.
- The area was described as a private residential estate, consisting mainly of large detached homes. A number of properties had garages which were visible from the road, with generally reasonable separation or off-setting from the principal elevation of the house.
- The proposed garage would be significantly less prominent in the street scene than the existing examples, mainly because it would be located below the road level. The development would be almost entirely screened from wider views.

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- The Inspector noted that the scale of the garage, taken with a modest separation of 1.5m, would have an adverse effect on the appearance of the house in its immediate context. The adverse effect would be exacerbated by significant expanse of flat roof, and part of the retaining wall.
- A hedge was suggested by the appellant, which the Inspector agreed would limit the visual impact, but concluded that it could not be relied upon. In any case, the garage would still be visible via the access, and the scale, siting and dominance of the proposal would make it unacceptable. The Inspector dismissed the appeal on these grounds.

Planning Application No	Authority	Site	Description of Development	Decision
SDNP/18/05093/LDE APP/Y9507/X/19/3232691	Chichester (Committee Decision)	Buryfield Cottage, Sheepwash, Elstead, Midhurst, West Sussex GU29 0LA	Occupation of a dwelling house without complying with an agricultural occupancy condition.	D 15 February 2021

Inspector's Reasoning

- The appeal property was described as a two storey detached dwelling house set in the open countryside, close to agricultural buildings. Outline permission was granted for its erection by CDC on 14 August 1984 (referred to as the permission).
- Condition 3 of the permission restricts occupation of the property to those solely or mainly employed (or last employed) in the locality for agriculture.
- The appellant submitted an application for a certificate of lawfulness on 28 September 2021. The appellant was required to demonstrate, on the balance of probability that a breach of condition had occurred continuously for a period of 10 years at the date of the application.
- The 1985-6 built property was occupied by a cowman until 1991. The appellant moved into the house on 24 December 1991 as a tenant of Slate House Farms, an agricultural business. This company ceased trading in 1995 and the appellant has lived at Buryfield Cottage ever since.
- The appellant clarified that they retired from agriculture in 1995 with the demise of Slate House Farms. From then until 1999 the appellant considered their activities as a councillor on Elsted and Treyford Parish Council (ETPC) to be a 'part time interest'. As such they were of the opinion that they were 'last employed in the locality in agriculture', and this was accepted by the Authority.
- However, it was the view of the appellant that from May 1991 they no longer complied with the condition as they were elected to CDC and ETPC, and elected as a councillor to Harting Parish Council in 2015. They contended that these activities represented employment.

- The Authority argued that these activities from 1991 did not equate to the words “employed” and “employment” and therefore there was no breach.
- The appellant contested that there was no requirement for a person to be paid to be employed.
- There were various definitions of “employment”, but the Inspector afforded great weight to a Secretary of State decision in which the view was taken which favoured the principal of “employed” to mean having a “financially beneficial outcome”
- The Inspector then examined whether the work undertaken from 1991 was paid employment, as to fit under an employment basis. The appellant provided a court of appeal decision indicating that activities as a councillor equated to ‘work’ in the Local Government Act 1972 (LGA). The Inspector dismissed this claim as it was to be interpreted only in terms of the LGA.
- The appellant further argued that there was remuneration for councillors,
- The evidence provided demonstrated that the appellant had not been employed in agriculture since 1995. Whilst it was accepted that the activities since 1999 were work, they did not accord to “employed” and “employment” set out in condition 3. The appellant was unable to demonstrate 10 years of occupation without complying with the condition, and the appeal was dismissed.

Costs Decision – Refused

- The appellant claimed that the SDNPA failed to give full and proper attention to the application which resulted in the wrong decision being made by the Planning Committee and that the SDNPA misinformed itself on the meaning of the words “employed” and ‘employment’ and failed to consider them in the light of the *Parker v Yeo CoA* [6 October 1992] appeal.
- The Inspector noted that the officer report referred to a number of court decisions, including, though not explicitly referencing, the Parker case. The Inspector found that the SDNPA position was well-reasoned and reached an opposing view, which was not considered to be unreasonable.
- The Inspector noted that the appellant was able to counter the officer’s position and recommendation, and found that members of the committee were not misled.
- Overall, the costs award was refused.

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Planning Application No	Authority	Site	Description of Development	Decision
SDNP/20/01514/HOUS D/4001361	SDNPA	Pailin House, 6 Kings Ride, Alfriston BN26 5XP	First floor extension over garage.	A 19 February 2021
Inspector's Reasoning <ul style="list-style-type: none"> The appeal site was located within Alfriston village. Kings Ride runs westward from the village centre, and forms part of the South Downs Way. A previous scheme was dismissed at appeal, on the grounds the addition would not be subordinate and would have a significant adverse effect on the street scene due to its visibility. In comparison, the appeal proposal was much reduced in height and bulk (eaves 300mm below main house and ridge height 760mm below ridge of main dwelling). The fenestration was also simplified with a single large window above the garage. The Inspector considered that the amended design would ensure it would appear subordinate and complementary. In addition, the external materials would match the host dwelling and the use of tile hanging would ensure a recessive appearance. The Inspector also noted that the resultant dwelling would be proportionate in size to its plot and not dissimilar to the scale of properties nearby. The flank gable would be visible in views from the east along Kings Ride, but would be set against the larger gable end of the existing dwelling and would not protrude further from the rear elevation. The Inspector concluded that the proposal would accord with policies SD5 and SD31 and planning permission was granted. 				
Planning Application No	Authority	Site	Description of Development	Decision
SDNP/19/01876/FUL APP/Y9507/W/20/3254915	SDNPA (Planning Committee)	Soldiers Field House, Soldiers Field Lane, Findon, BN14 0SH	Demolition of existing dwelling and construction of 12 dwellings, public open space, access, parking and landscaping and other associated works.	A 24 February 2021
Inspector's Reasoning <ul style="list-style-type: none"> The appeal site was located on the eastern edge of Findon. The village's historic core was surrounded by a mix of suburban estate type development. The existing houses to the west of the site comprised predominantly of large modern detached housing in cul-de-sacs. 				

- Policy SD70 of the SDLP allocates the site for 10-12 dwellings.
- The main dispute between the parties was whether the design would positively enhance the contribution of the site to the Downland landscape and the character of the village edge. The appellant accepted that there were a number of design approaches that could be adopted, and design officers commented that a number of approaches were tested.
- The appellant adopted a landscape led agricultural farmstead approach. The result was an informal layout of dwellings set around a central space, akin to a cluster of agricultural buildings forming a traditional farmstead. The appellant contended that the approach was formed through an understanding of the landscape and informal farmsteads, a feature of the surrounding Downland, all whilst providing benefits in relation to landscape, ecology and biodiversity.
- The Inspector, found that the proposed design worked extremely well in this location. The 'barn form' design, appropriate massing, spacious layout, high quality hard and soft landscaping would result in a high quality, low density development and would make a positive contribution to the character and appearance of the Findon area.
- The Inspector noted that outside of Findon's historic core, there was no uniform style to the modern housing. Within this context, the Inspector felt that the appeal proposal would be of a much higher quality design and finish. It was felt particular attention was given to the views of the site from the south and east to minimise dominance in views and include detailing and materials that do not attract attention.
- Furthermore, whilst the proposed dwellings would be visible, the views would be similar to that of existing properties in the village, which would provide a backdrop to the appeal site. The proposed development would also be viewed in the context of the poor quality large buildings that form part of Soldiers Field Stables to the north of the site.
- The large host building, tennis courts, and swimming pool would be replaced by evenly spread dwellings. Combined with an extensive native tree hedge, the proposal was found to provide a natural edge to the village. The use of tree lined lanes, attenuation basin, areas of grass/wildflowers would enhance the integration of the site within the local landscape character.
- The Inspector stated that the authorities design preference was for an equestrian approach, referring to the long established equestrian heritage of Findon. However, the Inspector explained that this was not the only approach to the redevelopment, and no evidence was provided to indicate that a different approach would represent appropriate solution that could secure the same benefits. In addition, this preference was not reflected within policy SD70.
- The second reason for refusal, relating to affordable housing, was addressed by the signing of a S106 agreement to provide 6 units of affordable housing.
- Other concerns, such as road safety, drainage, local infrastructure ownership/maintenance of the lane, archaeology were raised. Some items were addressed by conditions, but the Inspector found no evidence that the remainder of concerns would result in material harm.
- The Inspector found that the proposal would accord with the SDLP, Neighbourhood Plan, and NPPF policies and therefore the appeal was allowed.

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Planning Application No	Authority	Site	Description of Development	Decision
SDNP/19/04720/FUL APP/Y9507/W/20/3255468	SDNPA (Planning Committee)	Former Tews Engineering, Rear of 34 Lavant Street, Petersfield GU32 3EF	Erection of 29 apartments and approximately 241 square metres of office floor space following demolition of existing buildings.	D 26 February 2021
Inspector's Reasoning <ul style="list-style-type: none"> The proposal would provide 29 flats, of which 3 one bedroomed units would be provided as 1x shared ownership unit and 2x affordable rented units. This provision of 10% affordable homes was acknowledged as being significantly below the 50% affordable homes required by SD28 for a scheme of this size. The appellant provided an Economic Viability Assessment (EVA) to justify the level of affordable units proposed and the Authority commissioned an independent review which was updated during the course of the appeal that demonstrated that 5 affordable units could be financially viable. The disagreements regarding the viability assessments were centred on the Benchmark Land Value (BLV), the site's Existing Use Value (EUV), and a possible Alternative Use Value (AUV). The appellant also submitted a Commercial Viability Report (CVR) which provided an assessment on the suitability of the site for ongoing commercial occupation. It indicated that the existing warehouse, store building and retail unit were unsuitable for modern occupiers and a continued commercial use, with access to the site impractical for HGV access. The report concluded that the site would create a negative land value. The Inspector noted that the existing use had generated very limited interest as demonstrated by the CVR, but appeared to contradict the appellant's view of the EUV or AUV of the site. The CVR would therefore support a £nil value due to there being no value in either the existing or alternative use. Both parties agreed that this £nil value would not persuade a landowner to sell the site. The Inspector raised concerns that the appellants BLV did not fully reflect the value of the site, and that proposed by the Authority was more realistic. The Inspector also accepted that the external works and abnormal works costs and professional fees advocated by the appellant were not unreasonable. However, whilst the different inputs would inevitably impact bank charges and interest, it was concluded that the 'surplus' for affordable housing was potentially greater than that offered by the appellant. 				

- The submitted 'Unilateral Undertaking' did include a clawback clause to secure a further financial contribution towards affordable housing should market conditions dictate greater developer profit. The Inspector stated that the clause would mitigate against a lower proportion of affordable housing being provided, however it did not overcome the shortfall in the proposed provision arising from the BLV. Therefore, the proposed development would not make adequate provision for affordable housing and was therefore in conflict with Policy SD28 of the SDLP and Policy HP6 of the Petersfield Neighbourhood Plan
- The Inspector then moved onto to deal with the character and appearance of the appeal proposal. The site was located within Petersfield Conservation Area (PCA), next to the railway station, which was identified as a principal focal point and gateway to the National Park.
- The limited width of the plot would create a tall and narrow development. The proposals height and scale would make it prominent from both the station and approaching the area from the town centre, and it would provide a visual stop to the line of built development along Lavant Street. However, the proposed windows were tall and narrow, which would add vertical emphasis, and would be in stark contrast with neighbouring properties with more generous bay windows.
- The station elevation would be wider with a large pitched roof and high gable feature facing towards the station. The design of the windows were similar to that to the Lavant Street Elevation, but were considered less apparent in the context of other buildings. The Inspector accepted that the stepped pitch roof, would give the proposed frontage an irregular appearance which would add visual interest.
- All of the windows would be painted aluminium, which would suit a contemporary building, but not a traditional material of the PCA. The windows would also be a simple form with no glazing bars, unlike characteristic buildings within PCA, making them appear bland and uncharacteristic.
- The Inspector found that the use of contrasting brick and detailing would provide prominence to the building. But there was little in the design or use of materials that would link the development to the National Park, enabling its role as a gateway building.
- Limited details had been provided regarding the proposed shopfronts, and the appellant proposed that the details could be secured via condition. However, the Inspector ruled that as was a key element of the building and how it is experienced by visitors, in addition to shopfronts being a key priority in the CAMP and sensitive to character and appearance of the PCA, the detail would need to be secured as part of the overall design.
- The poor design and arrangements of windows, use of sympathetic materials and the lack of detail around the design of the shopfront on a prominent building was considered to contribute to harm, and fail to preserve and enhance the character and appearance of the PCA as a whole. The harm would be less than substantial, however the public benefit of additional housing and reuse of the site would not outweigh this harm. The Inspector dismissed the appeal.

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Planning Application No	Authority	Site	Description of Development	Decision
SDNP/16/06034/LDE APP/Y9507/X/19/3234115	East Hants	The Cabin, Hawkley Road, Liss GU33 6JS	Certificate of lawful use as C3 – Dwellinghouse.	D 01 March 2021
<p>Inspector's Reasoning</p> <ul style="list-style-type: none"> • The cabin was described as a small timber structure with an internal floor are of approximately 8.5sqm. It was noted as being equivalent to a domestic garden shed. There was a timber pergola and outside toilet broadly attached. • The appellant argued the cabin had been in its present location since January 2000, which was not contested by the Authority, and therefore has permanence. • The Inspector described the cabin as being affixed to the ground principally by its weight transferred to staddle stones which were partially set into the ground. Therefore it was described as having physical attachment to the ground. In addition, the Inspector received no evidence to demonstrate that the building could be removed and transported without requiring demolition. • Therefore, the relevant period for the determination of a certificate was 4 years preceding the date of application. • The Inspector noted that there was a single basic kitchen unit, chair, chest of drawers and partial fireplace, upon inspection, but acknowledged this was not within the relevant period. • The appellant's statutory declaration explained that the use of the cabin started as occasional use for holidays, and around six years prior to the declaration was turned into continuous occupation. The statement then stated there was no clear date for this change, for which the Inspector concluded led to considerable doubt. • The appellant provided a number invoices and bills, including information from the local police. However the Inspector explained that it did not demonstrate or corroborate that the cabin was used, on the balance of probability, as a dwellinghouse for the relevant period. • The Inspector concluded that the evidence provided was limited and imprecise, and therefore did not demonstrate the requirements for a certificate of lawful use. The appeal was dismissed accordingly. 				

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Planning Application No	Authority	Site	Description of Development	Decision
SDNP/20/01982/HOUS APP/Y9507/D/20/3263994	Chichester	Wayside, A286 Cobblers Row, Singleton, PO18 0HD	Single storey detached garage.	A 01 March 2021
Inspector's Reasoning <ul style="list-style-type: none"> The proposed garage would be sited to the front of the existing dwelling. The Inspector viewed the proposed garage as subservient to the host dwelling. The property was enclosed by substantial mature hedges, which provided screening to views from the street scene. Nonetheless, the Inspector found that if the hedges were removed, the garage would remain subservient. Views of the appeal site from the north were limited due to the curvature in the road and the presence of trees. In closer views it was viewed within the context of surrounding built development, and Singleton Conservation Area. In the immediate vicinity, neighbouring properties were set back from the within plots, but were varied in scale and design, including their siting. The dwelling within the appeal site was located behind the front elevation of both neighbouring properties, which the Inspector therefore decided the building line was not a defining characteristic of the nearby development. Within the local context, the proposed garage would not be an inappropriate or incongruous addition to the site and would reflect the layout of development in the wider area. Furthermore, the Inspector added that the garage would not be visually dominant. The scheme was considered to accord with policies SD1, SD4, SD5, SD6 and SD15 and the appeal was allowed. 				
Planning Application No	Authority	Site	Description of Development	Decision
SDNP/20/01482/FUL APP/Y9507/W/20/3255985	East Hants	Windward, Reservoir Lane, Petersfield, Hampshire GU32 2HY	Detached dwelling and garage revision to that approved under application SDNP/19/02810/FUL.	D 01 March 2021
Inspector's Reasoning				

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- The site was located outside the Settlement boundary (SD25) and partly within the Defined Development Boundary (DBB) of Petersfield, in an area identified for future self-build housing (site H11) in the Petersfield Neighbourhood Plan 2013-28 (PNP). The appeal site was located behind a recently planted hedge, elevated above Reservoir Lane. The view from the Lane, made the appeal site appear as the edge of the countryside rather than an urban streetscape, positively contributing to the rural character of the National Park.
- The Inspector noted that the positioning of the dwelling would be seen to be an addition, rather than part of the H11 site. When seen from the lane, the development would fill the gap between the existing dwelling and the H11 site. The Inspector found that this would create the appearance of a new, denser and extended urban edge. It was concluded that the development would harm, rather than evolve, the intrinsic value of the landscape.
- It was acknowledged that there was an extant permission for a dwelling and garage, understood to be of similar scale and appearance. However, the Inspector clarified that this development would be situated wholly within the DBB and site H11 and therefore would be seen a part of it. Therefore, the Inspector afforded limited weight to the extant permission.
- The Inspector found that the development did not accord with policies SD4, SD25 of the SDLP, Policy 1 of the PMP or Policy BEP6 of the PNP.
- The second reason for a refusal was addressed by the appellants submitting a signed and dated Unilateral Undertaking to ensure the development was a self-build.
- Other matters addressed included the addition of an energy efficient self-build dwelling to the housing stock; preservation of the setting of the Listed Building located 125 metres away; and the appellant's arguments that no objections in relation to noise, biodiversity, accessibility to services, highway safety or drainage were received. However, the Inspector found that they did not outweigh the fact it would only be partly located on land identified for future development, with the remainder sitting outside of the DBB, harming that defined as countryside within the wider landscape of the National Park. Therefore, the appeal was dismissed.

Planning Application No	Authority	Site	Description of Development	Decision
SDNP/20/00069/HOUS D/4001789	Lewes (Planning Committee)	26 Shirley, Ditchling, BN6 8UD	Remodel to form a two-storey dwelling with single storey rear extension, two-storey side extension, raising the ridge to create a first floor and demolition of existing detached garage.	D 01 March 2021

Inspector's Reasoning

- The property was described as a three bedroom detached bungalow set within a private residential cul-de-sac. The existing dwelling satisfied the definition of a medium sized dwelling.
- The proposal would result in a two storey four-bedroomed dwelling with extensions to the north side and rear elevations, an infill extension and a remodelled roof with raised ridge and eaves height. The increase in floorspace would significantly exceed the 30% limit imposed by SD31.

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- The Inspector confirmed that both the additional bedroom and the increased floor area would result in a loss of a medium sized dwelling.
- The Inspector acknowledged that the appellant grew up in the area and had strong local ties, however this did not represent exceptional circumstances.
- Other examples of increasing dwelling sizes were given, but were not comparable as they were granted before the SDLP, or they were not medium dwellings in the first place.
- The proposal did not accord with Policy SD3I and the appeal was dismissed.

Planning Application No	Authority	Site	Description of Development	Decision
SDNP/19/01713/FUL APP/Y9507/W/19/3242880	SDNPA (Planning Committee)	Garretts Copse, Moorhen Lane, South Harting GU31 5PD	Change of use from agricultural land to site for 2 showmen's plots	D 02 March 2021

Inspector's Reasoning

- The appeal site was described as being an irregular parcel of land approximately 0.4ha. Access was via a narrow and enclosed historic rural lane across a strip of common land. Access was shared with a larger pastoral field which wrapped around the appeal site.
- The Landscape Character Assessment set out that historically the area would have been wooded. Garrett's Copse, immediately to the south of the site was Ancient Woodland. The appellants LVIA described the site border as marked by a modest self-seeded bund. There was also some immature non-native planting around the sites frontage by Moorhen Lane. The Inspector was advised that the site previously formed part of a nineteenth century farmstead, however this was found to be barely appreciable due to the passage of time.
- The landform and character, paucity of nearby rights of way, resulted in limited visibility of the appeal site, except from views from the site access and fleeting views through hedgerow from Moorhen Lane. Very few buildings were noted around the appeal site; the settlement pattern in the area was described as a scattering of isolated farmsteads. The Inspector found that the site and surroundings have a historic, intimate and beguiling character. There were strong features of tranquillity and natural darkness.
- The proposal would result in two show person's plots. Each intended to provide space for a mobile home, touring caravan, storage shed, and parking. An area for maintenance and repair of equipment would be located in the north-eastern corner of the site with an acoustic fence around it. Access would be improved with a new permeable aggregate.
- The appellants argued that the scheme would have a negligible or beneficial effect due to new planting and improvement on the unkempt site. However the Inspector disagreed, and noted that the proposal would fundamentally alter the character owing to the manmade structure and

surfaces, paraphernalia and pressure to maintain the site to domestic standards. The design of the homes were standardised geometric forms which did not form any relationship to the organic character of the site and surroundings, nor nearby buildings. The 2.5m acoustic fence would be at odds with the established field boundaries.

- Furthermore, the existing unkempt state of the site and non-native planting did not fundamentally alter the character of the site or its consistency with its surroundings. Views would be fleeting and partial, however the Inspector explained that site access would need to remain unobstructed, enabling views across it from Moorhen Lane.
- The proposal would affect tranquillity and natural darkness, and whilst the appellants indicate how these would be relatively limited, the proposal would dilute strong characteristic features of the area.
- For the reasons above, the Inspector deemed that the scheme would have a significant adverse effect on local character and be contrary to policies SD1, SD4, SD5, SD6 and SD7, along with relevant elements of NPPF paragraph 172.

Accessibility

- The appeal site was described to be in a location remote from services and facilities catering for day-to-day needs. The site is located four kilometres (about a 40 minute walk) from services, with no dedicated footpath on the lane, no lighting, giving rise to the need for the private vehicle. There was no indication that the bus services were sufficiently frequent to make them preferable. Whilst two dwellings vehicle movements and emissions would be relatively modest, there would nevertheless be some adverse environmental implications. The Inspector concluded that the sites location would be in conflict with expectations of the Government's Planning Policy for Travellers Sites and NPPF.

Plot Supply

- The Inspector confirmed that there was evidence of significant demand for travelling show persons' plots around the National Park relative to supply. They found no substantive evidence that circumstances in the area of administrative overlap between SDNPA and Chichester District Council have altered significantly since the adoption of the Local Plan. The benefits arising from the proposal in respect of plot provision would therefore be limited. The proposal would advance equality and opportunity by providing spaciousness and privacy for the occupants.

Personal Circumstances

- The appellants argued that the current conditions of their existing plot were cramped, and attested to antisocial behaviour towards them. However, the Inspector found limited weight to support these, and noted that complaints of this type were not remedied by the planning process.
- The Inspector found that the appellants grandchildren have integrated well, and they are in close proximity to a doctor's surgery. This would be in contrast to the proposed appeal site.
- The appellant's evidence to identify alternative accommodation demonstrated a very limited period of activity and not in all administrative boundaries close by. Temporary permissions were considered, but the proposal was still considered to cause harm.

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- The appellant's argument for 'exceptional occasion' to justify granting permission were therefore deemed insufficient and the Inspector found that other material considerations were not sufficient to alter the conclusion of the development proposed.

Planning Application No	Authority	Site	Description of Development	Decision
SDNP/20/02297/HOUS APP/Y9507/D/20/3262454	East Hants	15 Pulens Crescent, Petersfield GU31 4DW	First floor rear extension.	D 04 March 2021

Inspector's Reasoning

- The appeal property was a two storey detached dwelling, set in a plot with a long back garden, in the suburban residential area of Petersfield. The site was located within the settlement policy boundary (SD25).
- It had side/rear single-storey flat-roofed additions, granted in May 2016, and extended across the full width of the building and infill the original L-shaped two-storey building footprint. The appeal proposal would be positioned above the existing single storey building, and replace an existing first floor subsidiary rear projection.
- The appellants contested the GIA increase, (comprised of the dwelling and a sun lounge approved in 1979) and stated the appeal proposal would reflect a 38% increase as oppose to the 62% stated by the Authority.
- The Inspector concluded that they did not have sufficient information from either party to ascertain the correct percentage increase, however both parties agreed the amount was over the policy threshold.
- The Inspector explained that even taking the best case scenario represented an 8% difference over the policy stipulation, for which was thought to be too large to be considered 'approximately 30%', as per SD31. They explained that in their mind, the terms would allow for rounding up or down to the nearest whole number.
- The Inspector examined any potential 'exceptional circumstances' and contemplated the design in terms of an enhancement to the appearance of the dwelling, in case this gave rise to other considerations. However, no exceptional family needs were presented and the existing extensions were deemed not to be unduly harmful to the character and appearance of the host property.
- Therefore no other reasons outweigh the conflict with SD31, and therefore the appeal was dismissed.

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Planning Application No	Authority	Site	Description of Development	Decision
SDNP/18/05914/FUL W/4001199	Horsham (Planning Committee)	West Sussex Golf Club, Golf Club Lane, Wiggonholt RH20 2EN	Change of use of land for extension to existing golf course for 6-hole practice short course.	D 18 March 2021
Inspector's Reasoning <ul style="list-style-type: none"> The long established golf club (West Sussex Golf Club) covered in excess of 89 hectares. Adjacent to the appeal site was Hurston Farm equestrian centre, and immediately to the appeal site's boundary was a sand school. The Inspector described the sound of a golf ball strike would be momentary, and already established in the vicinity. However, it was clear that the appeal proposal would result in an intensification of the striking of balls, and associated noise. The current openness of the site and clear absences of significant planting along the boundary, would mean the noise would be audible from the adjacent property. The appellants proposed noise mitigation was in the form of additional planting, however the Inspector found that on the evidence provided it would have an extremely limited impact. It was acknowledged that there was already an existing level of noise, and that the adjacent horses could become accustomed to additional noise. However, the Inspector found that the proposal would bring noise significantly closer to the neighbouring property and would be harmful. Therefore, the proposal was contrary to Policy SD5. Other matters addressed, but did not mitigate the harmful impact, were the distances and orientation of the proposal protecting against the effect of lone golf balls on the nearby bridleway and the potential increase recreational facilities. Therefore, the appeal was dismissed. 				

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Planning Application No	Authority	Site	Description of Development	Decision
SDNP/18/05444/FUL APP/Y9507/W/20/3256462	SDNPA (Planning Committee)	Garden Street Auction Rooms, Garden Street, Lewes BN7 1TJ	Redevelopment of 'former auction rooms' into ten residential units comprising four no. two-bed split-level apartments, two no. three bedroom houses and four no. four-bedroom houses.	A 06 April 2021
Inspector's Reasoning <ul style="list-style-type: none"> • This site was unused and occupied by two corrugated metal buildings with a large area of hardstanding and brick retaining wall. The topography of the site and its relationship with the road junction appeared to have been derived from levels of the railway and tunnel mouth. • The effect of the existing buildings on the Conservation Area were described as neutral at best, and harmful in some views. With an acceptable replacement scheme it was accepted that demolition and clearance of the site would not be objected to. • The site was close to the boundary wall of Southover Grange Gardens, and historic open space with Listed Buildings at the further end. Lewes Railway Station was also highlighted as being Listed, spanning the diverging tracks on the elevated Station Road. Lewes Castle was noted to be prominent in views from the Mount. • The site was allocated for 10 dwellings under Policy PL1.B of the Lewes Neighbourhood Plan and therefore there was no in principal objection. • The Inspector noted that the proposed buildings would introduce a greater height than the existing townscape. There would be more places that the buildings would be visible, but in many views the building would be subsumed within rising ground and higher forms beyond. • The different distribution of buildings on the site would reinstate an urban frontage so the overall effect would be beneficial to the townscape, containing views alongside the wall to the gardens. The same applied to views along the other two limbs of neighbouring road where the site would be clearly seen to be occupied by an urban form rather than incongruous corrugated metal. • The faceted appearance would fit well with the various planes and angles of the nearby houses to the south, and in views would add variety and interest. The use of materials were considered contemporary but appropriate to mixed townscape. • The Inspector ruled that the effect on heritage assets would be acceptable and noted other examples where good quality modern interventions were successful. • The Inspector considered the proposals design quality to accord with policy and was appropriate to the degraded and prominent site. 				

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- The Authority were provided with considerable evidence to show that the provision of affordable housing was not viable. A legal agreement was put in place to review the affordable housing provision, which was accepted by the Inspector.
- The Inspector concluded that the site would not cause harm to the character and appearance of the Conservation Area, or other designated assets and would result in an enhancement in some close views. The proposal was thought to be of high quality design, and there was a mechanism to revisit the affordable housing provision. Therefore, the Inspector allowed the appeal.

Costs Decision – Refused

- The appellant raised concern regarding the process and timescale for the production of the legal agreement, which was completed on 18 January 2021.
- The Inspector found that there was not a clear case of failure to co-operate, or unreasonable delay due to the pandemic, and noted that there was not an overall delay to the scheme through the production of the agreement. Therefore, unreasonable or wasted expense was not demonstrated and the award of costs was refused.

Planning Application No	Authority	Site	Description of Development	Decision
SDNP/20/03199/HOUS APP/Z3825/D/20/3264400	Horsham	Paget, Henfield Road, Small Dole, BN5 9XH	Erection of a double storey annex with attached double garage and shed.	D 09 April 2021

Inspector's Reasoning

- The site was located outside of the settlement boundary (SD25).
- The proposal would result in the floorspace being increased by approximately 200-300%, and therefore would be over the 30% limit set out in Policy SD31.
- The proposal would be located at the south western end of the site, whereas the host dwelling was located at the north eastern end. Other than the driveway, there would be no physical link or close interaction between them, and the Inspector was not convinced there was a demonstrable functional link.
- The footprint of the building is substantial; the width would be similar to that of the host dwelling. The two storey proposal was not “modest” and neither would it be subordinate to the host dwelling.

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- No exceptional circumstance were provided by the appellants to justify exceeding the criteria in policy SD31.
- In relation to the character and appearance of the proposal, the existing neighbouring properties were large with spacious gardens. Some had outbuildings, but were discrete, small and subordinate to the hosts.
- The appellants argued that there were some biodiversity gains (log pile and wildflower planting) and the trees to the rear of the property would be retained and protected. However, it was questioned whether the trees would be in the appellant's ownership or control.
- The Inspector noted the trees would provide some screening, but the proposal would be highly visible from various public vantage points on the lane and public footpath. Due to the substantial scale, the building would be dominant, and therefore not conserve or enhance the character of the area.
- The use of flat roofs and balconies in combination with the substantial scale accentuated the failure of the proposal with regard to local distinctiveness.
- As a result, the Inspector dismissed the appeal.

Planning Application No	Authority	Site	Description of Development	Decision
SDNP/19/05938/HOUS APPEAL A - Appeal Ref: APP/Y9507/W/20/3249478 SDNP/19/05939/LIS APPEAL B - Appeal Ref: APP/Y9507/Y/20/3249490	Chichester	Aldworth Farm, Jobsons Lane, Lurgashall GU27 3BY	Two storey rear extension to northern wing. Minor internal alterations and replacement fenestration to south west extended section and north east extended section.	D 19 April 2021 D 19 April 2021

Inspector's Reasoning

- The Inspector confirmed that the special interest of the building stemmed from its architectural interest. The building was said to date from 16th Century, with later alterations and extension from 18th and 20th Century.

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- The proposed extension would be substantial in scale, particularly in length, compared to the relatively modest proportions of the historic core. The proposal would appear unduly dominant on the most architecturally significant section of the building. Whilst the roof would be designed to have a lower ridge height, the design would be incongruous to the existing building.
- The appellants had an extant permission for an extension with a higher ridgeline and cat slide roof, however the Inspector determined that the proposed flat valley roof form, whilst resulting in a marginal length increase would be sufficient to make the northern wing appear bulkier and dominant and ultimately more harmful to the significance of the Listed Building. As such, the Inspector afforded significantly limited weight to the extant permission.
- The proposed new slimlite double glazed windows and doors would match the existing units within the later extensions. As such, the proposal would not cause additional harm to the architectural interest of the listed building.
- The Inspector identified the harm to be less than substantial, but nevertheless of importance and afforded considerable weight. Benefits would largely be private, with very limited public benefits which were insufficient to outweigh the harm identified. On balance, the Inspector determined that the appeal proposal would fail to preserve the special historic interest of the Grade II Listed Building, and fail to satisfy paragraph 192 of the NPPF and policies SD12 and SD13 of the SDLP. The Inspector also concluded that it would fail to satisfy policies SD5 and SD31 of the SDLP which seek appropriate and sympathetic designs which respect local character.

Planning Application No	Authority	Site	Description of Development	Decision
SDNP/20/03281/HOUS APP/Y9507/D/21/3267935	Chichester	Sybs Farm, Jobsons Lane, Windfall Wood Common, Lurgashall GU27 3BX	Replacement garage with ancillary accommodation.	D 21 April 2021

Inspector's Reasoning

- Both parties accepted that the extension would increase the floorspace above the 30% threshold within Policy SD31.
- The appeal property was not considered to fall within the definition of a small to medium home, and as such the proposal would not result in the loss of one.
- However, the Inspector found that the proposal would be of considerable bulk, height and scale. Whilst some screening would be provided, the size and scale and topography of the site would mean that the building would be clearly visible. The proposal would be intrusive and have an adverse impact on the character and appearance of the area.

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<ul style="list-style-type: none"> The Listed Building of Sybs Farm, located immediately south of the existing garage, was described as detached, tile roof, sitting in a substantial plot. The proposal would sit on an elevated part of land, and due to its greater scale, bulk and mass, would be visually prominent development. As a result the proposal would undermine the legibility of Sybs Farm as a historical, vernacular rural dwelling, diminishing its significance. The proposal would fail to conserve and enhance the local character, historic environment, and the significance of the Listed Building, and the appeal was dismissed. 				
Planning Application No	Authority	Site	Judicial Review	Decision
SDNP/19/06035/FUL	SDNPA	Land South West of Woodcote Manor Cottages Petersfield Road Bramdean Alresford Hampshire SO24 0LR	Application for judicial review in respect of decision to grant permission for a proposed Agricultural Grain Store, Agricultural Building and Associated Infrastructure (Inclusive of Hardstanding, Attenuation Pond and Landscaping)	A 04 May 2021
<ul style="list-style-type: none"> The SDNPA planning committee granted planning permission for application SDNP/19/06035/FUL on 14th December 2020 for “an agricultural grain store, agricultural building and associated infrastructure (inclusive of hard standing, attenuation pond and landscaping)” at land to the south west of Woodcote Manor Cottages, Petersfield Road, Bramdean. The owner of an adjacent listed property, Woodcote Manor, challenged the decision of the SDNPA through Judicial review. The application for judicial review was brought on three grounds which can be summarised as follows:- <ul style="list-style-type: none"> Ground 1 – Major development in the National Park. Failure to have regard to the principle of consistency of decision making/error of fact between previous decisions and the application for planning permission or failure to give reasons as to why the development was not ‘major development’. Failure to apply the correct test in assessing ‘major development’. Ground 2 – Heritage impact. Assessment and weight of impact of the development upon Woodcote Manor and the Gardeners cottage. Ground 3 – Noise impact and conditions. Imposition of unlawful noise conditions and condition dealing with traffic impact. The SDNPA conceded the claim on the basis that a material error of fact occurred when explaining the differences between an earlier application in 2018 and the proposed development, in relation to the reason why the earlier application in 2018 was considered major development and the proposed development was not. The permission was quashed by a court order. 				

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Planning Application No	Authority	Site	Description of Development	Decision
SDNP/19/06009/LDP APP/L3815/X/20/3256176	Chichester	Meadow Cottage, Hawksfold Lane East, Fernhurst GU27 3JW	Single-storey rear extension	D 04 May 2021
<p>Inspector's Reasoning</p> <ul style="list-style-type: none"> The basis for the appeal was whether the proposal would meet the requirements of Permitted Development under Class A. All parties agreed that the proposal, which consisted of a single storey extension across the entire rear elevation (which included an additional lean-to), would meet the relevant limitations in Class A paragraph A.1 (b)-(f) and (i), and A.2 (a), (c), and (d). However, the limitation at paragraph A.1 (j)(iii) does not permit an extension beyond a wall forming the side elevation of the original dwelling to be of a width greater than half that of the original structure. Additionally, Paragraph A.2 (b) does not permit extending beyond a wall forming a side elevation of the original dwelling. The definition of 'original' in the GPDO at Article 2(1) is as it existed on 1 July 1948. The Inspector found that the existing lean-to was of more recent origin, with evidence being supplied insufficient to show that the lean-to originated prior to 1 July 1948. Therefore, the existing lean-to was not regarded as the 'original' dwelling. The proposed development would span the width of the rear elevation, which included the additional lean-to. Therefore, the proposal would extend beyond the side elevation of the original house, and the appeal was dismissed. <p>Costs Decision – Refused</p> <ul style="list-style-type: none"> The appellants applied for an award of partial costs on the basis that the SDNPA introduced a new reason for refusal in their appeal statement. The Inspector agreed that by introducing new reasons for refusal this could be seen to be unreasonable behaviour. However, the applicants written submissions in respect of the new matter were brief, and were unlikely to have been great and would not amount to extra expense. Therefore, it was not clearly demonstrated that the SDNPA's actions resulted in the applicant incurring unnecessary or waste expense, and the costs award was refused. 				

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Planning Application No	Authority	Site	Description of Development	Decision
SDNP/20/00708/FUL APP/Y9507/W/20/3259372	Winchester	Hayden Barn Cottage, Hayden Lane, Warnford SO32 3LF	Erection of private recreational stable and extension of track.	D 06 May 2021
<p>Inspector's Reasoning</p> <ul style="list-style-type: none"> • The existing paddock lied to the north of the appellants dwelling and garden, and to the east of an area of woodland. • The Inspector noted that the appeal site was an enclosed manicured paddock, seen in close association with the host dwelling. The dwelling hosted a degree of visibility in wider public viewpoints and public rights of way. The current track, whilst not as visible from public viewpoints, was unsympathetic and appeared overly large and coarse. • The stable block, to be relocated from elsewhere, was thought to be modest in scale, and the intention to stain the relatively new timber to darken the finish would make it more recessive in the landscape. Minor alterations to the land level would be required, but to a lesser extent than was necessary to accommodate the building in its current position. • The Inspector found that the modest scale was not disproportionate to the existing paddock, or out of context with the landscape, given the proximity to domestic buildings. • It was concluded that the proposal would not have a harmful effect on the character or appearance of the area, and complied with Policies SD4 and SD24 of the SDLP. • The use of the site was undisputed as agricultural land, with the keeping of horses for grazing being permitted under this use. The intention of grazing 2 to 3 horses in the paddock would require supplemental feed, which would be contradictory to a wholly or primarily grazing basis for legitimate agricultural use. The Inspector confirmed that the stable block would go beyond the basic provision of shelter, and would not have a functional relationship with the agricultural use. Therefore, the proposal would result in a material change in the use of the land. • The Inspector noted that broadening the description of the proposal to include a change of use would not be possible, as the material alteration could prejudice the interests of others. • Therefore, it was confirmed that the agricultural use of the land would not support the keeping of horses and the appeal was dismissed. 				

