

TWINEHAM NEIGHBOURHOOD PLAN

Submission Draft Version

**A report to Mid Sussex District Council
into the examination of the
Twineham Neighbourhood Plan
by Independent Examiner, Rosemary Kidd**

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1.0 Summary

- 1.1 Mid Sussex District Council is supporting the preparation of Neighbourhood Development Plans for all towns and villages in the area as part of the development of the new District Plan so that local communities have the opportunity to set out their vision for the future of their town or village and allocate housing sites that will support the delivery of the local and district housing requirement.
- 1.2 Twineham is one of the smallest parishes in terms of population with approximately 300 residents. The community has risen to the challenge of preparing its Neighbourhood Plan. The plan is succinct with only 3 policies, nevertheless considerable effort has been put into preparing the plan to set out the community's wishes for the future development of this predominantly rural parish located in the Low Weald of Mid Sussex, twelve miles to the north of Brighton. The parish contains four main settlement areas of Twineham, Hickstead, Twineham Green and part of Wineham. The plan focuses on housing, employment and the local economy and landscape and the environment.
- 1.3 I have made a number of recommendations in this report in order to make the wording of the policies and their application clearer and to ensure that they meet the Basic Conditions. Section 7 of the report sets out a schedule of the recommended modifications.
- 1.4 The recommendations are in the main concerned with improving the clarity and conciseness of the Neighbourhood Plan.
- 1.5 Subject to these modifications being made to the Neighbourhood Plan, I am able to confirm that I am satisfied that the Twineham Neighbourhood Plan satisfies the Basic Conditions and that the Plan should proceed to referendum.

2.0 Introduction

- 2.1 Neighbourhood planning is a relatively new process introduced by the Localism Act 2011 which allows local communities to create the policies which will shape the places where they live and work. The Neighbourhood Plan provides the community with the opportunity to develop a vision to steer the planning of the future of the parish, to prepare the policies and allocate land for development which will be used in the determination of planning applications in the parish.
- 2.2 Neighbourhood development plans that are in general conformity with the strategic policies of the local development plan for the local area (and which together form the local development plan), and have appropriate regard to national policy, have statutory weight. Decision-makers are obliged to make decisions on planning applications for the area that are in line with the neighbourhood development plan, unless material considerations indicate otherwise.
- 2.3 Neighbourhood Plans are developed by local people in the localities they understand and as a result each plan will have its own character. I have been appointed to examine whether the submitted Neighbourhood Plan meets the basic conditions and the other statutory requirements. It is not within my role to re-write a plan to conform to a standard approach or terminology. Indeed it is important that Neighbourhood Plans are a reflection of aspirations of the local community. They should be a local product and have particular meaning and significance to people living and working in the area.
- 2.4 The nature of neighbourhood plans varies according to local requirements. A neighbourhood plan can be narrow in scope. There is no requirement for a neighbourhood plan to be holistic, or to include particular types of policies, and there is no requirement for a neighbourhood plan to be formulated as, or perform the role of, a comprehensive local plan.

Legislative Background

- 2.5 I was appointed as an independent examiner to conduct the examination on the Twineham Neighbourhood Plan by Mid Sussex Council with the agreement of the qualifying body, Twineham Parish Council, in September 2015. My selection has been facilitated by the Neighbourhood Planning Independent Examiner Referral Service.
- 2.6 I confirm that I am independent of the qualifying body and the local authority. I have no interest in any land affected by the Twineham Neighbourhood Plan. I am a chartered town planner with over thirty years' experience in planning. I therefore have the appropriate qualifications and experience to carry out this independent examination.
- 2.7 As an independent Examiner, I am required to determine, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, whether:

- (a) the policies of the Neighbourhood Plan relate to the development and use of land for a designated neighbourhood area;
 - (b) the Neighbourhood Plan meets the requirements to: specify the period to which it has effect; not include provision about excluded development; and not relate to more than one neighbourhood area;
 - (c) the Neighbourhood Plan has been prepared for an area that has been properly designated for such plan preparation; and
 - (d) the Neighbourhood Plan has been prepared and submitted for examination by a qualifying body.
- 2.8 I am satisfied that the Neighbourhood Plan includes policies that relate to the development and use of land and does not include provision for any excluded development.
- 2.9 The Neighbourhood Plan area is co-terminus with the parish of Twineham and was designated by the Mid Sussex Council on 9 July 2012 as a Neighbourhood Area.
- 2.10 The lifespan of the Neighbourhood Plan is stated on the cover of the Plan to be from 2014 to 2031.
- 2.11 The neighbourhood plan making process has been led by Twineham Parish Council which is a “qualifying body” under the Neighbourhood Planning legislation which entitles them to lead the plan making process. A Steering Group made up from representatives from the parish council and the community has been responsible for overseeing the preparation of the Plan.
- 2.12 I am satisfied therefore that the Twineham Neighbourhood Plan satisfies all the requirements set out in paragraph 2.7 above.

Conformity with Basic Conditions and other statutory requirements

- 2.13 An Independent Examiner must consider whether a neighbourhood plan meets the “Basic Conditions”. To meet the basic conditions and it be appropriate for a Neighbourhood Plan to be ‘made’, the Plan must:
- have regard to national policies and advice contained in guidance issued by the Secretary of State;
 - be in general conformity with the strategic policies contained in the Development Plan for the area;
 - contribute to the achievement of sustainable development;
 - not breach, and be otherwise compatible with, EU obligations and human rights requirements;
 - not have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects.

- 2.14 In addition to the basic conditions and Convention rights, I am also required to consider whether the neighbourhood plan complies with the provisions made by or under sections 38A and 38B of the Planning and Compulsory Purchase Act 2004. I am satisfied the Neighbourhood Plan has been prepared in accordance with the requirements of those sections, in particular in respect to the Neighbourhood Planning (General) Regulations 2012 which are made pursuant to the powers given in those sections.

Policy Background

- 2.15 The first basic condition is for the neighbourhood plan “to have regard to national policies and advice contained in guidance issued by the Secretary of State”. The requirement to determine whether it is appropriate that the plan is made includes the words “having regard to”. This is not the same as compliance, nor is it the same as part of the test of soundness provided for in respect of examinations of Local Plans which requires plans to be “consistent with national policy”.
- 2.16 The National Planning Policy Framework 2012 (NPPF) sets out the Government’s planning policies for England and how these are expected to be applied. The Planning Practice Guidance provides Government guidance on planning policy.
- 2.17 The second basic condition is for the neighbourhood plan to be in general conformity with the strategic policies contained in the Development Plan for the area. The Development Plan covering the neighbourhood plan area is the Mid Sussex Local Plan adopted 2004. Most of the policies in this Local Plan have been saved but many are now out of date, particularly those on housing. Work is underway on the Mid Sussex District Plan. This was first submitted to the Secretary of State in July 2013 and was withdrawn following the first hearing on 27th May 2014. Consultation on a revised pre-submission plan was undertaken between June and July 2015.
- 2.18 The Basic Conditions Statement lists the policies of the adopted Local Plan and Pre-Submission Draft District Plan that the Neighbourhood Plan is considered to be consistent with.
- 2.19 I have considered the policies of the Neighbourhood Plan against the NPPF and PPG and the strategic policies in the adopted Mid Sussex Local Plan and the relevant evidence and the strategic policies of the emerging District Plan. Where appropriate I have highlighted relevant policies and guidance when considering each policy of the Neighbourhood Plan. I have also considered the Basic Conditions Statement submitted alongside the Neighbourhood Plan.

EU obligations and human rights requirements

- 2.20 A neighbourhood plan must be compatible with European Union obligations as incorporated into UK law, in order to be legally compliant. Key directives relate to the Strategic Environmental Assessment Directive, the Environmental Impact Assessment Directive and the Habitats and Wild Birds

Directives. A neighbourhood plan should also take account of the requirements to consider human rights.

- 2.21 A screening opinion was issued by Mid Sussex District Council in June 2013 confirming the requirement for the Neighbourhood Plan to be prepared in accordance with EU Directive 2001/42 on Strategic Environmental Assessment (SEA). The Parish Council chose to comply with this requirement by preparing a Sustainability Appraisal that includes the SEA.
- 2.22 The Scoping Report for the Sustainability Appraisal was published for consultation with the statutory authorities. The comments received were then taken into account in the drafting of the Sustainability Appraisal alongside the Pre-Submission Neighbourhood Plan document, which was published for consultation with the statutory authorities as well as the general public. A full Sustainability Appraisal of the Policy Options and Recommendations was published in June 2015. This included consideration against environmental objectives as required by the SEA Directive. The SA concluded that there will be no net negative impact on the sustainability objectives of the Parish, as long as the policies of the Plan are met. It was considered that the overall effect of the implementation of the Plan will contribute to the objectives of sustainable development within the Parish.
- 2.23 Mid Sussex District Council undertook a Habitats Regulations Assessment Screening of the Twineham Neighbourhood Development Plan at the Regulation 16 stage of plan preparation dated 7 August 2015. The Habitats Regulation Assessment Screening Report states that the Parish of Twineham is situated outside any European Designated Protection Area and is situated fully outside the 7km zone of influence of the Ashdown Forest (a European site designated as a Special Protection Area and Special Area of Conservation). Research has established that the majority of regular visitors to the Ashdown Forest originate within a 7km distance of the boundary. Within the 7km “zone of influence” measures to reduce recreational pressure would be most effective, therefore residential development leading to a net increase in dwellings will need to contribute to an appropriate level of mitigation. The Screening Report notes that any residential development allocation included in the Twineham Neighbourhood Plan will be subject to the requirements of the emerging District Plan policy on the Ashdown Forest SPA and SAC or the approach being implemented at the time of a planning application.
- 2.24 The screening report concludes that there would be no likely significant effects from the policies in the Neighbourhood Plan either in isolation or in combination with other plans or programmes and a full appropriate assessment was not therefore required. Any housing sites that come forward through the Twineham Neighbourhood Plan will be outside the 7km zone of influence and as such are not considered to have a likely significant effect on the Ashdown Forest SPA and SAC. The screening report notes that as a precautionary measure any residential development in the parish will be subject to the approach to Ashdown Forest being implemented at the time.

- 2.25 The Basic Conditions statement states that “*The Neighbourhood Plan has regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act*”.
- 2.26 No equalities impact assessment has been undertaken of the Neighbourhood Plan. Consultation has been comprehensive. No representations have been received to suggest that the plan may give rise to any equalities impacts.
- 2.27 I consider that the Neighbourhood Plan does not breach, and is otherwise compatible with, EU obligations and human rights requirements and therefore satisfies that Basic Condition.

Contributes to sustainable development

- 2.28 A full Sustainability Appraisal incorporating an SEA has been undertaken of the Neighbourhood Plan including the plan policy options which assessed the plan’s options and proposals against social, environmental and economic objectives. Section 4 of the Basic Conditions Statement states that “*the assessment demonstrates that the Neighbourhood Plan will positively contribute to achieving sustainable development and will not have any significant adverse impacts; rather its sum of policies will deliver a positive sustainable outcome*”.
- 2.29 I am satisfied that, subject to the modifications proposed, the Twineham Neighbourhood Plan will support the delivery of sustainable development and help to meet the social and economic development needs of the parish within the environmental context of the area.

The Neighbourhood Plan Preparation

- 2.30 I am required under The Localism Act 2011 to check the consultation process that has led to the production of the Plan. The requirements are set out in Regulation 14 in The Neighbourhood Planning (General) Regulations 2012.
- 2.31 Consultation on the Neighbourhood Plan commenced in November 2011 with an Open Day in Twineham School on 6th November 2011 followed up with a Village survey and a questionnaire sent to all households and business premises in the Parish. A further Open Day was held on 28th September 2013 advertised through a mailing to all households and businesses in the Parish and through posters on the Village Notice Boards. A separate Young People’s Forum was also held. In addition, the Twineham Review (a regular newsletter issued by Twineham Parish Council) and the Parish Council website www.twinehamparishcouncil.co.uk have kept the parish community informed of progress of the emerging Neighbourhood Plan and of the community consultation and events taking place.”
- 2.32 Consultation on the Sustainability Appraisal Scoping Report incorporating the required Strategic Environmental Assessment was undertaken for a six week

consultation period from the beginning of August 2012. The document was sent to the following statutory consultees: English Heritage, Environment Agency, Natural England and Mid Sussex District Council. The Scoping Report was made available on the Twineham Parish Council website with local residents invited to send comments to the Parish Clerk.

- 2.33 The Habitats Regulation Assessment Screening was published alongside the Neighbourhood Plan at Regulation 16 stage with an invitation to comment on all the published documents. No comments were received on the Habitats Regulation Assessment Screening for Twineham.
- 2.34 A Housing Needs Survey was undertaken in November 2013 which achieved a response rate of 38.5%. This survey has helped to identify the requirement for new housing in the Plan.
- 2.35 Consultation on the Pre- Submission Neighbourhood Plan and draft Sustainability Appraisal ran from 15th December 2014 until 9th February 2015. An Open Day was held on 10th January 2015 and advertised through a mailing to all households and businesses in the Parish and through posters on the Village Notice Boards. Mid Sussex Council has confirmed that consultations required as part of Regulation 14 were carried out and all statutory bodies were invited to comment.
- 2.36 Appendix 3 of the Supporting Evidence provides copies of the feedback at each event. The Consultation Statement sets out a summary of the issues raised at pre-submission (Regulation 14) stage of consultation and the action taken to address them as appropriate.
- 2.37 Consultation on the submission draft plan ran from 13th August 2015 until 28th September 2015. This resulted in 9 responses from consultees.
- 2.38 I am satisfied that the consultation and publicity has met the requirements of Regulations 14 and 16 in The Neighbourhood Planning (General) Regulations 2012.

The Examination Process

- 2.39 The presumption is that the neighbourhood plan will proceed by way of an examination of written evidence only. However the Examiner can ask for a public hearing in order to hear oral evidence on matters which he or she wishes to explore further or so that a person has a fair chance to put a case.
- 2.40 I am required to give reasons for each of my recommendations and also provide a summary of my main conclusions. I am satisfied that I am in a position to properly examine the plan without the need for a hearing. I had before me background evidence which have assisted me in understanding the background to the matters raised in the Neighbourhood Plan. Furthermore no parties have requested a hearing.
- 2.41 I have considered the Basic Conditions Statement and the Consultation Statement. In my assessment of each policy I have commented on how the

policy has had regard to national policies and advice and whether the policy is in general conformity with relevant strategic policies.

- 2.42 This report is the outcome of my examination of the Submission Draft Version of the Twineham Neighbourhood Plan June 2015. My report makes recommendations based on my findings on whether the Plan meets the Basic Conditions and provided the Plan is modified as recommended it can go forward to a referendum. If the plan then receives the support of over 50% of those voting then the Plan will be made following approval by Mid Sussex Council.
- 2.43 Under the terms of the neighbourhood planning legislation I am required to make one of three possible recommendations:
- That the plan should proceed to referendum on the basis that it meets all the legal requirements;
 - That the plan should proceed to referendum if modified; or
 - That the plan should not proceed to referendum on the basis that it does not meet all the legal requirements.
- 2.44 If recommending that the Neighbourhood Plan is submitted to referendum my report must also recommend whether the area for the referendum should extend beyond the neighbourhood area to which the Neighbourhood Plan relates, and if to be extended, the nature of that extension. It is a requirement that my report must give reasons for each of its recommendations and contain a summary of its main findings.

3.0 Neighbourhood Plan – As a whole

3.1 Where modifications are recommended, they are highlighted in bold print, with any proposed new wording in italics.

3.2 In considering the policies contained in the Plan, I have been mindful of the guidance in the Planning Practice Guide (PPG) that:

“Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area. They are able to choose where they want new homes, shops and offices to be built, have their say on what those new buildings should look like.”

3.3 In order to ensure that a Neighbourhood Plan can be an effective tool for the decision maker, the PPG advises that

“A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.”

3.4 Mid Sussex District Council is supporting the preparation of Neighbourhood Development Plans for all towns and villages in the District as part of the development of the new District Plan so that local communities have the opportunity to set out their vision for the future of their town or village and allocate housing sites that will support the delivery of the local and district housing requirement.

3.5 Twineham is one of the smallest parishes in the District in terms of population with approximately 300 residents. The community has risen to the challenge of preparing its Neighbourhood Plan building on the work of its 2006 Parish Plan. The plan is succinct with only 3 policies, nevertheless considerable effort has been put into preparing the plan to set out the community's wishes for the future development of this predominantly rural parish located in the Low Weald of Mid Sussex, twelve miles to the north of Brighton. The parish contains four main settlement areas of Twineham, Hickstead, Twineham Green and part of Wineham. The plan focuses on housing, employment and the local economy and landscape and the environment.

3.6 The Neighbourhood Plan has a lengthy introduction and it is recommended that in order to provide clarity and focus on the vision, objectives and policies in the final version of the Neighbourhood Plan, the introduction should be condensed by placing the sections on the evolution of the Neighbourhood Plan, the consultation undertaken and the parish characteristics in an Appendix to the plan. The sections on sustainable development and monitoring should be retained in the introduction together with a brief summary of the parish characteristics.

Advisory Recommendation: Move the sections on the evolution of the Neighbourhood Plan, the consultation undertaken and the parish characteristics from the Introduction to an Appendix to the plan. Include a summary of the parish characteristics in the Introduction.

The Neighbourhood Plan's Vision for Twineham

- 3.7 A succinct vision statement is set out that focuses on maintaining the rural character and natural environment and promoting the provision of essential rural services, housing and infrastructure that enable local people to live and work in the community.
- 3.8 The vision statement is an important part of the Plan and it may be helpful to give it greater emphasis for example by setting it out in bold text or in a box.

Key Objectives

- 3.9 Paragraph 7 of the introduction to the Neighbourhood Plan states that the strategic aims of the plan are essentially for development restraint and protection of the countryside. To provide clarity, it is recommended that these aims are set out prior to the Key Objectives and headed "Aims".

Recommendation 1: Set out the Plan's aims more clearly immediately prior to the Key Objectives.

- 3.10 Five Key Objectives are set out for the plan covering design and character, housing, employment, environment and rural infrastructure.

Local Plan Strategy relevant to the Twineham Neighbourhood Plan

- 3.11 The Neighbourhood Plan has been prepared within the context of the strategic policies of the adopted Mid Sussex Local Plan and the emerging Mid Sussex District Plan.
- 3.12 PPG advises that a neighbourhood plan is not tested against the policies in an emerging local plan, although the reasoning and evidence informing the local plan process may be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested.
- 3.13 Policy C1 of the 2004 Mid Sussex Local Plan (MSLP) classifies the whole of the parish as part of the Countryside Area of Development Restraint where the countryside will be protected for its own sake and development limited to a few exceptions. None of the villages in the parish have settlement boundaries. The parish is also in an area identified under Policy C3 as a Local Gap aimed to prevent the coalescence of the larger communities.
- 3.14 The emerging Mid Sussex District Plan (MSDP) continues to classify the parish as countryside and proposes that the village of Twineham should be identified as a Category 4 small village with Hickstead classed as a category 5 hamlet. Settlement boundaries are not being defined for any villages in the parish. The other settlements referred to in the Neighbourhood Plan of

Twineham Green and Wineham are too small to be included in the settlement hierarchy classifications.

- 3.15 The justification to Policy DP10 explains the primary objective of the District Plan with respect to the countryside which *“is to secure its protection by minimising the amount of land taken for development and preventing development that does not need to be there”*. At the same time, it seeks *“to enhance the countryside, support the rural economy by accommodating well-designed, appropriate new forms of development and changes in land use where a countryside location is required and where it does not adversely affect the rural environment. New development to meet local needs can be proposed through Neighbourhood Plans where this will support local services and is otherwise compatible with District Plan policies”*.
- 3.16 National policy in NPPF supports economic growth in rural areas (paragraph 28), promotes housing development to reflect local needs, particularly for affordable housing (paragraph 54- 55) and for the conservation and enhancement of the natural environment.
- 3.17 The overall aim of the Neighbourhood Plan for “development restraint and protection of the countryside” reflects and is considered to be in general conformity with the strategic policies of the adopted Local Plan for this countryside area.

4.0 Neighbourhood Plan – The Policies

Policy TNP1: Delivery of Housing

- 4.1 NPPF promotes housing development in rural areas within settlements to support local services. New isolated homes in the countryside are to be avoided unless they meet one of the exceptional circumstance stated in paragraph 55.
- 4.2 The emerging Mid Sussex District Plan envisages neighbourhood plans allocating a significant proportion of the housing land needed to meet the plan's targets. However, it is clear that the expectation is for the majority of the future housing development to be allocated in the towns and large and medium size villages through their Neighbourhood Plans.

What is appropriate level of Housing Growth?

- 4.3 Policy TNP1 sets out proposals for a limited amount of well designed high quality homes in the plan area including the possibility of affordable homes if there is a demonstrated local need. The policy proposes around 20 new homes to be developed in the 17 year life of the plan. Research has shown that 13 new households were added in the 10 years from 2001 to 2011 achieved mainly through conversions and sub-divisions of property. Various levels of housing growth were tested through community consultation and there was a general acceptance of up to 6 homes in a five year period. The Housing Needs Survey carried out in 2013 showed only a very limited demand for affordable housing for those with a local connection.
- 4.4 A representation has been made to the Neighbourhood Plan referring to the technical work being undertaken for the Mid Sussex Local Plan concerning un-met housing requirements in the District. The representation suggests that there is likely to be an increase in the housing requirement above that shown in the Pre-Submission draft Local Plan. If this is agreed it is suggested that more housing may need to be accommodated in existing settlements such as Twineham or in a new town.
- 4.5 The parish lies within the countryside where there is a policy of development restraint; I am satisfied that the level of housing growth proposed in the Neighbourhood Plan is in general conformity with the countryside policies in the adopted development plan. Moreover as all the villages in the parish are very small it is considered that there are likely to be few opportunities for housing development available. The plan provides sufficient evidence to demonstrate that this low level of growth is realistic and has community support. It will contribute in a small way to the delivery of the District Plan's housing target within the overall policy of restraint on development in the countryside.

- 4.6 Policy TNP1 states that “proposals for around 20 new homes will be allowed” subject to various provisos. It is considered that the wording is appropriate as it does not provide an upper limit on the number of homes to be developed in the parish. Provision will be made by windfall development only and possibly through a rural exceptions site if there is a proven need. In the past new housing has been provided through conversions and sub-divisions. There may also be exceptional developments that satisfy national policy for housing development in rural areas.
- 4.7 West Sussex County Council has responded to the Neighbourhood Plan to state that planning applications for housing developments will be subject to the resolution of any highway safety and access issues at the planning applications stage in accordance with the Development Management Guidance entitled: West Sussex County Council Local Design Guide Supplementary Guidance for Residential Development Proposals. It would be helpful to include reference to this guide in the justification to the policy.
- 4.8 The following changes to the Policy are recommended to improve the clarity of Policy TNP1.

Recommendation 2:

Revise paragraph 1 of Policy TNP1 to read: “*New housing development will be supported where.....it does not have an unacceptable impact on the highway safety.....and will not result in the coalescence of existing settlements.*”

Revise TNP1.2 to read “*New affordable housing will be supported where its size, type and tenure will meet an identified local need.*”

Revise TNP1.3 by deleting “should” from bullet point 5.

Delete the numbering of TNP1.3 so that this paragraph stands as a separate policy theme on design and not as a sub policy of the first paragraph of the policy.

Remove footnote 14 and place it in the justification text.

Include reference to guidance in the “West Sussex County Council Local Design Guide Supplementary Guidance for Residential Development Proposals” in the justification to the policy.

Policy TNP2 Employment and the Local Economy

- 4.9 The Neighbourhood Plan sets out to maintain and encourage the parish’s local economy to support the on-going sustainability of the community. It will support the sustainable growth of all types of businesses and enterprise in the parish, rural tourism and leisure facilities that benefit local businesses, residents and visitors, and which respect the character of the countryside.

- 4.10 To improve the clarity of Policy TNP2 the following changes to the Policy are recommended:

Recommendation 3: Revise TNP2.1 to read “ suitable and appropriate....”

Policy TNP3 Landscape and Environment

- 4.11 The policy seeks to ensure that new development respects local landscape quality and maintains views and vistas to the High Weald and South Downs; promotes energy efficiency and the use of renewable energy and requires developers to submit a landscaping scheme which should aim to retain amenity and historic trees and hedges.
- 4.12 The policy refers to new development “generally” being supported where it is in accordance with others of the plan and the following three requirements. There are no caveats to explain the circumstances how the term “generally” is to be applied. It is considered therefore that its use could lead to inconsistency by decision makers in the future.
- 4.13 TNP3.1 refers to maintaining views and vistas. Paragraph 105 refers to far reaching views to the north of the High Weald AONB and to the south over the South Downs. This policy reflects one of the key management objectives of the Mid Sussex Landscape Character Assessment to “*avoid skyline development and ensure that any new development has a minimum impact on views from the downs and is integrated within the landscape.*”
- 4.14 TNP3.3 requires all development schemes to include a landscaping scheme which should aim to retain amenity and historic trees and hedges. Natural England has commented on the importance of trees and hedges in controlling water flow and has proposed that the policy could also encourage additional planting of native species to reduce flood risk where this may be an issue as well as contributing to landscape character and biodiversity.
- 4.15 The management of flooding in the plan area has been identified as an issue. Increased planting is an established means of assisting in reducing the rate of run-off and its inclusion in the policy would support this objective.

Recommendation 4:

Delete the word “generally” from paragraph 1 of Policy TNP3

Add “*New tree and hedge planting of native species will be encouraged throughout Twineham parish*” as a new paragraph in Policy TNP3 after TNP3.3.

Add the following text to Paragraph 107: “*Tree and hedge planting can help to reduce the speed of run off of rainwater and will therefore be encouraged throughout the parish to contribute towards flood*”

prevention measures. The planting of native species will be encouraged to enhance landscape character and biodiversity”.

Remove footnote 17 from the policy and place the text within the justification.

Other Policies

- 4.16 Sport England has commented on the Neighbourhood Plan highlighting its support for the development of policies on sport. The Neighbourhood Plan has not included a policy on sport and recreation. There is no requirement for the plan to address any specific matters such as this.
- 4.17 Southern Water has responded to seek the inclusion of a policy supporting the delivery of utility development. PPG states that Neighbourhood Plans “may wish to” consider what infrastructure needs to be provided in the area alongside development. There is no requirement for the plan to address such specific matters specifically. Adopted Local Plan Policies CS11 and CS12 require the co-ordination of the commencement of development with the provision of the necessary infrastructure to serve any development. Policy DP42 of the emerging District Plan aims to secure the necessary infrastructure for new development. I am satisfied therefore that the strategic policies adequately address the subject of new and improved utility infrastructure.

Non Statutory Action Plan

- 4.18 This section includes an action plan containing 5 proposals for further action. Mid Sussex District Council has confirmed that these aspirations are non-land use related and do not form part of the Neighbourhood Development Plan.

Recommendation 5: Include the following Heading above Non Statutory Action Plan – “*This does not form part of the Neighbourhood Development Plan*”.

- 4.19 There are a number of Appendices attached to the Neighbourhood Plan. In order to ensure that the final Neighbourhood Plan is concise, it is advised that appendices 2 to 6 should be removed from the final plan. Where relevant they may be published as part of the Consultation Statement or as separate reports.

5.0 Referendum

- 5.1 The Twineham Neighbourhood Plan reflects the views held by the community as demonstrated through the consultations and, subject to the modifications proposed, sets out a realistic and achievable vision to support the future improvement of community.
- 5.2 I am satisfied that the Neighbourhood Plan meets all the statutory requirements, in particular those set out in paragraph 8(1) of schedule 4B of the Town and Country Planning Act 1990 and, subject to the modifications I have identified, meets the basic conditions namely:
- has regard to national policies and advice contained in guidance issued by the Secretary of State;
 - contributes to the achievement of sustainable development;
 - is in general conformity with the strategic policies contained in the Development Plan for the area;
 - does not breach, and is otherwise compatible with, EU obligations and human rights requirements
- 5.3 **I am pleased to recommend to Mid Sussex District Council that the Twineham Neighbourhood Plan should, subject to the modifications I have put forward, proceed to referendum.**
- 5.4 I am required to consider whether the referendum area should be extended beyond the Neighbourhood Plan area. In all the matters I have considered I have not seen anything that suggests the referendum area should be extended beyond the boundaries of the plan area as they are currently defined. I recommend that the Neighbourhood Plan should proceed to a referendum based on the neighbourhood area defined by the Mid Sussex District Council on 9 July 2012.

6.0 Background Documents

6.1 In undertaking this examination, I have considered the following documents

- Twineham Neighbourhood Plan Submission Draft Version June 2015 and Appendices
- Twineham Neighbourhood Plan Basic Conditions Statement
- Twineham Neighbourhood Plan Consultation Statement
- Twineham Neighbourhood Plan Sustainability Report, incorporating SEA
- Twineham Neighbourhood Plan HRA Screening Report
- Twineham Neighbourhood Plan Checklist
- Twineham Parish Housing Needs Survey Report Nov 2013
- Landscape Character Assessment for Mid Sussex (2005)

- National Planning Policy Framework March 2012
- Planning Practice Guidance March 2014 (as amended)
- The Town and Country Planning Act 1990 (as amended)
- The Localism Act 2011
- The Neighbourhood Planning (General) Regulations 2012
- Mid Sussex Local Plan adopted 2004
- Emerging Mid Sussex District Plan Pre submission Draft June 2015
- West Sussex County Council Local Design Guide Supplementary Guidance for Residential Development Proposals

7.0 Summary of Recommendations

Advisory Recommendation: Move the sections on the evolution of the Neighbourhood Plan, the consultation undertaken and the parish characteristics from the Introduction to an Appendix to the plan. Include a summary of the parish characteristics in the Introduction.

Recommendation 1: Set out the Plan's aims more clearly immediately prior to the Key Objectives.

Recommendation 2:

Revise paragraph 1 of Policy TNP1 to read: *“New housing development will be supported where.....it does not have an unacceptable impact on the highway safety.....and will not result in the coalescence of existing settlements.”*

Revise TNP1.2 to read *“New affordable housing will be supported where its size, type and tenure will meet an identified local need.”*

Revise TNP1.3 by deleting “should” from bullet point 5.

Delete the numbering of TNP1.3 so that this paragraph stands as a separate policy theme on design and not as a sub policy of the first paragraph of the policy.

Remove footnote 14 and place it in the justification text.

Include reference to guidance in the “West Sussex County Council Local Design Guide Supplementary Guidance for Residential Development Proposals” in the justification to the policy.

Recommendation 3: Revise TNP2.1 to read “ suitable *and* appropriate....”

Recommendation 4:

Delete the word “generally” from paragraph 1 of Policy TNP3

Add *“New tree and hedge planting of native species will be encouraged throughout Twineham parish”* as a new paragraph in Policy TNP3 after TNP3.3.

Add the following text to Paragraph 107: “*Tree and hedge planting can help to reduce the speed of run off of rainwater and will therefore be encouraged throughout the parish to contribute towards flood prevention measures. The planting of native species will be encouraged to enhance landscape character and biodiversity*”.

Remove footnote 17 from the policy and place the text within the justification.

Recommendation 5: Include the following Heading above Non Statutory Action Plan – “*This does not form part of the Neighbourhood Development Plan*”.