

ARDINGLY NEIGHBOURHOOD PLAN 2013-2031

A Report to Mid Sussex District Council
of the Examination into the Ardingly Neighbourhood Plan

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1. Introduction

The Neighbourhood Plan

This Report provides the findings of the examination into the Ardingly Neighbourhood Plan (referred to as the Neighbourhood Plan).

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)

Ardingly Parish Council is the *qualifying body*¹ responsible for the production of this Neighbourhood Plan. This is in line with the aims and purposes of neighbourhood planning, as set out in the Localism Act (2011), the National Planning Policy Framework (2012) and Planning Practice Guidance (2014). To produce the Neighbourhood Plan, the Parish Council formed a Neighbourhood Plan Steering Committee made up of Parish Councillors and local residents.

This Examiner’s Report provides a recommendation as to whether or not the Neighbourhood Plan should go forward to a Referendum. Were it to go to Referendum and achieve more than 50% of votes in favour, then the Plan would be *made* by Mid Sussex District Council. The Neighbourhood Plan would then be used to determine planning applications and guide planning decisions in the Ardingly Neighbourhood Area.

Role of the Independent Examiner

I was appointed by Mid Sussex District Council, with the consent of Ardingly Parish Council, to conduct an examination and provide this Report as an Independent 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. I am a chartered town planner and an experienced Independent Examiner of Neighbourhood Plans. I have extensive land, planning and development experience, gained across the public, private, partnership and community sectors.

As the Independent Examiner, I must make one of the following recommendations:

- a) that the Neighbourhood Plan should proceed to Referendum, on the basis that it meets all legal requirements;

¹The qualifying body is responsible for the production of the Plan.

- b) that the Neighbourhood Plan, as modified, should proceed to Referendum;
- c) that the Neighbourhood Plan does not proceed to Referendum, on the basis that it does not meet the relevant legal requirements.

If recommending that the Neighbourhood Plan should go forward to Referendum, I must then consider whether or not the Referendum Area should extend beyond the Ardingly Neighbourhood Area to which the Plan relates.

In examining the Plan, I am also required, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, to check whether:

- the 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;
- the Neighbourhood Plan meets the requirements of Section 38B of the 2004 PCPA (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);
- the Neighbourhood 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.

Subject to the contents of this Report, I am satisfied that all of the above points have been met.

Neighbourhood Plan Period

A neighbourhood plan must specify the period during which it is to have effect. The Neighbourhood Plan includes the plan period 2013-2031 in its title and the Introduction states it is “for the period up to 2031.” I consider that it would add further clarity and ensure that the Neighbourhood Plan satisfies the requirement to specify the plan-period, if the following sentence was added at the end of introductory paragraph 1.3:

“The Neighbourhood Plan covers the period 2013 to 2031.”

Taking the above into account, I confirm that the Neighbourhood Plan satisfies the relevant requirement in this regard.

Public Hearing

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.

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.

Further to consideration of the written representations submitted, I confirmed to Mid Sussex District Council that I was satisfied that the Ardingly Neighbourhood Plan could be examined without the need for a Public Hearing.

From consideration of the evidence before me, I am satisfied that people have had a fair chance to put a case, whether in support of the Neighbourhood Plan, in objection to it, or whether simply providing general comments about it.

2. Basic Conditions and Development Plan Status

Basic Conditions

It is the role of the Independent Examiner to consider whether a neighbourhood plan meets the “basic conditions.” These were *set out in law*² following the Localism Act 2011. In order to meet 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 for the area;
- be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations.

I have examined the Neighbourhood Plan against all of the basic conditions above.

EU and ECHR Obligations

The Basic Conditions Statement submitted with the Neighbourhood Plan states that it does not breach, and is compatible with, all European obligations.

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.

According to European legislation, a Habitats Regulations Assessment (HRA) is required when it is considered that likely negative, significant effects could occur on protected European sites as a result of the implementation of a plan or project. Most of the Neighbourhood Area falls within the 7km zone of influence for the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC), a European-designated site.

An HRA Screening Report was undertaken by Mid Sussex District Council. This found that there would be no likely significant effect on the Ashdown Forest SPA and SAC resulting from the majority of Neighbourhood Plan policies. However, it found that the development proposed in Policy 3 would have a likely significant effect because it seeks to allocate land for residential development.

Taking the above into account, Mid Sussex District Council tested the Neighbourhood Plan further, focusing on Policy 3. Simply, the Habitat Regulations require “appropriate assessment” to be undertaken to enable Mid Sussex District

² Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990.

Council to understand whether the Neighbourhood Plan would harm the Ashdown Forest SPA and SAC and the reasons for its conservation. In assessing the Neighbourhood Plan, Mid Sussex District Council considered the conservation objectives for the Ashdown Forest SPA and SAC, published by Natural England and information available further to an HRA undertaken for an emerging plan, amongst other information.

Mid Sussex District Council concluded that, on a precautionary basis, mitigation measures should be introduced to reduce or remove the effects of the Neighbourhood Plan on the Ashdown Forest SPA and SAC. It recognises that the Neighbourhood Plan policies promote mitigation measures in the form of supporting the delivery of Suitable Alternative Natural Greenspace (SANG) (Policy 4) and seek to conserve the natural environment (Policy 6), by allocating Local Green Space.

In summary, Mid Sussex District Council concluded that the Neighbourhood Plan will not harm the Ashdown Forest SPA and SAC.

I note that Wealden District Council objects to the Neighbourhood Plan on the basis that, in Wealden District Council's opinion, Mid Sussex District Council has based its evidence on the HRA for the withdrawn Mid Sussex 2013-2031 District Plan. However, there is evidence to demonstrate that Mid Sussex District Council has taken a wide variety of background information into account in undertaking its assessment and in this regard, I am particularly mindful that Natural England, has stated that "*Your **appropriate** (my emphasis) assessment concludes...*"

Natural England went on to state that "*we concur with the assessment conclusions...*" subject to the proviso that "*all mitigation measures are appropriately secured in any permission given.*"

The mitigation measures referred to by Mid Sussex District Council in reaching its conclusions included the requirement for development to contribute towards a Strategic Access Management and Monitoring Strategy (SAMM). This is in addition to the SANG requirement referred to above.

Taking the above into account, I concur with Mid Sussex District Council's conclusion, subject to the policies of the Neighbourhood Plan being consistent with the HRA's conclusions. I consider the policies of the Neighbourhood Plan below.

The Neighbourhood Plan allocates land for development. The allocation of development land comprises one of the circumstances, referred to by the Planning Practice Guidance, whereby a strategic environmental assessment (SEA) *may* be required. There is no legal requirement for a neighbourhood plan to have a sustainability appraisal, but a qualifying body must demonstrate how its plan will contribute to achieving sustainable development.

With regards an SEA, Planning Practice Guidance establishes that *the local planning authority must decide whether the draft neighbourhood plan is compatible with EU regulations*. In this regard, I note that Mid Sussex District Council is satisfied that the Neighbourhood Plan is compatible with European regulations.

A Neighbourhood Plan Sustainability Appraisal and Strategic Environmental Assessment (SEA) has been undertaken and submitted. The Sustainability Appraisal and SEA tests policy options against sustainability objectives. I note that a draft version of the Sustainability Appraisal and SEA was consulted on in August and September 2013, and that the final document was amended in the light of representations received. I also note that the sustainability objectives in the document were previously subject to consultation with Mid Sussex District Council, Natural England, the Environment Agency, English Heritage and the High Weald Area of Outstanding Natural Beauty (AONB) Unit, in May and June 2012.

Through the Sustainability Appraisal and SEA, plan-makers have sought to integrate environmental considerations into the Neighbourhood Plan from early on in the process. Evidence has been provided to demonstrate that the Sustainability Appraisal and SEA was consulted upon and that it formed an important part of the plan-making process. This approach complies with advice now set out in Planning Practice Guidance.

Representations have been received which criticise the objectivity and scope of the Sustainability Appraisal and SEA, with particular regard to housing options. However, whilst I recognise that different people will have different views about the merits, or otherwise, of potential development sites, I am satisfied that the Sustainability Appraisal and SEA's consideration of housing options were compatible with EU regulations. Rather than breach SEA regulations, I note above that the plan-makers' approach reflected national policy advice. Significantly and as above, Mid Sussex District Council is satisfied that the Neighbourhood Plan is compatible with European regulations.

In the above regard, I am also mindful that there are no objections from Natural England, English Heritage, or the Environment Agency in respect of EU regulations.

Taking all of the above into account, I consider that the Neighbourhood Plan is compatible with EU obligations and that it does not breach, nor is in any way incompatible with the ECHR.

3. Background Documents and Ardingly Neighbourhood Area

Background Documents

In undertaking this examination, I have considered a number of documents in addition to the Ardingly Neighbourhood Plan. These include:

- National Planning Policy Framework (The Framework) (2012)
- Planning Practice Guidance (2014)
- Town and Country Planning Act 1990 (as amended)
- The Localism Act (2011)
- The Neighbourhood Planning Regulations (2012)
- Mid Sussex Local Plan (Adopted 2004)
- Basic Conditions Statement
- Consultation Statement
- Sustainability Appraisal (incorporating Strategic Environmental Assessment)
- Habitats Regulations Assessment Screening Report
- Sequential Flood Risk Test for Mid Sussex Neighbourhood Plans

Also:

- Representations received during the publicity period

In addition, I spent an unaccompanied day visiting the Ardingly Neighbourhood Area.

Ardingly Neighbourhood Area

The boundary of the Ardingly Neighbourhood Area coincides with that of Ardingly Parish. There is a plan showing the Neighbourhood Area on page 7 of the Neighbourhood Plan.

Further to an application made by Ardingly Parish Council, Mid Sussex District Council approved the designation of Ardingly Neighbourhood Area on 9 July 2012.

This satisfied 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).

4. Public Consultation

Introduction

As a land use plan, the policies of the Neighbourhood Plans, were it to be *made*, will form part of the development plan - the basis for local planning and development control decisions.

Legislation requires the production of neighbourhood plans to be supported by public consultation.

A comprehensive and robust approach to public consultation can ensure that a neighbourhood plan reflects 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 successful 'Yes' vote at Referendum.

Ardingly Neighbourhood Plan Consultation

The Ardingly Consultation Statement, submitted to Mid Sussex District Council, sets out who was consulted and how, together with the outcome of the consultation. As such, the Consultation Statement meets the requirements of the neighbourhood planning *regulations*³.

A Neighbourhood Plan Committee was set up by Ardingly Parish Council further to an application to become a "neighbourhood plan front runner" in late 2011. Four work groups (Infrastructure, Demographics, Sites/Landscape and Strategy) were established to progress the plan-making process.

The Consultation Statement confirms that there was an extensive, supportive working relationship with Mid Sussex District Council, which included the provision of training and information and the attendance of meetings. The High Weald AONB Unit Policy Manager also attended meetings and provided advice. In addition, I note that positive working relationships were established with other plan-making groups in Mid Sussex – allowing for the useful exchange of information and knowledge.

A household survey, intended to inform the plan-making process, was sent to all households in April 2012 and achieved a significant 45% response rate. I note that the survey itself was designed by the work groups together with support from Action in Rural Sussex.

In addition to the above and prior to the Pre-Submission consultation period, a wide variety of consultation was undertaken. This included a series of meetings with major local businesses and with the local primary school. Members of the youth club

³Neighbourhood Planning (General) Regulations 2012.

and other young people were consulted on their views in October 2012. Local businesses, clubs and societies were invited by letter to engage with the plan-making process and landowners were invited to put forward potential development land for consideration. Open Days were held during 2012 and Planning Aid volunteers facilitated a Focus Group event in January 2013. Potential housing sites were assessed in some detail and a Parish Land Availability and Sites Assessment report was published.

Pre-Submission consultation was widely publicised and included the delivery of a leaflet and survey form to every household. I note that a two day exhibition was attended by around 180 residents.

Representations were received from 340 residents and 15 organisations. The Consultation Statement includes an Appendix scheduling the representations and responses to them. The Consultation Report itself summarises the main issues and concerns and describes how they were considered and where relevant, addressed in the Neighbourhood Plan.

I note that, throughout the plan-making period, the village website and quarterly newsletter provided updates on all matters relating to the Neighbourhood Plan.

Taking all of the above into account, it is clear to me that public consultation played a fundamental role in the production of the Neighbourhood Plan. Consultation was extensive, comprehensive and transparent. Evidence has been provided to demonstrate that there were plentiful opportunities for comment and that comments were duly considered. There is no doubt in my mind that people and organisations were provided with a fair chance to have their say.

The consultation undertaken is reflective of the significant efforts made by all involved to go well beyond any statutory requirements. Plan-makers were positive and pro-active in encouraging people to engage with the neighbourhood planning process. As a result, public consultation was central to the production of the Neighbourhood Plan and as such, is reflected in its policies.

I am satisfied that the consultation process was significant and robust.

5. The Neighbourhood Plan – Introductory Section

Where modifications are recommended, they are presented as bullet points and highlighted in bold print, with proposed new wording in italics.

The policies of the Neighbourhood Plan are considered against the basic conditions in Chapter 6 of this Examiner’s Report. I have also considered the Introductory Section of the Neighbourhood Plan and make recommendations below. These are aimed at making it a clear and user-friendly document.

Introduction

The Neighbourhood Plan is a long document, comprising some 55 pages. This in itself is not a concern - some neighbourhood plans are long, some are short. There is no requirement regarding how long a neighbourhood plan should be. However, I am concerned that the first Policy is not encountered until half way through the Neighbourhood Plan, on page 27. Effectively, over half of the Neighbourhood Plan comprises an introduction.

I consider that this makes for an unbalanced Neighbourhood Plan, whereby insufficient emphasis is given to Policies, relative to introductory information. In reaching this conclusion, it is my view that there are parts of the introductory section that are unnecessary and in some cases, both confusing and unhelpful. In addressing these points below, I find that a more appropriate balance can be achieved, to the overall benefit of the Neighbourhood Plan.

The two-page Foreword is very long. Whilst this may provide interesting background for a Submission document, it would unduly dominate a land use planning document. I recommend the following:

- **Delete Foreword or reduce to one or two short paragraphs**

There is already a contents page, to the reverse of the title page. There is no need to set aside a further two pages of the Neighbourhood Plan to individually list every policy. I recommend the following:

- **Delete the List of Policies**

I note on page 4 of this Report that the sentence below should be added at the end of paragraph 1.3. I also recommend a change related to appropriate use of the present and past tense. I find paragraphs 1.4 and 1.5 to be superfluous.

- **End of Para 1.3 add “*The Neighbourhood Plan covers the period 2013 to 2031.*”**
- **Para 1.3 change first line to: “Plan) *has been prepared...*”**

- **Delete paragraphs 1.4 and 1.5**

The section entitled “Neighbourhood Development Plans” simply comprises several paragraphs of the Framework. This is unnecessary – if a reader wanted to read large chunks of the Framework they would be likely to turn to the Framework, rather than to the Ardingly Neighbourhood Plan.

- **Delete paragraph 1.6**

Paragraphs 1.7 and 1.8 are difficult to understand and contain incorrect information, particularly with regards the development plan. It would be clearer if there was simply a reference to the Sustainability Appraisal and SEA leading into the description of why the Neighbourhood Plan contributes to the achievement of sustainable development.

- **Delete paragraphs 1.7 and 1.8**
- **Add to the beginning of paragraph 1.9 *“A Sustainability Appraisal incorporating a Strategic Environmental Assessment was produced and consulted upon as part of the plan-making process. The Ardingly Neighbourhood Plan will contribute to the achievement of sustainable development by...evaluated.”***

The Plan Preparation section may be helpful in a Submission document but now appears superfluous.

- **Delete paragraphs 1.10, 1.11 and 1.12**

The Consultation section is long-winded. It does little justice to what is an exemplary Consultation Statement. This section would be much clearer if it simply referred to the Consultation Statement itself.

- **Delete paragraphs 1.13 to 1.17. Replace with one paragraph stating *“The production of the Neighbourhood Plan was supported by significant and extensive local consultation. The Consultation Statement, which supports the Ardingly Neighbourhood Plan, provides a comprehensive summary of who was consulted and how, along with evidence of how comments were considered and taken into account in the making of the Plan.”***

State of the Parish

This section begins with an interesting and distinctive history and a useful location plan. It is followed by a two and a half page list headed “Selected Parish Statistics” and a long list of “Community Views.”

The subsequent “Developments” section is confusing and unnecessary. It provides what appears to me as a somewhat random commentary relating to developments, applications and a District-wide allocations process. There is no apparent reason for this section being included in the Neighbourhood Plan and I find that it detracts from the Neighbourhood Plan.

- **Delete paragraphs 2.11 to 2.14**

The next section, Planning Policy Context, sets out a very confused and in parts, incorrect summary of the planning policy context as it relates to the Neighbourhood Plan. It would be helpful if the Neighbourhood Plan instead set out an accurate contextual requirement based on the basic conditions. I recommend the following:

- **Delete paragraphs 2.15 to 2.17 and replace with the following “*The Neighbourhood Plan must have regard to national policy and be in general conformity with the strategic policies of the Mid Sussex Local Plan (2004).*”**

This section goes on to provide two lists relating to the Framework, and the Mid Sussex Local Plan (2004) (the Local Plan). These are selective and unnecessary, adding little to the Neighbourhood Plan:

- **Delete the lists on page 17 including paragraphs 2.21 and 2.22**

Nearly four pages are then devoted to an emerging document and refer to policies that have not been adopted.

- **Delete paragraphs 2.23 to 2.36, including the plan**

This is followed by nearly two pages largely made up of long extracts from various documents relating to the High Weald AONB. This is unnecessary and the Neighbourhood Plan would be much clearer as a result of the following recommendation:

- **Delete paragraphs 2.37 to 2.39. Replace with one paragraph “The Neighbourhood Area lies within the High Weald AONB. The High Weald AONB Management Plan was adopted by Mid Sussex District Council in March 2014 and it covers the period 2014-2019.”**

The section ends with reference to the Ashdown Forest SPA and SAC. As above, in attempting to provide lots of information, the resulting wording has become

somewhat confused. As such, it does not present a clear picture for the reader. For clarity and simplicity, I recommend the following:

- **Delete paras 2.41 to 2.44**

Vision and Objectives

This section is very clearly presented. It sets out a vision and identifies objectives through which the vision will be achieved. This presents an excellent context for the Policies that follow.

6. The Neighbourhood Plan – Neighbourhood Plan Policies

The policy section of the Neighbourhood Plan provides a clear distinction between the Neighbourhood Plan's land use planning policies and the supporting text. Policies are boxed and supporting text follows. The supporting text is generally clear and concise.

Some of the Policies have a bracketed "Conformity Reference" underneath. These include references to the Framework, the Local Plan and non-adopted policies. The references are selective and subjective, and their inclusion is unnecessary. They detract from the impact of the Policies themselves. Furthermore, I note that they are not applied to each Neighbourhood Plan Policy and as a consequence, their inclusion is lacks consistency. I recommend the following modification:

- **Delete all "Conformity Reference" notes**

As a minor point, I note that the numbering of the policies (eg Policy 1, Policy 2) is very straightforward, clear and helpful. Also, I acknowledge the attractive photographs provided help to break up the text and present a distinctive and attractive section of the Neighbourhood Plan.

Housing

- **Para 4.2, further to above modification, delete “...and is accompanied by...development plan.”**

Policy 1: The Presumption in Favour of Sustainable Development

The intention of Policy 1 is to introduce a positive approach to sustainable development. As worded, Policy 1 sets out criteria whereby planning permission would be granted. However, in attempting to paraphrase the Framework, it has resulted in an approach that is confusing and unclear.

The Framework, in paragraph 14, relates specifically to the development plan when considering decision-taking in the context of sustainable development. In attempting to split up the Neighbourhood Plan from the development plan as a whole, the first paragraph and bullet points of Policy 1 fails to have regard to the Framework, which requires plans to provide a clear indication of how a decision maker should react to a development proposal (para 154). As such, the Policy does not meet the basic conditions.

However, the final paragraph of Policy 1 does have regard to national policy’s positive assumption in favour of sustainable development. Subject to removing the reference to the local planning authorities – the actions of which are not determined by the Parish Council – the Policy contributes to the achievement of sustainable development.

- **Policy 1, delete first paragraph and bullet points**
- **Policy 1, retain final paragraph, but delete “...and the local planning authorities...”**

Policy 2: A Spatial Plan for the Parish

The opening paragraph of Policy 2 is confusing. As worded, it suggests that housing, economic and community-related development will be located on the boundary of the built-up area, which is not the case. Furthermore, the Policy needs to be clear about what the built-up area boundary comprises. As presented, the Proposals Map shows the major housing allocation as being located outside the settlement boundary. The following modifications are recommended:

- **Policy 2, change line 2 to read “...*within the Parish to within the revised built-up area boundary shown on the Proposals Map*”**

- **Revise Proposals Map to ensure that the settlement boundary includes the Standgrove Field allocation**

The remaining part of the Policy sets out criteria relating to development outside the settlement boundary, but within the High Weald AONB. The Framework affords great weight to conserving landscape and scenic beauty in AONBs and recognises the conservation of wildlife and cultural heritage as important considerations in these areas (para 116). It goes on to state that planning permission for *major* development (my emphasis) should be refused, except in exceptional circumstances.

In requiring all development proposals within the AONB, but outside the settlement boundary, to demonstrate exceptional circumstances, Policy 1 fails to have regard to the Framework's reference to major development. Furthermore, I note that the Policy goes on to repeat the provisions of the High Weald AONB Management Plan, when a simple reference to this document would suffice.

Furthermore, the Policy seeks to exclude various sites from the provisions of the Policy, yet I note that these sites would still be within the AONB.

The following modifications are recommended:

- **Delete second paragraph and subsequent bullet points. Replace with *“Development proposals located outside the built up area boundary will be required to demonstrate how they conserve the AONB. In this regard, proposals should seek to address the provisions of the High Weald AONB Management Plan.”***
- **Delete supporting Paras 4.6 and 4.7**

I note that a representation has been received from Southern Water, outlining concerns regarding the ability to provide for essential infrastructure. Paragraph 166 of the Framework allows development in AONBs where it can be demonstrated that it is in the public interest. Having regard to this, I recommend the following:

- **Policy 2, add *“Development for essential infrastructure will be supported where it can be demonstrated that there are no alternative sites available and that the benefit outweighs any harm or loss.”***

Subject to the above, Policy 2 has regard to national policy and contributes towards the achievement of sustainable development. I note in the above regard that there appears to be conflict between Local Plan Policy C4 and the Framework. In such cases, the Framework takes precedence.

Policy 3: Housing Supply and Site Allocation

Policy 3 provides for the development of at least 27 homes during the plan period. Significantly, Policy 3 does not seek to place a cap on the number of homes to be built in the Neighbourhood Area during the plan period. In this regard, I find that the Policy provides for sustainable growth and in so doing, it has regard to the Framework and contributes to the achievement of sustainable development.

Mid Sussex District Council considers that the Neighbourhood Plan sets out a positive approach and provides for a sustainable level of growth.

Representations have been received from objectors promoting land for development. These include a “Local Housing Needs and Economic Benefits Assessment” which suggests that there is a need for between 120 and 160 dwellings in Ardingly. However, I note that, unlike the Neighbourhood Plan, this Assessment has not been the subject of a public consultation process. I also note that it has not been subject to rigorous examination at, say, an examination in public. Notwithstanding this, I point out above that Policy 3 does not seek to place a cap on the number of homes to be built in Ardingly and I note that there is no substantive evidence before me to demonstrate that it would not be possible to build houses anywhere else in the Neighbourhood Area, other than at the allocation in Policy 3.

Whilst Mid Sussex District Council does not have a five year housing land supply/ there is not an up to date strategic housing land allocation policy in the Local Plan, national policy establishes that a neighbourhood plan can be made whether or not district-wide housing policies are up to date.

I note above that Policy 3 has regard to national policy and contributes to the achievement of sustainable development. The Neighbourhood Plan meets the basic conditions in this regard.

There has also been collaborative working with Mid Sussex District Council.

Where a neighbourhood plan is brought forward before an up-to-date Local Plan is in place, Planning Practice Guidance states that there should be collaborative working between the local planning authority and the qualifying body to resolve issues and ensure the greatest chance of success at independent examination. I recognise above that there was “an extensive, supportive working relationship” between plan-makers and Mid Sussex District Council and that a wide range of factors have been taken into account, and consulted upon, in developing Policy 3.

The Policy allocates a specific site, at Standgrove Field, for up to 27 homes. However, planning permission has been granted at Standgrove Field for 37 homes. In the light of this I recommend the following:

- **Policy 3, replace “27” with “37” in line one and line three.**

Whilst many people support this allocation, others have objected to it for various reasons, including it comprising an attractive area of land, and suggestions that other sites would be more appropriate for development.

Whilst I recognise that not everybody supports the Standgrove Field allocation, it has emerged through a plan-making process that included a Sustainability Appraisal and SEA that I have found to be compatible with EU regulations; and the Policies of the Neighbourhood Plan have emerged through comprehensive and robust consultation. Furthermore, I note above that there has been collaborative working between plan-makers and Mid Sussex District Council, which is supportive of the Neighbourhood Plan's approach to housing.

The allocation of housing land is often controversial. However, the allocation of Standgrove Field will help the Neighbourhood Plan to contribute towards Mid Sussex's housing needs. By allocating land for at least 37 new homes and by not placing a cap on residential development in the Neighbourhood Area, the Neighbourhood Plan provides for sustainable growth. Consequently, I am satisfied that the allocation of Standgrove Field, where planning permission has now been granted, has regard to national policy and contributes to the achievement of sustainable development. I consider that its allocation meets the basic conditions.

Further to allocating Standgrove Field, Policy 3 goes on to require 30% of dwellings to comprise two and three bed affordable homes and for 50% of these to be subject to a local lettings policy. This approach reflects the unique local circumstances of the Neighbourhood Area, recognising that new development brought forward in the High Weald AONB has a role to play in meeting local housing need, whilst still providing for flexibility.

This approach has emerged through the plan-making process outlined above. It has regard to the Framework, which, through neighbourhood planning, provides the tools for local people to ensure that they get the right types of development for their community and requires plans to provide for all types of housing, and for the needs of different groups in the community.

Policy 3 goes on to provide for windfall development. However, it seeks to restrict windfall development to previously developed land. This would fail to have regard to the national policy assumption in favour of sustainable development. I recommend the following:

- **Policy 3 delete "...on previously developed land..."**

I note above that the Neighbourhood Plan's policies should be consistent with the conclusions of the HRA. Consequently, I recommend that Policy 3 requires proposals for development in the Neighbourhood Area to demonstrate how SANG and SAMM requirements have been taken into account. I recommend the following:

- **Policy 3, add new line “All development proposals must demonstrate how they have taken into account the requirement to contribute to Suitable Alternative Natural Greenspace and a Strategic Access Management and Monitoring Strategy.”**

In recommending the above, I am mindful that the approach reflects the views Mid Sussex District Council, as set out in a letter to Wealden District Council dated 29 August 2014.

Subject to the above, Policy 3 meets the basic conditions.

Policy 4: Suitable Alternative Natural Greenspace

Policy 4 is a positive policy that expresses support for new development proposals that will deliver one or more SANGs. The Policy contributes to the achievement of sustainable development. It meets the basic conditions.

Policy 5: Housing Design

Policy 5 seeks to protect local character. It has regard to the Framework, which protects local character and is in general conformity with Local Plan Policy B1, which requires development to respect local character. It meets the basic conditions.

Environmental Policies

Policy 6: Local Green Spaces

Local Green Space is a restrictive and significant policy designation. The Framework enables local communities to identify, for special protection, green areas of particular importance to them as Local Green Space. The Framework states that:

“By designating land as Local Green Space local communities will be able to rule out new development other than in very special circumstances.” (Para 76)

Policy 6 allocates six sites as Local Green Spaces.

The Policy goes on to state that proposals for any development on the land will be resisted. This second part of the Policy does not have regard to the Framework, which requires the managing of development within Local Green Space to be consistent with policy for Green Belts. Effectively, Local Green Spaces, once designated, provide protection that is comparable to that for Green Belt land. Green Belt policy does not preclude development.

Taking the above into account, and having regard to national policy, I recommend the following modification:

- **Policy 6: Change final line to read “Proposals for development on the land will be resisted except in very special circumstances.”**

The six sites are local in character, are not extensive tracts of land and are in close proximity to the community they serve. Through the consultation process, the sites have been demonstrated to be special to the local community and to hold particular local significance, including: the historic significance and tranquillity of the Butcher’s Field; the recreational value of the Recreation Ground and Gower’s Pit; the tranquillity of Oaklands Green; the recreational value and tranquillity of land East of the High Street; and the richness of wildlife at Standgrove Field.

Taking the above into account, the allocations are consistent with the requirements of national policy, set out in paragraph 77 of the Framework. As such, they contribute to the achievement of sustainable development.

I note that representations in objection to the allocation of the Butcher’s Field state that it is, or will be, required for residential development and as such, is not capable of enduring beyond the end of the plan period, as required by national policy. However, I note above that the Neighbourhood Plan’s approach to housing meets the basic conditions. It does so without allocating the Butcher’s Field site for housing, or safeguarding it for the delivery of housing beyond the end of the plan period.

Subject to the modification above, Policy 6 meets the basic conditions.

Policy 7: Allotments

Policy 7 supports proposals for new allotments. The Policy has regard to the Framework, which supports the provision of social and recreational facilities and contributes to the achievement of sustainable development. It meets the basic conditions.

Policy 8: Biodiversity

Policy 8 seeks to safeguard and enhance biodiversity. As such, its overall intention has regard to the national policy aim of conserving and enhancing biodiversity. However, as worded, the Policy fails to provide the clarity set out in paragraph 154 of the Framework. The second sentence simply doesn't make sense, whilst the opening sentence does not set out how the Neighbourhood Plan will protect and enhance biodiversity. In order to provide clarity of purpose and meet the basic conditions, I recommend the following modification:

- **Policy 8, change wording to *"The Neighbourhood Plan will support proposals that protect and enhance...populations. Proposals that provide favourable...conservation will be supported."***

Further to the above, national policy recognises that in exceptional circumstances where the need for development – for example, necessary infrastructure – outweighs the harm to biodiversity, there should be mitigation measures. Having regard to this, I recommend the following:

- **Policy 8, add *"Mitigation measures will be sought where any loss would be unavoidable and cause significant harm."***

Policy 9: Heritage Assets

The Framework recognises heritage assets as an irreplaceable resource. As worded, Policy 9 requires all development affecting a heritage asset to enhance the special quality and distinctive character of Ardingly. This may not be possible in all cases and is a requirement that does not have regard to the Framework – which does not require all development to enhance heritage assets. Consequently, as worded, Policy 9 does not meet the basic conditions.

However, a requirement to conserve *or* enhance would resolve this issue and enable Policy 9 to have regard to the Framework, which protects heritage assets, whilst being distinctive to Ardingly. The Policy would then help to sustain and enhance

Ardingly's historic environment and in this way, contribute to the achievement of sustainable development.

- **Policy 9, replace “...conserve and enhance...” with “...*conserve or enhance*...”**

Policies 10 – 13 (Primary School, Scout Hut, Medical Services, Recreation Ground Pavilion)

Together, these Policies support the provision of a range of community facilities. The Policies provide a good example of how the Neighbourhood Plan can deliver the sustainable development a community needs. They have regard to the Framework's promotion of healthy communities and its requirement for planning policies to plan positively for community facilities. Together, they contribute to the achievement of sustainable development. They are also in general conformity with Local Plan Policies CS1, CS5 and CS8, which together amongst other things, support the provision of educational, medical and community facilities.

Policies 10 – 13 meet the basic conditions.

Policy 14: Assets of Community Value

Policy 14 proposes that Mid Sussex District Council designates Assets of Community Value. As such, it is not a land use planning policy.

However, the aspiration of Policy 14 has emerged through consultation and is clear. It should not be lost. I recommend the following:

- **Delete title of Policy 14: Assets of Community Value and replace with *"Community Action: Assets of Community Value"***
- **Change opening sentence to read *"The Parish Council will apply to designate the following buildings/sites as Assets of Community Value as a result of their..."***
- **Change second para to read *"Once designated, it is intended that proposals that will..."***
- **Change third para to read *"The Parish Council will seek to include these sites..."***
- **To make it clear that this is a Community Action and not a Policy, do not place a box around the Community Action, or alternatively, make sure that it appears differently to the Policies of the Plan (eg, by shading or use of colour)**
- **Para 4.41 first sentence change "policy" to *"Community Action"***

- **Para 4.41 change to “Firstly, it is intended to require proposals...that test has been met, then it is intended to provide an appropriate...”**

Policy 15: Village Shops

Policy 15 seeks to protect village shops. This has regard to national policy, which promotes the retention of local shops in villages (para 28) and requires plans to plan positively in order to do so (para 70). Supporting strong communities is recognised as an important dimension of sustainable development and Policy 15 therefore contributes to the achievement of sustainable development.

The Policy meets the basic conditions.

Policy 16: Cafes, Pubs and Restaurants

This Policy supports the creation of new café and restaurant uses and seeks to safeguard their use. The Policy has regard to national policy, which supports the retention and development of local services and community facilities in villages, including, for example, pubs. As above, Policy 16 contributes to the achievement of sustainable development by supporting strong communities. It is in general conformity with Local Plan policy CS7, which supports the retention of pubs.

I note that the Policy refers only to Planning Use Class A3. This relates to restaurants and cafes. Planning Use Class A4 relates to pubs. The title of the Policy and the supporting text clearly relates to pubs. I recommend the following modification:

- **Policy 16, change to “...and restaurant units and A4 drinking establishments in the built up...existing A3 and A4 units...”**

Policy 17: Broadband

Policy 17 promotes super-fast broadband. It has regard to the Framework, which recognises that advanced, high quality communications infrastructure is essential for sustainable economic growth.

The Policy requires the design of such infrastructure to “reflect the character of the local area” and for it to be placed in “sympathetically chosen” locations. I find that this wording provides for some flexibility. It is in general conformity with Local Plan Policy CS17, which requires such development not to be “unduly detrimental” and has regard to the Framework, which requires equipment to be “sympathetically designed and camouflaged where appropriate.”

Policy 17 meets the basic conditions.

Traffic Policies

Policies 18 and 19:

Policy 18 states that it would “support proposals for measures for traffic calming.” This is not a land use planning policy but a Community Action.

- **Replace Policy 18 with “*Community Action: Traffic Management*”**
- **As above, remove box, or ensure that the Community Action does not appear as a Policy**
- **Para 4.51 change to “*The Parish Council considers that this Community Action would enable the implementation of measures...*”**

Policy 19 states that it would “...support proposals to establish a new car park in the village at a suitable location...” Again, this is not a land use planning policy but a Community Action. The Policy goes on to require the provision of adequate off-street parking in new residential development proposals, but provides no detail and as such, is vague and fails to provide the clarity sought by the Framework. It does not meet the basic conditions.

- **Replace Policy 19 with “*Community Action: Car Parking*”**
- **As above, remove box, or ensure that the Community Action does not appear as a Policy**
- **Delete final part of sentence “and requires the provision...”**

Site Specific Policies

Policy 20: Ardingly Rail Depot

Policy 20 supports the use of this site as a railway station and museum and I am mindful that the proposal is supported by the Bluebell Railway.

The Policy has regard to the Framework's requirement for planning policies to plan positively for community facilities.

I note that the final sentence of the supporting text states that the Policy updates and replaces a saved Local Plan Policy (AR1). For clarity, Policy 20 does not update or replace any saved Local Plan Policies.

- **Para 4.59, Delete final sentence**

Policy 21: Ardingly College

Policy 21 supports development within the central built core of the Ardingly College campus. This is a positive Policy. It has regard to the assumption in favour of sustainable development.

However, as worded, the Policy does not have regard to the national policy requirement to conserve or enhance heritage assets as appropriate, as set out in the historic environment chapter of the Framework. Simply being "sympathetic to the setting of the listed building" introduces inappropriate ambiguity.

- **Policy 21, Delete first bullet point and replace with "*conserve or enhance the listed building and its setting*"**

Subject to the above, the proposal contributes to the achievement of sustainable development and meets the basic conditions.

Policies 22 - 24: (South of England Showground, Wakehurst Place and Millennium Seedbank; Ardingly Reservoir)

Together, Policies 22-24 plan positively for sustainable development at three important sites within the Neighbourhood Area. As such, the Policies have regard to the Framework and contribute to the achievement of sustainable development. They meet the basic conditions.

Policy 25: Bluebell Railway

The first part of Policy 25 states that “the Neighbourhood Plan supports the safeguarding” of a former railway route. This is not a land use planning policy but a Community Action.

- **Remove the first sentence from Policy 25 and place it in a new “Community Action: Bluebell Railway”**

The second part of Policy 25 is a positive Policy that supports proposals for the reinstatement of Ardingly Station. The Policy goes on to protect the Station by stating that demolition will be resisted. Subject to the modifications above, Policy 25 has regard to paragraph 28 of the Framework, which supports sustainable rural tourism and promotes the retention of cultural buildings. The Policy contributes to the achievement of sustainable development. It meets the basic conditions.

- **Delete last sentence of Para 4.74**

Policy 26: Ardingly – Wakehurst Cycle Route

Policy 26 states that “the Neighbourhood Plan will support proposals to establish a new dedicated cycle route...” This is not a land use planning policy but a Community Action.

- **Change Policy 26 to “Community Action: Ardingly – Wakehurst Cycle Route”**
- **Begin Para 4.75 “The Parish Council will encourage proposals to be...”**

Policy 27: Infrastructure Investment

Policy 27 seeks to prioritise projects for Community Infrastructure Levy funding. However, there is no Community Infrastructure Levy in Mid Sussex. Given this, I recommend the following:

- **Replace Policy 27 with “Community Action: Infrastructure Investment”**
- **As above, remove box, or ensure that the Community Action does not appear as a Policy**
- **Change opening sentence to “The Parish Council considers it sensible to seek to plan for the use of future Community Infrastructure Levy (CIL) monies ahead of such time that Mid Sussex District Council has adopted a CIL Policy. Once there is a CIL in place, the Parish Council proposes the following projects for investment of future CIL funding: i) ...as per**

Community Action: Traffic Management...iv) as per Community Action: Car Parking..."

8. Summary

The Ardingly Neighbourhood Plan has emerged further to a significant community effort. It reflects a commitment to turning local opinion into effective and locally relevant land use planning policies.

Further to considering it against the basic conditions, I have recommended a number of modifications to the Neighbourhood Plan.

Subject to these modifications, the Ardingly Neighbourhood Plan

- has regard to national policies and advice contained in guidance issued by the Secretary of State;
- contributes to the achievement of sustainable development;
- is in general conformity with the strategic policies of the development plan for the area;
- does not breach, and is compatible with European Union obligations and the European Convention of Human Rights.

Taking the above into account, I find that the Ardingly Neighbourhood Plan meets the basic conditions. I have already noted above that the Plan meets paragraph 8(1) requirements.

9. Referendum

I recommend to Mid Sussex District Council that, subject to the modifications proposed, the **Ardingly Neighbourhood Plan should proceed to a Referendum.**

Referendum Area

Neighbourhood Plan Area - I am required to consider whether the Referendum Area should be extended beyond the Ardingly Neighbourhood Area. I consider the Neighbourhood Area to be appropriate and there is no substantive evidence to demonstrate that this is not the case.

I recommend that the Plan should proceed to a Referendum based on the Ardingly Neighbourhood Area as approved by Mid Sussex District Council on 9 July 2012.

Nigel McGurk, October 2014
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