

# **Ashurst Wood Neighbourhood Plan 2015-2031**

**A report to Mid Sussex District Council on the  
Ashurst Wood Neighbourhood Plan**

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## **Executive Summary**

- 1 I was appointed by Mid Sussex District Council in January 2016 to carry out the independent examination of the Ashurst Wood Neighbourhood Plan.
- 2 The examination was undertaken by written representations. I visited the neighbourhood plan area on 27 January 2016.
- 3 The Plan proposes a wide range of policies and seeks to bring forward positive and sustainable development in the plan area. There is a very clear focus on promoting sustainable development in general and new housing in particular to meet strategic objectives whilst safeguarding the wider landscape of the area.
- 4 The Plan has been significantly underpinned by community support and engagement. It seeks to achieve sustainable development in the plan area and which reflects the range of social, environmental and economic issues that it has identified.
- 5 Subject to a series of recommended modifications set out in this report I have concluded that the Ashurst Wood Neighbourhood Plan meets all the necessary legal requirements and should proceed to referendum.
- 6 I recommend that the referendum should be held within the neighbourhood plan area.

**Andrew Ashcroft**  
**Independent Examiner**  
**2 March 2016**

## **1 Introduction**

- 1.1 This report sets out the findings of the independent examination of the Ashurst Wood Neighbourhood Plan 2015-2031 (AWNPN).
- 1.2 The Plan has been submitted to Mid Sussex District Council (MSDC) by the Ashurst Wood Parish Council in its capacity as the qualifying body responsible for preparing the neighbourhood plan.
- 1.3 Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently embedded in the National Planning Policy Framework in 2012 and which continues to be the principal element of national planning policy.
- 1.4 This report assesses whether the AWNP is legally compliant and meets the Basic Conditions that apply to neighbourhood plans. It also considers the content of the Plan and, where necessary, recommends changes to its policies and supporting text.
- 1.5 This report also provides a recommendation as to whether the AWNP should proceed to referendum. If this is the case and that referendum results in a positive outcome the AWNP would then be used to determine planning applications within the plan area and will sit as part of the wider development plan.

## **2 The Role of the Independent Examiner**

- 2.1 The examiner's role is to ensure that any submitted neighbourhood plan meets the relevant legislative and procedural requirements.
- 2.2 I was appointed by MSDC, with the consent of the Parish Council, to conduct the examination of the Plan and to prepare this report. I am independent of both the MSDC and the Parish Council. I do not have any interest in any land that may be affected by the Plan.
- 2.3 I possess the appropriate qualifications and experience to undertake this role. I am a Director of Andrew Ashcroft Planning Limited. In previous roles I have over 30 years' experience in various local authorities at either Head of Planning or Service Director level. I am a chartered town planner and have significant experience of undertaking other neighbourhood plan examinations and health checks. I am a member of the Royal Town Planning Institute.

### *Examination Outcomes*

- 2.4 In my role as the independent examiner of the Plan I am required to recommend one of the following outcomes of the examination:
- (a) that the AWNP is submitted to a referendum; or
  - (b) that the AWNP should proceed to referendum as modified (based on my recommendations); or
  - (c) that the AWNP does not proceed to referendum on the basis that it does not meet the necessary legal requirements.

### *The Basic Conditions*

- 2.5 As part of this process I must consider whether the submitted AWNP meets the Basic Conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. To comply with the basic conditions, the Plan must:
- have regard to national policies and advice contained in guidance issued by the Secretary of State; and
  - contribute to the achievement of sustainable development; and
  - be in general conformity with the strategic policies of the development plan in the area; and
  - be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations.

I have examined the submitted AWNP against each of these basic conditions, and my conclusions are set out in Sections 6 and 7 of this report. I have made specific comments on the fourth bullet point above in paragraphs 2.6 to 2.10 of this report.

- 2.6 In order to comply with the Basic Condition relating to European obligations MSDC concluded in February 2013 that the Ashurst Wood Neighbourhood Plan would require a SEA and also encouraged the Parish Council to undertake a Sustainability Appraisal (SA). Whilst there is no legal requirement for Neighbourhood Plans to undertake a SA, it is widely recognised that this is a useful way of considering how the Plan contributes to sustainable development and the Steering Group adopted this approach. As the Plan required a SEA, an environmental report was then prepared in accordance with regulation 12 of the Environmental Assessment of Plans and Programmes Regulations 2004. Two reports were eventually prepared. The first was produced by AECOM in January 2015. Following technical issues raised by MSDC

on the contents of the AECOM report the Parish Council undertook additional work. That additional work (and as published in September 2015) was mainly based around the non-housing policies.

- 2.7 It is very clear that a significant amount of very detailed work has been undertaken on these two complementary and overlapping reports. Alternative options have been tested and the SA/SEA approach has underpinned the production of the neighbourhood plan itself. The assessments show that the most sustainable policy options have been chosen for inclusion in the Neighbourhood Plan. Whilst new development will always have an adverse impact on the environment in an AONB, there is a need to balance such negative impacts against social and economic benefits in order to provide for the sustainable growth of Ashurst Wood.
- 2.8 The MSDC has also undertaken a Habitats Regulations Assessment (HRA) screening report on the Plan. This HRA accompanied the Ashurst Wood Neighbourhood Plan produced for Regulation 16 of the Neighbourhood Planning (General) Regulations 2012. The screening assessment found that there would be no likely significant effect on the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC) from the majority of policies included within the Ashurst Wood Neighbourhood Plan. It was found, however, that the development proposed in Policies 5, 6, 7, 8, 9 and 10 will have a likely significant effect alone since it is within 7km of the Ashdown Forest SPA (Appendix 1). An appropriate assessment is, therefore, required to test these policies further.
- 2.9 Having reviewed the information provided to me as part of the examination I am satisfied that a thorough, comprehensive and proportionate process has been undertaken in accordance with the various regulations. The various reports set out a robust assessment of the relevant information. None of the statutory consultees have raised any concerns with regard to either neighbourhood plan or to European obligations. In the absence of any evidence to the contrary, I am entirely satisfied that the submitted AWNP is compatible with this aspect of European obligations.
- 2.10 In a similar fashion I am satisfied that the submitted AWNP has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights (ECHR) and that it complies with the Human Rights Act. There is no evidence that has been submitted to me to suggest otherwise. There has been full and adequate opportunity for all interested parties to take part in the preparation of the Plan and to make their comments known. On this basis I conclude that the submitted HNP does not breach, nor is in any way incompatible with the ECHR.

#### *Other examination matters*

- 2.11 In examining the AWNP I am also required to check whether:
- the policies relate to the development and use of land for a designated neighbourhood plan area; and
  - the Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one neighbourhood area); and
  - the Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.

2.12 Having addressed the matters identified in paragraph 2.11 of this report I am satisfied that all of the points have been met subject to the contents of this report.

### **3 Procedural Matters**

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

- the submitted AWNP
- the AWNP Basic Conditions Statement
- the AWNP Consultation Statement
- the AWNP SA/SEA
- the representations made to the AWNP
- the adopted Mid Sussex Local Plan 2004
- the emerging Mid Sussex District Local Plan 2014-2031
- the National Planning Policy Framework (March 2012)
- Planning Practice Guidance (March 2014 and subsequent updates)
- recent Ministerial Statements (March, May and June 2015).

3.2 I carried out an unaccompanied visit to the Plan area on 27 January 2016. I looked at the overall character and appearance of the Plan area and at those areas affected by policies in the Plan in particular. My site inspection is covered in more detail in paragraphs 5.9 to 5.12 of this report.

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

## 4 Consultation

### *Consultation Process*

- 4.1 Policies in made neighbourhood plans become the basis for local planning and development control decisions. As such the regulations require neighbourhood plans to be supported and underpinned by public consultation.
- 4.2 In accordance with the Neighbourhood Planning (General) Regulations 2012 the Parish Council has prepared a Consultation Statement. This statement is thorough, comprehensive and professionally-prepared. It also provides specific details on the consultation process that took place on the draft version of the Plan between January and March 2015. These details set out how the emerging plan took account of the various comments and representations.
- 4.3 Section 2 in general and section 2.4 in particular of the Plan itself also set out details of the wider consultation process that has been carried out as part of the evolution of the Plan. Details are provided about:
- the Call for Sites May 2012
  - the Residents' Survey
  - the Sustainability Appraisal Scoping Report December 2013
  - the Call for Sites October 2013
  - the Consultation Event February 2014
  - the Business Survey October 2014
  - the draft Plan consultation
  - ongoing community engagement following the draft Plan consultation.
- 4.4 The Consultation Statement also provides very useful information about the methods of community engagement. In addition to the regular parish council meetings the community was also engaged through regular newsletters, a separate neighbourhood plan section on the parish council website, and a range of consultation events.
- 4.5 It is clear to me that consultation has fundamentally underpinned the Plan's production. Advice on the neighbourhood planning process has been made available to the community in a positive and direct way by those responsible for the Plan's preparation. Consultation and feedback has been at the heart of the Plan throughout the various stages of its production.
- 4.6 The appendix to the Consultation Statement has been particularly informative to my examination of the Plan. It sets out how the Plan evolved between the pre-submission and submission phases. The positive approach that was taken in responding to the earlier comments is reflected in the limited number of representations received to the submitted plan (see 4.8 below) and their generally positive nature.
- 4.7 From all the evidence provided to me as part of the examination, I can see that the AWNP has promoted an inclusive and comprehensive approach to seeking the opinions of all concerned throughout the process. On this basis I am fully satisfied that the consultation process has complied with the requirements of the Regulations.

### *Representations Received*

4.8 Consultation on the submitted plan was undertaken by the District Council for a six-week period and which ended on 7 January 2016. This exercise generated comments from the following persons or organisations:

- Roger and Sheila East
- Southern Water
- Highways England
- Natural England
- Environment Agency
- West Sussex County Council
- Historic England
- DMH Stallard
- Gatwick Airport Limited

## **5 The Plan Area and the Development Plan Context**

### *The Plan Area*

- 5.1 The Plan area covers the whole of the parish of Ashurst Wood. It was designated as a neighbourhood area on 9 July 2012.
- 5.2 The Plan area is located within the Mid Sussex District. It sits within the High Weald Area of Outstanding Natural Beauty. The Plan area is located between East Grinstead and Forest Row. Lewes Road (A275) runs through the Plan area
- 5.3 The Plan area provides an interesting and varied set of environmental and landscape issues. The village itself sits well within the surrounding rolling countryside. It displays an interesting range of buildings of different ages and sizes. Whilst it has a compact heart, there are other dwellings along Cansiron Lane to the east and directly off Lewes Road.

### *Development Plan Context*

- 5.4 The development plan covering the neighbourhood plan area is the Mid Sussex Local Plan and which was adopted in 2004. Most of the policies in this plan have been saved. However, many are now out of date in general, and in particular those relating to the provision of new housing development. The Basic Conditions Statement has very helpfully listed the policies in both the adopted Local Plan and in the Pre-Submission Draft District Plan with which the AWNP is considered to be consistent.
- 5.5 Work is now underway on the preparation of the Mid Sussex District Plan. This was first submitted to the Secretary of State in July 2013 and was withdrawn following the initial hearing in May 2014. Consultation on a revised pre-submission Plan took place between June and July 2015.
- 5.6 The Focused Amendments to the Pre-Submission Draft District Plan were approved for consultation in November 2015. The consultation started on 19 November 2015 and closed on the 15 January 2016. The timetable for the Plan anticipates its submission for examination in Spring 2016.
- 5.7 The emerging Mid Sussex District Plan would potentially have provided a much more up to date context for the AWNP than the 2004 Local Plan, which was prepared long before current national policy guidance. However, the legislation requires that the neighbourhood plan be in general conformity with the strategic policies of the development plan for the area, and this refers to the 2004 Local Plan as the emerging District Plan does not yet have development plan status.
- 5.8 On the key issue of future housing provision, the emerging District Plan has more weight than might otherwise apply because as currently drafted the District Plan proposes to rely on neighbourhood plans to make provision for sufficient sites for housing development. It has been on this basis that the suite of housing allocations in the AWNP have emerged.

### *Site Visit*

- 5.9 I carried out an unaccompanied visit to the Plan area on 27 January 2016. That date overlapped with Storm Gertrude and I was unable to see the Plan area at its best.

Nevertheless, I was able to see the efficiency of surface water run-off in the area and saw first-hand the strength of community spirit within the village in these challenging conditions. I initially visited the area around the Three Crowns PH and the Post Office. I saw the bus movements into and out of the village. I then looked at the two recreation grounds which are the subject of policy 4 in the Plan. I saw that they contributed significantly to the recreational and environmental attractiveness of the Plan area.

- 5.10 I continued my visit by looking at the two groups of shops in Maypole Road. I saw first-hand the on street car parking issues as set out in the Plan and their impact on the safe and free flow of traffic in this part of the village. Thereafter I walked down School Lane and saw a similar set of issues.
- 5.11 I then looked at the various allocated housing sites, Ivy Dene Industrial Estate and the Brambletye School. In relation to the proposed housing sites I was able to look in detail at how the criteria in each policy applied to site specific factors.
- 5.12 I then spent some time looking at the relationship between the Plan area and East Grinstead and Forest Row. This relationship has underpinned policies 1 and 2 of the Plan.

## **6 The Neighbourhood Plan as a whole**

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

6.2 The Plan needs to meet all the basic conditions to proceed to referendum. This section provides an overview of the extent to which the Plan meets three of the four basic conditions. Paragraphs 2.6 to 2.10 of this report have already addressed the issue of conformity with European Union legislation.

### *National Planning Policies and Guidance*

6.3 The key elements of national policy relating to planning matters are set out in the National Planning Policy Framework (NPPF) issued in March 2012.

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

- a plan led system– in this case the relationship between the neighbourhood plan and the adopted Local Plan.
- recognising the intrinsic character and beauty of the countryside and supporting thriving local communities.
- proactively driving and supporting economic development to deliver homes, businesses and industrial units and infrastructure.
- actively managing patterns of growth to make the fullest possible use of public transport, walking and cycling.
- taking account of and supporting local strategies to improve health, social and cultural well-being.

6.5 Neighbourhood plans sit within this wider context both generally, and within the more specific presumption in favour of sustainable development, which is identified as a golden thread running through the planning system. Paragraph 16 of the NPPF indicates that neighbourhoods should both develop plans that support the strategic needs set out in local plans and plan positively to support local development that is outside the strategic elements of the development plan.

6.6 In addition to the NPPF I have also taken account of other elements of national planning policy including Planning Practice Guidance and the ministerial statements of March, May and June 2015.

6.7 Having considered all the evidence and representations available as part of the examination I am satisfied that the submitted Plan has had regard to national planning policies and guidance in general terms. It sets out a positive vision for the future of the plan area and promotes sustainable growth. At its heart are a suite of policies that aim to bring forward sensitive and appropriately-located housing sites and safeguard the rich built and natural heritage in the Plan area.

- 6.8 At a more practical level the NPPF indicates that plans should provide a clear framework within which decisions on planning applications can be made and that they should give a clear indication of how a decision-maker should react to a development proposal (paragraphs 17 and 154). This was reinforced with the publication of Planning Practice Guidance in March 2014. Its paragraph 41 (41-041-20140306) indicates that policies in neighbourhood plans should be drafted with sufficient clarity so that a decision-maker can apply them consistently and with confidence when determining planning applications. Policies should also be concise, precise and supported by appropriate evidence.
- 6.9 As submitted the Plan does not fully accord with this range of practical issues. The majority of my recommended modifications in Section 7 relate to matters of clarity and precision. They are designed to ensure that the Plan fully accords with national policy.

*Contributing to sustainable development*

- 6.10 There are clear overlaps between national policy and the contribution that the submitted Plan makes to achieving sustainable development. Sustainable development has three principal dimensions – economic, social and environmental. It is clear to me that the submitted Plan has set out to achieve sustainable development in the Plan area. In the economic dimension the Plan includes policies to encourage new businesses to become established or for existing businesses to grow (policy 18) and for the Ivy Dene Industrial Estate (policy 16). It also provides a sustainable context within which Brambletye School can continue to provide employment opportunities in the Plan area (policy 19). In the social role it includes policies to promote affordable housing, to safeguard recreational facilities and to support new allotment provision. In the environmental dimension the Plan positively seeks to protect the natural, built and historic environment of the parish. In particular, it includes guidance on design principles, the protection of the countryside and maintaining the separation between Ashurst Wood and both East Grinstead and Forest Row.

*General conformity with the strategic policies in the development plan*

- 6.11 I have already commented in detail on the development plan context in the wider Mid Sussex District Council area in paragraphs 5.4 to 5.8 of this report.
- 6.12 I consider that the submitted AWNP delivers a local dimension to this strategic context and supplements the detail already included in the adopted Local Plan. The AWNP is in general conformity with the strategic policies in the development plan.

## 7 The Neighbourhood Plan policies

- 7.1 This section of the report comments on the range of policies in the Plan. In particular, it makes a series of recommended modifications to ensure that the various policies have the necessary precision to meet the basic conditions.
- 7.2 My recommendations focus on the policies themselves given that the basic conditions relate primarily to this aspect of neighbourhood plans. In some cases, I have also recommended changes to the associated supporting text.
- 7.3 I am satisfied that the content and the form of the Plan is fit for purpose. It is thorough and distinctive to the Plan area. Other than to ensure compliance with national guidance I do not propose that major elements of the Plan are removed or that new sections are included. The wider community and the Parish Council have spent considerable time and energy in identifying the issues and objectives that they wish to be included in their Plan. This gets to the heart of the localism agenda.
- 7.4 The Plan is commendable to the extent that it includes only land use policies. This approach directly reflects Planning Practice Guidance (41-004-20140306) which indicates that neighbourhood plans must address the development and use of land.
- 7.5 I have addressed the policies in the order that they appear in the submitted plan. In some cases, there are overlaps between the different policies.
- 7.6 For clarity this section of the report comments on all policies whether or not I have recommended modifications to ensure that the Plan meets the basic conditions.
- 7.7 Where modifications are recommended to policies they are highlighted in bold print. Any associated or free-standing changes to the text of the Plan are set out in italic print.

### *Sections 1 to 4 of the Plan*

- 7.8 These introductory elements of the Plan set the scene for the range of policies. They do so in a concise and proportionate way. The Plan is well-presented and arranged and is supported by well-chosen photographs and diagrams. The photographs add value and depth to the text in these sections of the Plan.
- 7.9 The Introduction to the Plan provides a very clear context to the role and purpose of neighbourhood planning and the designation of the neighbourhood planning area. It also sets out a good summary of the history of the Plan area and how that history underpins its current format. Section 2 sets out the background to the preparation of the Plan and legal requirements. Section 3 sets out some useful background on the Plan area. It was helpful in my learning process for the examination. Section 4 sets out a Vision Statement. These introductory sections demonstrate that the AWNP has been prepared and submitted in a professional way. The policies have been developed in an iterative fashion and are the outcome of proper research and an assessment of available information.

### *Policies in General*

- 7.10 The Plan policies are helpfully set out in five major blocks and which relate directly to the key aspects of the Parish identified in Section 3. The presentation of the Plan makes a clear contrast between the policies themselves and the supporting text. This will ensure that decision-makers have clarity on the policies in the AWNP. In appropriate circumstances the

policies are criteria-based. The adoption of this approach will provide useful long term clarity for decision makers, local residents and land owners and investors alike.

#### *Policy 1- Protection of the Countryside*

- 7.11 This policy sets out to focus new development within the identified built up area. In doing so it seeks to apply national and local planning policies. Its approach is carefully crafted. It allows for specific developments to come forward as identified elsewhere in the Plan and takes an appropriate approach for the delivery of essential utility infrastructure. Given the attractive nature of the surrounding countryside this policy approach is entirely appropriate.
- 7.12 Criterion d refers to proposals outside the settlement boundary maintaining distinctive views of the surrounding countryside from public vantage points within and adjacent to the built up area. This matter has attracted a representation from Historic England on its clarity and application. I share similar concerns about the clarity and robustness of this element of the policy. As a matter of principle views are not treated as a material planning consideration. In addition, a prospective developer would be unclear how to approach or address this matter on a site by site basis. Nevertheless, the wider issue is of significance to the extent that the criterion is setting out to maintain the distinction between the built up area and the countryside which surrounds that area. I recommend that the criterion is modified to reflect the wider issue of character and appearance

#### **Modify criterion d to read:**

**It would maintain the character and appearance of the countryside and its distinction from the built up area**

#### *Policy 2 - Preventing Coalescence*

- 7.12 This policy sets out to prevent coalescence with both East Grinstead and Forest Row. These are important settlements within close proximity to the Plan area. I saw the sensitivity of the existing gaps between the settlements on my visit to the Plan area.
- 7.13 The policy approach is entirely appropriate. Its clarity would be improved by the following two related modifications

**Modify main policy element by replacing ...'would result in increasing the coalescence between'.... with ...'would result in an increase in coalescence between'...**

**Remove 'that would.... coalescence' from criterion b**

#### *Policy 3 – Allotments*

- 7.14 The policy provides a positive context for the delivery of new allotments within or in close proximity to the built up area. In so doing it identifies appropriate safeguards with regard to access and car parking.
- 7.15 It meets the basic conditions.

#### *Policy 4 – Recreation Space*

- 7.16 The policy provides a positive context for proposals to consolidate existing recreational uses at both the Recreation Ground and John Pears Field. As with policy 3 appropriate safeguards are identified. Its second part safeguards the two sites against other uses.
- 7.17 I recommend three modifications to ensure that the basic conditions are met. The first would remove the word ‘usually’ in the first part of the policy. The use of this word is unnecessary given the wider content of the policy and its current inclusion provides no certainty to a developer or funder. The second would insert words to identify that not all forms of development that would ultimately support the future uses of these two sites would need planning permission. The third would clarify the intention of the second half of the policy.

**Modify policy to insert ‘Insofar as planning permission is required’ at the start of the policy**

**Delete ‘usually’ from the first part of the policy**

**Replace ‘;’ with ‘or’ in fifth line of the second part of the policy**

#### *Policy 5 – Sites for New Homes*

- 7.18 This policy provides a strategic overview of the delivery of new houses in the Plan area. The supporting text sets out in considerable detail the approach that has been adopted. Appropriate references are made to the objectively assessed need for housing in the wider District and the Housing and Economic Needs Assessment. The Plan has positively set out to make its contribution to this wider figure. In this regard the Plan demonstrates best practice. It has also provided appropriate detail on how it assessed various potential sites through a Character Assessment. Its conclusions are unchallenged. I am satisfied that the policy is appropriately underpinned by evidence and that there is a realistic distinction between reliance on allocated and windfall sites. Policies 6 to 10 provide further detail for the development of the range of allocated sites
- 7.19 The policy meets the basic conditions.

#### *Policy 6 – Land between 98/104 Maypole Road*

- 7.20 The policy sets out the way in which this site should be developed within the context of its allocation in Policy 5. It addresses two key points - the provision of a safe access onto a busy road and the protection of the fine hedge to the west of the site
- 7.21 The County Council makes a specific comment on the contents and detail in criterion b. I consider that the details on this point are best addressed in the supporting text. The format of the policy is a combination of policy and supporting text. I address this in my recommendations below. This is a common factor for sites 6-10 and which I will address in turn for each site. In addition, criterion a requires a potential developer to explain how the development complies with the policies in the Plan. Given that the Plan, and the wider development plan should be read as a whole this element is unnecessary and potentially onerous on any developer. This approach is repeated for each of the other housing sites (policies 7-10)

**Modify policy as follows:**

**Replace first paragraph with:**

**Proposals for residential development on land between 98 and 104 Maypole Road will be supported subject to the following criteria:**

**Delete a**

**Replace b with 'Provide safe access to the site from Mayfield Road together with any necessary traffic calming or other road safety measures; and**

**In c replace 'as far as is possible and' with 'insofar as it is' and add 'and' at the end of the criterion.**

*Insert into the supporting text*

*In relation to the development of the Maypole Road site the need or otherwise for site traffic calming or other road safety matters will be expected to be assessed at planning application stage. They should be carried out by a suitably qualified highways engineer and subject to the agreement of the County Council.*

*Policy 7 – Mount Pleasant Nursery, Cansiron Lane*

- 7.22 The policy sets out the way in which this site should be developed within the context of its allocation in Policy 5. It addresses a range of key points including the remediation of potential contamination and the protection of the existing trees and hedgerows. My general comments on the design of this policy reflect earlier comments in relation to Policy 6.
- 7.23 The issue of the need for low density housing would otherwise be lost with my recommended approach to the start of this and other housing allocation policies. For this reason, I recommend the inclusion of an additional criterion into the policy on this matter. I also make some other recommendations to simplify the policy and to ensure clarity to the extent that a developer needs to comply with all the criteria.

**Modify policy as follows:**

**Replace first paragraph with:**

**Proposals for residential development on land at Mount Pleasant Nursery, Cansiron Lane will be supported subject to the following criteria:**

**Delete a**

**Insert new criterion to read: The development of the site should respect the low density of existing dwellings in the immediate locality of the site; and**

**Replace criterion e with 'Provide a tree buffer along the western boundary of the site'**

**Add '; and' at the end of each of the criteria**

*Policy 8 – Willow Trees and Spinney Hill Lewes Road*

- 7.24 The policy sets out the way in which this site should be developed within the context of its allocation in Policy 5. It addresses a range of key points including the positioning of new dwellings within the site and the protection of the existing trees and hedgerows. My general comments on the design of this policy reflect earlier comments in relation to Policy 6.
- 7.25 The policy very skilfully addresses the future development of this site. Its relationship to other properties in this part of the Plan area is of significant importance.

**Modify policy as follows:**

**Replace first paragraph with:**

**Proposals for residential development on land at Willow Trees and Spinney Hill, Lewes Road will be supported subject to the following criteria:**

**Delete a**

**Add ‘; and’ at the end of each of the criteria**

*Policy 9 – Wealden House, Lewes Road (EDF Site)*

- 7.26 The policy sets out the way in which this site should be developed within the context of its allocation in Policy 5. It addresses a range of key points including the positioning of new dwellings within the site and the protection of the existing trees and hedgerows. My general comments on the design of this policy reflect earlier comments in relation to Policy 6.
- 7.27 This is plainly an important site within the Plan. It has a significant potential capacity and yet displays a series of environmental challenges. I looked at the site in detail on my visit to the area and in doing so paid particular attention to the representations made by Natural England and Southern Water.
- 7.28 Southern Water requests an additional criterion and which is both appropriate and would meet the basic conditions. Natural England raise detailed issues about the relationship between the allocation of the site for housing use and the protection of BAP and Ancient Woodland within and adjacent to the site. The examination allowed a more detailed assessment of the extent of the woodland to be undertaken. The outcome of this exercise is that it is common ground that the residential use of the site can take place without any conflict with paragraph 118 of the NPPF subject to the application of appropriate safeguards. I reflect this in a recommended refinement to the criterion in the policy.

**Modify policy as follows:**

**Replace first paragraph with:**

**Proposals for residential development on land at Wealden House, Lewes Road (EDF site) will be supported subject to the following criteria:**

**Delete a**

**Replace criterion f with 'Provide and safeguard in perpetuity a buffer zone to protect and sustain the Ancient Woodland to the south of the site'**

**Insert additional criterion to read: 'Ensure future access to the existing sewerage infrastructure within the site for maintenance and upsizing'**

**Add '; and' at the end of each of the criteria**

*Policy 10 – Wealden House, Lewes Road (Life Improvement Centre)*

- 7.29 The policy sets out the way in which this site should be developed within the context of its allocation in Policy 5. It addresses a range of key points which overlap with those of Policy 9. On this site there is also the specific issue of the impact of additional residential development on the amenity of Ashbourne House and Carlton House. My general comments on the design of this policy reflect earlier comments in relation to Policy 6.
- 7.30 I looked at the site (with the adjacent site) in detail on my visit to the area and in doing so paid particular attention to the representations made in relation to this site by Natural England and Historic England. The issues raised by the former are identical to those raised (and resolved) in relation to the Policy 9 site. I have reflected the comments of Historic England in my recommended modifications.

**Modify policy as follows:**

**Replace first paragraph with:**

**Proposals for residential development on land at Wealden House, Lewes Road (Life Improvement Centre) will be supported subject to the following criteria:**

**Delete a**

**Replace criterion e with 'Provide and safeguard in perpetuity a buffer zone to protect and sustain the Ancient Woodland to the south of the site'**

**Insert additional criterion to read: 'Ensure that new residential development is sensitively incorporated into the historic character buildings on the site'.**

**Add '; and' at the end of each of the criteria**

*Policy 11 – Development within the built up area*

- 7.31 This policy facilitates infill and other windfall development within the built up area boundary.
- 7.32 The policy meets the basic conditions.

*Policy 12 – Residential Development outside the built up area*

- 7.33 This policy sets out a policy approach to applications for new residential development outside the built up area boundary. Whilst it is generally restrictive it identifies circumstances where permission would be forthcoming within the broader context set by the NPPF.

7.34 I recommend that it is redrafted both to make it simpler and to provide clarity on the scale of development that may be permitted – as drafted the policy refers both to ‘small sites’ and to ‘no more than three dwellings’.

**Modify policy to read:**

**Proposals for residential development outside the built up area will only be permitted where all of the following criteria are met:**

- **The site is a contained or infill site surrounded by existing development and would not generate additional encroachment into the countryside; and**
- **The proposal would not lead to an increased coalescence between the Plan area and East Grinstead and Forest Row; and**
- **The proposal is for up to three dwellings.**

*Policy 13 – Residential Development on Garden Land*

7.35 The policy provides advice to owners of residential garden land. At its heart it seeks to retain the character and spaciousness of the Plan area. Its approach is entirely appropriate and distinctive.

7.36 I recommend a modification to make the approach to the second criterion similar to the positive approach in the first criterion.

**Replace ‘not harmed’ in criterion b with ‘respected’**

*Policy 14 – Design and Character*

7.37 This policy sets out an overarching and Plan-wide approach to design. In doing so it respects the character and appearance of the Plan area and is locally distinctive.

7.38 I recommend a series of related modifications. Firstly, I have redesigned supporting text in the policy so that it properly becomes policy. Secondly I have added a further criterion to reflect the representation made by Historic England. Thirdly I have clarified that a potential developer has to address all three criteria.

**Modify policy as follows:**

**Replace second sentence with: “All proposals will be expected to identify how they address the local surroundings and landscape context by:”**

**Insert additional criterion to read: ‘Demonstrating that the design of the particular development has addressed and protected the positive features of the character of the local area’.**

**Add ‘; and’ at the end of each of the criteria**

*Policy 15 – Affordable Housing*

- 7.39 This policy sets out the Plan's approach to the delivery of affordable housing in the area. It is well-designed and reflects the scale and proposed levels of housing in the Plan period.
- 7.40 DMH Stallard contend that whilst the proposed 30% affordable provision is appropriate the threshold of four dwellings is unlikely to be either practical or viable. There is common ground that the provision of affordable housing in the Plan area is both required and justified. I have considered the threshold in detail and related it to the range of housing sites directly promoted in the Plan. Several of these are smaller sites where the yield is likely to be low. This reinforces the need and appropriateness of an affordable housing threshold that is itself low and proportionate to these sites. Nonetheless it will be important to ensure that a mechanistic application of this policy does not prevent the otherwise early delivery of these and other sites. This would be contrary to national policy. On this basis I have recommended a modification to the final element of the policy to provide a degree of flexibility and to ensure that the basic conditions are met.

**In first part of policy insert 'and' between 'site' and 'which'**

**Replace final part of policy (unless...percentage) with: Proposals for housing development that do not provide the required level of affordable housing will be required to provide clear evidence to demonstrate the financial or other reasons why the appropriate levels of affordable housing cannot be provided. Any such proposals will be considered on their individual merits and against other policies in the Plan.**

*Policy 16 – Ivy Dene Lane Industrial Estate*

- 7.41 The policy allocates land at Ivy Dene Lane Industrial Estate for employment uses. It does so with appropriate safeguards.
- 7.42 The policy is unclear on its coverage. It refers to low impact business uses and general industry. Low impact is not defined. To provide the clarity required by the NPPF I have recommended modifications to relate the permitted activities to the Use Classes Order. The range of criteria are sufficiently robust to ensure that inappropriate development could be resisted.

**Delete 'small scale.... Impact' and insert (Class B1) after 'business' and insert (Class B2) after 'industry'.**

*Policy 17 – Village Business*

- 7.43 The policy has been designed to protect existing business premises in the Plan area from proposals that would result in the loss of the business uses and their associated employment. This policy strikes at the heart of the economic dimension of sustainable development. Appropriate provision is made within the policy where there is an alternative facility or where an employment use would not be financially viable in the longer term.
- 7.44 A representation has raised the matter of recent changes to planning legislation in relation to changes of use from offices to residential use and suggests that the policy is deleted. That course of action would affect the integrity and intention of the wider policy as it addresses far

more than office premises. I have recommended a modification to address the wider issue of the need or otherwise for planning permission for the variety of proposals that may be affected by this policy.

**Insert ‘Insofar as planning permission is required’ at the start of the policy**

*Policy 18 – New and Expanding Businesses*

- 7.45 This policy seeks to support and encourage new business or the expansion of existing buildings in the built up area. Appropriate environmental criteria are applied to the policy.
- 7.46 I recommend two modifications to bring the level of clarity required by the NPPF. The first identifies the decision making process associated with planning applications. The second defines the application of the two criteria.

**In the main body of the policy replace ‘encouraged’ with ‘permitted’  
In the two criteria replace ‘harmful’ with ‘unacceptable’**

*Policy 19 – Brambletye School*

- 7.47 The School is a major employer in the area. It is located to the south west of the built up area. It has strong educational and community links with the local population. The policy has been designed to allow further development of the School to safeguard its educational role and the continued local employment.
- 7.48 As currently drafted the policy may have unintended consequences as it does not specify that the development supported needs to relate to the educational role of the school. Other types of development on this site would not relate comfortably to national and local planning policy. I address this matter in my recommended modification below

**Replace the policy with the following:**

**Proposals for additional educational buildings or other associated uses within the grounds of Brambletye School will be permitted subject to the following criteria:**

- **The proposal does not detract from the architectural character, appearance and integrity of the existing collection of buildings; and**
- **The proposal does not detrimentally impact on the wider setting of the site within the local landscape**

*Policy 20 – Impact of New Development on Traffic*

- 7.49 This policy sets out to ensure that new development can be accommodated in the local highway network. This is particularly important given the circumstances I saw first-hand on my visit to the area. I recommend two changes to ensure that the policy meets the basic conditions and to ensure an appropriate distinction between policy and supporting text.

**Replace the first criterion with: Provide safe access for vehicles and pedestrians with adequate visibility**

**Delete final sentence of the second criterion**

*Relocate final sentence of the second criterion into the supporting text*

*Policy 21 – Parking Provision*

- 7.50 The policy sets out to identify appropriate parking provision for new development. It reflects the circumstances found in the Plan area.
- 7.51 The policy is well-designed and locally-distinctive. It meets the basic conditions

*Policy 22 – High Speed Broadband*

- 7.52 The policy has two objectives. The first is to support wider proposals to bring high speed broadband to the Plan area. In doing so it identifies control measures that will be expected to be followed by service providers. The second requires that new development should be designed to be able to connect to the wider communications networks.
- 7.53 Both aspects of this policy are entirely appropriate and meet the basic conditions.

*Policy 23 – Infrastructure*

- 7.54 The policy sets out to ensure that new development properly addresses infrastructure requirements. It also highlights how the local element of developer contributions will be applied. In this regard it has usefully anticipated the introduction of a CIL in the District and the making of the AWNP itself. This is entirely appropriate and the details in the Plan will provide confidence and assurance to developers and investors.
- 7.55 I recommend a modification to the second half of the policy to clarify this matter further and to make an explicit link between the policy and the schedule of local infrastructure projects set out in section 5.6 of the Plan itself.

**Replace the second section of the policy with the following:**

**“The future use of developers’ contributions arising from planning permissions granted in the Plan area will be used to provide local infrastructure within the Parish and as set out in Section 5.6 of this Plan.”**

## **8 Summary and Conclusions**

### *Summary*

- 8.1 The AWNP sets out a wide range of policies to guide and direct development proposals in the period up to 2031. It is thorough and distinctive in addressing a specific set of issues that have been identified and refined by the wider community. It is positively prepared and includes a range of housing allocations.
- 8.2 Following my independent examination of the Plan I have concluded that the Ashurst Wood Neighbourhood Plan meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications.
- 8.3 This report has recommended a range of modifications to the policies in the Plan. Nevertheless, it remains fundamentally unchanged in its role and purpose.

### *Conclusion*

- 8.4 On the basis of the findings in this report I recommend to the Mid Sussex District Council that subject to the incorporation of the modifications set out in this report that the Ashurst Wood Neighbourhood Plan should proceed to referendum.

### *Referendum Area*

- 8.5 I am required to consider whether the referendum area should be extended beyond the Plan area. In my view the neighbourhood area is entirely appropriate for this purpose and no evidence has been submitted to suggest that this is not the case. I therefore recommend that the Plan should proceed to referendum based on the neighbourhood area as approved by the Mid Sussex District Council on 9 July 2012.
- 8.6 It is very clear to me that a huge amount of hard work and dedication has been put into the preparation of this Plan. Those volunteers and parish councillors who have brought the Plan to this stage have achieved a huge amount and in a relatively short period. This achievement is all the more remarkable given the complicated development plan context within which the Plan has been prepared.

**Andrew Ashcroft**  
**Independent Examiner**  
**2 March 2016**