

Independent Examiners Report of the
Ansty, Staplefield and Brook Street
Neighbourhood Plan

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SECTION 1

SECTION 1: contents

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SECTION 2

Summary

As the Independent Examiner appointed by Mid Sussex District Council to examine the Ansty, Staplefield and Brook Street Neighbourhood Plan, I can summarise my findings as follows:

- 1. Having read the Ansty, Staplefield and Brook Street Consultation Report and the representations made in connection with this subject I am satisfied that the consultation process was robust and that the Neighbourhood Plan and its policies reflects the outcome of the consultation process including recording representations and tracking the changes made as a result of those representations.*
- 2. I find that the policies contained within the Ansty, Staplefield and Brook Street Neighbourhood Plan subject to minor modification meet the Basic Conditions.*
- 3. I find that the Ansty, Staplefield and Brook Street Neighbourhood Plan can, subject to minor modification proceed to Referendum.*
- 4. I am satisfied that the Referendum Area should be the same as the Plan Area, should the Ansty, Staplefield and Brook Street Neighbourhood Plan go to Referendum.*
- 5. At the time of my examination the adopted local plan was the Mid Sussex Local Plan 2004.*
- 6. Throughout Ansty, Staplefield and Brook Street Neighbourhood Plan there are references to the emerging Mid Sussex District Plan. The Development Plan for the purposes of this examination is the Mid Sussex Local Plan 2004 and the relevant policies are the strategic policies of that plan. Whilst reference to the evidence base for the emerging District Plan is relevant reference to emerging policies within the plan should be removed.*

SECTION 3

Introduction

1. Neighbourhood Plan Examination.

My name is Deborah McCann and I am the Independent Examiner appointed to examine the Ansty, Staplefield and Brook Street Neighbourhood Plan.

I am independent of the qualifying body, I do not have any interest in the land in the plan area, and I have appropriate qualifications and experience, including experience in public, private and community sectors.

My role as Examiner when considering the content of the Ansty, Staplefield and Brook Street Neighbourhood Plan is limited to testing whether or the draft neighbourhood plan meets the basic conditions, and other matters set out in paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended) and to recommend whether the Ansty, Staplefield and Brook Street Neighbourhood Plan should proceed to Referendum. I am not, as Examiner testing the soundness of the neighbourhood plan or examining other material considerations. My role is as set out in more detail below under the section covering the Examiner's Role. My recommendation is given in summary in Section 2 and in full under Section 5 of this document.

The Ansty, Staplefield and Brook Street Neighbourhood Plan has to be independently examined following processes set out in the Town and County Planning Act 1990 (as amended by the Localism Act 2011) and the subsequent Neighbourhood Planning (General) Regulations 2012.

The expectation is that the examination of the issues by the examiner is to take the form of the consideration of the written representations. However, there are two circumstances when an examiner may consider it necessary to hold a hearing. These are where the examiner considers that it is necessary to ensure adequate examination of an issue or to ensure a person has a fair chance to put a case. Having read the plan and considered the representations I did not find it necessary to hold a Hearing

2. The Role of Examiner including the examination process and legislative background.

The examiner is required to check whether the neighbourhood plan:

- *Has been prepared and submitted for examination by a qualifying body.*
- *Has been prepared for an area that has been properly designated for such plan preparation.*
- *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.*
- *Policies relate to the development and use of land for a designated neighbourhood area.*

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).

As an independent Examiner, having examined the Plan and the supporting documents, I am required to make one of the following recommendations:

- 1. The Plan can proceed to Referendum*
- 2. The Plan with recommended modifications can proceed to Referendum*
- 3. The Plan does not meet the legal requirements and cannot proceed to Referendum*

I am also required to recommend whether the Referendum Area should be different from the Plan Area, should the Ansty, Staplefield and Brook Street Neighbourhood Plan go to Referendum.

In examining the Plan, I am required to check, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, whether: - the policies in the Plan relate to the development and use of land for a designated Neighbourhood Area are in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act 2004:

- The Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 to specify the period for which it has effect - the Plan has been prepared for an area designated under the Localism Act 2011 and has been developed and submitted for examination by a qualifying body.

I am also required to determine whether the Plan complies with the Basic Conditions, which are that the proposed 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; and*
- *Is in general conformity with the strategic policies contained in the Development Plan for the area.*

The Plan must also not breach, and otherwise be compatible with EU obligations and Human Rights requirements.

Mid Sussex District Council will consider my report and decide whether it is satisfied with my recommendations. The Council will publicise its decision on whether or not the plan will be submitted to a referendum, with or without modifications.

If the Neighbourhood Plan is submitted to a referendum, then 28 working days' notice will be given of the referendum procedure and Neighbourhood Plan details. If the referendum results in more than half of those voting (i.e. greater than 50%), voting in favour of the plan, then the District Council must "make" the Neighbourhood Plan a part of its Development Plan as soon as possible. If approved by a referendum and then "made" by the local planning authority, the Neighbourhood Plan then forms part of the Development Plan.

SECTION 4

The Report

1. Appointment of the Independent examiner

Mid Sussex District Council have appointed me as the Independent Examiner for the Ansty, Staplefield and Brook Street Neighbourhood Plan with the agreement of Ansty and Staplefield Parish Council.

2. Qualifying body

I am satisfied that the Ansty and Staplefield Parish Council is the qualifying body.

3. Neighbourhood Plan Area

The boundary of the Neighbourhood Plan area is contiguous with the boundary of Ansty, Staplefield Parish apart from a small area in the far south-east of the parish which is proposed for the Burgess Hill Northern Arc in the Mid Sussex Emerging District Plan and land to the east of the railway line between Haywards Heath and Burgess Hill, this latter part being planned for within the Haywards Heath Neighbourhood Plan. The Basic Conditions Statement submitted with the Ansty, Staplefield and Brook Street Neighbourhood Plan confirms there are no other Neighbourhood Plans covering the Area of the Ansty, Staplefield and Brook Street Neighbourhood Plan. The area was designated by Mid Sussex District Council in October 2012.

4. Plan Period

The Ansty, Staplefield and Brook Street Neighbourhood Plan period is 2015-2031.

5. Mid Sussex District Council initial assessment of the Plan.

Ansty and Staplefield Parish Council, the qualifying body for preparing the Ansty, Staplefield and Brook Street Neighbourhood Plan, submitted it to Mid Sussex District Council for consideration. Mid Sussex District Council has made an initial assessment of the submitted Ansty, Staplefield and Brook Street Neighbourhood Plan and the supporting documents and is satisfied that these comply with the specified criteria.

6. Site Visit

Due to the quality of the Neighbourhood Development Plan and the supporting information I did not consider that a site visit was necessary.

7. The Consultation Process

The Ansty, Staplefield and Brook Street Neighbourhood Plan has been submitted for examination with a Consultation Report which sets out the consultation process that has led to the production of the plan, as set out in the regulations in the Neighbourhood Planning (General) Regulations 2012.

The Statement describes the approach to consultation, the stages undertaken and explains how the Plan has been amended in relation to comments received. It is set out according to the requirements in Regulation 15.1.b of the Neighbourhood Planning (General) Regulations 2012):

(a) It contains details of the persons and bodies who were consulted about the proposed neighbourhood development plan;

(b) It explains how they were consulted;

(c) It summarises the main issues and concerns raised by the persons consulted; and

(d) It describes how these issues and concerns were considered and, where relevant, addressed in the proposed neighbourhood development plan.

Examination of the documents and representations submitted in connection with this matter have lead me to conclude that the consultation process was thorough, well conducted and recorded.

A list of statutory bodies consulted is included in the Consultation Statement.

8. Regulation 16 Consultation and comment on responses.

Mid Sussex District Council placed the Ansty, Staplefield and Brook Street Neighbourhood Plan out for consultation. The consultation period lasts 6 weeks and ran from 21st March 2016 to 3rd March 2016. The representations received during the consultation period were supplied by the District Council as part of the supporting information supplied for the examination process. I have considered the representations, a number of them very detailed, taken them into account in my examination of the plan and made reference to them where appropriate.

9. Compliance with the Basic Conditions

The Ansty, Staplefield and Brook Street Neighbourhood Plan Working Group produced a

Basic Conditions Statement on behalf of Ansty and Staplefield Parish Council in January 2016. The purpose of this statement is for the Neighbourhood Plan Working Group to set out in some detail why they believe the Neighbourhood Plan as submitted does meet the Basic Conditions. It is the Examiner's role to take this document into consideration but also make take an independent view as to whether or not the assessment as submitted is correct.

I have to determine whether the Ansty, Staplefield and Brook Street Neighbourhood Plan:

- 1. Has regard to national policies and advice*
- 2. Contributes to sustainable development*
- 3. Is in general conformity with the strategic policies in the appropriate Development Plan*
- 4. Is not in breach and is otherwise compatible with EU obligations and Human Rights requirements.*

Documents brought to my attention by the District Council for my examination include:

(a) The Ansty, Staplefield and Brook Street Neighbourhood Plan: This is the main document, which includes the policies developed by the community.

(b) The Consultation Statement: This is a statement setting out how the community and other stakeholders have been involved in the preparation of the Ansty, Staplefield and Brook Street Neighbourhood Plan and is supported by an evidence base which arose from the consultation.

(c) Basic Conditions Statement: This document sets out how the Ansty, Staplefield and Brook Street Neighbourhood Plan Group consider the Neighbourhood Plan meets the Basic Conditions.

(d) Ansty, Staplefield and Brook Street Sustainability Appraisal Non-Technical Summary

(e) Ansty, Staplefield and Brook Street Sustainability Appraisal

(f) Ansty, Staplefield and Brook Street HRA Screening.

Comment on Documents submitted

I am satisfied having regard to these documents and other relevant documents, policies and legislation that the Ansty, Staplefield and Brook Street Neighbourhood Plan, subject to minor modification does meet the Basic Conditions.

10.Planning Policy

10.1. National Planning Policy

National Policy guidance is in the National Planning Policy Framework (NPPF) 2012.

To meet the Basic Conditions, the Plan must have “regard to national policy and advice”.

In addition, the NPPF requires that a Neighbourhood Plan “must be in general conformity with the strategic policies of the local plan”. Paragraph 16 states that neighbourhoods should “develop plans that support the strategic development needs set out in Local Plans, including policies for housing and economic development; plan positively to support local development, shaping and directing development in their area that is outside the strategic elements of the Local Plan”.

The Ansty, Staplefield and Brook Street Neighbourhood Plan does not need to repeat these national policies, but to demonstrate it has taken them into account.

I have examined the Ansty, Staplefield and Brook Street Neighbourhood Plan Policies and consider that they do have “regard for National Policy and Advice” and therefore subject to minor modification the Plan does meet the Basic Conditions in this respect.

10.2. Local Planning Policy- The Development Plan

Ansty and Staplefield Parish is within the area covered by Mid Sussex District Council. The relevant development plan for the purposes of this examination is Mid Sussex Local Plan 2004. There are numerous references to the Mid Sussex Emerging District Plan within both the policies in the Neighbourhood Plan and the body of the text. The document needs to be reviewed and references to the Emerging Local Plan must be removed unless they refer specifically to the evidence base that has informed the formulation of this Neighbourhood Plan as the policies of the emerging plan are not a relevant consideration. The PPG advises that a draft 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.

The Development Plan clearly sets out the strategic policies that communities undertaking a Neighbourhood Plan need to consider when undertaking the Neighbourhood Plan Policy.

I have considered the Strategic Policies of the Development Plan and the Policies of the Ansty, Staplefield and Brook Street Neighbourhood Plan and consider that subject to minor modification the Plan does meet the Basic Condition in this respect and is in general conformity with the Strategic Policies contained in the Mid Sussex Local Plan 2004.

11. Other Relevant Policy Considerations

11.1 European Convention on Human Rights (ECMR) and other European Union

Obligations

As a 'local plan', the Neighbourhood Development Plan is required to take cognisance of the EU Strategic Environmental Assessment (SEA) Directive 2001/42/EC Office.

A Strategic Environmental Assessment (SEA) screening opinion was sought as required from the following organisations during the formal consultation period:

- *Natural England*
- *Historic England*
- *Environment Agency*
- *Mid Sussex District Council*

The view of Mid Sussex District Council was that a SEA (Strategic Environmental Assessment) was required. A Sustainability Appraisal incorporating the Strategic Environmental Assessment was carried out with the overall conclusion that the most sustainable policy options had been chosen for inclusion in the Plan and that none had any significant adverse effects.

Habitats Directive

Mid Sussex District Council undertook the Habitats Regulations Assessment (HRA) screening in respect of the Ansty, Staplefield and Brook Street Neighbourhood Plan which has been produced by Ansty and Staplefield Parish Council in accordance with the Neighbourhood Planning (General) Regulations 2012. The HRA screening report accompanied the Ansty, Staplefield and Brook Street Neighbourhood Plan produced for Regulation 16 of the Neighbourhood Planning (General) Regulations 2012

The screening assessment concluded that there would be no likely significant effects on the Ashdown Forest SPA and SAC from the policies included within the Ansty, Staplefield and Brook Street Neighbourhood Plan. A full HRA (that is, the appropriate assessment stage that ascertains the effect on integrity of the European site) of the Ansty, Staplefield and Brook Street Neighbourhood Plan is not required as the development proposed in the Neighbourhood Plan is outside of the 7km zone of influence and, therefore, unlikely to have a significant effect on the Ashdown Forest SPA and SAC.

11.2 Sustainable development

One of the Basic Conditions requires the Plan to contribute to sustainable development but there is no legal requirement for a neighbourhood plan to have a sustainability appraisal. However, a Sustainability Appraisal incorporating a Strategic Environmental Assessment of the Ansty, Staplefield and Brook Street Neighbourhood Plan was carried out.

I am satisfied that the Ansty, Staplefield and Brook Street Neighbourhood Plan subject to minor modification addresses the sustainability issues adequately.

11.3 European Convention of Human Rights and to comply with the Human Rights Act 1998.

The Neighbourhood Development Plan is required to take cognisance of the European Convention of Human Rights and to comply with the Human Rights Act 1998.

I am satisfied that the Ansty, Staplefield and Brook Street Neighbourhood Plan has done so.

I am therefore satisfied that the Ansty, Staplefield and Brook Street Neighbourhood Plan meets the basic conditions on EU obligations.

11.3 Excluded development

I am satisfied that the Ansty, Staplefield and Brook Street Neighbourhood Plan does not cover County matters (mineral extraction and waste development), nationally significant infrastructure such as highways and railways or other matters set out in Section 61K of the Town and Country Planning Act 1990.

11.4 Development and use of land

I am satisfied that the Ansty, Staplefield and Brook Street Neighbourhood Plan covers development and land use matters.

11.5 The Neighbourhood Plan Strategic Aims and Policies

'In 2031 the villages of Ansty, Staplefield and Brook Street will remain distinct communities from the larger nearby towns and villages such as Burgess Hill and Cuckfield, having seen no significant expansion of their settlements into the surrounding countryside.

Ansty will have accommodated new housing to help meet the demand and need for new and affordable homes by using land within or close to the established settlement boundary. A mix of housing ensures that smaller houses are available for young families as well as older people wanting to downsize.

The heritage and landscape assets of the area will have been protected, including the Staplefield Conservation Area and the High Weald Area of Outstanding Natural Beauty (AONB).

The three small communities continue to thrive and support the community facilities such as the village halls and sport facilities as well as the pubs and other small businesses.

All the settlements are better connected to each other and other surrounding villages through improved cycle routes and and multi-user routes.'

3.3 The objectives of the Neighbourhood Plan as identified through engagement with the community are as follows:

1. To protect the environment of the Neighbourhood Plan area in terms of its rural identity, landscape setting and local green spaces of importance.
2. To protect the heritage of the Neighbourhood Plan area, particularly the Staplefield Conservation Area.
3. To contribute to meeting the local housing need, including affordable housing for those with a local connection to the parish.
4. To provide a mix of house types.
5. To minimise the negative impact of traffic and encourage safe walking and cycling.
6. To support and enhance the community facilities serving the parish.

COMMENT

I have received representation in connection with the use of the phrase “no significant expansion” as a strategic aim for the Neighbourhood Plan, the concern being that this was a signal that the intention of the plan is not to “boost significantly the supply of housing” (NPPF paragraph 47) and therefore does not meet the Basic Condition requiring the plan to have regard to national policies and advice. Whilst I do not consider that this phrase in itself is significant enough to lead to the conclusion that the Basic Conditions will not be met I do think that replacing this phrase with one with a less negative connotation would be helpful and on this basis recommend that this phrase is replaced with “no harmful”. Subject to this minor modification I consider that the policies follow from the stated objectives and are consistent with achieving those stated objectives.

12. Ansty, Staplefield and Brook Street Neighbourhood Plan Policies

POLICY AS1: BUILT-UP AREA BOUNDARY

Development in the neighbourhood plan area shall be focused within the built-up area boundary of Ansty settlement as identified on the Proposal Map.

Development proposals will be supported within the built-up area boundary subject to compliance with other policies in the development plan.

Development proposals outside the built-up area boundary will not be permitted unless:

- ***they comply with the countryside policies of the Mid Sussex Local Plan 2004 or the District Plan once it is adopted; or***

- ***they relate to necessary utilities infrastructure where no reasonable alternative location is available.***

Comment

There have been representations relating to the wording and impact of this policy and to whether or not it meets the Basic Conditions in terms of “having regard” to National policy and Guidance most specifically in relation to whether or not the Plan and this policy in particular significantly boots the supply of housing and contributes to sustainable development. The guidance, which accompanies the NPPF in relation to the preparation of Neighbourhood Plans, is clear:

“Neighbourhood plans are not obliged to contain policies addressing all types of development. However, where they do contain policies relevant to housing supply, these policies should take account of latest and up-to-date evidence of housing need.”

The PPG advises that a draft 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.

Where a neighbourhood plan is brought forward before an up-to-date local plan is in place, the qualifying body and the local planning authority should discuss and aim to agree the relationship between policies in the emerging neighbourhood plan, the emerging local plan and the adopted development plan, with appropriate regard to national policy and guidance.

In this case, that advice is particularly important, because the emerging Mid Sussex District Plan envisages neighbourhood plans allocating a proportion of the housing land needed to meet the housing need of the plan area.

As the plan does contain policies relevant to housing supply it should take into account the latest up to date evidence of housing need- de facto the evidence that has been prepared to support the emerging Mid Sussex District Local plan (HEDNA 2015 and the OAN). Whilst I accept that this evidence has not yet been tested it is the most up to date.

From reading the Plan and the representations received I am not convinced that the sites identified within the plan will deliver sufficient housing over the plan period to meet the OAN and in addition, the site allocations focus only on the settlement of Ansty despite numerous representations identifying a housing need in Staplefield. In addition, I find I agree with the point made in a number of representations that the

developments at Burgess Hill will not necessarily meet the housing need of those wishing to live within the Neighbourhood Plan area. The additional constraint imposed by the retention of the Built Up Area Boundary of Ansty unchanged results in a lack of flexibility of approach to housing delivery and reinforces my opinion that there is a risk of failure to meet local housing need.

There are two ways in which suitable housing provision could be made. One would be to allocate specific areas of land to accommodate the required number of units but as yet the number of units has not been tested. The other would be to modify Policy AS1 to ensure that there is adequate flexibility to meet housing need for the Neighbourhood Plan Area across the plan period.

In my opinion the allocation of additional specific sites would require further public consultation to ensure openness and fairness. Modification of the policy wording, however, would in my view be acceptable, since individual sites would be tested against the criteria when they came forward as the subject of planning applications.

It is also clear that the Ansty, Staplefield and Brook Street Neighbourhood Plan area is subject to significant environmental constraints which are acknowledged through the High Weald Area of Outstanding Natural Beauty and Staplefield Conservation Area designations. Neither of these designations however, precludes all development. The recent appeal decision, Appeal Ref: APP/D3830/W/16/3148150 Cuckfield Road, Staplefield RH17 6ET is a clear indication that existing National policy can protect unsuitable sites from development (the Inspector commented that due to the stage of the Neighbourhood Plan it was afforded little weight in her consideration). Therefore, whilst acknowledging the constraints to development identified, I consider that the policy needs to be modified so that whilst directing development to within the Ansty Development Boundary there is an element of flexibility which allows for small scale housing development to meet identified local housing need and to ensure long term sustainability. This modification will allow for the testing of the impact of these constraints on a site by site basis. I am not satisfied that the policy as currently worded provides the flexibility to meet the local housing need over the plan period as required by the NPPF and therefore fails to meet the Basic Conditions in this respect.

For the reasons set out above I am of the opinion that without the modification of this policy it fails to meet the requirement of the NPPF to take account of the current housing need evidence and does not provide the flexibility to deliver adequate housing to address that need in sustainable locations across the plan area.

In order to meet the Basic Conditions, I recommend that the policy AS1 is retitled and modified as follows:

Policy AS1 New Housing Development

The Ansty, Staplefield and Brook Street Neighbourhood Plan area is subject to significant environmental constraints and as a result new housing should be focused within the Development Boundary of Ansty as identified in the proposal map. Other proposals for small scale housing development of up to 10 units, to meet identified local need will only be permitted subject to the criteria below and compliance with other policies within the plan, in particular AS2 and AS3:

- a) The proposed development contributes to sustainable development;*
- b) Any application is supported by assessment of the environmental and visual impact of the proposal and include as necessary appropriate mitigation measures.*
- c) An application is supported by a robust assessment of the impact of the proposal upon the local highway network.*
- d) The proposal provides a mix of tenure types including private, social rented and shared equity (intermediate) to meet local housing need.*

All other development proposals outside the Ansty Development Boundary will not be permitted unless:

- They comply with the countryside policies of the Mid Sussex Local Plan 2004 or the Mid Sussex District Plan once it is adopted;*
- Or*
- They relate to necessary utilities infrastructure where no reasonable alternative location is available.*

POLICY AS2: LOCAL GAPS

Development proposals are expected to demonstrate that they do not significantly reduce the gap with any neighbouring settlement either individually or cumulatively. The particular gaps of relevance are:

- Between Ansty and Burgess Hill*
- Between Brook Street and Cuckfield*
- Between Ansty and Cuckfield*

Development proposals must also address the requirements of Policy DP11 of the Mid

Sussex Emerging Local Plan (Preventing Coalescence).

COMMENT

The policy as currently worded uses the term “Local Gaps” which can be problematic when considered against the current adopted Local Plan’s housing policies being out of date, the 5 year supply of housing and Paragraph 49 of the National Planning Policy Framework. As the current Development Plan is out of date with regard to housing provision and in the absence of a new adopted Local plan the requirements of the NPPF take precedence. By seeking to address housing as a policy area within the Neighbourhood Plan the NPPF requires that the evidence base for the emerging Local plan is taken into consideration when formulating those housing policies. Whilst I acknowledge that there are constraints to development within the Neighbourhood Plan area I also note that through the sites to be brought forward for development there is little likelihood of meeting the OAN identified for the area.

For clarity and the avoidance of doubt I recommend adopting the approach put forward by Mid Sussex District Council during the Hearing for the East Grinstead Neighbourhood Plan which was to use the phrase “preventing coalescence”.

In order to meet the Basic Condition with regard to National Policy and Guidance I recommend the following modification:

Policy AS2: Preventing Coalescence

Development proposals are expected to demonstrate that they would not result in the coalescence with any neighbouring settlement either individually or cumulatively or result in the perception of openness being unacceptably eroded within the following areas:

- *Ansty and Burgess Hill*
- *Brook Street and Cuckfield*
- *Ansty and Cuckfield*

Planning permission will not normally be granted for development which:

Contribute towards the ad hoc or isolated development of dwellings outside the built up area, including infilling of built up frontages or linear development along roads.

POLICY AS3: HIGH WEALD AREA OF OUTSTANDING NATURAL BEAUTY

Development proposals within the High Weald Area of Outstanding Natural Beauty in

the neighbourhood plan area (as shown on the Proposals Map) must demonstrate how they address the requirements of the NPPF and the Mid Sussex Emerging Local Plan. In particular, proposals must:

- *conserve and enhance the natural beauty of the AONB area; and*
 - *demonstrate how they meet the objectives of the High Weald AONB Management Plan; and*
- demonstrate that there are no suitable alternative sites for the development that lie outside the High Weald AONB area.*

COMMENT

The relevant Development Plan for the purposes of this examination is the Mid Sussex Local Plan 2004 and therefore as previously mentioned policies must only contain references to that Plan and not the emerging plan. In addition, the policy does not clearly differentiate between how the policy applies to minor and major development. The requirements of Paragraph 116 of the National Planning Policy Framework only apply to “major” development within the AONB.

“116. Planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest. Consideration of such applications should include an assessment of:

- *the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;*
- *the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and*
- *any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.”*

In order to meet the Basic Conditions, the reference in the policy to a policy within the emerging local plan should be removed and the policy modified as follows:

POLICY AS3: HIGH WEALD AREA OF OUTSTANDING NATURAL BEAUTY

Development proposals within the High Weald Area of Outstanding Natural Beauty in the neighbourhood plan area (as shown on the Proposals Map) must demonstrate how

they address the requirements of the NPPF, policies of the Mid Sussex Local Plan 2004 or the District Plan once it is adopted.

- *conserve and enhance the natural beauty of the AONB area; and*
- *demonstrate how they meet the objectives of the High Weald AONB Management Plan; and*
- *for major development, proposals must include an assessment of:*
 - a) *the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;*
 - b) *the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and*
 - c) *any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.”*

POLICY AS4: HOUSING MIX

Residential developments must provide a mix of dwelling sizes (market and affordable) that reflect the best available housing evidence.

In the early part of the plan period, the housing evidence requires a particular emphasis on the provision of 1- and 2-bed dwellings. It is therefore expected that in the early part of the plan period the majority of new dwellings on individual developments shall be a balanced mix of 1- and 2-bed dwellings.

COMMENT

Representations have been received that register concern that as this policy requires the majority of dwellings during the early part of the plan period to be brought forward as 1 and 2 bedroom dwellings is too prescriptive and unrealistic in terms of the established context of the settlements. There is also concern that it would also be likely to lead to new development that was high-density and out of character with the existing village. It is important that the mix of housing delivered does meet the prevailing housing need but the NPPF also requires that sites are viable, deliverable and provide a wide choice of quality homes. In order to ensure that this policy meets the Basic Conditions the policy should be modified as follows:

POLICY AS4: HOUSING MIX

Residential developments must provide a mix of dwelling sizes (market and affordable) that reflect the best available housing evidence.

In the early part of the plan period, the housing evidence indicates a particular emphasis on the provision of 1- and 2-bed dwellings. It is therefore expected that in the early part of the plan period developments will provide a mix of dwellings include the provision of 1 and 2 bedroom dwellings to reflect the local housing need.

POLICY AS5: LAND AT BARN COTTAGE, ANSTY

Planning permission will be granted for residential development on 0.56 hectares of land at Barn Cottage, Ansty, subject to the following criteria:

- *the provision of a range of house types and in accordance with Policy AS4 of this Plan; and*
- *the tree belt on the eastern boundary of the site is largely retained and appropriate boundary treatment and landscaping consisting of native species provides screening of the development from the B2036 road.*

COMMENT

I have no comment on this policy

POLICY AS6: LAND OFF BOLNEY ROAD, ANSTY

Planning permission will be granted for residential development on 0.52 hectares of land off Bolney Road, Ansty, subject to the following criteria:

- *the provision of a range of house types and in accordance with Policy AS4 of this Plan; and*
- *the tree belt surrounding the site is, where possible, retained and further enhanced with native species; and*
- *access is provided from the south-western corner of the site in order to overcome the change in levels, with visibility maximised; and*
- *safe pedestrian access into the village is provided where possible; and*
- *sufficient surface water drainage capacity is provided.*

COMMENT

I have no comment on this policy.

POLICY AS7: ANSTY VILLAGE CENTRE AND RECREATION GROUND

The Ansty Village Centre and Recreation Ground, as shown on the Proposals Map, is designated as a Local Green Space.

Proposals for built development on the Village Centre and Recreation Ground will not be permitted unless the proposal is of a limited scale and nature, can be clearly demonstrated that it is ancillary and enhances the role and function of the Village Centre and Recreation Ground.

COMMENT

I have no comment on this policy.

POLICY AS8: IMPROVEMENT OF COMMUNITY FACILITIES

Proposals that would result in the improved provision of community facilities will be strongly supported. In the case of the Village Centre in Ansty and the Pavilion in Staplefield, this is particularly the case for proposals that would re-provide and improve such facilities on the existing site.

COMMENT

I have no comment on this policy.

POLICY AS9: ANSTY RECREATION GROUND EXTENSION

Land immediately north of Ansty Recreation Ground is allocated for recreational use, as an extension to the existing playing fields.

COMMENT

I have no comment on this policy

POLICY AS10: STAPLEFIELD CONSERVATION AREA

Development proposals within the Staplefield Conservation Area, or that would affect the setting of the Conservation Area, must demonstrate that they have properly addressed the requirements of national planning policy and guidance and Policy DP33 of the Mid Sussex Emerging Local Plan.

COMMENT

As previously set out in my report the reference to a policy in the emerging local plan would not meet the basic conditions and therefore this policy needs to be modified to remove this reference.

POLICY AS11: HIGH SPEED BROADBAND

It is expected that all new properties should be served by a superfast broadband (fibre optic) connection. The only exception will be where it can be demonstrated, through consultation with NGA Network providers, that this would not be possible, practical or economically viable. In such circumstances sufficient and suitable ducting should be provided within the site and to the property to facilitate ease of installation at a future date.

COMMENT

I have no comment on this policy.

POLICY AS12: PROTECTION OF EXISTING COMMERCIAL PREMISES OR LAND

There will be a strong presumption against the loss of commercial premises or land (B-class) which provides employment or future potential employment opportunities. Applications for a change of use to an activity that does not provide employment opportunities will only be permitted if it can be demonstrated that:

- *the commercial premises or land in question has not been in active use for at least 12 months; and*
- *the commercial premises or land in question has no potential for either reoccupation or redevelopment for employment generating uses and as demonstrated through the results both of a full valuation report and a marketing campaign lasting for a continuous period of at least six months.*

COMMENT

I have no comment on this policy.

POLICY AS13: TRAFFIC MANAGEMENT

The provision of traffic management solutions to address the impacts of traffic arising from development at north west Burgess Hill will be strongly supported. This includes

either directly provided solutions or the use of contributions from development to contribute towards the costs of provision.

COMMENT

I have no comment on this policy.

POLICY AS14: WALKING AND CYCLING ROUTES

The provision of improved walking and cycling routes to Cuckfield, Haywards Heath and other surrounding villages will be strongly supported.

Ansty and Staplefield Parish Council will work with Mid Sussex District Council, West Sussex County Council and other interested parties to put in place an improved walking and cycling network.

COMMENT

I have no comment on this policy.

SECTION 5

Conclusion and Recommendations

- 1. I find that the Ansty, Staplefield and Brook Street Neighbourhood Plan has been prepared in accordance with the statutory requirements and processes set out in the Town and County Planning Act 1990 (as amended by the Localism Act 2011) and the subsequent Neighbourhood Planning (General) Regulations 2012.*
- 2. The Neighbourhood Plan does not deal with County matters (mineral extraction and waste development), nationally significant infrastructure such as highways and railways or other matters set out in Section 61K of the Town and Country Planning Act 1990.*
- 3. The Ansty, Staplefield and Brook Street Neighbourhood Plan does not relate to more than one Neighbourhood Area and there are no other Neighbourhood Development Plans in place within the Neighbourhood Area.*
- 4. I am satisfied that the conclusion of the Sustainability Appraisal, which incorporates the Strategic Environmental Assessment is correct subject to the recommended modifications and that no HRA assessment is required. I find that the Ansty, Staplefield and Brook Street Neighbourhood Plan meets the EU Obligation in this respect.*
- 5. The policies and plans in the Ansty, Staplefield and Brook Street Neighbourhood Plan, subject to minor modification would contribute to achieving sustainable development. They have regard to national policy and to guidance, and generally conform to the strategic policies of the Mid Sussex District Council.*
- 6. I therefore consider that the Ansty, Staplefield and Brook Street Neighbourhood Plan subject to minor modification can proceed to Referendum.*

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7th October 2016