



Cuckfield Parish Council

Cuckfield
Neighbourhood Plan
2011 - 2031
Submission Version

Independent Examiner's Report

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Summary

I have been appointed as the independent examiner of the Cuckfield Parish Neighbourhood Plan.

The Neighbourhood Plan contains an achievable vision for the future of Cuckfield. The Plan is written and presented well and contains a number of helpful maps and diagrams. It sets out a wide range of policies that will guide and direct development in the plan area up to 2031.

The Neighbourhood Plan has taken a pragmatic, thorough and systematic approach to the issues identified. It is clearly based on evidence which not only builds on previous work the Parish Council have done for example in producing a Parish Plan and Village Design Statement, but also includes new and specific evidence which has informed and influenced the evolution of the Neighbourhood Plan. Coupled with extensive community engagement, this has resulted in a Neighbourhood Plan which is in many ways an exemplar and it will be of interest to other qualifying bodies facing similar issues.

I have concluded that the Cuckfield Neighbourhood Plan

- has had regard to national policies and advice 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 otherwise compatible with EU obligations and the European Convention of Human Rights
- meets all other requirements that I am obliged to examine.

I have recommended a number of modifications to policies in the Plan that are intended to ensure that the basic conditions are met satisfactorily and that the Plan is clear and consistent.

I have no hesitation in recommending that the Cuckfield Neighbourhood Plan goes forward to a referendum subject to a small number of modifications.

In considering whether the referendum area should be extended beyond the Neighbourhood Plan area I see no reason to alter or extend this area for the purpose of holding a referendum.

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23 April 2014

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1.0 Introduction to the Cuckfield Neighbourhood Plan

- 1.1 The Localism Act 2011 provides a welcome opportunity for communities to shape the future of the places where they live and work and to deliver the sustainable development they need. One way of achieving this is through the production of a neighbourhood plan.
- 1.2 The Cuckfield Neighbourhood Plan (CNP) is a 'Front Runner' and as such one of the first such plans to reach examination stage in England. Cuckfield Parish Council is to be congratulated for embracing the opportunities that neighbourhood planning presents.
- 1.3 All neighbourhood plans need to be reviewed, or 'examined', by an independent person known as the independent examiner. The examiner's report provides a recommendation as to whether or not the Plan can go forward to a referendum. This document is the examiner's report.
- 1.4 Cuckfield is a historically important settlement. The historic centres of Cuckfield and Whitemans Green, once a separate hamlet and now merged with Cuckfield, are designated Conservation Areas. There are a number of listed buildings including the Grade 1 listed Holy Trinity Church. The historic cores together with more recent development combine to form a distinctive village environment and five distinct character areas have been identified.
- 1.5 Cuckfield is situated on a ridge at the edge of the High Weald Area of Outstanding Natural Beauty (AONB) which the CNP describes as 'skirting' the northern and western fringes of the village. Each of the rural areas around the village has a distinctive character. The topography of the village means that views to the landscape and countryside around the village are of particular importance.
- 1.6 In addition to the AONB to the north and west, the areas to the east and south are also of landscape importance. There is clearly a concern that all the areas of countryside around the village are, as the CNP puts it, under threat from significant or inappropriately located or designed development. There is a particular concern about coalescence with Haywards Heath.
- 1.7 Yet it is recognised that there is a need for market and affordable housing and whilst there is a clear preference for sensitively located development, development per se is not ruled out.
- 1.8 The two centres of Cuckfield and Whitemans Green contain a variety of facilities and amenities which serve both the local population and visitors.

- 1.9 The CNP sets out a vision for Cuckfield for the next twenty or so years. This is simply worded, but captures the essence of the CNP well. The vision for Cuckfield is:
“to continue to thrive, meeting the changing needs of the community whilst preserving the distinctive character, landscape, and setting of the village that has evolved over nine centuries of history”.

2.0 Appointment of the independent examiner

- 2.1 I have been appointed by Mid Sussex District Council with the agreement of the qualifying body, Cuckfield Parish Council, to undertake this independent examination. I have been appointed through the Neighbourhood Plan Independent Examiners Referral Service (NPIERS).
- 2.2 I confirm that I am independent of the qualifying body and the local authority. I have no interest in any land affected by the CNP. I am a chartered town planner with over twenty years experience in planning and have worked in the public, private and academic sectors. I therefore have the appropriate qualifications and experience to carry out this independent examination.

3.0 The role of the independent examiner

- 3.1 The examiner must assess whether a neighbourhood plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990 (as amended).
- 3.2 The basic conditions¹ are:
- Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood plan
 - The making of the neighbourhood plan contributes to the achievement of sustainable development
 - The making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority
 - The making of the neighbourhood plan does not breach, and is otherwise compatible with, European Union (EU) obligations
 - Prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan.

¹ Set out in paragraph 8 (2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended)

- 3.3 Regulations 32 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended) set out two basic conditions in addition to those set out in primary legislation and referred to in the paragraph above. These are:
- The making of the neighbourhood plan is not likely to have a significant effect on a European site² or a European offshore marine site³ either alone or in combination with other plans or projects
 - Having regard to all material considerations, it is appropriate that the neighbourhood development order is made where the development described in an order proposal is Environmental Impact Assessment development (this is not applicable to this examination as it refers to orders).
- 3.4 The examiner is also required to check⁴ whether:
- The neighbourhood plan has been prepared and submitted for examination by a qualifying body
 - The neighbourhood plan has been prepared for an area that has been properly designated for such plan preparation
 - The neighbourhood plan meets the requirements to i) specify the period to which it has effect; ii) not include provision about excluded development; and iii) not relate to more than one neighbourhood area
 - The policies relate to the development and use of land for a designated neighbourhood area.
- 3.5 The examiner must then make one of the following recommendations:
- The neighbourhood plan can proceed to a referendum on the basis it meets all the necessary legal requirements
 - The neighbourhood plan can proceed to a referendum subject to modifications or
 - The neighbourhood plan should not proceed to a referendum on the basis it does not meet the necessary legal requirements.
- 3.6 If the plan can proceed to a referendum with or without modifications, the examiner must also consider whether the referendum area should be extended beyond the neighbourhood plan area to which it relates.
- 3.7 If the plan goes forward to referendum and more than 50% of those voting vote in favour of the plan then it is made by the relevant local authority, in this case Mid Sussex District Council. The plan then becomes part of the 'development plan' for the area and a statutory consideration in guiding future development and in the determination of planning applications within the plan area.

² As defined in the Conservation of Habitats and Species Regulations 2012

³ As defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007

⁴ Set out in paragraph 8 (1) of Schedule 4B of the Town and Country Planning Act 1990 (as amended)

4.0 Compliance with matters other than the basic conditions

4.1 I now check the various matters as set out above in paragraph 3.4 of this report.

Qualifying body

4.2 Cuckfield Parish Council (the Parish Council) is a qualifying body able to lead the preparation of a neighbourhood plan. This complies with this requirement.

Plan area

4.3 All of the administrative area of Cuckfield Parish Council was designated as a neighbourhood area on 9 July 2012 by Mid Sussex District Council. The CNP relates to this area and does not relate to more than one neighbourhood area and therefore complies with these requirements. The neighbourhood plan area is clearly shown on Map 1.⁵

Plan period

4.4 A neighbourhood plan must specify the period for which it is to have effect. The CNP clearly indicates on the front cover and within the document itself that it covers the period of 2011 – 2031. This therefore meets this requirement.

Excluded development

4.5 The CNP does not include policies or proposals that relate to any of the categories of excluded development and therefore meets this requirement.

Development and use of land

4.6 Policies in neighbourhood plans must relate to the development and use of land. Sometimes neighbourhood plans contain aspirational policies or projects that signal the community's priorities for the future of their local area, but are not related to the development and use of land. Where I consider a policy to fall outside the scope of the neighbourhood plan I have recommended it be moved to a clearly differentiated and separate section of the CNP or contained in a separate document. This is because matters or projects of this nature can continue to be included within the general text as they represent proposals the community seeks to achieve, but they should be deleted as policies. Subject to such recommendations, this requirement can be satisfactorily met.

5.0 The examination process

5.1 It is useful to bear in mind that the examination of a neighbourhood plan is very different to the examination of a local plan.

5.2 The general rule of thumb is that the examination will take the form of written representations.⁶ However, there are two circumstances when an examiner may consider it necessary to hold a hearing. These are where the examiner considers

⁵ CNP page 9

⁶ Schedule 4B (9) of the Town and Country Planning Act 1990

that it is necessary to ensure adequate examination of the issue or to ensure a person has a fair chance to put a case.

- 5.3 After preliminary consideration of the documentation and representations, I decided it was not necessary to hold a hearing.
- 5.4 However, I did seek some additional information of a factual nature from both the Parish and District Councils. This took the form of a request by email for documentation relating to the Strategic Environmental Assessment. This is explained in more detail in the section of the report relating to European Obligations.
- 5.5 I undertook an unaccompanied site visit to Cuckfield and its environs on 15 March 2014.

6.0 Consultation

- 6.1 The Parish Council and a group of volunteers has led the development and production of the CNP. Support has been provided by planning consultant Tony Fullwood, Hankinson Duckett Associates, Planning Aid, Action in Rural Sussex and Catherine Martin, Mid Sussex District Council and various community groups amongst others.
- 6.2 The CNP process is illustrated by a very useful figure⁷ that sets out the various stages of the evolution and production of the CNP including the timescales involved and the stages of public engagement.
- 6.3 A Community Engagement Action Plan has been developed. This is a well-written document that clearly sets out how various bodies and organisations as well as individuals and other groups will be engaged in the process. In addition to this it sets out 'six golden rules' or principles for engagement. This is comprehensive document and one that I consider to be a good exemplar of practice in this field.
- 6.4 The consultation statement⁸ explains that the pre-submission plan was consulted on from 15 February to 29 March 2013. It is clear that a variety of methods have been adopted from exhibitions to articles, from specific meetings to public open days during this publicity and consultation phase. Website and social media have also been used. The consultation statement includes details of those consulted during this period as well as individuals and groups. It is clear that, in line with Schedule 1 to the Regulations whose interest the qualifying body consider may be affected⁹, other Parishes and Haywards Heath Town Council were consulted together with a wide range of other agencies and

⁷ CNP Figure 1 page 11

⁸ Neighbourhood Planning (General) Regulations 2012 Reg 15

⁹ *Ibid* Reg 14

organisations. Forty- two responses were received. The consultation statement offers a summary of those responses together with an indication of how they were considered and where relevant addressed. This takes the form of a comprehensive table that is easy to use.

- 6.5 Prior to this various other consultations were carried out to help with formulating options. Amongst other things this took the form of a questionnaire that attracted some 403 responses and two open days. More detail on this element of the process is to be found in the CNP's Options Consultation Feedback document dated November 2012.
- 6.6 Following on from the pre-submission period, the submission CNP was approved by the Parish Council on 13 June 2013 and was subsequently been subject of a six-week period of consultation¹⁰ that ended on 4 October 2013. This attracted a number of representations which I have taken into consideration in preparing this report. Mid Sussex District Council have helpfully provided a summary of representations document which is available to view on their website.
- 6.7 It is evident that a thorough and concerted effort has been made to ensure that the neighbourhood planning process has captured engagement and opinion from a wide variety of participants and that all parties with an interest in the CNP have had opportunity to input to the process.

7.0 Compliance with the basic conditions

National policy and advice

- 7.1 The main document that sets out national planning policy is the National Planning Policy Framework (the Framework) published in 2012. In particular it explains that the application of the presumption in favour of sustainable development will mean that neighbourhood plans should support the strategic development needs set out in Local Plans, plan positively to support local development, shaping and directing development that is outside the strategic elements of the Local Plan and identify opportunities to use Neighbourhood Development Orders to enable developments that are consistent with the neighbourhood plan to proceed.¹¹
- 7.2 The Framework also makes it clear that neighbourhood plans should be aligned with the strategic needs and priorities of the wider local area. In other words neighbourhood plans must be in general conformity with the strategic policies of the Local Plan. They cannot promote less development than that set out in the Local Plan or undermine its strategic policies.¹²

¹⁰ Neighbourhood Planning (General) Regulations 2012 Reg 16

¹¹ National Planning Policy Framework (2012) paras 14, 16

¹² National Planning Policy Framework (2012) para 184

- 7.3 The Framework indicates that plans should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency.¹³
- 7.4 The basic conditions statement clearly sets out how the CNP has responded to national guidance in the form of the National Planning Policy Framework offering a useful explanation of the objectives and policies in the CNP cross referencing against key objectives of the Framework and explaining how the policies interact with each other.
- 7.5 During the course of this examination, the Government published a new suite of planning guidance on 6 March 2014. This is an online resource available at www.planningguidance.planningportal.gov.uk. This guidance, referred to as “planning guidance”, applies to neighbourhood plans which have been submitted for examination. There are no transitional provisions.
- 7.6 The planning guidance contains a wealth of information relating to neighbourhood planning and I have had regard to this in preparing this report.

Sustainable development

- 7.7 A qualifying body must demonstrate how a neighbourhood plan contributes to the achievement of sustainable development. The Framework as a whole¹⁴ constitutes the Government’s view of what sustainable development means in practice for planning. The Framework explains that there are three dimensions to sustainable development: economic, social and environmental.¹⁵
- 7.8 The basic conditions statement offers a clear explanation of how the CNP contributes to the achievement of sustainable development.

The development plan

- 7.9 In this case the district level development plan for Cuckfield Parish comprises the Mid Sussex Local Plan 2004 (MSLP 2004). It is the saved policies of the MSLP 2004 against which I must examine the neighbourhood plan to see that it is in general conformity with the strategic policies in that plan.
- 7.10 It is useful for the local planning authority to indicate which policies it might regard are the strategic level policies and to what extent they reflect the more up to date guidance in the Framework if they are contained in an older style local plan. A checklist produced by Mid Sussex District Council which outlines the CNP policy and checks its conformity with the Local Plan, emerging plan and the Framework is invaluable in this respect. Whilst such a checklist does not negate the qualifying body’s, or indeed the examiner’s, responsibilities in this regard, it provides at the very least a useful starting point.

¹³ *Ibid* para 17

¹⁴ *Ibid* para 6 which indicates paras 18 – 219 of the Framework constitute the Government’s view of what sustainable development means in practice

¹⁵ *Ibid* para 7

- 7.11 The CNP recognises the different timescales of the MSLP 2004 and CNP and their respective contexts. It points out much has happened since the production of the 'old style' MSLP 2004 which predates the publication of the Framework.
- 7.12 The basic conditions statement offers a clear explanation of the relationship to the development plan. A helpful table sets out the MSLP 2004 policy considered to be a strategic policy and cross references the relevant policies in the CNP. It offers a useful commentary and I consider this approach to be exemplary practice.
- 7.13 In general, the aims of the MSLP 2004 include the protection and improvement of the urban and rural environment, the quality of life of residents and visitors and conserving resources. It seeks to enhance the countryside and resists development which would cause harm. Its strategy directs new development to within or adjacent to the existing built up areas and in particular the three towns of Burgess Hill, East Grinstead and Haywards Heath. It explains that there are some limited development opportunities in villages where there is sufficient infrastructure to accommodate development or where the benefits of development are important to the village.
- 7.14 It encourages high standards of design, seeks to reduce the impact of development, pays particular attention to the historic environment and safeguards open space as an important social and visual amenity.
- 7.15 It recognises the need for appropriate infrastructure and aims to reduce the need to travel and to encourage alternatives modes other than the car.
- 7.16 In relation to business development, the aim is to promote the economic and social well being of residents and support the growth of enterprise. Local facilities such as shops in villages are encouraged and their retention supported. Leisure and community facilities are safeguarded .
- 7.17 The MSLP 2004 contains a separate section with specific proposals that relate to individual villages. In relation to Cuckfield, a built up area boundary is defined. A Strategic Gap is identified between Cuckfield and Haywards Heath. Conservation Areas are defined together with an Area of Townscape Character at London Road. MSLP 2004 Policy B16 applies.
- 7.18 The MSLP 2004 allocates a site, West of High Street for housing development. This development has now been completed. Land immediately west of Whitemans Green Recreation Ground is allocated for recreational use. A cycleway between Cuckfield and Haywards Heath is proposed.

Emerging District Plan

- 7.19 Mid Sussex District Council (MSDC) has started work on a new Local Plan. This emerging District Plan as it is known, was submitted to the Secretary of State in July 2013. The appointed Inspector has indicated that there are concerns about the Duty to Cooperate and has advised Mid Sussex District Council to withdraw the District Plan. MSDC is currently considering the way forward.
- 7.20 From the basic conditions statement it is clear that a close dialogue has been maintained between the Parish and District Councils and that sharing of evidence has taken place. This is what is needed in the situation where the development plan is not up to date and the emerging District Plan at an early stage. This is another exemplar of good practice and a further indication of the systematic and pragmatic approach that the Parish Council has taken to producing its neighbourhood plan.
- 7.21 There is however no requirement for me to consider the CNP policies in relation to this emerging District Plan.

European Union (EU) obligations

- 7.22 A neighbourhood plan must be compatible with European Union (EU) obligations, as incorporated into UK law, in order to be legally compliant.

Strategic Environment Assessment

- 7.23 For a neighbourhood plan to be legally compliant, it must be compatible with European Union (EU) obligations as incorporated into UK law. Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment is relevant here. The purpose of the Directive is to provide a high level of protection of the environment by incorporating environmental considerations into the process of preparing plans and programmes.¹⁶ This Directive is often referred to as the Strategic Environment Assessment (SEA) Directive. The Directive is transposed into UK law through the Environmental Assessment of Plans and Programmes Regulations 2004.
- 7.24 Mid Sussex District Council has issued a screening opinion¹⁷ that a SEA will be required for a neighbourhood plan that allocates land for housing or employment. As the CNP does allocate sites for these purposes, a SEA is required.
- 7.25 In fact a Sustainability Appraisal (SA) of the CNP has been carried out. The SA incorporates the SEA. Although it is not necessary for a SA to be carried out in my view this provides a useful and rounded assessment in this instance. It means that the economic and social aspects of the CNP can be assessed in addition to the environmental impacts.

¹⁶ Planning guidance www.planningguidance.planningportal.gov.uk. Accessed 13 March 2013

¹⁷ MSDC Screening Opinion dated June 2013

- 7.26 I requested some further factual information and copies of documents which had not been included in the original bundle of information sent to me on the SEA during the course of the examination via email to both the Parish and District Councils. I am grateful to both Councils for their helpful and timely response to my request.
- 7.27 In line with the SEA process, a scoping report (Stage A) was prepared to identify the scope and level of information to be included. This should set out the context, objectives and approach of the assessment, establish the baseline¹⁸ and identify relevant environmental issues and objectives. The three consultation bodies¹⁹, English Heritage, Natural England and the Environment Agency, must be given five weeks to comment on the scope and level of detail.
- 7.28 The scoping report is dated October 2012 and includes information on the key issues for Cuckfield, defines a set of 13 sustainability objectives and indicators, sets out the approach, offers a topic based assessment which includes a sweep of other plans and policies considered to be relevant and baseline information. Consultation with the three bodies was carried out between 12 September and 19 October 2012. Only one response from Natural England²⁰ was received; no specific comments were given but the response indicated “the process as a whole will provide an excellent opportunity for protecting and safeguarding locally valued environmental assets.”
- 7.29 The next stage (Stage B) of the process includes testing the neighbourhood plan objectives against the SEA framework, developing options including reasonable alternatives, assessing the likely effects, considering any mitigation and other measures. Given that the CNP allocates sites for development, the consideration of reasonable alternatives is important.
- 7.30 A draft Sustainability Report dated February 2012 makes an assessment of the CNP’s objectives and the various policy options against the sustainability objectives. The cumulative impact of policies is considered. Commentary on the assessments undertaken and how issues arising are addressed including any measures needed is included.
- 7.31 The Parish Council has also prepared a Parish Housing Land Availability Assessment (PHLAA). This document in some detail identifies and assesses each site in relation to various criteria including suitability criteria which consider biodiversity, landscape, heritage, flood risk and sustainability criteria. A companion document on the methodology of the PHLAA reveals the range of sites to be included and the approach to the assessment which has included site visits as well as a desktop review.

¹⁸ Usually the existing environmental characteristics of the area against which an assessment of likely effects of alternative proposals in the plan can be made

¹⁹ Environmental Assessment of Plans and Programmes Regulations 2004 Reg 4

²⁰ Letter from Natural England dated 5 October 2012

- 7.32 These two documents together done over a long time period are in line with a Stage B assessment.
- 7.33 The next stage (Stage C) is the preparation of an Environmental Report. Both the Parish and District Councils have confirmed that the report entitled 'Sustainability Report' and dated July 2013 should be regarded as the Environmental Report. The Regulations²¹ set out that this report should identify, describe and evaluate the likely significant effects on the environment if the CNP's policies were to be implemented and of the reasonable alternatives taking into account the objectives and scope of the CNP. A non-technical summary is also required and this has been provided. Consultation on the Environmental Report must be carried out alongside the draft CNP (Stage D).
- 7.34 The Environmental Report includes an assessment of the impact of each policy in the CNP against the sustainability objectives. It refers to the draft Sustainability Report.²² Whilst I consider that the Environmental Report could be worded to be more reflective of the wording of the Regulations, it and the draft Sustainability Report meet the requirements of the Regulations and form a compilation of the relevant environmental information. Given the scope of the CNP and its policies and the overall work and assessments that have been undertaken as part of the preparation of the CNP, the SEA has been developed concurrently with the neighbourhood plan, has clearly been an iterative process and the issues that should have been considered as part of the SEA process have been so considered. However, for the sake of completeness and clarity, **I recommend that the following sentence is inserted in section 1 on page 3 of the Environmental Report "For the avoidance of any doubt, this report should be read in conjunction with the draft Sustainability Report which together form a compilation of the information required under the Environmental Assessment of Plans and Programmes Regulations 2004."** In addition I recommend that the Parish Council make sure that **both reports are accessible together on the website and/or elsewhere.**
- 7.35 Monitoring indicators are included within the Environmental Report. In addition section 5 of the CNP indicates that monitoring will take place and that if necessary, remedial action will be taken including a review of the CNP. This is in line with the preparation and publication of post adoption reporting. The Parish Council has confirmed that it intends to publish a post adoption statement.
- 7.36 The work that has therefore been carried out on the SEA is appropriate for the content and level of detail in the CNP. The various stages in the SEA process have been followed. Requisite consultation has been carried out in relation to the SEA process. Therefore the CNP does not breach, and is otherwise compatible with, EU obligations in this respect.

²¹ Environmental Assessment of Plans and Programmes Regulations 2004 Reg 12

²² Environmental Report page 20

European Convention on Human Rights (ECHR)

- 7.37 I have considered the CNP in relation to the European Convention on Human Rights and the Human Rights Act 1998 which contains 16 basic rights taken from the European Convention on Human Rights. There is nothing in the CNP that would lead me to conclude there is any breach of the Convention or that the CNP is otherwise incompatible with it.

Other EU obligations

- 7.38 During the course of the examination, Mid Sussex District Council undertook a formal Habitats Regulations Assessment (HRA) Screening culminating in a report dated 2 April 2014. In addition Cuckfield Parish Council also undertook their own screening. I have taken both documents into account in my assessment of the CNP.
- 7.39 There are no European sites within Mid Sussex District. Ashdown Forest in the adjacent Wealden District is identified as a Special Protection Area and Special Area of Conservation. A 'zone of influence' of 7km around this site does not fall within the neighbourhood plan area. Both screening reports conclude that a full HRA is not required as there would be no likely significant effects on Ashdown Forest. The CNP therefore meets this basic condition²³ and there are no representations before me to indicate otherwise.
- 7.40 I am not aware of any other European Directives which apply to this particular neighbourhood plan and no representations at submission plan stage have drawn any others to my attention.

8.0 General comments on the Plan

- 8.1 I now make some general comments on the CNP. Overall the CNP is laid out well and is easy to navigate. In particular there are a number of sections which explain neighbourhood planning and where the CNP would fit into the hierarchy of our plan-led system which users of the CNP will find extremely helpful.
- 8.2 Usefully the CNP identifies and is grouped around five themes; environment, housing, local economy, getting around and wellbeing and leisure. Section 1²⁴ entitled 'About Cuckfield Today' sets the scene concisely, but well, leaving me in no doubt that the CNP has a clear approach. This is reflected in the concise and simply worded, but commendable vision that is to be found in Section 2.²⁵
- 8.3 Section 3²⁶ contains the CNP's strategy. This recognises that change will be necessary and that the development needed to sustain the Parish should be well located and designed, and respond to the area's distinctive local character.

²³ Reg 32 of the Neighbourhood Planning (General) Regulations 2012

²⁴ CNP Page 14

²⁵ CNP Page 16

²⁶ CNP Page 17

- 8.4 Overall development is steered to the built up area of Cuckfield. The CNP amends and updates the built up area boundary in the MSLP 2004 to include development built since the last boundary delineation, extant planning permissions and other sites which could accommodate development. The new Built Up Area Boundary is clearly shown on Map 2.²⁷
- 8.5 In addition the strategy recognises that some development can be permitted in the countryside. It does this by allocating previously developed sites for housing development, permitting the conversion of buildings to business or tourist uses and enabling the expansion of business premises and tourist accommodation and schools.
- 8.6 The strategy recognises the importance of Cuckfield village centre and Whitemans Green neighbourhood centre as social and economic hubs and community and leisure facilities.
- 8.7 In the next section I consider the policies of the CNP against the basic conditions. Where modifications are recommended they appear in **bold text**. Where I have suggested specific changes to the wording of the policies they appear in ***bold italics***.

9.0 Detailed comments on the Cuckfield Neighbourhood Plan Policies

Section 4.1 Environment

- 9.1 This section begins with seven objectives. The text refers to the Framework and to the achievement of sustainable development. It references, reflects and builds on an earlier body of evidence including the Village Design Statement, Conservation Area Appraisals and the Landscape Character Area Assessment. The text offers a good level of detail and explanation making it easy to see the parentage of the policies contained in this section. In particular the local distinctiveness and diversity of buildings is highlighted.
- 9.2 The relationship between key documents such as the Neighbourhood Plan and the Conservation Area Appraisals is articulated. Relevant legislation is referenced. Links to the Framework are made as appropriate. This results in a rounded section that is easy to digest, readily understandable and sets the scene well. Readers will be left in no doubt as to what the CNP seeks to do.
- 9.3 The CNP identifies five character areas in addition to the two designated Conservation Areas. These are clearly shown on Map 3²⁸ and described in the text.
- 9.4 In addition the Landscape Character Assessment is referred to for each area outside of the built up area boundary of the village and a brief description is

²⁷ CNP Page 20

²⁸ CNP Page 25

included within the text.

Policy CNP 1 Design of New Development and Conservation

- 9.5 This is a positively worded policy which permits new development in accordance with the CNP where it meets a number of criteria. In themselves the criteria are clear, refer to other documents as appropriate and reflect the desire to encourage a high standard of design which respects local distinctiveness, heritage assets, natural features as well as making the best use of the site to accommodate development and creates safe, accessible and well connected environments for users whilst protecting general amenities of light, noise, air and water pollution.
- 9.6 It reflects a core planning principle in the Framework to always seek to secure high quality design and a good standard of amenity for existing and future occupants of land and buildings.²⁹ It is clear from the Framework that the Government attaches great importance to the design of the built environment.³⁰ Moreover the Government regards good design as a key aspect of sustainable development.³¹ The Framework states that neighbourhood plans should develop robust and comprehensive policies that set out the quality of development that will be expected for an area and that these should be based on an evaluation and understanding of the area.³²
- 9.7 Policy CNP 1 captures and reflects the essence of the Framework and will reinforce and promote local distinctiveness as well as conserving and enhancing the historic environment. MSLP 2004 Policy B1 seeks a high standard of design. Therefore this policy meets the basic conditions.
- 9.8 A set of monitoring indicators and targets sit below the policy. Although the first indicator “performance of new housing against Building for Life criteria” is not specifically mentioned in the policy, this is a worthy aspiration.

Policy CNP 2 Protection of Open Space within the Built Up Area

- 9.9 An Open Space Assessment has been carried out and identifies a number of open spaces which are visually important either because they, singly or in combination, are of historic importance, are of local visual amenity value or are of strategic importance. Policy CNP 2 resists the loss of such spaces as defined on Map 4.³³
- 9.10 The Framework defines open space as space of public value which offers opportunities for sport and recreation and visual amenity.³⁴ It emphasises that access to high quality open spaces can make an important contribution to the

²⁹ National Planning Policy Framework (2012) para 17

³⁰ *Ibid* para 56

³¹ *Ibid*

³² *Ibid* para 58

³³ CNP Page 30

³⁴ National Planning Policy Framework glossary

health and well-being of communities.³⁵ Existing open space should not be built on unless an assessment shows it to be surplus to requirements, any loss would be replaced by equivalent or better provision or the need for alternative sports and recreation provision clearly outweighs the loss.³⁶ MSLP 2004 Policy B6³⁷ resists development that would result in the loss of open space of particular importance to the locality and seeks alternative provision for any loss. MSLP 2004 Policy R2³⁸ only permits proposals which would result in the loss of open space with recreational or amenity value where a replacement site of equivalent or improved standards is identified.

- 9.11 A representation from Southern Water, the statutory sewerage undertaker for this area, is concerned that the policy would create barriers to deliver essential infrastructure. The statutory undertaker points out that the Framework and planning guidance indicate that such infrastructure may need to be located in such areas. Helpfully they suggest additional text to the policy to resolve this matter.
- 9.12 It seems unlikely that the policy is intended to resist needed infrastructure development and therefore **it is recommended that the following additional text is added at the end of Policy CNP 2 “*other than in exceptional circumstances for essential utility infrastructure and where no feasible alternative site is available*”** as this will give the comfort sought and bring the policy in line with national guidance which recognises that the lack of infrastructure can often present a barrier to building a strong, competitive economy³⁹ and therefore the achievement of sustainable development.
- Policy CNP 3 Preventing Coalescence between Cuckfield and Haywards Heath**
- 9.13 A Cuckfield and Haywards Heath Distinctiveness Assessment has been carried out. It is clear that a key objective of the Plan is to protect the distinctive identity of Cuckfield. To this end Policy CNP 3 resists development outside the Built Up Area Boundary of Cuckfield where it would result in increasing the coalescence between or reducing the separate identities of Cuckfield and Haywards Heath. Whilst the target sitting alongside this policy refers to no new buildings outside the Built Up Area Boundary, the policy is worded more flexibly.
- 9.14 The Distinctiveness Assessment explains the relative characteristics of the two settlements and the importance of the landscape in providing physical and visual separation between the two settlements. It also highlights the importance to biodiversity. It concludes that further development in the countryside forming the separation between the two settlements would erode the settlements’ respective distinctiveness, identities and sense of separation.

³⁵ *Ibid* para 73

³⁶ *Ibid* para 74

³⁷ MSLP 2004 Policy B6 page 47

³⁸ *Ibid* Policy R2 page 134

³⁹ National Planning Policy Framework (2012) para 21

- 9.15 This policy has been carefully considered and that the aim of preventing coalescence and thereby reinforcing local identity and distinctiveness is not at odds with the Framework.
- 9.16 The MSLP 2004 recognises the importance of the setting of towns and villages and indicates that a clear visual break between them gives them a “recognisable structure”.⁴⁰ The MSLP 2004 identifies a strategic gap between Cuckfield and Haywards Heath.⁴¹ MSLP 2004 Policy C2 does not permit development within the strategic gap unless it is necessary for agriculture or some other purpose that has to be located in the countryside, makes a valuable contribution to the landscape and amenity of the gap and enhances its value as open countryside and would not compromise the objectives and integrity of the gap.
- 9.17 Whilst Policy CNP 3 does not specify any circumstances where development might be permitted, its aim and effect is in line with MSLP 2004 Policy C2 and retains sufficient flexibility for those circumstances outlined in the District level policy to be accommodated on a site-by-site basis. Whilst the Built Up Area Boundary (as proposed to be amended by the CNP) does not coincide identically with the Strategic Gap shown in the MSLP 2004, the CNP updates the boundary appropriately and accordingly Policy CNP 3 is in general conformity with this strategic policy.
- 9.18 Barton Willmore on behalf of their client Catesby Estates Limited has submitted a representation promoting a site at Penland Farm, west of Balcombe Road and south of Hanlye Lane for residential development. This site appears to be located in the gap between Cuckfield and Haywards Heath and, as far as I can tell, outside the boundary of the neighbourhood plan area, but the representator considers the development of this site would satisfactorily maintain the gap and not create coalescence between the two settlements. A further point is made that there are ongoing discussions to secure the future of the Millennium Wood. For the reasons given above I have found the policy to be in accordance with the basic conditions.

Policy CNP 4 Protect and Enhance Biodiversity

- 9.19 National and local designated sites of biodiversity importance are shown on Map 6.⁴² An ecological study has also been carried out and this identifies a rich variety of species, some protected. The CNP recognises that achieving its aspirations will largely rely on the management of land and buildings and refers to a number of projects by way of example.
- 9.20 The policy seeks to protect and enhance biodiversity in line with the Framework which includes the improvement of biodiversity within its definition of the environmental dimension of sustainable development.⁴³ Policy CNP 4 also

⁴⁰ MSLP 2004 page 19

⁴¹ MSLP 2004 Policy C2 page 20

⁴² Page 36 of the CNP

⁴³ National Planning Policy Framework (2012) para 7

includes a criterion on adopting best practice in sustainable urban drainage. The policy therefore meets the basic conditions.

- 9.21 The monitoring indicators sitting alongside this policy refer to New England and Millennium Woods whereas the text indicates that New England Wood is outside the Plan area. If this is the case **I recommend any references to New England and Millennium Woods or other sites falling outside the Plan area be removed to avoid any confusion.**

Policy CNP 5 Protect and Enhance the Countryside

- 9.22 This criterion based policy seeks to protect the countryside from inappropriate development. The Framework recognises the intrinsic character and beauty of the countryside.⁴⁴ The MSLP 2004 distinguishes between the built up areas and countryside. MSLP 2004 Policy C1 protects the countryside for its own sake and restricts development to a number of specified circumstances.
- 9.23 The policy offers a degree of flexibility in that it is a criteria based policy. Arguably one or two of the criterion may give rise to some ambiguity; for example criterion b) includes the phrase “substantial landscape value” and this might be open to some interpretation and is not precise. In addition the last criterion e) which relates to the High Weald AONB should reflect the wording in the Framework on AONBs.
- 9.24 **It is therefore recommended that further explanation of the phrase “substantial landscape value or sensitivity” in criterion b) is given within the supporting text to the policy and by making a cross-reference to the Landscape Character Assessment to minimise any ambiguity and provide greater clarity and criterion e) should be revised to read “*Within the High Weald Area of Outstanding Natural Beauty it would conserve and enhance landscape and scenic beauty and would have regard to the High Weald AONB Management Plan.*”** to reflect the wording in the Framework.
- 9.25 A representation from Southern Water expresses concern that this policy would create barriers to statutory utility providers and helpfully suggests additional text for the policy to address this concern. Policy CNP 5 aims to protect and enhance the countryside from inappropriate development. The parts of the Framework I am referred to by the representation relate to major development in designated areas such as AONBs or refer to biodiversity. It is not necessary to recommend any modification to this particular policy as essential infrastructure might be regarded as appropriate development which is not precluded by the policy. Although the policy sets a high bar in relation to the landscape and views of and around Cuckfield, national guidance recognises that infrastructure sometimes has particular locational needs.⁴⁵

⁴⁴ National Planning Policy Framework (2012) para 17

⁴⁵ Planning guidance www.planningguidance.planningportal.gov.uk. Accessed 14 March 2013

9.26 A representation from the Mid Sussex Area Bridleways Group requests that an additional criterion is added to the policy in relation to rights of way. Such a modification is not necessary for me to make in order to ensure that the policy meets the basic conditions, but I am sure that the Parish Council will consider carefully this suggestion.

Section 4.2 Housing

9.27 This section begins with three objectives. The text sets the scene well explaining the housing stock and tenure. The importance of working with the District Council and sharing evidence and information on strategic housing need is recognised not least because the CNP has a longer plan period than the MSLP 2004.

9.28 The Plan refers to the draft Local Housing Assessment (updated October 2012) and Housing Supply Document (March 2013) together with the District housing requirement of 10,600 dwellings in the draft District Plan. This latter document is at an early stage. The CNP recognises that a contribution of 2000 dwellings is sought from neighbourhood plans in this emerging District level plan. Although no strategic target is set for Cuckfield, the District Council has indicated that 130 dwellings should be accommodated in Cuckfield Parish. This figure includes some 100 dwellings which already have planning permission.

9.29 As part of the evidence gathering for the CNP, a Housing Needs Survey (2012) has been undertaken and finds that there is a need for 40 affordable units and 20 market units over the CNP plan period.

9.30 There are 27 housing completions in 2011/12 and 76 dwellings have permission (as of 1 April 2012) together with an outline consent for a further 14 on the Ardingly Road site. The CNP usefully provides details of the consented sites in Table 3.⁴⁶

9.31 The CNP assumes that the need for market housing can be met from the existing consents. It makes the point that whilst the identified housing need is likely to be accurate over the shorter term, some flexibility is needed in the second part of the plan period.

9.32 The Cuckfield Parish Land Availability Assessment (2012) (PHLAA) considers sites in terms of suitability, availability and achievability, some of which will come forward as windfall sites as they are small and within the built up area boundary.

9.33 The PHLAA and its companion methodology document consider sites in a systematic way. The assessment has a clearly defined and appropriate methodology for this Parish. As well as a desktop review, site visits were carried out. The suitability of each site was assessed using a set of varied criteria including biodiversity, accessibility and residents views. Deliverability was then

⁴⁶ CNP page 42

considered and this stage also included amongst other things viability and potential capacity. It is also not a 'one-off' document, but will be updated as part of the monitoring process. As a result this seems to me to be a comprehensive and systematic way of assessing land availability appropriately for the purpose required.

- 9.34 Two previously developed sites, the former Court Meadow School and Horsgate House, are identified and allocated for small housing developments making good use of these sites and encouraging the architectural and historical significant Horsgate House to be brought back into use.
- 9.35 Two other sites close to the edge of the village have been identified. The two sites are adjacent to one another and abut the High Weald AONB. The CNP recognises the sensitive nature of these sites and the need to ensure that new development is appropriate. It also recognises the proximity to the main highway and the opportunity for sustainable drainage systems and other infrastructure provision.
- 9.36 A representation from Giles Darling considers that the Housing Needs Survey (2012) should have been 'factored up' to include the needs of future as well as present residents. In addition it is pointed out that no survey was carried out in neighbouring areas to ascertain the need of people who have a connection with Cuckfield, but cannot move there due to a shortage of available housing. As a result Mr. Darling considers the numbers of housing to be inadequate and that this in turn will be to the detriment of 'village character' as he considers a two-tier population will occur. The Housing Needs Survey carried out is, in my experience, fairly typical of a survey of this nature. It also forms part of the evidence base; in other words it forms part of the mix rather than being the only piece of evidence relied upon.
- 9.37 The McLaren Clark Group on behalf of their clients, Croudace Homes Ltd, seek inclusion of a site of some 3.9 hectares, land at Broad Street. The representation states the site is available, developable and in a sustainable location for residential development, but that some of the site would be available to act as a 'buffer' to, or form part of, an existing Local Nature Reserve. It points out that this would also necessitate a revision to the Built Up Area Boundary. Reference is made to a proposed 'Local Gap' designation in the CNP, but I am only aware of Policy CNP 3 which seeks to prevent coalescence between Cuckfield and Haywards Heath. In addition the representation disagrees with the numbers of housing put forward in the Plan in respect of market and affordable housing questioning both the totality of the figures and the assumptions for provision.
- 9.38 In general terms, and in relation to the two representations referred to above, the MSLP 2004 is out of date with regard to housing provision and the emerging District level plan is at an early stage. However, in these circumstances the CNP has rightly taken its lead from the District level plans by trying to identify housing need and then identifying sites. The CNP has sought to undertake its own

assessments of need and supply. In addition MSLP 2004 Policy H2 requires new housing to provide a mix of housing types, sizes and affordability that take account of local housing needs and site characteristics as well as including a proportion of affordable housing which is dealt with by MSLP 2004 Policy H4. Furthermore I note that the District Council do not query the overall provision in the CNP. There is nothing that requires housing allocation policies to make up the full or total provision. Given this, the suite of housing policies put forward in the CNP are in general conformity with the relevant District level policies and the Framework and offer the necessary flexibility to satisfactorily provide both the amount and type of housing needed within the CNP plan area.

Policy CNP 6 Housing Allocations

- 9.39 This policy details four site allocations a) to d) with a description of each, an indicative capacity (which is not expressed as a minimum and therefore could be exceeded) and other requirements in respect of form, layout and landscaping and infrastructure. Table 4⁴⁷ also sets out an approximate capacity and suggested development period. Each site is clearly identified on Map 7.⁴⁸
- 9.40 The four housing allocations with an indicative capacity are:
- a) Former Court Meadow School, Hanlye Lane (approx. 10 dwellings)
 - b) Horsgate House, Hanlye Lane (unspecified)
 - c) 11 Manor Drive (approx. 3 dwellings)
 - d) Manor House, Manor Drive (approx. 15 dwellings)
- 9.41 I have been notified by Mid Sussex District Council that a planning application relating to site d) was granted planning permission on 17 December 2012 and details pertaining to that application have been provided to me.
- 9.42 Application reference 13/03637/FUL grants permission for four detached dwellings and associated access and landscaping. According to the information available to me the application site is smaller than the proposed allocation site in the CNP. Although there is now an extant permission on part of the proposed allocation, there is nothing to preclude development coming forward in the way envisaged by the CNP. Indeed it could be argued that the extant permission and the CNP are not at odds with each other. Either way I consider that the extant permission does not necessarily indicate that the proposals in the CNP cannot be achieved. Given that there is inbuilt flexibility in the CNP if part of the allocated site is built out and this results in lower numbers being achieved on site d), this would be highlighted through the monitoring process and any necessary action can be taken.
- 9.43 Southern Water has requested that an additional sentence is added to housing allocations a) and d) regarding connection to the sewerage system. However, this is a detailed site-specific matter that is not necessary or appropriate for me

⁴⁷ *Ibid* page 44

⁴⁸ *Ibid* page 45

to recommend a modification.

- 9.44 Southern Water has also requested an amendment to the wording in the final paragraph of the supporting text on page 43 of the CNP. The amendment seeks the deletion of the words “to the north where sewer reinforcements would be required” and substitutes “*where capacity may be insufficient and new development would need to connect to the sewerage system at the nearest point of adequate capacity.*”. I again feel that this goes beyond the scope of my remit in that it is not a modification I need to make in relation to the basic conditions. So whilst I do not make a formal modification in this respect, I suggest that the amended text as suggested by Southern Water is included in the finalised version of the CNP to address Southern Water’s concerns.
- 9.45 West Sussex County Council in a representation point out that they are unable to comment on site specific principles at this stage and they should be refined through the development management process. I have taken this to mean that the comments included in the ‘infrastructure’ sections of each of the site allocations a) to d) which specify where vehicular or pedestrian access should be taken or where shared surfaces should be considered in effect to be indicative rather than ‘set in stone’. Given the wording used in the policy which takes the form of ‘should’ and ‘should be considered’ this gives sufficient flexibility and there is no need for me to make any modifications with regard to my remit.
- 9.46 A representation from Mr. and Mrs. Bankes seeks the removal of site allocations c) and d) from the Plan. In relation to site c) the representation points to a restrictive covenant amongst other things on the site. With regard to site d) a succession of planning applications and appeals refusing consent for development on the site is highlighted. An allocation in a CNP would not override any such covenants and I note that permission has now been granted on site d) establishing the principle of development. As a result there is no need for me to modify the policy in these respects.

Policy CNP 7 Housing Development within the Built Up Area Boundary

- 9.47 The CNP recognises that windfall sites have made a small, but important contribution historically, but sensibly includes a cautious estimate of the number that are likely to come forward in the plan period, also being careful not to double count as some sites already have permission. Policy CNP 7 offers flexibility in permitting infill, redevelopment and changes of use to housing subject to a number of criteria, all designed to reinforce local distinctiveness.
- 9.48 Housing supply is illustrated in Table 5.⁴⁹ This demonstrates that the target of 130 dwellings will be exceeded through a combination of completions, consented sites, allocations and windfalls. Policies CNP 6 and 7 offer clear direction and certainty together with the flexibility that is needed. Therefore both policies meet the basic conditions.

⁴⁹ CNP page 49

9.49 Furthermore the CNP recognises the need to monitor the situation and to check that the housing trajectory is as anticipated.⁵⁰ However, Table 6 Cuckfield Housing Trajectory⁵¹ has, I believe, some arithmetical errors in it in that some of the columns totals do not tally correctly. To avoid the need for any ambiguity or uncertainty I **recommend that Table 6 be rechecked for accuracy.**

9.50 One of the monitoring indicators⁵² has a target of at least 9 new dwellings on allocated sites. It is not clear where this target stems from. However, bearing in mind the overall direction of the CNP, the fact that this is a target and given that this is an indicator, this is a comment for consideration by the qualifying body who may wish to ensure that this ‘ties up’ rather than a formal modification.

Policy CNP 8 Affordable Housing

9.51 The preamble to this policy indicates that the Housing Needs Survey (2012) identified a need for 40 units. It also states that 75% of those in need are smaller households and a reasonable proportion could afford shared ownership, but that this type of housing is currently limited in the village. In a later section of the CNP entitled ‘Type of Housing’ it is however noted that most of this group given their small household size are more likely to have a need for market rather than shared ownership housing and this is reflected in Policy CNP 9.

9.52 Policy H4 of the MSLP 2004 requires generally 30% of affordable housing to be provided on sites of 15 or more units or on sites which exceed 0.5 hectare in size. This policy recognises that, amongst other things, the specific proportion of affordable housing on any particular site will take into account local needs based on up to date assessments and viability considerations. Reference is also made to the emerging District level policy which seeks 30% provision on all sites. The supporting text to Policy CNP 8 indicates that these policies will apply, but the adopted policy differs considerably from the emerging policy which in itself is at an early stage of evolution. It is therefore not clear to me which of the District level policies the CNP seeks to reflect. There would be no need to repeat the adopted policy in the CNP.

9.53 The CNP also refers to the community’s preference for the provision of affordable housing within schemes rather than as exception sites, but recognises the need for flexibility.

9.54 Mid Sussex District Council has submitted a representation which objects to this policy on the grounds that it fails to make adequate provision for affordable rented housing. MSDC suggest that in addition to the Housing Needs Survey (2012) carried out by the Parish Council, the Mid Sussex Common Housing Register and the Strategic Housing Market Assessment should also be taken into account and that both indicate a need for affordable rented housing. MSDC would like the policy to set out a requirement for 30% affordable housing on all

⁵⁰ *Ibid*

⁵¹ *Ibid*

⁵² *Ibid* page 50

sites and that generally at least 70% of this should be for rent.

- 9.55 The first criterion of Policy CNP 8 states “where a site is large enough to generate a need for at least one affordable home, it should be provided on site”. This creates a high level of ambiguity and uncertainty over what might constitute a ‘large enough’ site and it is not clear to me when the affordable housing requirement might apply. Given this, and the need for certainty and consistency in using the CNP for development management purposes, and taking my lead from the Housing Needs Survey (2012) and the District level policies which the CNP seeks to apply, **I recommend that the first criterion of Policy CNP 8 be reworded to reflect the community’s aspirations whilst retaining some flexibility in relation to the viability of schemes. A suggested form of words might be “a) On sites able to accommodate four or more dwellings, it will be expected that the equivalent of a 30% affordable housing provision will be made on-site subject to viability considerations.”** This would give the clarity and certainty required whilst maintaining flexibility.
- 9.56 In relation to criterion b) which in its present form requires the “majority” of on-site affordable housing to be for shared ownership as identified in the Housing Needs Survey, I am mindful that the evidence at District level brought to my attention seems to indicate a need for affordable rented housing. Whilst I do not see a need in relation to the basic conditions to specify a particular target or percentage for a particular type of affordable housing, **criterion b) should be modified to read “The type of affordable housing provision should reflect local needs and shared ownership provision for smaller households is particularly encouraged.”** This would enable the policy to be operated flexibly and on a site-by-site basis whilst sending out a clear message about the need for shared ownership schemes identified in the CNP.

Policy CNP 9 Small Scale Dwellings

- 9.57 This policy seeks to increase the supply of 1 or 2 bedroom units on sites of five or more dwellings. This would be to meet an identified need for smaller properties evidenced by the Housing Needs Survey (2012) as well as bring other benefits of providing a wider choice of housing type and extending accessibility to the housing market. This is in line with the Government’s objective of delivering a wide choice of high quality homes. The supporting text indicates that the precise number of such units is to be negotiated on a site-by-site basis taking viability into account.
- 9.58 In general this policy is to be welcomed. However as currently worded it appears to permit residential development of five dwellings or more if an element of 1 or 2 bedroomed dwellings is incorporated. The effect of the wording of this policy is to permit such development anywhere in the Plan area and this may not be the intention. However, as currently worded the policy meets the basic conditions and it is not necessary for me to recommend any modifications.

Policy CNP 10 Building Extensions Within and Outside the Built Up Area Boundary

- 9.59 This policy supports extensions to buildings and its criteria reflect local circumstances and the particular qualities of the area.
- 9.60 If it was the intention that this policy should apply [only] to residential extensions as per the sub heading, consideration should be given to changing the title of the policy to reflect this because as currently worded the policy could also apply to the extension of *any* building not just dwellings. As currently worded the policy meets the basic conditions.

Section 4.3 Local Economy

- 9.61 In line with other sections of the CNP, this section begins with two objectives to support the development and sustainable growth of business in Cuckfield and to promote the economic and social hubs of Cuckfield village and Whitemans Green neighbourhood centres.
- 9.62 The section outlines the importance of Cuckfield Village centre as an economic and social hub. It describes the services and facilities on offer and the wider attraction of the centre to visitors from further afield attracted to the village by, amongst other things, the monthly market and the Museum as well as the historic significance of the village.

Policy CNP 11 Cuckfield Village Centre

- 9.63 Policy CNP 11 is a criteria based policy that seeks to support the retention and development of a range of uses, as well as retain residential uses at upper floor levels, in Cuckfield Village Centre which is defined on Map 8.⁵³
- 9.64 Criterion a) is unclear in its current wording as to its intention for extending existing buildings. Given the preamble I suspect that the policy is intended to permit extensions to those buildings *already* in business or community uses and to permit extensions to and changes of use of buildings not currently in such uses to be able to change to the business and community uses listed in the policy. **I recommend that criterion a) of the policy is reworded to make this clear.**
- 9.65 Criterion b) seeks to retain residential uses on upper floors. This in itself is a laudable aim. However, given the first criterion and its list of acceptable uses which range from libraries to hot food takeaways, the impact of such uses will differ in relation to the effect on the living conditions of residential occupiers on the upper floors. For instance a library is less likely to result in noise or smell issues than a day nursery or restaurant. Nevertheless the general thrust of the policy is in line with national policy and guidance. The preamble to the policy also recognises that the type and level of activity proposed should not have an adverse effect on character or appearance or on the amenities of local residents.

⁵³ CNP page 58

- 9.66 Therefore, **I recommend that criterion b) is reworded to read “Residential use of upper floors should be retained and encouraged where appropriate.”** This would be in line with the advice in the Framework to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities⁵⁴ and would recognise that residential development in village centres has an important role to play in supporting such centres and in adding vitality. The preamble to the policy itself recognises this latter point and seems to be more positively worded towards residential uses on upper floors than the policy itself.
- 9.67 Overall the policy supports the retention of, and promotes, local facilities and services. It plans positively for existing businesses to expand or modernise. It integrates residential uses into the village centre. This is generally in line with national guidance⁵⁵ and helps to achieve sustainable development.
- 9.68 Policies S6 and S7 of the MSLP 2004 respectively encourage new small scale shopping facilities and resist the change of use from Class A1 Shop to other uses unless the retail use is shown to be no longer viable. Given the CNP aspires to retain and support local services, there is no conflict.

Policy CNP 12 Whitemans Green Neighbourhood Centre

- 9.69 The supporting text to this policy explains that Whitemans Green Neighbourhood Centre serves the day-to-day needs of this part of Cuckfield as well as serving passing trade. The Centre is formed of a shop, public house and fuel station and falls within the Whitemans Green Conservation Area. The Centre is defined on Map 9.⁵⁶
- 9.70 The policy resists the loss of the existing shop and public house for the benefit of the community in line with national guidance.⁵⁷ However, it is sufficiently flexible providing for replacement facilities elsewhere in the Centre or subject to viability. This policy meets the basic conditions.

Policy CNP 13 Shop Fronts and Advertisements

- 9.71 The importance of shop fronts and advertisements to the appearance of the built environment is recognised by this policy and the opportunity to improve the appearance of listed buildings or other buildings falling within Conservation Areas is taken by this policy. This is in line with national guidance.⁵⁸ This policy meets the basic conditions.

⁵⁴ National Planning Policy Framework (2012) para 50

⁵⁵ *Ibid* paras 50 and 110

⁵⁶ CNP page 64

⁵⁷ National Planning Policy Framework para 110

⁵⁸ *Ibid* para 67

Policy CNP 14 Business Development in the Countryside

- 9.72 This policy permits the change of use of a permanent rural building to business or tourist uses. The Framework supports the sustainable growth and expansion of all types of business and enterprise in rural areas through the conversion of existing buildings,⁵⁹ but makes no mention of the need for them to be permanent. As a result **I recommend that the word “permanent” is deleted** from criterion a) of Policy CNP 14.
- 9.73 In addition the Framework also encourages well-designed new buildings,⁶⁰ but the policy is silent on this. Given the policy’s title, **I recommend that a new criterion b) is added which reads “Well-designed new buildings for business or tourist uses.”** to reflect this. As a consequential amendment existing criterion b) which relates to extensions to buildings in business or tourism uses in the countryside should be renumbered “c)”. Consequential changes to the supporting text will also need to be made in order for the text to be in line with these modifications and the Framework. Subject to these modifications, the thrust of the policy will align with the Framework and MSLP 2004 Policies C12, C13 and R13 which encourage rural diversification, encourage the reuse and conversion of rural buildings and permit new tourist facilities respectively.

Section 4.4 Infrastructure

- 9.74 An assessment of infrastructure requirements has been carried out (May 2013) and a range of criteria has been used to assess priorities. These are outlined in more detail in subsequent sections of the CNP.

Section 4.5 Getting Around

- 9.75 Three objectives for this section: to ensure that new development is well connected to village facilities by a range of transport modes, to ensure safe vehicular and pedestrian access and to support bus services.
- 9.76 The CNP explains that in common with other villages there is high car ownership, limited bus services and connections and inadequate village centre parking. This results in peak hour congestion at various locations.

Policy CNP 15 Village Centre Car Park

- 9.77 This is a straightforward policy that seeks to retain an existing car park. The car park is helpfully identified on Map 8.⁶¹ The car park is located conveniently for the village centre and regarded as essential in helping vitality and viability. It is widely accepted that the opportunities to maximise sustainable transport solutions varies from urban to rural locations⁶² and from place to place. Given that the car park has been identified as an important element in the village centre’s success, this policy meets the basic conditions.

⁵⁹ National Planning Policy Framework (2012) para 28

⁶⁰ *Ibid*

⁶¹ CNP page 58

⁶² National Planning Policy Framework (2012) para 111

Policy CNP 16 Transport Impact of Development

- 9.78 This is a positively worded policy that seeks safe access for vehicular and pedestrian movements on site and sustainable transport links to facilities. Where those cannot be provided on site the provision or contribution towards measures to address any deficiencies together with mitigation measures or funding contributions if development adds to traffic congestion are sought. Development also should provide cycle storage facilities, and ideally storage for children's buggies and mobility scooters. Given the wording in the policy it sets out the expectations in relation to the transport impacts of development and how these will be considered. The policy meets the basic conditions.

Policy CNP 17 Transport Proposals

- 9.79 The preamble to this policy explains that development proposals are expected to make a contribution to local transport schemes through planning agreements. The CNP identifies the need for traffic calming and other measures to improve pedestrian access and safety to the centre of Cuckfield. This policy commits the Parish Council and West Sussex County Council to develop traffic management measures and an indicative list of schemes is included within the policy. Measures include speed reduction, improvements to parking and bus stops and signage.
- 9.80 Whilst this policy is a useful indicator of the Parish Council's aspirations, it does not deal with land use or development. In addition whilst I note that a representation from West Sussex County Council is supportive in principle, the County Council state that the schemes listed in Policy CNP 17 have yet to be confirmed. Therefore the policy in effect binds another body to take action outside of the Parish Council's control. As a result **it is recommended that Policy CNP 17 should be moved to a separate and different section or appendix of the CNP.** This separate section or annex should make it clear that this is not a planning policy.
- 9.81 A representation from Giles Darling raises the question that if insufficient housing (a comment based on another representation on this matter) is provided for, then how will the schemes in this section be funded? Mr. Darling suggests that an estimate of the cost and funding method of each scheme should be included and the process on infrastructure carried out differently. Mr. Darling considers the CNP is therefore misleading in that it suggests the schemes will come forward when the representator considers this may not be the case. If my recommendation is carried out then this will assist with at least the latter concern albeit for a different reason.

Section 4.6 Wellbeing and Leisure

- 9.82 The objective of this section is to ensure that sufficient community and leisure facilities are available to serve the Parish. The preamble to the policies explains that community spirit is strong and there are a variety of groups and activities that use a range of facilities. In addition outdoor activities such as walking and sports are an important resource for the Parish.

- 9.83 An Open Space Assessment (January 2013) has been carried out and the CNP describes the provision as “generally good”.⁶³ Policy CNP 2 of the Plan resists development that would result in the loss of an Area of Important Open Space in the Built Up Area and defines those areas on Map 4.⁶⁴ The CNP goes on to say that other open spaces such as recreational grounds, allotments, sports pitches located outside the Built Up Area are protected by CNP 5.⁶⁵ However, I am not sure that this is the case. Whilst Policy CNP 5’s preamble includes mention of “landscape of substantial value or sensitivity, views, formal and informal, recreational amenities and biodiversity”,⁶⁶ the policy refers to countryside.
- 9.84 Reference is made to Amenity Open Space and two specific sites are mentioned: Bylanes and Ardingly Road.
- 9.85 Allotments are also specifically referred to as the Parish has a waiting list of over 20 households despite three existing sites spread around the village. The CNP identifies the southern site, Courtmead Road, as most suited to expansion for a number of reasons including the location of households on the waiting list, its proximity to the existing allotment site and the use of existing services and its setting. There was strong community support for this proposal. The site is owned by MSDC.

Policy CNP 18 Open Space

- 9.86 This policy is in two parts. The first part a) allocates two sites: 1) to the west of Bylanes Close and 2) to the south of Ardingly Road as Amenity Open Space. The second part b) allocates a site to the western end of Courtmead Road as Open Space. All three sites are indicated on Map 10.⁶⁷
- 9.87 Mid Sussex District Council have objected to the inclusion of proposed allocation site b) as open space. MSDC owns this land and states it is not minded to make it available for allotment and/or open space and as a result considers the allocation to be undeliverable. MSDC are legally obliged to achieve best value from the site and point out that to transfer the land for open space purposes would result in the loss of a potential capital receipt at a time of financial constraint and diminishing resources.
- 9.88 I have also been informed that in relation to proposed allocation site b), outline planning permission was granted for one dwelling (application reference 13/03476/OUT) on 18 December 2013. The Parish Council has raised a number of objections at the time of the application. During the course of the examination, MSDC informed me that the Council has now entered into an agreement to sell the site and that a further planning application has been submitted (application reference 14/01068/FUL). There is correspondence

⁶³ CNP page 70

⁶⁴ *Ibid* pages 29 and 30

⁶⁵ *Ibid* page 38

⁶⁶ *Ibid*

⁶⁷ CNP page 73

between the Parish and District Councils on this matter.

- 9.89 I have carefully considered the implications of the extant planning permission on site b) which this policy proposes as open space. In this regard there are two options open to me. The first is to recommend that the proposed allocation remains in the CNP. This might be on the basis that there is no guarantee that an extant permission would be implemented. I also understand the Parish Council is actively engaged in seeking to purchase the land in question. A letter of support from Courtmead Road Residents Association has been received. The second option is to recommend the deletion of this proposed allocation. This might be on the basis that there is clear evidence that the landowner is unwilling to make the site available for open space and is actively pursuing an alternative use for the site.
- 9.90 On balance I have reluctantly reached the conclusion that criterion b) of Policy CNP 18 should be deleted. This is because the extant permission taken together with the contractual arrangements entered into by MSDC and the submission of a further application as a result of that means that there is little reasonable prospect of the site being available for the purpose envisaged by the policy and therefore this element of the policy is undeliverable. This would therefore not accord with the advice in the Framework and not meet the basic conditions. **I recommend that criterion b) of Policy CNP 18 which allocates a site to the western end of Courtmead Road as open space is deleted. Consequential amendments to the supporting text will be required.**
- 9.91 As a general comment It is not clear to me whether the site to the western side of Courtmead Road as open space is also the site suggested in the supporting text for expansion of the allotments. Either way the policy does not allocate this site, or any site, for allotments. This results in confusion. As I have recommended deletion of criterion b) this is now perhaps a moot point, but in undertaking the necessary consequential amendments as a result of my recommendation attention should be paid to ensuring that there is clarity in the supporting text regarding allotment provision.
- 9.92 The supporting text defines Amenity Open Space as open space which provides informal activities and visual enhancement to residential areas.⁶⁸ This seems to be a different definition to 'open space' and therefore in the interests of clarity **I recommend that the title of Policy CNP 18 be amended to read "Amenity Open Space".**
- 9.93 The CNP then goes on to discuss sports pitches. It recognises there may well be plans for the expansion of existing facilities and seeks to ensure that such plans are carried out sensitively and in relation to the transport impact (Policy CNP 16). There is no specific policy in relation to sports provision.

⁶⁸ *Ibid* page 71

Policy CNP 19 New School Buildings

- 9.94 Cuckfield has two schools. The CNP explains that the Holy Trinity Primary School is at capacity and there are proposals to extend the school. The Warden Park Academy also has plans for changes and expansion including the replacement of some temporary buildings. The supporting text (but not the policy) also refers to a proposal to construct an artificial pitch and seeks to ensure that any lighting should be unobtrusive and suitable screening should be carried out.
- 9.95 Policy CNP 19 supports additional school buildings at both schools within the Built Up Area Boundary. The CNP modifies the Built Up Area Boundary of Cuckfield to accommodate new buildings at Warden Park Academy and the Holy Trinity Primary School falls within the Built Up Area Boundary. MSLP 2004 Policy CS1 permits new educational facilities in built up areas. This policy plans positively for education facilities in the village and meets the basic conditions.

Policy 20 Retention of Community Buildings

- 9.96 This policy resists the loss of existing community buildings. The supporting text indicates that Cuckfield benefits from a range of excellent facilities, but there is concern that such facilities need to be retained and enhanced particularly given new development will increase demand. The policy offers sufficient flexibility in that if it can be demonstrated that demand for the facility no longer exists or suitable alternative provision is made then the loss will be resisted.
- 9.97 The Framework points out that community facilities make an important contribution to the social cohesion of a community and this policy would be in line with the Framework and the relevant MSLP 2004 Policies. It therefore meets the basic conditions.

Policy CNP 21 Improved Community Buildings

- 9.98 This policy seeks to retain and improve the Youth Club Building as a centre that benefits children, young people and the wider community. The supporting text describes the facility as a “vital community asset”⁶⁹ and explains that it is owned by West Sussex County Council and used by Cuckfield Playgroup and Orchard House, an organisation which provides care for children. The CNP describes the building as being in a poor state of repair and indicates that the building could be rebuilt as a centre on its site. Whilst this seems at first glance to be at odds with the word “retain” in the policy, it is clear from the supporting text that the aim is to retain the uses which are valued by the community on this site whilst improving or rebuilding the building itself. This policy therefore meets the basic conditions.

Policy CNP 22 Securing Infrastructure

- 9.99 This policy seeks to secure developer contributions for the provision of necessary social, physical and green infrastructure arising from all new development or additional infrastructure identified in the CNP which can be provided in a timely

⁶⁹ Cuckfield Neighbourhood Plan page 76

manner.

- 9.100 The supporting text explains that new development generates infrastructure requirements. It refers to the District Council's Development and Infrastructure Supplementary Planning Document (2006) (SPD) which applies to developments of six or more dwellings as well as looking ahead to the intended introduction of the Community Infrastructure Levy.
- 9.101 The CNP, in the text rather than in the policy itself, helpfully identifies the community's priorities in relation to infrastructure requirements which range from a number of traffic management measures to green infrastructure. This gives a clear signal to developers and funders about the community's aspirations and priorities.
- 9.102 In relation to the policy itself it introduces a higher bar than the current District level SPD as it seeks to apply developer contributions to *all* development. In addition to that infrastructure arising from the development itself the policy also seeks as an alternative contributions to the infrastructure priorities identified in the text of the CNP.
- 9.103 The Framework indicates that development should not be subject to such a scale of obligations and policy burdens that the ability to develop is threatened.⁷⁰ In the interests of viability and deliverability so that the policy meets the basic conditions **it is recommended that "*subject to an appropriate assessment of viability*" be inserted at the end of the policy.** It would be helpful if the supporting text added a sentence or two to this effect for the sake of completeness.
- 9.104 Southern Water has requested two additional provisions be added to the Policy. The first permits residential and commercial development only if sufficient infrastructure capacity is available or can be provided in time to serve it. As the policy has a clear expectation that development should provide the necessary physical infrastructure it is not necessary in my view to add such an extra provision.
- 9.105 The second provision suggested encourages and permits new and improved utility infrastructure that meets the identified needs of the community. Again I do not regard it necessary to add this provision and to do so would in my view substantially add to the intent of the policy as it is presently worded and go beyond my remit.

Section 5 Monitoring and Review

- 9.106 It is very positive to see a short section on monitoring which explains the importance of ensuring that the policies are working as anticipated. Through monitoring and review there is an opportunity to take stock and to take action if

⁷⁰ National Planning Policy Framework para 173

needs be to help to ensure that the CNP can be delivered successfully.

10.0 Matters raised in representations not covered elsewhere

- 10.1 The Mid Sussex Area Bridleways Group have submitted a representation requesting an additional bullet point relating to the protection and enhancement of the rights of way network and the roads and lanes linking them, be added on page 12 of the CNP. In addition the Group have requested the inclusion of bridleways in the final paragraph of section 1.5 on page 16 of the CNP. I am sure the Parish Council will carefully consider both suggestions, but they are not necessary modifications for me to make given my remit.
- 10.2 Gatwick Airport Ltd points out that Cuckfield is within their 30km wind turbine consultation zone. As there are no policies in the CNP which specifically relate to wind turbines, I have treated this as for information purposes only.
- 10.3 Barton Willmore on behalf of their client, Glenbeigh Developments Ltd, promote land to the south of Hanlye Road, Cuckfield for development. Having revised the proposal to address previous concerns they now consider the site suitable, achievable and available. In addition part of the site is suggested for public open space. The representation suggests that the CNP should allocate this site and identify 'reserve' sites. It is not my role to adjudicate on whether sites should be identified or included in the CNP. I am satisfied that the relevant housing policies meet the basic conditions and that monitoring and review will, in a timely manner, highlight the need for more sites to come forward if needs be.
- 10.4 Giles Darling expresses concern about the make up and format of the questionnaire. This is a detailed matter which I do not need to comment on except to indicate I am satisfied that the CNP is supported by an appropriate level of evidence to which the questionnaire has contributed.

11.0 Conclusion

- 11.1 The CNP, subject to the modifications I have recommended, establishes a realistic and achievable vision for the future of Cuckfield. I am satisfied subject to those modifications that the CNP meets the basic conditions and the other statutory requirements outlined earlier in this report.
- 11.2 I am delighted to recommend to Mid Sussex District Council that the Cuckfield Parish Neighbourhood Plan as modified by my recommendations should proceed to a referendum.
- 11.3 Following on from that, I am required to consider whether the referendum area should be extended beyond the Cuckfield Neighbourhood Plan area which is contiguous with the Parish Council boundary. I consider that the Plan area is

appropriate. I note that it is the view of the Parish Council that there would be no benefit in extending the area and that the CNP has been informed by discussions with neighbouring parish and town councils.⁷¹ I see no reason to alter or extend the Plan area for the purpose of holding a referendum.

12.0 Formal recommendation

12.1 I recommend that the Cuckfield Neighbourhood Plan should proceed to a referendum based on the CNP plan area.

Ann Skippers
Ann Skippers Planning
23 April 2014

⁷¹ Basic Conditions Statement page 4

Appendix

Documents referred to

Basic Conditions Statement
Pre-Submission Statement of Consultation July 2013
Options Consultation Feedback (November 2012)
Community Engagement Action Plan
Habitats Regulations Assessment for the Mid Sussex District Plan May 2013
Cuckfield Habitats Regulations Assessment Screening March 2014
Habitats Regulations Assessment Screening Report 2 April 2014
Mid Sussex Local Housing Assessment
Housing Needs Survey Report September 2012
Parish Housing Land Availability Assessment Site Assessment February 2013
Parish Housing Land Availability Assessment Methodology July 2012
Schedule of sites
Cuckfield Conservation Area
Cuckfield Village Centre Appraisal Methodology December 2012
Whitemans Green Conservation Area
Whitemans Green Conservation Area Appraisal June 2013
Whitemans Green Neighbourhood Centre Assessment Methodology December 2012
Cuckfield Village and Brook Street Design Statement SPD
Cuckfield Built Up Area Boundary Assessment July 2012
Sequential Flood Risk Test for Mid Sussex Neighbourhood Plans
Cuckfield Landscape Character Assessment April 2012
Cuckfield Landscape: Views Assessment
Cuckfield Biodiversity Assessment July 2012
Cuckfield and Haywards Heath Distinctiveness July 2013
Cuckfield Infrastructure Assessment May 2013
Cuckfield Open Space Assessment January 2013
Mid Sussex Local Plan 2004
Mid Sussex District Plan submission May 2013
Planning Applications 13/03637/FUL & 13/03476/OUT
MSDC Screening Opinion June 2013
Scoping Report
Scoping Report Response from Natural England of 5 October 2012
Draft Sustainability Report February 2012
Sustainability Report July 2013 & its Non Technical Summary
Emails from Cuckfield Parish Council of 17 & 19 March 2014 & MSDC of 14 March 2014
and 26 March 2014