

# **WEST HOATHLY NEIGHBOURHOOD PLAN 2014-2031**

West Hoathly Neighbourhood Plan Examination,  
A Report to Mid Sussex District Council

by Independent Examiner, Nigel McGurk BSc(Hons) MCD MBA MRTPI

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## 1. Introduction

### The Neighbourhood Plan

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

Neighbourhood planning provides communities with the power to establish their own policies to shape future development in and around where they live and work.

*“Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need.”*  
(Paragraph 183, National Planning Policy Framework)

West Hoathly Parish Council is the *qualifying body*<sup>1</sup> responsible for the production of this Neighbourhood Plan. This is in line with the aims and purposes of neighbourhood planning, as set out in the Localism Act (2011), the National Planning Policy Framework (2012) and Planning Practice Guidance (2014). West Hoathly Parish Council established focus groups to review and agree the issues covered by the Neighbourhood Plan; and a community Task Force, supported by a planning consultant, helped establish the preferred option for housing allocations.

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

### Role of the Independent Examiner

I was appointed by Mid Sussex District Council, with the consent of West Hoathly Parish Council, to conduct an examination and provide this Report as an Independent Examiner. I am independent of the qualifying body and the local authority. I do not have any interest in any land that may be affected by the Neighbourhood Plan and I possess appropriate qualifications and experience. I am a chartered town planner and an experienced Independent Examiner of Neighbourhood Plans. I have extensive land, planning and development experience, gained across the public, private, partnership and community sectors.

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

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<sup>1</sup>The qualifying body is responsible for the production of the Plan.

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

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

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

- the policies relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act (PCPA) 2004;
- the Neighbourhood Plan meets the requirements of Section 38B of the 2004 PCPA (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one Neighbourhood Area);
- the Neighbourhood Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.

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

#### Neighbourhood Plan Period

A neighbourhood plan must specify the period during which it is to have effect. The title page of the Neighbourhood Plan states that it covers the period 2014-2031 and the second paragraph of the Introduction refers to the Neighbourhood Plan's "17 year timeframe." Page 4 of the Basic Conditions Statement confirms that the Neighbourhood Plan covers the period up to 2031.

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

## Public Hearing

According to the legislation, *when the Examiner considers it necessary* to ensure adequate examination of an issue, or to ensure that a person has a fair chance to put a case, then a public hearing must be held.

However, the legislation establishes that it is a general rule that neighbourhood plan examinations should be held without a public hearing – by written representations only.

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

## 2. Basic Conditions and Development Plan Status

### Basic Conditions

It is the role of the Independent Examiner to consider whether a neighbourhood plan meets the “basic conditions.” These were *set out in law*<sup>2</sup> following the Localism Act 2011. In order to meet the basic conditions, the Plan must:

- have regard to national policies and advice contained in guidance issued by the Secretary of State;
- contribute to the achievement of sustainable development;
- be in general conformity with the strategic policies of the development plan for the area;
- be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations.

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

### EU and ECHR Obligations

Mid Sussex District Council has written to confirm that, in its view, the Neighbourhood Plan meets all of the basic conditions. I also note that there are no objections from any of the statutory consultees in respect of European legislation.

I am satisfied that the Neighbourhood Plan has regard to fundamental rights and freedoms guaranteed under the ECHR and complies with the Human Rights Act 1998 and there is no substantive evidence to the contrary.

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

Mid Sussex District Council undertook an HRA Screening Report. This found that there would be no likely significant effect on the Ashdown Forest SPA and SAC from the majority of Neighbourhood Plan Policies. It was found, however, that the residential development proposed in Policy WHP13 would have a likely significant effect on the SPA and SAC, due to the location of this potential development within the 7km zone of influence.

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

Consequently, an “appropriate assessment,” in the form of an HRA, was undertaken to enable Mid Sussex District Council to understand whether the Neighbourhood Plan would harm the Ashdown Forest SPA and SAC, or harm the reasons for its conservation. In its assessment, Mid Sussex District Council considered the conservation objectives for the Ashdown Forest SPA and SAC, published by Natural England and information available further to an HRA undertaken for the emerging District-wide plan, amongst other information.

As a result of this assessment, Mid Sussex District Council concluded that, subject to mitigation, there would be no adverse effect on the integrity of the Ashdown Forest SPA and SAC from the Policies of the Neighbourhood Plan. As mitigation, residential development that results in a net increase in the number of dwellings in the Neighbourhood Area should contribute towards the provision of Suitable Alternative Natural Greenspace (SANG) and a Strategic Access Management and Monitoring Strategy (SAMM).

Natural England has written to state that it “concur[s]” with the conclusions drawn by Mid Sussex District Council from the HRA, subject to the detail of Neighbourhood Plan Policy WHP16, which refers to SANG. I consider Policy WHP16 later in this Report.

The Neighbourhood Plan allocates land for development and the allocation of development land comprises one of the circumstances, referred to by the Planning Practice Guidance, whereby a strategic environmental assessment (SEA) *may* be required.

A Sustainability Appraisal, incorporating an SEA was undertaken by the Parish Council further to preparation of a Scoping Report in July 2012. The Scoping Report was issued for consultation to Statutory Consultees and comments received were incorporated into the Neighbourhood Plan and the Sustainability Appraisal.

A draft Sustainability Appraisal was consulted upon and the final document was amended in the light of representations received. Each Policy and identified site in the Neighbourhood Plan has thus been appraised against Sustainability Objectives and the Neighbourhood Plan effectively reflects the outcome of the Sustainability Appraisal. Evidence has been provided to demonstrate that the Sustainability Appraisal and SEA was consulted upon and that it formed a fundamental part of the plan-making process. This approach complies with advice set out in Planning Practice Guidance.

Further to the above, with regards an SEA, Planning Practice Guidance establishes that *the local planning authority must decide whether the draft neighbourhood plan is compatible with EU regulations*. I note above that Mid Sussex District Council is satisfied that the Neighbourhood Plan meets the basic conditions - including compatibility with European regulations.

Further to consideration of all of the information before me, I am satisfied that the Neighbourhood Plan is compatible with EU obligations and that it does not breach, nor is in any way incompatible with the ECHR.



### 3. Background Documents and West Hoathly Neighbourhood Area

#### Background Documents

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

- National Planning Policy Framework (The Framework) (2012)
- Planning Practice Guidance (2014)
- Town and Country Planning Act 1990 (as amended)
- The Localism Act (2011)
- The Neighbourhood Planning Regulations (2012)
- Mid Sussex Local Plan (Adopted 2004)
- Basic Conditions Statement
- Consultation Statement
- Sustainability Appraisal
- Sustainability Report Non-Technical Summary
- Habitat Regulations Assessment
- Other Supporting Documents

Also:

- Representations received during the publicity period

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

#### West Hoathly Neighbourhood Area

A plan showing the West Hoathly Neighbourhood Area is set out on the front page of the Neighbourhood Plan. The boundary of the Neighbourhood Area coincides with that of West Hoathly Parish.

Further to an application made by the Parish Council, Mid Sussex District Council approved the designation of West Hoathly as a Neighbourhood Area on 3<sup>rd</sup> May 2012.

This satisfied a requirement in line with the purposes of preparing a Neighbourhood Development Plan under section 61G (1) of the Town and Country Planning Act 1990 (as amended).

## 4. Public Consultation

### Introduction

The policies of neighbourhood plans form part of the basis for planning and development control decisions and legislation requires the production of neighbourhood plans to be supported by public consultation.

Successful public consultation enables a neighbourhood plan to reflect the needs, views and priorities of the local community. It can create a sense of public ownership, help achieve consensus and provide the foundations for a successful 'Yes' vote at Referendum.

### West Hoathly Neighbourhood Plan Consultation

West Hoathly Parish Council submitted a Consultation Statement to Mid Sussex District Council. This sets out who was consulted and how, together with the outcome of the consultation. As such, the Consultation Statement meets the requirements of the neighbourhood planning *regulations*<sup>3</sup>.

Taking into account the evidence provided, I am satisfied that the production of the Neighbourhood Plan was supported by robust public consultation. It is clear that the views of the wider community were actively sought and taken into account during the production of the Neighbourhood Plan.

The Consultation Statement notes that consultation commenced in February 2012, when a series of workshops to consider the issues and challenges facing the Parish commenced.

Further to this, a Call for Sites and a Housing Needs Survey were carried out during June and July 2012 and the Sustainability Appraisal Scoping Report, referred to above, was consulted on during July and August 2012. Consultation then included workshops to develop policies and subsequent consultation on a draft plan from April-June 2013.

Draft plan feedback sessions were held in June and July 2013 and a second Call for Sites exercise was followed up with four days of meetings and exhibitions in February 2014 and discussions with landowners in May 2014. A second draft plan underwent public consultation in June and July 2014, with drop-in sessions held over three days in June 2014.

The above was publicised in a number of ways, most notably through the bi-monthly Parish magazine "The Chronicle" and via "The HoathlyHub" – the local community

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<sup>3</sup>Neighbourhood Planning (General) Regulations 2012.

website. More than 600 of West Hoathly's 2000 residents signed up to receive email newsletters.

The Consultation Statement presents an audit trail to demonstrate that consultation was publicised, opportunities for comment were provided and that comments were duly taken into account.

As a result of the above approach, I am satisfied that people and organisations were provided with a fair chance to have their say.

## 5. The Neighbourhood Plan: Introductory Section

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

The policies of the Neighbourhood Plan are considered against the basic conditions in Chapter 6 of this Examiner's Report. I have also considered the Introductory Section of the Neighbourhood Plan, below.

### Introduction, Parish, Vision and Objectives

The Introduction sets out relevant background information in a succinct and easy to read manner.

The summary of the Parish is informative and leads into the Visions and Objectives. These have emerged through the consultation process and form an appropriate introduction to the Policies that follow.

No modifications to the Neighbourhood Plan's Introduction, Parish, and Vision and Objectives are recommended.

## 6. The Neighbourhood Plan: Policies

This part of the Neighbourhood Plan begins with a section entitled “Policies and Proposals.” This states, incorrectly, that the Policies of the Neighbourhood Plan should be considered along with those of the draft Mid Sussex District Plan. That is an emerging document and its policies are subject to change.

- **Policies and Proposals, change the first sentence, to end “...(NPPF) and the 2004 Local Plan.”**

The first paragraph on the following page is confusing and unnecessary.

- **Delete first paragraph on page 8**

The next paragraph goes on to state that each Neighbourhood Plan Policy is followed by references to relevant Mid Sussex Local Plan and draft Mid Sussex District Plan policies. References to the Mid Sussex Local Plan are unnecessary and detract from the content of the Neighbourhood Plan. If the Neighbourhood Plan is “made” then it will have met the basic conditions, which require its policies to be in general conformity with the strategic policies of the development plan.

Reference to the draft Mid Sussex District Plan policies detracts severely from the Policies of the Neighbourhood Plan. These draft policies do not form part of the adopted development plan.

- **Delete second and third paragraphs on page 8.**
- **Delete the various policy references under each Policy of the Neighbourhood Plan**

It is unnecessary to provide a link to the Framework in the Neighbourhood Plan, or to identify individual paragraphs from it as being relevant to neighbourhood plans in general.

- **Delete fourth paragraph on page 8**

The fifth paragraph on page 8 reads as an apology to “professional planners” for neighbourhood planning. This is unnecessary. Professional planners should be aware that neighbourhood planning is different to district-wide planning.

- **Delete fifth paragraph on page 8**

## Village and Countryside Landscape Features

The third paragraph of this section refers directly to draft policies. As established above, this is inappropriate.

- **Delete third paragraph**

### **Policy WHP1 Landscape**

This Policy is significantly more onerous than, and fails to have regard to, national policy. In seeking to prevent all development that “detracts from openness and character,” other than in exceptional circumstances, it is more stringent than Green Belt policy, as set out in Chapter 9 of the Framework.

Furthermore, there is no indication as to what would constitute “detracting” from character and openness. Consequently, there is little indication to prospective developers as to what would constitute acceptable development and it is not clear how the Policy would be implemented. As worded, the Policy fails to have regard to that part of the Framework which requires policies to provide decision makers with a clear indication of how to react to a development proposal (para 154).

The second part of Policy WHP1 refers to specific viewpoints and spaces, as identified on Map B. In seeking to afford protection to locally recognised features, Policy WHP1 has regard to the Framework and is in general conformity with the Mid Sussex Local Plan – both of these documents protect local character. However, it is not clear what “particular protection” means, or how it will be implemented.

Taking the above into account, I propose the following modifications:

- **Delete the first sentence of Policy WHP1**
- **Re-word the second sentence “*Where appropriate, proposals for development should demonstrate that the viewpoints and spaces identified on Map B will be preserved.*”**

### **Policy WHP2 Historic Lanes**

The wording of this Policy is confusing. It implies that the Policy only applies once a development has been permitted. In addition, Policy WHP2 refers to both Historic Lanes and parish lanes, whilst Map A refers to lanescapes. This is confusing. I recommend the following:

- **Re-word Policy WHP2 “*Where appropriate, development proposals should demonstrate that they will preserve the historic and rural character of the Historic Lanes identified on Map A.*”**

- **Map A, change Key to “Historic Lanes in Policy “WHP2”**

### **Policy WHP3 Recreational Spaces**

Policy WHP3 seeks to protect both formal and informal recreational spaces. This approach has regard to the Framework, which recognises the importance of healthy communities and affords protection to open space, public rights of way and access (paras 74 and 75).

However, no indication is given as to what “material harm” actually comprises. Consequently, it is not clear whether the Policy intends to prevent development in these locations or to support development, so long as there is no “material harm” – whatever that may be. It is therefore unclear as to how the Policy could be implemented. It fails to provide prospective developers or decision makers with clarity.

In making the recommendation below, I note that Policy WHP1 affords protection to recreational spaces, as does the Framework and Mid Sussex Local Plan policy R2.

- **Delete Policy WHP3**

### **Policy WHP4 Rights of Way**

This Policy states that proposals that will enhance the rights of way network will be encouraged, but fails to provide any indication as to what form such encouragement will take. Whilst such an approach might form a “community action”, as a land use planning policy it fails to provide clarity.

I recommend the following modification:

- **Re-word Policy WHP4 “Development proposals that will enhance the rights of way network, whilst meeting other Policies of this Plan, will be supported.”**

Subject to the above modification, the Policy has regard to the Framework, which prioritises pedestrian and cycle movements (para 35). It also recognises the aims of Policy WHP2.

### **Policy WHP5 Visualisations**

Policy WHP5 introduces a requirement for proposals for new housing and larger-scale commercial development in Conservation Areas and the countryside to provide 3D visualisations. These locations are particularly sensitive and this locally distinctive

Policy has regard to the Framework, which protects the historic environment (chapter 12) and the natural environment (chapter 11) from inappropriate development.

However, there is no evidence to demonstrate that “at least two” 3D visualisations will be required in every case. The Framework states that policies should avoid “unnecessary prescription” (para 59) and the number of 3D visualisations is likely to be determined according to the sensitivity of the site. Also, the last sentence of the Policy is unclear, in that it does not set out what will happen if the visualisations do not demonstrate that the proposed development is in keeping with its surroundings. I recommend:

- **Policy WHP line three, delete “...at least 2...”**
- **Change last sentence of Policy WHP5 to read “*Subject to this and other Policies of the Plan, proposals will be supported where visualisations demonstrate that they are in keeping with the immediate surrounding area.*”**



**Policy WHP6 New Homes - Parking**

Whilst I acknowledge that West Hoathly is located in an area where the use of the private car is essential, Policy WHP6 requires new development to provide for significantly more car parking than that required by Policy 5 of the Mid Sussex Local Plan and associated guidance. It would result in one bedroom flats having to provide two parking spaces, three bedroom houses needing to provide three parking spaces and five bedroom houses being required to provide five parking spaces.

The Framework is clear in establishing that the “transport system needs to be balanced in favour of sustainable transport modes (para 29).” The requirements of Policy WHP6 fail to have sufficient regard to this and would, if implemented, serve to encourage more use of the private car. Furthermore, the Policy would give rise to the potential for car parking to dominate the layout of residential development sites, to the detriment of local character. Such an approach would fail to have regard to national policy, which protects local character. Furthermore, it would not be in general conformity with Mid Sussex Local Plan Policy B1, which also protects local character.

Policy WHP6 does not meet the basic conditions. In recommending the modification below, I note that there are already parking standards in place in Mid Sussex.

- **Delete Policy WHP6**

However, in acknowledging that the private car is essential for many people in West Hoathly, I recognise that parking is a sensitive issue. Rather than lose sight of this, I recommend:

- **Replace deleted Policy with “*Community Aim: The Parish Council will seek to work with other organisations and bodies to promote the provision of car parking to meet the needs of the Parish, with a particular focus on locally sensitive areas.*”**

**Policy WHP7 Protection of Parking**

This Policy protects existing parking spaces within settlements. This approach is in general conformity with Mid Sussex District Local Plan Policy T5 and meets the basic conditions.

### **Policy WHP8 Goods Vehicle Traffic**

This Policy is confusing. It is not clear whether it relates to the construction process – ie, the construction of a house would inevitably generate HGV/LGV traffic - as well as the development itself. Furthermore, most development would generate LGV traffic in the form of deliveries of some kind. In addition, “adverse impact on the local road network” is not defined and there is no indication of what would happen if such an adverse impact would arise. The Policy does not provide the clarity required by the Framework, as set out in paragraph 154. It does not meet the basic conditions.

- **Delete Policy WHP8**

### **Policy WHP9A Road Improvements and WHP9B Planning Obligations**

Policy WHP9A seeks to set out what Community Infrastructure Levy (CIL) will be used for. However, there is no CIL Policy in place in Mid Sussex and no clarity is provided as to what proportion of CIL will be dedicated to the suggested works and with what priority.

Policy WHP9B seeks to allocate Section 106 Agreement payments. However, any contributions made through Section 106 Agreements should only be sought where they are necessary to make development acceptable; are directly related to the development; and are reasonably related in scale and kind to the development. Policy WHP9B fails to have regard to these requirements and does not meet the basic conditions.

- **Delete Policies WHP9A and WHP9B**

I recognise that these are locally important issues that have been considered as the Neighbourhood Plan has emerged through the consultation process. In the light of this, I recommend:

- **Replace deleted Policies with “*Community Aim: The Parish Council will seek to work with other organisations and bodies to promote the reduction of traffic speeds and where possible, volumes; and provide appropriate facilities for pedestrians and cyclists.*”**

### **Policy WHP10 Bluebell Railway**

In general, Policy WHP10 has regard to the Framework, which supports rural tourism (para 28). However, it refers to matters being addressed to the satisfaction of another authority and its implementation would, as a result, be beyond the control of the Neighbourhood Plan. I recommend the following modification:

- **Policy WHP10, end Policy at “...will be supported.”**

## Homes

The Framework establishes, in chapter 6, that there is a need to deliver a wide choice of high quality homes. The Neighbourhood Plan does not seek to place a cap on the delivery of new homes in the Neighbourhood Area and consequently, has regard to the national policy assumption in favour of sustainable growth.

The Framework goes on to require housing policies to be “sufficiently flexible to take account of changing market conditions over time.” (para 51).

In providing for the “Illustrative Housing Mix” for allocated sites, set out on page 13, Policy WHP12 seeks to establish a restrictive and inflexible approach – whereby at least 75% of all homes are required to comprise 2 and 3 bed houses. This approach fails to have regard to the Framework and does not meet the basic conditions.

In the above regard, I am mindful that such an approach could also give rise to conflict within the Neighbourhood Plan itself, which requires residential development to reflect local character. The provision of, largely, small houses may not, in all circumstances, reflect local character, particularly in those areas where larger houses predominate.

To some extent, Policy WHP12 reflects the findings of local analysis and I note that the Framework affords significance to local conditions. However, on balance I consider that the rigid approach taken fails to provide for the necessary flexibility over time.

Furthermore, and importantly, I also note in this regard that **Policy WHP11 encourages the provision of smaller units**, in line with local findings, within settlement boundaries.

Consequently, Policy WHP12 fails to have regard to national policy and does not meet the basic conditions. I recommend the following:

- **Delete Policy WHP12**
- **Page 13, delete the heading “Illustrative Housing Mix for Allocated Sites and the three paragraphs and table below the heading**

### **Policy WHP11 Infill Housing**

This is a positive Policy that supports housing growth within the urban area. In so doing, it contributes to the achievement of sustainable development.

The Policy includes a reference to District-wide affordable housing policy. This is a matter controlled by the District-wide plan, not the Neighbourhood Plan.

- **Delete final sentence of Policy WHP11**

### **Policy WHP12 Housing Mix**

- **Delete Policy WHP12 (as above)**

### **Policy WHP 13 Sites for New Homes**

This Policy allocates land for housing and contributes to the achievement of sustainable development. The final sentence refers to a Policy recommended for deletion.

- **Policy WHP13 final sentence, re-word “*provided that they meet the site specific conditions listed below.*”**

### **Policies WHP13a to WHP13c – Housing Allocations**

These three Policies provide detailed site-specific requirements. In so doing, they contribute to the achievement of sustainable development and have regard to national policy’s protection of local character. They are also in general conformity with Mid Sussex Local Plan policy B1, which requires development to respect local character.

However, as worded, the Policies are restrictive with regards the number of dwellings to be provided. The following recommendation would enable the Policy to have regard to the Framework’s requirement for housing allocations to be sufficiently flexible to provide for changing needs over time.

- **In each of the three Policies, replace “No more than...” with “Around...”**

### **Policy WHP14 Dwelling Extensions**

This Policy seeks to introduce a new approach to dwelling extensions. It fails to provide any indication as to what kind of development would be considered “visually and functionally subservient to the host dwelling.” It requires development to be

appropriate to both “local character” and the “street scene” but does not distinguish between these two categories. The Policy goes on to state that proposals “should not cause significant harm” to the amenities of nearby residents, but does not define what “significant harm” might comprise.

In effect, the Policy attempts to paraphrase existing national and local planning policy, but fails to provide sufficient information to provide clarity or introduce local detail. It is an unclear and unnecessary Policy that simply repeats existing policy but in a less clear manner.

- **Delete Policy WHP14**

### **Policy WHP15 Conservation Areas**

Chapter 12 of the Framework establishes how the historic environment should be conserved and enhanced. The first part of Policy WHP15, requiring residential development to contribute positively to local character has regard to the requirements of the Framework and its reference to meeting local housing need introduces a locally relevant reference, which leads the Policy to contribute to the achievement of sustainable development.

The second sentence of the Policy refers to other planning documents beyond the control of the Neighbourhood Plan.

- **Policy WHP15, delete second sentence**

### **Policy WHP16 Alternative Green Space**

Policy WHP16 is referred to earlier in this Report (EU and ECHR Obligations). It is important that the Neighbourhood Plan provides clarity regarding the requirement for residential development to support SANG provision. However, as recognised by both Mid Sussex District Council and Natural England, mitigation is a strategic rather than neighbourhood matter. I thus recommend:

- **Policy WHP16, re-word “*All residential development proposals that result in housing growth will provide for one or more Suitable Alternative Natural Greenspace(s) that meet the requirements of the local planning authority.*”**

Subject to the above, Policy WHP16 contributes to the achievement of sustainable development and meets the basic conditions.

### **Policy WHP17 Hoathly Hill**

Generally, Policy WHP17 protects local character, having regard to the Framework and being in general conformity with Mid Sussex Local Plan policy B1. However, “material harm” is not defined and use of the phrase “will only be permitted” does not allow for the assumption in favour of sustainable development – whereby it could be that some elements of harm are overcome by the benefits resulting from sustainable development. Taking this into account, the following modification is recommended:

- ***Re-word Policy WHP17 “Development at Hoathly Hill (see Map C) will be supported where the use, scale, design and siting enhance the character of the settlement and do not result in the loss of important views or open space.”***

## Local Employment

### **Policy WHP18 Existing Employment Sites**

This Policy seeks to protect existing employment sites, but does not prevent alternative uses from coming forward. Consequently, it has regard to the Framework, which supports economic growth in rural areas (para 28) whilst preventing the long term protection of employment sites where there is no reasonable prospect of them being used for that purpose.

Policy WHP18 meets the basic conditions.

### **Policy WHP19 Home Working**

Policy WHP19 seeks to allow any application for an extension relating to flexible or home working subject only to provision of parking and no adverse impact on neighbours. This approach fails to have regard to the Framework and is not in general conformity with Mid Sussex District Council policy B1. Both documents protect local character. The Policy does not meet the basic conditions.

- **Delete Policy WHP19**

### Community Well-being (Non-Policy section)

This section sets out local concerns with regards to community facilities. It has regard to the Framework, which, in chapter 8, recognises the importance of promoting healthy communities.

This section does not contain any Policies.

### Maps

The Neighbourhood Plan includes three Maps. The Maps are referred to in the Policies of the Neighbourhood Plan and their inclusion is important. The recommendations above include a modification to the Key of Map A.



## 8. Summary

I have recommended a number of modifications further to consideration of the West Hoathly Neighbourhood Plan against the basic conditions.

Subject to these modifications, the West Hoathly Neighbourhood Plan

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

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

## **9. Referendum**

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

### **Referendum Area**

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

I recommend that the Plan should proceed to a Referendum based on the West Hoathly Neighbourhood Area as approved by Mid Sussex District Council on 3<sup>rd</sup> May 2012.

**Nigel McGurk, January 2015**  
**Erimax – Land, Planning and Communities**

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