

Summary of main findings

0.1 It is a requirement of the Localism Act that this report should contain a summary of its main findings. The reasons for each of the recommendations are given in the following sections of the report.

0.2 The principal findings in this report are that the draft plan, subject to the modifications recommended in this report, meets the basic conditions as set out in the 1990 Act, does not breach and is otherwise compatible with EU obligations and is compatible with Convention Rights.

0.3 My main recommendations for modifications to the individual policies are:-

- Policy 1 (A Spatial Plan) is to be amended to clarify its application and to omit reference to the Nuthurst Parish Settlement Boundaries which are to be deleted from the Policies Map. The site allocation policies 2-10 to stand alone.
- The references to houses being no more than two storeys in height is to be removed from policies 2-6 and 8.
- The wording of the criteria in policy 2 (Swallowfield Nursery) is to be amended and an additional criterion inserted to refer to the non-designated heritage asset of Swallowfield House.
- Policy 7 (Keatings) is to be deleted.
- Policy 10 (White Horse) is to be re-worded to clarify its implementation.
- Policy 11 (Managing Housing Delivery) is to be deleted.
- A criterion is to be added to policy 14 (Education) requiring a site-specific flood risk assessment.
- Policy 15 (Broadband) is to be removed as a statutory policy.
- The wording of policy 16 (Local Green Spaces) is to be strengthened.
- Policy 17 is to be re-worded to include additional criteria taken from paragraph 4.63.

Introduction

Appointment

1.1 I have been appointed by the Horsham District Council, acting as the Local Planning Authority, under the provisions of the Localism Act 2011, to carry out an independent examination of the final draft Nuthurst Parish Neighbourhood Plan 2015-2031. The proposed plan was submitted to the Local Planning Authority in February 2015. Horsham District Council carried out publicity for the proposed plan for 6 weeks between 16 February and 30 March 2015 giving details of how representations might be made, in accordance with Regulation 16 of the Neighbourhood Plans (General) Regulations 2012 ('the 2012 Regulations'). I was sent the documentation required under Regulation 17 on 31 March 2015 including copies of all of the representations received under Regulation 16. I have taken that documentation into account in carrying out the examination.

1.2 I am a Chartered Town Planner (Member of the Royal Town Planning Institute) with over 40 years post-qualification professional experience in local and central government. I am independent of the Nuthurst Parish Council and of the Local Planning Authority. I have no land interests in any part of the plan area.

My rôle as an examiner

1.3 The terms of reference for the independent examination of a Neighbourhood Development Plan are statutory. They are set out in the Localism Act 2011 and in the 2012 Regulations. As an examiner I must consider whether the plan meets what are called 'the basic conditions'¹. In summary, these require me to:-

- Have regard to national policies and to advice contained in guidance issued by the Secretary of State;
- Consider whether the making of the plan contributes to the achievement of sustainable development;

¹ These are set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 (as introduced in Schedule 10 of the Localism Act 2011)

- Consider whether the plan is in general conformity with the strategic policies contained in the development plan for the area;
- Ensure that the plan does not breach, and is otherwise compatible with EU obligations relating to Strategic Environmental and Habitats Assessment and that the plan is compatible with Convention rights, within the meaning of the Human Rights Act 1998.
- Ensure that ‘prescribed conditions’ are met and ‘prescribed matters’ have been complied with in plan preparation and submission.

1.4 Legislation requires that my report on the draft plan should contain one of the following recommendations:-

- a) that the draft plan is submitted to a referendum, or
- b) that modifications are made to the draft plan and the modified plan is submitted to a referendum, or
- c) that the proposal for the plan is refused.

I may make recommendations for modifications which I consider need to be made to secure that the plan meets the basic conditions or for compatibility with EU obligations and (Human Rights) Convention Rights. The only other modifications which I may recommend are those to correct errors.

Procedural matters, including the need for a hearing

1.5 The Horsham District Council formally designated the parish of Nuthurst as a Neighbourhood Area on 31 October 2013. The plan relates solely to the designated area and has been submitted by the Nuthurst Parish Council as the ‘qualifying body’. The plan period is specified as 2015-2031 to align with the emerging Local Plan for the Horsham district. The plan does not relate to mineral extraction or waste development or to nationally significant infrastructure. The statutory requirements in these respects have been met.

1.6 The legislation states that the ‘general rule’ is that the examination of the issues by the examiner should take the form of the consideration of written representations. However, an examiner must hold a hearing ‘for the purpose of

receiving oral representations about an issue' where he or she considers a hearing 'is necessary to ensure adequate examination of the issue or a person has a fair chance to put a case'².

1.7 The Parish Council have submitted a Basic Conditions Statement in accordance with the Regulations. It provides a detailed assessment, including commentary in tabular form in relation to each of the policies in the plan, of the extent to which the plan meets the basic conditions, as summarised in paragraph 1.3 above. I have taken that assessment into account in my examination. From my initial appraisal of the plan and the representations made, bearing in mind the 'general rule' as stated in paragraph 1.6 above, I came to the view that I had sufficient information to enable me to undertake an adequate examination of the plan without the need to hold a public hearing.

1.8 In view of my initial conclusions on this matter I decided to visit Nuthurst parish at an early date so that I might fully appreciate the character of the neighbourhood and to gain a full understanding of the nature of the issues facing the local community. On 16 April 2015 I undertook a tour of the parish and viewed all of the sites identified in the plan for housing development and as local green spaces. I paid particular attention to the points raised in representations on the site-specific proposals in the plan.

1.9 I also deemed it advantageous to seek further clarification on certain points about the relationship of the plan proposals with the strategic policies of the development plan and the consistency of the plan with aspects national policy and guidance, as set out in the National Planning Policy Framework ('the NPPF') and Planning Policy Guidance (PPG). I chose to put those points for clarification in writing to Parish Council through the Local Planning Authority and did so by e-mail dated 5 May 2015. I received a response by e-mail on 26 May 2015. At my request, this exchange was placed in the public domain on the Horsham District Council web site. The written responses confirmed my initial view that it would not be necessary to arrange a hearing.

² Paragraph 9 of Schedule 4B to the 1990 Act (as in reference 1 above)

1.10 Prompted by the placing on the Council's web site of my notes and questions for clarification, I was forwarded, on 21 May 2015, as an e-mail attachment from the District Council, a copy of a letter dated 18 May from a group of representors with a particular interest in the plan proposal (Policy 2) for housing development at Swallowfield Nursery. This letter contains a formal request that, in accordance with National Planning Practice Guidance reference ID: 41-056-201403016, I should hold an 'oral or written hearing into the legitimacy of Policy 2' and that the group would like the opportunity to fairly represent themselves.

1.11 Not only was this request made at a very late stage in the examination process and well outside the statutory representation period but there is no provision in either the Act or Regulations which enables representors to make a request in this manner. The referenced paragraph in the PPG is but a repeat of the statutory provisions as summarised in paragraph 1.6 above. Furthermore, it is clear from the wording of paragraph 9 of Schedule 4B to the 1990 Act that it is for the examiner to consider whether, in the particular circumstances of the case, it is necessary to 'cause a hearing to be held'.

1.12 I have already indicated that I consider I have sufficient information in the form of the background evidence submitted in support of the plan, supplemented by the Parish Council's clarification of the points raised by me, to undertake an adequate examination. A good deal of material has also been submitted with the representations made about the Swallowfield Nursery site, such that I am able to fully evaluate that aspect of the plan against the basic conditions, as I am charged to do. I deal with this later in my report.

1.13 The fact that the legislation provides a general rule that the examination is to take the form of the consideration of written representations can only mean that this is an appropriate procedure in the majority of cases. Nevertheless, I accept that the procedure must be seen to be fair to all concerned.

1.14 The legislation does not make provision for the qualifying body to respond to the representations made on the plan under Regulation 16. It could, in itself, be

construed as unfair should an examiner give a significant amount of weight to new evidence presented as part of a representation, that is evidence which had not been put forward during earlier consultations stages, especially in a representation under Regulation 14. That is not the position in Nuthurst in relation to Policy 2 or its draft equivalent. There is also a long-standing convention in local planning procedures that the plan-making body should have the 'final say'. It is for that reason that I have accepted a statement from Nuthurst Parish Council in connection with plan Policy 11 in the face of concerns raised by the local planning authority but I have not accepted late submissions with regard to the site allocation at Swallowfield Nursery.

1.15 I have considered whether the nature of the points I raised with the Parish Council for clarification and their responses might be perceived as disadvantaging any representors by the introduction of new evidence which they ought, in all fairness, be given an opportunity to address. However, my questions were of a relatively general nature seeking information on some of the background material and the interpretation of neighbourhood plan policies, especially in terms of general conformity with the development plan. They do not raise any site specific questions in terms of the appropriateness or otherwise of Policy 2. I do not, therefore, consider that any issue of fairness arises. A hearing is not necessary for me to fairly, and properly, consider the case put forward by the representors. The written representations procedure is adequate.

Preparation of the plan and the pre-submission consultation process

2.1 As required by legislation, the Parish Council have submitted a Consultation Statement. It sets out in considerable detail the process of public engagement from initiation of the project in May 2013 through the establishment of a steering group in August 2013 and the formation of four focus groups to look at specific policy aspects. The baseline evidence prepared in support of the plan is extensive, including the carrying out of two parish-wide surveys during February 2014 which included a Housing Needs Survey. A dedicated web site was established to keep people informed on plan preparation and articles published in the parish magazine.

2.2 The community engagement processes followed through the plan preparation stages have been thorough and inclusive with widely advertised public open days arranged in two venues both at an early stage (November 2013) and to discuss plan options and to obtain views on possible sites (September 2014). Separate meetings were held with business interests, service providers and landowners as well as consultation events involving local schoolchildren. This was all as a forerunner to the formal (Regulation 14) consultation on the pre-submission plan which ran for 6 weeks from 7 November 2014.

2.3 Representations have been submitted which seek to establish that there were serious shortcomings in the consultation processes during the plan preparation stages. Amongst other things, it is suggested that the Chairman at a public meeting suppressed questioning, that there were insufficient opportunities for input to steering and focus group meetings and that site information was badly presented at the open day in September 2014 leading to people voting for options and site selections on the basis of misleading information. It is also suggested that the site selection criteria were altered without consultation and based on incorrect assumptions.

2.4 Although the site selection criteria, such as that relating to previously developed land, may differ from the nationally accepted definitions the basis for the selection is clear. They appear to have been understood by most participants, at least those making representation, many of whom are in favour of the chosen option for the plan. Even should there be some element of concern about detailed aspects of the procedures followed I do not consider that the plan preparation and community engagement process has been seriously flawed. Indeed, it seems to me that the Parish Council with the assistance of their consultants, Action in Rural Sussex, have painstakingly sought to follow the guidance in the PPG³ in engaging and involving the community at every stage in as open way as possible. It is inevitable that not everyone will be satisfied with the results but I am in little doubt that the submitted document represents the aspirations of the community as a whole. I find nothing to suggest that the community engagement process or the handling of the pre-submission (Regulation 14) stage has been so inadequate as to fail to meet the basic conditions⁴ in this regard.

³ Reference ID: 41-047-20140306

⁴ Sub-paragraphs a) and g) of Paragraph 8(2) in Schedule 4B to the Town and Country Planning Act 1990.

The Plan

3.1 In paragraph 1.3 above I have set out the terms of reference for my examination of the plan in accordance with the relevant Act and Regulations. In doing so I will first consider the consistency of the plan with the Human Rights Act and then whether EU Regulations have been complied with. I will then consider the extent to which the plan meets the basic conditions.

The Human Rights Act and EU Obligations

3.2 It is stated in paragraph 6.3 of the Basic Conditions Statement that the plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act. Although there is reference to this in one representation, I do not consider that the approach taken in the plan is other than fully compatible with Convention Rights.

3.3 Under EU Regulations⁵, a Strategic Environmental Assessment (SEA) may be required. In response to a request by the Parish Council on 7 April 2014, the Horsham District Council issued a determination ('screening opinion'), on 20 May, that an SEA would be required because the Neighbourhood Plan was expected to contain policies that may have significant environmental effects⁶ also indicating a preference for this to be done as part of a wider Sustainability Appraisal (SA). In anticipation of that determination a 'scoping letter' was sent by the Parish Council to statutory consultees on 29 April 2014 which set out the economic, social and environmental objectives and baseline data likely to support the plan. That was a consultation as required under Regulation 12(5). The onus is on the consultees to respond within 5 weeks. It gave plenty of time for the responses to be taken into account before the preparation of the 'Environmental Report' or draft SA which was made available for consultation at the same time as the draft plan, in November 2014.

3.4 There is criticism of the SA/SEA process in representations on several counts. It is suggested that the process was initiated too late to have had any real influence on the choice of sites and that alternatives have not been adequately evaluated with

⁵ The Strategic Environmental Assessment Directive, 2001/42/EC

⁶ Regulation 9 of the Environmental Assessment of Plans and Programmes Regulations, 2004

detailed questioning of site-specific attributes of the assessments. Attention is drawn to PPG guidance that work on an SEA should start at the 'earliest opportunity'.⁷ In this case the initial screening work and scoping was carried out some 7 months before consultation on the pre-submission plan. The timing of the consultation on the 'Environmental Report' was also entirely in line with good practice and is as shown in a flow-chart in the PPG⁸.

3.5 The alternatives evaluated in the SEA fall into three groups. For the overall spatial policy 1 the preferred distribution is compared to alternatives of allowing development only within the Mannings Heath built-up area boundary and allowing additional development on brownfield sites outside development boundaries. For the site specific policies 2-10 there is one alternative which is to apply the policies without mitigation measures and for policies 11-17 there is a 'policy off' option. I consider these alternatives to be realistic with that for policies 2-10 a reasonable proxy for the policy off scenario. In particular, the spatial alternative (option A) which was subject to public consultation, to focus development at Mannings Heath, is the existing development plan policy which it was fully appropriate to include. The evaluation against the objectives is also reasonably robust using proportionate evidence available at the time the assessment was undertaken. I do not accept that the SEA is seriously flawed such as to invalidate the process followed.

3.6 The plan-making body must also consider the provisions of the Habitats Regulations.⁹ It is stated in paragraph 6.2 of the Basic Conditions Statement that the plan area does not fall within the zones of influence of any European designated nature sites. In consultation, Natural England have confirmed that an 'appropriate assessment' under the Habitats Regulations is not required.

3.7 On the above basis, I am satisfied that the submitted plan meets EU environmental obligations and does not breach Convention Rights.

⁷ Reference ID: 11-029-20150209

⁸ Reference ID: 11-033-20150209

⁹ The Conservation of Habitats and Species Regulations, 2010 ('the Habitats Regulations')

General conformity with the strategic policies of the Development Plan for the Area

Summary of development plan policy

3.8 The statutory development plan for the area is the Horsham Core Strategy 2007 (CS), the General Development Control Policies DPD 2007 (GDGP) and the Site Specific Allocations of Land DPD 2007 (SSAL). As stated in paragraph 1.3 above, to meet one of the basic conditions, the plan needs to be in general conformity with the strategic policies in the development plan. That means the adopted, statutory plan.

3.9 The Core Strategy relates to the period 2001-18. It includes a settlement hierarchy under which the settlements in Horsham District are categorised. Housing development to meet the district's needs is allocated in accordance with CS Policy CP 4 which identifies a total of up to 255 dwellings in the form of the small-scale gradual growth of the smaller towns and villages. That policy is to be read with CS Policy CP5 under which Mannings Heath is identified as a 'Category 2' settlement which 'should accommodate only small-scale development or minor extensions that address specific local needs'. It is also stated in the policy that 'local needs will be assessed on the basis of the contribution to meeting identified local requirements for housing or other development, including affordable housing, the retention or enhancement of community facilities and services, and the extent to which the addition of new development will not reinforce unsustainable patterns.' In paragraph 4.36 of the Core Strategy it is explained that the consideration of what comprises relevant local needs will be informed by the results of Parish Plans and local housing need surveys.

3.10 As Mannings Heath is a category 2 settlement, it has a defined 'Built-Up Area Boundary' (BUAB). That is described in the chapter 3 of the SSAL DPD which reviewed the BUAB as shown on the adopted proposals map. None of the other groups of houses within Nuthurst parish have a BUAB and, as explained in paragraph 3.1 of the SSAL DPD, are treated as being within the countryside 'where development is strictly controlled'. To that end GDGP Policy DC1 provides that development will not be permitted outside the BUABs unless it is considered essential to its countryside location and meets one of four criteria one of which is that

the development 'ensures the sustainable development of rural areas'. In paragraph 3.5 there is mention of subsidised housing or community facilities in that context.

3.11 CS Policy CP8 applies to small scale greenfield sites which allows for small scale extensions to the smaller towns and villages to meet identified local needs. The policy explains that this is to assist in the gradual evolution of those communities by enabling development to meet their needs but not such as to undermine their countryside setting. There is also provision for permission to be granted exceptionally 'where additional local, social or economic needs arise'. The policy is supported by the text in paragraphs 4.52-54. Sites under policy CP8 are allocated through the SSAL DPD and it is notable that all are in either category 1 or 2 settlements which have a BUAB. There are no housing allocations in Mannings Heath. Contrary to several statements in the plan, and in the Basic Conditions Statement, CS policy CP8 does not permit the expansion of smaller villages not identified in the settlement hierarchy, other than exceptionally.

3.12 Policy CP12 is also relevant in that it provides for a mix of housing types to meet housing needs identifying a particular need for smaller homes. It is supplemented by GDCP policy DC18.

3.13 I consider that the most significant and strategic element within the settlement policies of the development plan is that the predominantly rural Nuthurst parish is not considered suitable for any housing development, at least outside the BUAB at Mannings Heath. Even there, development is only permitted to meet identified local needs and there are no housing allocations in the SSAL DPD. Taken on its face the NPNP, in providing for around 60 new dwellings in three hamlets within new settlement boundaries as well as on the edge Mannings Heath, represents a significant departure from the statutory policy context. It does not fit with the letter of CS policies CP5 and CP8.

3.14 However, in considering the question of 'general conformity' it is necessary to delve more deeply and examine whether the policy approach in the NPNP is fundamentally at odds with the objectives of the development plan policies for rural areas, including the need to support their sustainability in the broadest sense.

3.15 A reading of the supporting text in the Core Strategy indicates a general intention to support the sustainability of rural areas. Such an approach is entirely in line with current Government policy, for example as expressed in paragraph 55 of the NPPF. In particular, CS paragraph 4.54, with its emphasis on identifying local needs from consultations and studies at local level with Parish Plans used as basis, closely aligns with the Neighbourhood Planning concept, pre-dating it by some 4 years. The spatial distribution of housing in the NPNP is different to that of the development plan but it is not fundamentally at odds with it subject to the very important proviso that the overall scale of the development proposed should be no greater than is reasonably required to meet local needs.

Does the plan meet local needs?

3.16 In preparing the Neighbourhood Plan two surveys were undertaken. The first, general, survey asked questions on the number of houses thought appropriate for the parish over the plan period, their type and location. It is primarily that survey which has been used to justify the overall provision for 60 dwellings with an emphasis on smaller 2/3 bedrooled and semi-detached properties. Yet, the survey primarily elicits opinions rather than being an assessment of actual need. A second survey was specifically a Housing Needs Survey and gives a somewhat different picture, with other half of the respondents not being in favour of more open market housing. There is clearly a need for affordable housing, especially for young people (23) out of a total of 34 identified. The emphasis in both the adopted and emerging development plans is strongly towards the provision of mainly affordable housing outside the main settlements.

3.17 It is clear that the concept of local need is more than just providing from identified needs arising from the existing population. It is stressed in the plan that there is a need to maintain the vitality of the community. There is a need to support the village school (in Nuthurst itself) and to support other community facilities such as the two community halls. There is also a small shop in Mannings Heath and a garage/shop. There is a need for a note of caution, for example because freedom of choice in schooling means that there is no direct link between new development and a yield of school age children. However, I accept that a requirement for smaller

dwellings which are nevertheless suitable for family occupation would meet community aspirations and conform with CS Policy CP12.

3.18 Given that it derives from a majority community view I am prepared to accept the overall provision of 60 dwellings as a reasonable proxy for local need. However, it is a finely balanced judgment. Nuthurst is a parish with poor facilities and very limited public transport. Reliance on the private motor car is high. As the figure of 60 is not based on firm evidence I do not regard it as in any way a ceiling or a target. The allocated sites will need to be assessed individually against policy criteria, including their impact on the character and appearance of the area which, it is clear, the community are anxious to protect.

3.19 A change of Government policy with regard to minimum site size for seeking an affordable housing contribution was announced in late November 2014, after the pre-submission NPNP had been published for consultation. The threshold has been set at 11 dwellings. It is notable that policy 16 in the emerging HDPF, as submitted, sets a minimum threshold of 5 but HDC have proposed a modification to 11. An estimate is given in the NPNP, expressed as a range, for the number of dwellings which might be built on each site. In every case, the lower figure is below 11. There is, therefore, a very real risk that the selected sites will not deliver any affordable housing unless the landowners are philanthropically inclined or the site can be acquired by a social landlord. The objective for the plan to provide 'some' affordable housing may well not be achieved unless additional 'exception sites' come forward to deliver 100% affordable housing under GDCP policy DC30.

3.20 In the absence of such provision the plan relies entirely on the specification of the size and type of houses to be permitted on each site derived from the community perception of need. It is an important proviso given the nature of the housing market in the area.

3.21 Subject to the above considerations, bearing in mind the very limited scale of the intended housing development and the small site size, I am satisfied that the plan would be meeting local need in its wider sense. I conclude that the overall nature and scale of the housing provision in the plan is in general conformity with the development plan and meets that basic condition in that regard.

Significance of the emerging Horsham District Planning Framework

3.22 Assessment against the basic conditions does not relate to an emerging development plan. However, I am aware that the Horsham District Planning Framework (HDPF) is currently subject to examination and might reasonably be expected to be adopted within a relatively short time frame. If it is adopted after the NPNP its policies will take precedence in the case of conflict. Although HDPF policy 3 maintains the settlement hierarchy, with Mannings Heath being a 'smaller village', the other settlements in Nuthurst parish are 'unclassified'. HDPF policy 4 would, if adopted, provide some flexibility for the expansion of settlements 'outside built-up area boundaries' to meet identified local needs (criterion e.) provided the site is allocated in a Neighbourhood Plan and 'adjoins an existing settlement edge'. It is notable that the approach taken in the NPNP is closely aligned with the statement in paragraph 4.9 of the HDPF in support of policy 4. I consider that the somewhat more flexible approach is consistent with paragraph 55 of the NPPF within the wider approach to sustainability. HDPF policies 15 and 16 are also of some relevance.

Is the identification of new settlement boundaries in the NPNP in general conformity with the development plan?

3.23 The adopted development plan, in line with the hierarchical settlement policy, does not provide for the identification of BUABs for any settlements other than those in categories 1 or 2. In accordance with the CS the BUABs have been drawn and justified through the SSAL DPD. However, that approach pre-dates Neighbourhood Planning and it seems entirely appropriate for an existing BUAB to be reviewed through the Neighbourhood Planning process, as has been done for Mannings Heath in the NPNP to include the developable parts of the sites proposed in policies 2, 3 and 4. In that regard, the first part of NPNP policy 1 as it stands is consistent with the development plan. A cross-reference to policies 2 to 4 is not required because the sites allocated under those policies are within the revised BUAB.

3.24 Drawing development boundaries around small groups of dwellings which are otherwise set in the countryside is a significant departure from the approach taken in the development plan. Furthermore, should it be adopted in its current form, that would not be altered by the HDPF. The second part of NPNP policy 1 provides for 'Nuthurst Parish Settlement Boundaries' and states that within those boundaries

development proposals will be supported 'provided they are confined to very small scale infilling...'. However, the settlement boundaries, as shown by black lines on the Policies Map, have been drawn to include the developable parts of the sites allocated under policies 3-10 inclusive, some of which are green field sites on the periphery of the existing hamlets at Monks Gate, Nuthurst and Maplehurst. That is much more than infilling, as is stated in the paragraph 4.11 of the plan text. However, as submitted, policy 1 does not refer to the allocated sites and the inconsistency could cause difficulty in policy interpretation. Additional wording is needed to clarify the position.

3.25 I do not consider that drawing settlement boundaries around these hamlets is in general conformity with the settlement hierarchy policies of the development plan. Not only that but the application of draft HDPF policy 4 will not require the drawing of such boundaries. If adopted, the policy will apply 'outside built-up area boundaries' and so clearly relates to the unclassified settlements which do not have BUABs. The three hamlets are reasonably compact and it is possible to identify the existing 'settlement edge' without recourse to drawing lines. Furthermore, the concept of infilling is a long-established one in planning policy interpretation although a definition is required of the words 'very small scale' infilling'. It should be clarified as to whether that means the construction of one dwelling in a gap within a 'substantially built-up frontage' or is a more flexible concept.

3.26 There appears to be no need for policy 1 to refer to the extension of existing buildings. It does not fit with the rest of the policy which is to do primarily, if not exclusively, with providing a modicum of additional housing. Alterations and extensions are covered by policy 12. The reference should be deleted for clarity.

3.27 The above considerations lead to the first recommendation for modification of the plan. Reference should also be made to my general comments on policy wording in paragraph 3.31 below.

Recommendation 1

Modify the first sentence of policy 1 to read:-

Development proposals within the Built-Up Area Boundary of Mannings Heath, as defined on the Policies Map, will be permitted provided they accord ...

Modify the first sentence in the second paragraph of policy 1 to read as follows:-

In addition to the sites allocated for residential development in policies 3-10 inclusive of this plan, proposals for very small scale infill development within the confines of Monks Gate, Nuthurst and Maplehurst will be permitted provided that these accord with the other provisions of the NPNP and the HDC's adopted development plan.

Otherwise, development proposals will be required to conform to development plan policies in respect of the control of development in the countryside.

Include a definition in the plan Glossary of the term 'very small scale infill development'.

Modify the plan text in paragraphs 4.8 to 4.12 inclusive to remove all reference to the drawing of settlement boundaries around Monks Gate, Nuthurst and Maplehurst and remove them from the Policies Map.

The achievement of sustainable development and consistency with national policy and guidance

General comments

3.28 The currently adopted development dates from 2007 and is, therefore, based on the then available Government guidance in the Planning Policy Statement series which has now been replaced by the National Planning Policy Framework ('the NPPF') and Planning Practice Guidance ('the PPG'). Nevertheless, the earlier guidance also placed strong emphasis on the need to achieve sustainable development and the development plan seeks to do just that. It is the basis for the approach to the settlement hierarchy, as discussed above. The housing policies of the NPNP, in so far as they are intended to provide for local housing need, may be

regarded as representing sustainable development but, as recognised in the SA, only in so far as individual site allocation policies provide criteria to control the precise nature of the development and recognise environmental constraints. The individual policies are considered from paragraph 3.34 in this report.

3.29 The requirement to consider whether the plan contributes to the achievement of sustainable development is fundamental to all planning assessments. Indeed, it is stated in paragraph 6 of the NPPF that the purpose of planning is to help achieve sustainable development and that paragraphs 18 to 219 in the Framework, taken as a whole, constitute the Government's view of what sustainable development means in practice. Thus achieving sustainable development is closely allied with the regard which should be paid to national policies and guidance. I will consider the policies of the plan in the context of both the NPPF and the PPG.

3.30 There are also some aspects of policy which require modification to ensure full consistency and for clarity. The definition of a Neighbourhood Plan in legislation is that is 'a plan which sets out policies in relation to the development and use of land'¹⁰ It is stated in the PPG that the policies in the plan should be clear and unambiguous. The plan 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 evidence¹¹. As far as possible the recommendations I make within this category are for precise wording. In a few instances an update to the plan text is required, which falls within the category of correcting errors. I recommend this is general terms leaving the precise wording to be agreed with the local planning authority.

3.31 In this context I have two general comments about the wording of policies in the draft plan. Policies 1-11 and 16 commence with the words 'The NPNP (defines, allocates, designates) ...'. That is simply a factual statement of what the plan is intended to do. It is not a land-use policy statement which is clear as to what action a decision-maker should take. Where appropriate I recommend re-wording of these policies. Secondly, some policies indicate that a certain form of development 'will be supported'. That begs the questions, by whom and by what means? The policies

¹⁰ Section 38A(2) of the Town and Country Planning Act (as amended)

¹¹ Reference ID: 41-041-20140306

are not guidance for the way in which the Parish Council might react but are development policies for implementation through decisions of planning applications, which can only be allowed, that is the development may be permitted, or refused. Such wording is preferable and is used where I otherwise recommend modifications to policies.

3.32 I also note that in the text under each policy there is a standard sentence reading ‘HDC may consider matters covered by other policies of its Development Plan.’ As recognised in the NPNP itself, the Neighbourhood Plan is but one of a suite of documents which make up the statutory development plan to which s38(6) of the Town and Country Planning Act 1990 applies. Planning decisions should be taken on the basis of the policies of the development plan, taken as a whole. Apart from the fact that it is not for the NPNP to suggest how the HDC should go about discharging their statutory functions, the sentence is unnecessary and should be deleted.

Recommendation 2

Where it occurs in the supporting text to policies, delete the sentence which reads ‘HDC may consider matters covered by other policies of its Development Plan.’

INTRODUCTORY SECTIONS: Forward, Chapters 1 to 3 and Chapter 4, paragraphs 4.1 to 4.6 inclusive

3.33 All plans should be kept up to date. There are several parts of the introductory text which are applicable only for the submission plan. These have inbuilt obsolescence once the current examination stage is passed and, in due course, should the plan be ‘made’. The following sections and paragraphs will need to be amended as indicated in **bold text**:

- Foreword. This applies only to the submission plan. If it is to be retained it will require a significant **re-write**.
- Chapter 1. Introduction. *Paragraph 1.3*. Although Neighbourhood Planning was introduced by the Localism Act 2011 it amends the Town and Country

Planning Act 1990 as well as the Planning and Compulsory Purchase Act 2004. In *paragraph 1.4*, **all after 'the Parish' in line 1 should be deleted.**

- *Paragraphs 1.6-1.8.* It is questionable whether these paragraphs need to be included in the plan itself because they overlap with the SA/SEA document. If they are retained paragraph 1.7 is incorrect in referring only to the Core Strategy. HDC have drawn attention to the fact that they have no saved policies. **Correct error.**
- *Paragraphs 1.9-1.11. Delete.* Outdated but may be replaced by reference to whole process up to time plan is 'made'.
- *Paragraphs 1.12-15.* This duplicates the Consultation Statement and will, largely, be out-of-date when the plan is made. **Delete or re-write.**
- Chapter 2. Although questions have been raised as to whether this whole chapter would be better included in an appendix I consider it to be a matter of choice as to whether it is included. It is factual and will not become obsolete in the short term. At the end of *paragraph 2.21* there is reference to setting up voluntary groups for maintenance but there appears not to be any such proposal elsewhere in the plan. In any event, it is not a land-use matter. **The reference should be deleted.**
- Chapter 3. *Paragraphs 3.3-3.6.* These paragraphs will become out of date upon adoption of the HDPF and apply only to the position at submission. HDC have drawn attention to the correct titles of the 3 adopted DPDs and to the fact that there are no saved policies. **These errors require correction.**
- Chapter 4. *Paragraph 4.1.* HDC are correct in pointing out that the vision should be about what kind of place Nuthurst parish might be should the policies in the plan be successfully implemented during the lifetime of the plan. In particular, **the first paragraph** is not appropriate for a vision and **should be deleted.** Otherwise I do not consider that the plan fails to meet a basic condition because of the way the vision is expressed.
- *Paragraph 4.2.* Not all of these objectives are carried through to policy, for example there is no policy to provide housing for 'key workers' (a term which is not defined). The objectives relating to community facilities and transport are not clearly related to land-use matters, such as support for local clubs

and societies or promoting improved broadband services. The reference to defibrillators appears to be out of place. Public transport services cannot be protected through the planning system. **The objectives should be re-cast to ensure that they relate to the land-use policies in the plan.**

Recommendation 3

Modify the text in the Foreward and Chapters 1 to 3 and paragraphs 4.1-4.6 inclusive to ensure that it is up-to-date and relevant at the time the plan is to be 'made', that the objectives properly reflect the policies included in the final plan and that material which is included in associated documents is not unnecessarily duplicated within the plan.

SITE ALLOCATION POLICIES 2 to 10

General comment on the policy approach

3.34 HDC seek greater flexibility in the policy wording in respect of the height and mix of house types. The site allocation policies 2-10 are similarly worded and they all state that the development should be of no more than two storeys. In the supporting text it says in justification 'Given the character of the adjoining residential area ...' or simply, 'The site is best suited to ...', which is no more than a statement of opinion. It may well be that most of the housing in Nuthurst parish is of two storeys, but to specify that all new housing should be so is unduly prescriptive. If the justification is to ensure that the development reflects the character of the area then that is a factor which can be fully assessed on individual merit under NPNP policy 12. As an expression of community preference the reference may remain in the plan text but should be deleted as a statement of policy.

Recommendation 4

In policies 2 to 6 inclusive and policy 8 delete the criterion which states '*the houses are no more than two storeys in height*'.

(See recommendation 9 below in relation to policy 7 and recommendation 10 in relation to policy 10)

3.35 As for the mix of house types, in view of the stated housing objective to provide smaller dwellings for young families and starter homes for young people the

basis for the inclusion in some policies of an element of larger (4 bedroomed) houses is far from clear. However, this appears to derive from public views and landowner aspirations set out in Appendix p. As the mix is an important policy provision representing a community desire, it may remain in the absence of evidence to the contrary but the plan-makers should be aware that it may be difficult for the local planning authority to require the suggested mix of house-types, especially in view of the need to achieve viable developments.

3.36 An estimate is given in the supporting text for each policy of the number of dwellings which may be constructed on each site. It is not prescriptive and is given as a range. There is no evidence to support the particular figures given and it appears to be no more than an estimate based upon site area and local characteristics. However, as it is in the text it does not carry the same weight as policy. It would be a material consideration in the context of a decision on a planning application.

Policy 2: Land at Swallowfield Nursery, Mannings Heath

3.37 In terms of the representations made against the development of this site this has proved to be the most controversial policy in the plan. The site lies outside the BUAB for Mannings Heath as shown on the adopted Policies Map for the development plan but, as indicated above, it is not incompatible with the plan and consistent with the emerging HDPF for that boundary to be reviewed through Neighbourhood Plan process. It is not incorrect to say that the site 'adjoins' the existing boundary, even if it touches it at only one point along the lane, and I do not regard the extension of that boundary to include the site to be contrary to the development plan in principle. Nor do I accept that the scoring system used to assess the site has been fundamentally flawed. The site may not be previously developed land by the definition of that term included in the glossary in Appendix 2 to the NPPF because the buildings on the site were previously in horticultural use as a nursery. However, the fact that there have been some buildings on part of the site, even if now decayed, differentiates it from a completely green field site and I consider that a local community is entitled to give some weight to that factor. The fact that the development of the site has previously been resisted by the LPA and was not

considered suitable for allocation in the SSAL is not directly relevant to the situation which now presents itself. The 'limited/no' landscape capacity assessment for area MH2¹² draws attention to the high landscape value but does not preclude development altogether.

3.38 Much of the additional information about the development constraints applying to this site derives from evidence submitted for a planning application which, I understand, has not to date been decided by the local planning authority. For example, it includes detail relating to biodiversity interests, including the possible presence of great crested newts, bat foraging areas and the significance of tree preservation orders. It is appropriate to include this level of detail for the purpose of a planning application and it may well determine any mitigation measures and the scale and precise nature of any development which might be permitted on the site. Similar considerations apply to any effect development might have on the non-designated heritage asset of the nearby Swallowfield House and its parkland setting. As stated in paragraph 135 of the NPPF that is a balancing exercise. However, there is no reference to this in the policy criteria. There should be. There also needs to be reference to the protection of the wildlife interests on the site.

3.39 Criteria iii and v. overlap to a degree and may be combined. The shared access drive to Church Road is less than ideal due to its relatively narrow width. Pedestrian safety should be ensured in line with plan objectives. Valid points are also made in representation about the difficulty of access and turning for refuse lorries; factors which might well limit the capacity of the site. A specification of two passing bays is undue detail but reversing onto Church Road is to be avoided. Also, however desirable it may be to complete the footway along Church Road to the site entrance that appears to be on highway land outside the allocated site and may not be justified on the basis of being directly related to the development proposed.

3.40 Subject to the proper application of modified criteria within the policy, as recommended below, I am not convinced that the development of the Swallowfield Nursery site would necessarily be so harmful to the character and appearance of the area on the southern approach to Mannings Heath village that any form of development should be ruled out. However, all of the evidence presented in the

¹² Horsham District Landscape Capacity Assessment 2014, page 115.

representations suggests to me that the estimate given in paragraph 4.14 that the plan may accommodate nine to fourteen dwellings is likely to be significantly above what might reasonably be achieved taking the constraints into account. I recommend that the figure be revised taking account of the latest available information.

Recommendation 5

Modify the first part of policy 2 to read:-

The residential development of 0.6 Ha of land at Swallowfield Nursery, Church Road, Mannings Heath, as shown on the Policies Map, will be permitted provided that:

Modify the criteria in Policy 2, as follows:-

- iii. **Combine with criterion v. and re-word: ‘*access is by way of the lane between Church Road and Windyridge. The transport assessment has full regard to ensuring the safety of the nearby junction of the A281 with Church Road and includes the provision of visibility splays at the junction to ensure safe egress for vehicles; the widening of the lane to allow for safe shared use by vehicles and pedestrians and the provision of passing bays, sufficient to avoid the need for vehicles to be reversed into Church Road.*’**
- iv. **After the words ‘*...the nearby A281 road;*’ in line 4 insert ‘*protects any wildlife and biodiversity interests on the site,*’**
- v. **Insert new criterion ‘*the scheme pays due regard to the proximity of the site to the undesignated heritage asset of Swallowfield House and its parkland setting.*’**

In the supporting text, paragraph 4.14, line 2, revise the estimate of the number of dwellings which might be constructed on the site to take account of detailed evidence now available as to development constraints.

Policy 3: Land at Holly Farm, Mannings Heath

3.41 The representations on this policy express concern about the inclusion of land within the red-line boundary shown on the Policies Map which extends well outside the 'black line' built-up area boundary to include additional land to the south and west. It is clear from criteria i. and iv. of the policy that it is intended that development should only take place within BUAB and not further than the rear of the property to the east. The two criteria might be combined. From the text in paragraph 4.17 it is apparent that the land might be used as a garden or paddock. However, the wording used within the policy is ambiguous in that the terms the 'defined site boundary' could refer to the red-line boundary and not the black-line BUAB. I recommend a re-wording for clarification and ease of interpretation by the local planning authority, in line with PPG advice.

Recommendation 6

Modify the first part of policy 3 to read:-

The residential development of 0.3 Ha of land at Holly Farm, Mannings Heath, as shown on the Policies Map as lying within the Built-Up Area Boundary, will be permitted provided that:

Modify criterion i. in policy 3 to read:-

- i. Built development is limited to the area comprising the derelict barns and shrubs and does not extend beyond the rear building line of the adjacent property to the east;***

Delete criterion iv.

In paragraph 4.17 of the plan text, line 5, after the words 'defined BUAB' insert the words 'within the red line boundary on the Policies Map'.

Policy 5: Land at Great Ventors Farm, Monks Gate

3.42 This is a relatively large green field site. I agree with Horsham District Council that the policy should make clear how much of the site should be available for residential development as distinct from that of a nature reserve, in view of the 1 ha. threshold for flood risk assessment.

3.43 The pond is located in the north-west corner of the site and is denoted in green on the Policies Map because it is also included under Policy 16vi. as a Local Green Space. The red line site boundary is drawn on the outside of that, thus also including the nature reserve which suggests that the area of 1.5 ha. includes the pond and nature reserve. For the avoidance of doubt as to which part of the site may be considered for residential development the red line boundary should be redrawn to exclude the pond nature reserve. It does not preclude reference to it in the policy.

3.44 However, I consider that the policy needs to do more than simply require the retention of the pond and nature reserve. Although the area is protected specifically as an LGS in policy 16 and generally by policy 17, there is no information as to whether any necessary drainage works pursuant to development might have a detrimental effect on the pond itself and hence its nature conservation interest. The word 'retain' should be replaced by 'protect'. The words 'for the benefit of the community' might suggest wider public access which might conflict with such protection. In any event access rights cannot be secured through a planning policy.

Recommend 7

Modify the first part of policy 5 to read:-

The residential development of ?? Ha of land at Great Ventnors Farm, Nuthurst Road, Monks Gate, as shown on the Policies Map, will be permitted provided that:

(For ?? should be inserted the actual site area available for development)

In criterion v. of policy 5, delete the word 'retain' in line 3 and substitute 'provide for the protection of'; delete the words 'for the benefit of the community' in lines 4 and 5.

Re-draw the red line site boundary on the policies map to exclude the pond and nature reserve (LGS green line).

Policy 6: Land at Saxtons Farm, Monks Gate

3.45 HDC have requested the deletion of criterion v. on the basis that a flood risk assessment cannot be required for sites of under 1 ha. Be that as it may, if there is local knowledge of flooding problems, it would be sensible precaution to require that the development does not give rise to any localised flooding, for example by ensuring that run-off soaks away on site and does not discharge into the road. A re-wording of criterion v. would achieve that.

Recommendation 8

Modify the first part of policy 6 to read:-

The residential development of 0.375 Ha of land at Saxtons Farm, Nuthurst Road, Monks Gate, as shown on the Policies Map, will be permitted provided that:

Modify criterion v. in policy 6 to read:-

v. soakaways are designed to ensure that there is no surface water run-off to the public highway; and

Policy 7: Land at Keatings, Nuthurst

3.46 There are representations against this allocation on the basis that it is a greenfield site which is beyond any natural boundary for development of the hamlet and is 'backland'.

3.47 When I visited the area I observed that although there is an existing low density ribbon of houses on the eastern side of Nuthurst Street there is a strong woodland belt on the southern boundary of the Keatings site which separates it from other houses further south which are somewhat detached from the main hamlet. The site appears to be beyond any natural boundary and it is a green field set well to the rear of the existing housing. The form of development proposed, of around 5 houses off a relatively long access drive, would appear incongruous in this setting and out-of-character with other development in the hamlet, even taking account of the proposed development to the north at Micklepage Leigh.

3.48 One of the objectives of the plan is to maintain and protect the rural character of the parish. I consider that the development of this peripheral field, set back from

the frontage would fail to achieve this aim. In the wider sense it would not represent sustainable development and not meet the relevant basic condition.

Recommendation 9

Delete policy 7.

Policy 8: Land at Micklepage Leigh, Nuthurst

3.49 Although there are also representations against this site allocation, I consider that up to three dwellings as suggested in the policy text, with access to the existing lane serving Micklepage Leigh, where there are a few existing dwellings, would not be seen as out-of-keeping with the rural character of the area. The lane joins Nuthurst Street on a bend but I do not consider that the marginal increase in traffic movements at this junction from three dwellings would be likely to be of such magnitude as to rule out the policy proposal, although access issues would require more detailed assessment at planning application stage.

Policy 10: Land behind White Horse, Maplehurst

3.50 HDC have made a detailed representation on the wording of this policy and its supporting text. As this is intended as an enabling development to secure the refurbishment of the White Horse public house it is important that the policy should make clear what are the factors (criteria) which should be taken into account by the LPA before their decision on any planning application.

3.51 I consider that the definition of the development proposal as mixed-use to include community and residential uses, as suggested by the council, is correct. It is not clear why the council suggest that the policy should specify that at least 5 residential units or suggest a revision referring to affordable housing provision when the size of the site would appear to preclude the possibility of as many as 11 dwellings being constructed. Related to that, there is no need to state that there will be no affordable housing on the site. There is no reference in the policy to house sizes. There is reference (as with many other policies) in the text to a restriction to two-storeys but the scale and massing of the public house is greater than that of an

average house such that a restriction of any new dwellings to two storeys would be unjustified.

3.52 It seems to me entirely appropriate to seek a s106 obligation to secure a financial contribution to the required refurbishment, as in criterion ii. However, the reference to securing future viability is best included in the text, in the form suggested by the council. Linking the occupation of the dwellings to the carrying out of refurbishment works to the public house to enable its continued use is a reasonable policy requirement but I am concerned that if no dwellings are permitted to be occupied until the works are complete the developer may have had no return on the initial investment. There has to be flexibility to allow the local planning authority to consider the viability assessment and to decide whether some dwellings (the number to be agreed) might be occupied, so providing some financial return to facilitate the refurbishment works. As the policy in the submission plan is worded there is a risk that no development would take place.

3.53 Retention of the use may be feasible in the short term but less so in the long-term, even should there be a positive viability assessment. As the council suggested at the earlier consultation stage, there is always the option of seeking the formal recognition of the public house as a Community Asset. Generally I consider the council's suggested wording for the policy and text lends itself to easier interpretation than that contained in the submission plan and is included in the recommendation below.

Recommendation 10

Modify policy 10 to read as follows:-

A mixed use development, to include community and residential uses, on 0.2 Ha. of land at and to the rear of the White Horse Public House, Park Lane, Maplehurst, as shown on the Policies Map, will be permitted provided that:

- i. the scheme is developed comprehensively, with improvement and/or refurbishment works completed and the public house brought back into use before the occupation of all of the residential units;***
- ii. a planning obligation is made which provides for a financial contribution towards any necessary improvements and/or***

- refurbishment works to the public house building and the timing of such contribution;***
- iii. there is a single access point on Park Lane with any driveway serving the housing development designed to ensure the safe separation of vehicular movements from the public house car park and children's play area;***
 - iv. the scheme layout provides a landscape buffer which retains the mature trees and the hedging/trees on the boundaries with adjacent properties; and***
 - v. the scheme is designed to maintain the character and setting of the public house as a rural pub with garden by retaining a landscaped area around the building, including a children's play area.***

Modify the supporting text to policy 10 by the deletion of paragraph 4.39 to be replaced by the following text:-

'The total number of dwellings will be determined by the requirement to deliver a comprehensive mixed use scheme that retains and improves the adjoining public house to bring it back into a viable business and social asset. As this is an enabling scheme, any planning application will need to be accompanied by a viability appraisal setting out the costs of investing in the public house refurbishment and the estimated residual development value of the housing scheme. This will be used to determine the required timing of the completion of works to the public house and its operational use in relation to the occupation of the dwellings.'

Delete the first sentence of paragraph 4.41.

POLICIES 11-17 INCLUSIVE

Policy 11: Managing Housing Delivery.

3.54 I fully understand the reasoning behind this policy. In the light of the HDC comments on it the Parish Council chose to submit a letter of justification. I accept that the policy is not phrased in the same way as policies in the Hurstpierpoint and Newick NPs which were not accepted by the examiners. It is regarded by the community as an important provision to ensure that all of the sites allocated for housing development plan are not taken up in a short time. The policy aims to control the rate at which permissions are granted so as to spread development evenly with

about 20 dwellings permitted in each five year period, also providing adjustment to take account of actual delivery rates if not all permissions are implemented.

3.55 The difficulty with such a policy is that it amounts to the rationing of permissions on sites which are not distinguished from one another in any way within the plan. It would simply amount to 'first come first served' within any time period. That would not only be inequitable but it has to be assumed that all of the allocated sites (except possibly the White Horse, Maplehurst) are regarded as equally acceptable in planning policy terms. The allocation of the sites means that their development is regarded as sustainable, taking all factors into account and, as such, to hold back permission on such sites would be contrary to paragraphs 14 and 15 of the NPPF which requires positive planning and the bringing forward of land for sustainable development without delay. Consequently, the policy fails the basic condition of consistency with national policy. As there appears to be no alternative approach which would be consistent with the NPPF, the policy has to be deleted for the NPDP, as a whole, to meet the basic conditions.

Recommendation 11

Delete policy 11 and all supporting text.

Policy 12: Housing Design

3.56 The first part of this policy is a proper application, in the local context, of the national policy on design as set out in Chapter 7 of the NPPF. However, as explained in paragraph 4.49, a Parish Design Statement has not yet been prepared. It is a matter for the Horsham District Council to decide whether it should be adopted as Supplementary Planning Guidance. There would need to be consultation on it.

3.57 There is no reason why a development plan policy should not set out the general principles which would be explored in more detail in a supplementary document but the policy should not, in itself be too detailed or specific. The second part of policy 12 appears to relate to new residential development rather than development generally and that needs to be clear. Most of the criteria are of a general nature but to require the use of 'local vernacular' building materials may not always be appropriate and is covered in general terms by the first part of the policy. A requirement for off-street parking of at least two cars per dwelling is overly prescriptive without clear evidence to support it. It is more appropriate as a guideline; parking standards have conventionally been included in supplementary

guidance. I also consider that criterion v. is covered adequately by the first part of the policy.

3.58 It is established practice that development plan policy should not require compliance with other documents, including Supplementary Planning Documents. The reference, in policy, to the Parish Design Statement should be deleted.

Recommendation 12

Modify the second part of policy 12 to read:-

Residential development proposals should:

- i. make use of high quality building materials and finishes and include high quality landscaping;***
- ii. include adequate and functional private garden space appropriate to the dwelling size and type;***
- iii. include adequate off-street parking so as to minimise any need for on-street parking; and***
- iv. include a landscaping scheme which either provides for the retention of existing trees and hedges or, if any must be removed, for their replacement by new trees and hedges of a suitable species.***

Re-write paragraph 4.49 to make it clear that, when prepared, the Parish Design Statement will provide more detailed guidance on the design principles set out in the policy and clarify that it will be for Horsham District Council to decide whether the Design Statement should have the status of Supplementary Planning Guidance.

Policy 13: Community Facilities

3.59 As stated in paragraph 4.52 the community facilities identified in this policy are those it is wished to retain. Certainly, the provision of local community facilities helps to sustain that community but no planning policy can ensure their retention. Although this policy is worded so that it relates to development, that is by extension or partial redevelopment of the buildings, it not clear what 'supported' means (see paragraph 3.31 above). For clarity of action by the LPA this should be replaced by 'permitted'.

Recommendation 13

Replace the word '*supported*' in the third line of policy 13 by '*permitted*'.

Policy 14: Education Uses

3.60 HDC draw attention to the representation by the Environment Agency. The school lies within flood zones 2 and 3 and, as it is an existing building, it may be assumed the sequential test is satisfied but there has to be a site-specific flood risk assessment as stated in paragraph 103 of the NPPF. As this would be a development plan allocation and if the development is 'minor', the advice in paragraph 104 may apply. This is important enough for the inclusion of an additional policy criterion which is modelled on the second bullet point in NPPF paragraph 103. There should also be reference in the supporting text. The policy does not comply with the basic conditions otherwise.

Recommendation 14

Modify policy 14 by the addition of the following criterion:-

- iii. a site-specific flood risk assessment has been undertaken which establishes that the development would be appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk could be safely managed, including by emergency planning; and that the development would give priority to the use of sustainable drainage systems.***

Add, at the end of paragraph 4.56 of the plan text, the following explanation:-

'The school site lies within flood zones 2 and 3. As such a flood risk assessment is required in accordance with paragraphs 103 and 104 of the NPPF.'

Policy 15: Broadband

3.61 I do not doubt how important it is to the local community that super-fast broadband facilities should be provided to the villages. It is an issue in many rural areas. It facilitates home working and the expansion of rural businesses. However, providing broadband facilities does not, in itself, come within the planning system. It is a matter for the telecommunications companies which are termed 'code system operators'. Although the policy refers to above-ground installations which require planning consent, in practice almost all installations are permitted development. Only the very largest might not be and they are unlikely to be easily accommodated in such a rural environment. The policy is likely to serve no practical purpose and

should not be included in a statutory plan. It should be taken out and perhaps placed in an appendix.

Recommendation 15.

Delete policy 15 as a formal policy but give consideration to its inclusion in an appendix to the plan.

Policy 16: Local Green Spaces

3.62 National policy on the designation of Local Green Spaces is contained in paragraph 77 of the NPPF and it provides strict criteria, all of which must be satisfied before a Local Green Space (LGS) might be included in the plan. Detailed descriptions for each proposed area and something of their background is given in a Local Green Spaces Study. I looked at all of the sites on my visit to the parish. They are all small and clearly in positions where they are either used by or form an integral part of the open areas within the villages and hamlets. That at Copsale Hall is unusual but clearly of particular historical significance. I am satisfied that they all meet all of the criteria in paragraph 77 and that designation in the plan as LGS accords with the basic condition.

3.63 Once designated the policy which should be applied in an LGS is as stated in paragraph 76 of the NPPF: that new development is ruled out 'other than in very special circumstances'. It is similar wording to that used in green belt policy and the LPA will be familiar with the concept, but there is no reference to certain types of development being 'appropriate'. It is not, therefore, consistent with the NPPF advice to include certain exceptions in the policy. The last part of policy 16 should be strengthened and the repeat wording in the last sentence of paragraph 4.61 omitted.

3.64 Copsale Hall is located outside the two inset areas which show all of the other LGS designations as well as the site allocations at a reasonable scale. It is shown as a green box on the general (small scale) policies map which clearly exceeds the actual area by a wide margin. Such diagrammatic representation is not appropriate on a Policies Map. It should either be shown by a dot or there will need to be a special inset plan to show the site boundaries clearly. As the NP will be part of the statutory development plan the allocated sites will, in due course, need to be shown on the local plan 'adopted policies map' and the scale needs to be sufficient.

Recommendation 16.

Replace the second part of policy 16 by the following:-

Development in a Local Green Space will not be permitted except in very special circumstances.

Delete the final sentence in paragraph 4.61 of the plan supporting text.

Revise the Policies Map to depict the LGS at Copsale Hall either by a dot on the smaller-scale plan or more accurately on an additional larger-scale inset plan.

Policy 17: Green Infrastructure and biodiversity

3.65 There are no representations on this policy. It is a worthy objective to protect natural landscape features in the parish but the means to implementation of the policy as framed is far from clear. As the policy relates to 'development proposals' it cannot achieve any of the first four bullet points in paragraph 4.63 which are not land-use related. For example, it cannot encourage the productive use of farmland and to do so might go against the 'protection and enhancement of the key features of the landscape' such as hedgerows. Maintenance and land management are not planning matters. It would be possible to refer to the retention of public footpaths and their protection from development but not their management or usage.

3.66 On the other hand, bullet points 5 to 7 are tantamount to policy criteria which, with some re-wording, could be 'upgraded' to policy. I consider that would be consistent with NPPF advice. I make a recommendation in general terms.

Recommendation 17.

Re-consider the wording of policy 17 to include bullet points 5 to 7 in paragraph 4.63 within the emboldened policy as criteria, subject to appropriate revision. Delete the reference to farmlands and include reference to the retention of public footpaths in the main part of the policy. Replace bullet points 2 to 4 in paragraph 4.63 by clear statements as to how the policy will achieve those aims, or omit them if it does not.

Policy Omission: Water Supply and Waste Water Infrastructure

3.67 Southern Water request the inclusion of a policy on the provision of new and improved water supply and waste water infrastructure which they suggest is necessary to ensure that the plan is consistent with the NPPF, particularly paragraphs 17 and 157.

3.68 Those paragraphs either relate generally to the planning system as a whole (of which NPs are part) or to local plans. It is recognised in the NPDP that it does not cover every aspect of local policy. It is not necessary for it to do so because it is to be read with the other planning documents which together make up the development plan. In the adopted Core Strategy, policies CP2 and CP13 provide support for infrastructural provision, including water, in association with development. I consider that to be adequate.

CORRECTION OF ERRORS

3.69 The plan is generally well written and there are few spelling or typographical errors. However, in Annex A – Evidence Base there are two minor errors. The Horsham District Council Landscape Capacity Assessment dates from 2014, not 2013. More significantly, the Landscape Character Assessment was published in 2003, not 2014. In Appendix B – Glossary of Terms, some of the descriptions will need to be updated for the final plan, for example the referendum result will be known. A neighbourhood plan is ‘made’ not ‘adopted’. The legislation refers only to an examination not to an ‘examination in public’.

3.70 Finally, although it is not an error as such, in Annex B where there is a description of the ‘Independent Examiner’, I suggest that now that my identity is known it might be sufficient to limit this to the first sentence only.

Recommendation 18

Correct the errors and update Annexes A and B as indicated in paragraphs 3.69 and 3.70 of this report.

FORMAL CONCLUSION, RECOMMENDATIONS AND CONSIDERATION OF REFERENDUM AREA

Conclusion

4.1 I conclude that the draft plan, subject to the modifications recommended in this report, meets the basic conditions as set out in Schedule 4B to the Town and Country Act 1990 (as amended), does not breach and is otherwise compatible with EU obligations and is compatible with Convention Rights.

Overall Recommendation 1.

I recommend that the modifications specified in section 3 of this report be made to the draft Nuthurst Parish Neighbourhood Plan and that the draft plan as modified be submitted to a referendum.

4.02 As I have recommended that the draft plan as modified be submitted to a referendum I am also required under s10(5)(a) of Schedule 4B to the Town and Country Planning Act 1990 to recommend as to whether the area for the referendum should extend beyond the neighbourhood area.

4.03 There have been no representations seeking an extension of the referendum area. As the plan is specifically concerned with the future development of the settlements within Nuthurst parish it is self-contained with no cross-boundary issues. There is no need to extend the referendum area beyond the designated neighbourhood area.

Overall Recommendation 2.

The area for the referendum should not extend beyond the neighbourhood area to which the plan relates.

Signed:

John R Mattocks

JOHN R MATTOCKS BSc DipTP MRTPI FRGS

June 2015

APPENDIX 1.

Abbreviations used in this report.

Adopted Local Plan	The Horsham Core Strategy 2007 ('the CS') The Site Specific Allocations of Land DPD 2007 ('the SSAL DPD') The General Development Control Policies DPD 2007 ('the GDGP DPD')
BUAB	Built-Up Area Boundary (development plan policy)
DPD	Development Plan Document
Emerging Local Plan	The Horsham District Planning Framework ('the HDPF')
HDC	Horsham District Council
EU	European Union
LGS	Local Green Space
LP	Local Plan
LPA	Local Planning Authority (Horsham District Council)
NP	Neighbourhood Plan (generic term)
NPNP ('the plan')	The Nuthurst Parish Neighbourhood Plan
NPPF ('the Framework')	The National Planning Policy Framework
PPG	Planning Policy Guidance
SA	Sustainability Appraisal
SEA	Strategic Environmental Assessment