

# **Slaugham Neighbourhood Development Plan 2014-2031**

**A report to Mid Sussex District Council on the  
Slaugham Neighbourhood Development Plan**

**Andrew Ashcroft  
Independent Examiner  
BA (Hons) M.A. DMS M.R.T.P.I.**

**Director – Andrew Ashcroft Planning Limited**

## **Executive Summary**

- 1 I was appointed by Mid Sussex District Council in November 2018 to carry out the independent examination of the Slaugham Neighbourhood Development Plan.
- 2 The examination was undertaken by written representations. I visited the neighbourhood plan area on 17 January 2019.
- 3 The Plan includes a range of policies and seeks to bring forward positive and sustainable development in the neighbourhood area. There is a very clear focus on safeguarding local character and community facilities. It identifies allocations for new residential development.
- 4 The Plan has been underpinned by community support and engagement. It is clear that all sections of the community have been actively engaged in its preparation.
- 5 Subject to a series of recommended modifications set out in this report I have concluded that the Slaugham Neighbourhood Plan meets all the necessary legal requirements and should proceed to referendum.
- 6 I recommend that the referendum should be held within the neighbourhood area.

**Andrew Ashcroft**  
**Independent Examiner**  
**7 May 2019**

## **1 Introduction**

- 1.1 This report sets out the findings of the independent examination of the Slaugham Neighbourhood Development Plan 2014-2031 (the 'Plan').
- 1.2 The Plan has been submitted to Mid Sussex District Council (MSDC) by Slaugham Parish Council in its capacity as the qualifying body responsible for preparing the neighbourhood plan.
- 1.3 Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently embedded in the National Planning Policy Framework (NPPF) in 2012 and 2018 and in the latest revision in February 2019. The NPPF continues to be the principal element of national planning policy.
- 1.4 The role of an independent examiner is clearly defined in the legislation. I have been appointed to examine whether or not the submitted Plan meets the basic conditions and Convention Rights and other statutory requirements. It is not within my remit to examine or to propose an alternative plan, or a potentially more sustainable plan except where this arises as a result of my recommended modifications to ensure that the plan meets the basic conditions and the other relevant requirements.
- 1.5 A neighbourhood plan can be narrow or broad in scope. Any plan can include whatever range of policies it sees as appropriate to its designated neighbourhood area. The submitted plan has been designed to be distinctive in general terms, and to be complementary to the development plan in particular. It addresses a range of environmental and community issues and proposes the allocation of two residential developments.
- 1.6 Within the context set out above this report assesses whether the Plan is legally compliant and meets the basic conditions that apply to neighbourhood plans. It also considers the content of the Plan and, where necessary, recommends changes to its policies and supporting text.
- 1.7 This report also provides a recommendation as to whether the Plan should proceed to referendum. If this is the case and that referendum results in a positive outcome the Plan would then be used to determine planning applications within the plan area and will sit as part of the wider development plan.

## 2 The Role of the Independent Examiner

- 2.1 The examiner's role is to ensure that any submitted neighbourhood plan meets the relevant legislative and procedural requirements.
- 2.2 I was appointed by MSDC, with the consent of the Parish Council, to conduct the examination of the Plan and to prepare this report. I am independent of both MSDC and the Parish Council. I do not have any interest in any land that may be affected by the Plan.
- 2.3 I possess the appropriate qualifications and experience to undertake this role. I am a Director of Andrew Ashcroft Planning Limited. In previous roles, I have over 35 years' experience in various local authorities at either Head of Planning or Service Director level. I am a chartered town planner and have significant experience of undertaking other neighbourhood plan examinations and health checks. I am a member of the Royal Town Planning Institute and the Neighbourhood Planning Independent Examiner Referral Service.

### *Examination Outcomes*

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

### *The Basic Conditions*

- 2.5 As part of this process I must consider whether the submitted Plan meets the Basic Conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. To comply with the basic conditions, the Plan must:
- have regard to national policies and advice contained in guidance issued by the Secretary of State; and
  - contribute to the achievement of sustainable development; and
  - be in general conformity with the strategic policies of the development plan in the area;
  - be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations; and
  - not be likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects.

I have examined the submitted Plan against each of these basic conditions, and my conclusions are set out in Sections 6 and 7 of this report. I have made specific comments on the fourth and fifth bullet points above in paragraphs 2.6 to 2.12 of this report.

- 2.6 The Neighbourhood Plan General Regulations 2015 require a qualifying body either to submit an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 or a statement of reasons why an environmental report is not required.
- 2.7 In order to comply with this requirement, the Parish Council commissioned the preparation of a Sustainability Appraisal incorporating Strategic Environmental Assessment (SEA). The report is thorough and well-constructed. It appraises the policy options against the sustainability framework.
- 2.8 The Appraisal has two detailed appendices. Appendix 1 appraises different policy options. Appendix 2 is a Housing Sites Options Appraisal. Where appropriate I comment on the technical details in the Sustainability Appraisal in the policy specific section of this report (Section 7).
- 2.9 MSDC also prepared its own Habitats Regulations Assessment (HRA) of the Plan in November 2018. It assessed the policies in the Plan against the Ashdown Forest SPA and SAC. It concludes that the Plan is not likely to have significant environmental effects on this important European nature conservation site or undermine their conservation objectives alone or in combination taking account of the precautionary principle. As such Appropriate Assessment is not required.
- 2.10 Having reviewed the information provided to me as part of the examination, including the most recent HRA assessment, I am satisfied that a proportionate process has been undertaken in accordance with the various regulations. None of the statutory consultees have raised any concerns with regard to either neighbourhood plan or to European obligations. In the absence of any evidence to the contrary, I am entirely satisfied that the submitted Plan is compatible with this aspect of European obligations.
- 2.11 In a similar fashion I am satisfied that the submitted Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights (ECHR) and that it complies with the Human Rights Act. There is no evidence that has been submitted to me to suggest otherwise. There has been full and adequate opportunity for all interested parties to take part in the preparation of the Plan and to make their comments known. On this basis, I conclude that the submitted Plan does not breach, nor is in any way incompatible with the ECHR.

*Other examination matters*

- 2.12 In examining the Plan I am also required to check whether:
- the policies relate to the development and use of land for a designated neighbourhood plan area; and
  - the Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one neighbourhood area); and

- the Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.

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

### 3 Procedural Matters

- 3.1 In undertaking this examination I have considered the following documents:
- the submitted Plan;
  - the Basic Conditions Statement;
  - the Consultation Statement;
  - the Sustainability Appraisal and the associated Non-Technical Summary;
  - the MSDC HRA report;
  - the Parish Council's responses to my Clarification Note;
  - the District Council's responses to my Clarification Note
  - the representations made to the Plan;
  - the adopted Mid Sussex District Plan 2014-2031;
  - the National Planning Policy Framework (March 2012, July 2018 and February 2019);
  - Planning Practice Guidance (March 2014 and subsequent updates); and
  - relevant Ministerial Statements.
- 3.2 I carried out an unaccompanied visit to the Plan area on 17 January 2019. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular. My site inspection is covered in more detail in paragraphs 5.9 to 5.16 of this report.
- 3.3 It is a general rule that neighbourhood plan examinations should be held by written representations only. Having considered all the information before me, including the representations made to the submitted plan, I was satisfied that the Plan could be examined without the need for a public hearing. I advised MSDC of this decision early in the examination process.
- 3.4 On 24 July 2018 a revised version of the NPPF was published. Paragraph 214 of the 2018 NPPF identifies transitional arrangement to address these circumstances. It comments that plans submitted before 24 January 2019 will be examined on the basis of the 2012 version of the NPPF. The further updates to the NPPF in 2019 did not affect these transitional arrangements. I have proceeded with the examination on this basis. All references to paragraph numbers within the NPPF in this report are to those in the 2012 version.

## 4 Consultation

### *Consultation Process*

- 4.1 Policies in made neighbourhood plans become the basis for local planning and development control decisions. As such the regulations require neighbourhood plans to be supported and underpinned by public consultation.
- 4.2 In accordance with the Neighbourhood Planning (General) Regulations 2012 the Parish Council has commissioned the preparation of a Consultation Statement. This Statement is proportionate to the Plan and its policies. It includes an assessment of the consultation undertaken during the various stages of Plan production. It also provides specific details about the consultation process that took place on the pre-submission version of the Plan (November 2017 to January 2018).
- 4.3 The Statement sets out details of the range of consultation events that were carried out in relation to the initial stages of the Plan. It provides details about:
- the organisation of dedicated meetings and discussions with key statutory local organisations, local residents and organised groups;
  - the distribution of leaflets and updates;
  - the use of banners and adverts to publicise key events; and
  - the public event on the proposed site allocations in April 2017.
- 4.4 The Statement itself is very comprehensive. It is supported by a series of technical appendices. Some of the appendices reproduce the consultation material used. This gives a degree of depth and interest to the Statement.
- 4.5 The Statement also provides specific details on the comments received as part of the consultation process that took place on the pre-submission version of the Plan (Table 1). It identifies the principal changes that worked their way through into the submission version (Table 2). They help to describe the evolution of the Plan.
- 4.6 It is clear that consultation has been an important element of the Plan's production. Advice on the neighbourhood planning process has been made available to the community in a positive and direct way by those responsible for the Plan's preparation. I note that several of the local residents who have made representations to the Plan consider that their earlier views have not been taken into account. I address the specific issues around the proposed housing sites later in this report. Nevertheless, for the purposes of this part of the report I am satisfied that proper engagement has been undertaken.
- 4.7 From all the evidence provided to me as part of the examination, I can see that the Plan has promoted an inclusive approach to seeking the opinions of all concerned throughout the process.



### *Representations Received*

4.8 Consultation on the submitted plan was undertaken by the District Council for a six-week period that ended on 14 January 2019. This exercise generated comments from a range of organisations as follows:

- Thames Water
- Sport England
- Trustees of Ashfold Estate
- Environment Agency
- Thakenham Homes
- Welbeck Land
- Millwood Designer Homes
- West Sussex County Council
- Historic England
- Gladman Developments Limited
- High Weald AONB
- Highways England
- A2 Dominion
- Natural England
- Hallam Land
- Wates Homes
- Freechase and Lyndhurst Estates

4.9 In addition 33 representations were made to the Plan by local residents. The overwhelming majority of these comments expressed overlapping objections to the housing allocation and the reserve site proposed in the Plan.

4.10 In examining the Plan I have taken account of all the representations made. Where appropriate I make specific reference to the representation concerned on a policy-by-policy basis.

## 5 The Neighbourhood Area and the Development Plan Context

### *The Neighbourhood Area*

- 5.1 The neighbourhood area consists of the parish of Slaugham. Its population in 2011 was 2769 persons living in 1131 houses. It was designated as a neighbourhood area in July 2012. It is of an irregular shape bisected by the A23 as it runs in a north-south direction from Crawley to Brighton. It has four principal settlements – Pease Pottage in the north, Handcross and Slaugham and Warninglid to the south. The majority of the neighbourhood area falls within the High Weald Area of Outstanding Natural Beauty.
- 5.2 The villages of Handcross and Pease Pottage are the two major concentrations of residential and business activity in the neighbourhood area. Handcross is located at the junction of the B2110 and the B2114. It has a vibrant village centre. The National Trust property of Nymans Gardens is located to the immediate south of the village. Pease Pottage is located to the immediate west of the A23 and to the south of Crawley. A service centre is located to the immediate east of the A23.
- 5.3 The majority of the neighbourhood area falls within the High Weald Area of Outstanding Natural Beauty. The High Weald is a historic countryside of rolling hills with small irregular fields, woodlands and hedges. Its attractiveness is immediately apparent. In many cases the settlements in the neighbourhood area have taken account of their natural landscape setting. Slaugham itself is particularly attractive and is located on a ridge (Park Road) between two watercourses. Warninglid has a similarly attractive setting and makes good use of vernacular materials. The villages of Warninglid, Slaugham and Handcross each contain a designated conservation area.

### *Development Plan Context*

- 5.4 The development plan covering the neighbourhood plan area is the Mid Sussex District Plan 2014-2031. It was adopted in March 2018. The Plan sets out a vision, objectives, a spatial strategy and overarching planning policies that guide new development in the Plan period. It is this development plan context against which I am required to examine the submitted Neighbourhood Plan
- 5.5 Policy DP1 Sustainable Economic Development, DP4 Housing and DP6 Settlement Hierarchy of the District Plan provide key elements of the strategic approach of the District Plan. New growth is largely based around the settlement hierarchy. In District terms Burgess Hill, East Grinstead and Haywards Heath are category 1 settlements. Within the neighbourhood area Handcross and Pease Pottage are identified as category 3 settlements (medium size villages), and Slaugham and Warninglid are identified as category 4 settlements (small villages).

- 5.6 The principal new development proposed within the neighbourhood area is that of a strategic allocation to the east of Pease Pottage (Policy DP10). It incorporates 600 new dwellings and a range of associated community facilities.
- 5.7 In addition to this strategic approach the following policies in the District Plan are particularly relevant to the Slaugham Neighbourhood Plan:

DP12 Protection and Enhancement of the Countryside  
 DP13 Preventing Coalescence  
 DP14 Sustainable Rural Development and the Rural Economy  
 DP15 New Homes in the Countryside  
 DP16 High Weald Area of Outstanding Natural Beauty  
 DP25 Community Facilities and Local Services  
 DP31 Affordable Housing  
 DP35 Conservation Areas

In this context the Basic Conditions Statement usefully highlights key policies in the development plan and how they relate to policies in the submitted Plan. This is good practice. It provides confidence to all concerned that the submitted Plan sits within its local planning policy context.

- 5.8 The submitted Plan has been prepared within its wider adopted development plan context. In doing so it has relied on up-to-date information and research that has underpinned existing planning policy documents in the District. This is good practice and reflects key elements in Planning Practice Guidance on this matter. It is clear that the submitted Plan seeks to add value to the District Plan and to give a local dimension to the delivery of its policies. This is captured in the Basic Conditions Statement.

#### *Unaccompanied Visit*

- 5.9 I carried out an unaccompanied visit to the neighbourhood area on 17 January 2019. The day was cold but sunny. It showed off the neighbourhood area at its Winter best.
- 5.10 I drove into the area from the M23/A23 to the north. I stopped initially at the Pease Pottage service station. This gave me an initial impression of the setting and the character of the neighbourhood area and its relationship with the A23. I saw the emerging development of the strategic housing allocation in Pease Pottage as identified in the District Plan.
- 5.11 I looked at the settlement of Pease Pottage to the west of the A23. I saw the new houses off Horsham Road and off Old Brighton Road (Haynes Way). I also looked at the two housing sites promoted by representors.
- 5.12 I then drove to Handcross. I saw the School to the north of the village. I then walked around the village centre. I saw its range of shop and commercial uses and its wider importance to the sustainability of the neighbourhood area. I saw some of the parking and congestion issues that are addressed in the Aims of the Plan. In most cases they

related to delivery vehicles. Plainly things have moved on since their predecessors filled up with petrol at the iconic Esso petrol pump outside The Old Garage.

- 5.13 I then looked at the two proposed housing sites in St Martin Close. I looked particularly at the way in which they would occupy land currently used as open grassland and as woodland. I saw that they were located at the end of a series of roads which created a long cul-de-sac. Whilst I was in Handcross I also took the opportunity to look at the three proposed housing sites promoted by developers in their representations to the Plan.
- 5.14 I took the opportunity to view the access and parking arrangements associated with Nymans Gardens (National Trust) to the immediate south of the village centre. This helped me to understand better the relationship between the village and the Gardens and one of the Aims in the Plan relating to car parking.
- 5.15 I drove to Slaugham via Staplefield. In Slaugham I saw the idyllic relationship between the church to the south of Staplefield Road and the main village to the north in Park Road. I saw several very fine vernacular houses and the pathway up to Slaugham Park. I also saw its iconic white telephone box.
- 5.16 I then drove to Warninglid. I saw the many pleasant cottages off The Street. I drove back to Handcross along Coos lane. In doing so I saw Furnace Pond.

## 6 The Neighbourhood Plan as a whole

- 6.1 This section of the report deals with the submitted neighbourhood plan as a whole and the extent to which it meets the basic conditions. The submitted Basic Conditions Statement has helped considerably in the preparation of this section of the report. It is an informative and professional document.
- 6.2 The Plan needs to meet all the basic conditions to proceed to referendum. This section provides an overview of the extent to which the Plan meets three of the five basic conditions. Paragraphs 2.6 to 2.11 of this report have already addressed the issue of conformity with European Union legislation.

### *National Planning Policies and Guidance*

- 6.3 For the purposes of this examination the key elements of national policy relating to planning matters are set out in the National Planning Policy Framework (NPPF) issued in March 2012. Paragraph 3.4 of this report has addressed the transitional arrangements which the government has put in place as part of the publication of the 2018 version of the NPPF.
- 6.4 The NPPF sets out a range of core land-use planning principles to underpin both plan-making and decision-taking. The following are of particular relevance to the Slaugham Neighbourhood Plan:
- a plan led system– in this case the relationship between the neighbourhood plan, the adopted Mid Sussex District Plan 2014-2031;
  - recognising the intrinsic character and beauty of the countryside and supporting thriving local communities;
  - taking account of the different roles and characters of different areas;
  - always seeking to secure high quality design and good standards of amenity for all future occupants of land and buildings; and
  - conserving heritage assets in a manner appropriate to their significance.
- 6.5 Neighbourhood plans sit within this wider context both generally, and within the more specific presumption in favour of sustainable development, which is identified as a golden thread running through the planning system. Paragraph 16 of the NPPF indicates that neighbourhoods should both develop plans that support the strategic needs set out in local plans and plan positively to support local development that is outside the strategic elements of the development plan.
- 6.6 In addition to the NPPF I have also taken account of other elements of national planning policy including Planning Practice Guidance and ministerial statements.

- 6.7 Having considered all the evidence and representations available as part of the examination I am satisfied that the submitted Plan has had regard to national planning policies and guidance in general terms. It sets out a positive vision for the future of the plan area within the context of its position in the settlement hierarchy. In particular it positively allocates a site for residential development and proposes another as a reserve site. It includes a series of policies that seek to safeguard the quality and nature of its natural environment and the High Weald AONB in particular. The Basic Conditions Statement maps the policies in the Plan against the appropriate sections of the NPPF.
- 6.8 At a more practical level the NPPF indicates that plans should provide a clear framework within which decisions on planning applications can be made and that they should give a clear indication of how a decision-maker should react to a development proposal (paragraphs 17 and 154). This was reinforced with the publication of Planning Practice Guidance in March 2014. Its paragraph 41 (41-041-20140306) indicates that policies in neighbourhood plans should be drafted with sufficient clarity so that a decision-maker can apply them consistently and with confidence when determining planning applications. Policies should also be concise, precise and supported by appropriate evidence.
- 6.9 As submitted the Plan does not fully accord with this range of practical issues. The majority of my recommended modifications in Section 7 relate to matters of clarity and precision. They are designed to ensure that the Plan fully accords with national policy.

*Contributing to sustainable development*

- 6.10 There are clear overlaps between national policy and the contribution that the submitted Plan makes to achieving sustainable development. Sustainable development has three principal dimensions – economic, social and environmental. It is clear that the submitted Plan has set out to achieve sustainable development in the neighbourhood area. In the economic dimension the Plan includes policies for housing and employment development (Policies 11/12 and 14-16 respectively). In the social role, it includes policies on open space (Policy 7), community facilities (Policy 8), and on utility infrastructure (Policy 10). In the environmental dimension the Plan positively seeks to protect its natural, built and historic environment. It has specific policies on the AONB (Policy 1) and on conservation areas (Policy 6). The Parish Council has undertaken its own assessment of this matter in the submitted Basic Conditions Statement.

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

- 6.11 I have already commented in detail on the development plan context in the wider District in paragraphs 5.4 to 5.8 of this report.
- 6.12 I consider that the submitted Plan delivers a local dimension to this strategic context. The Basic Conditions Statement helpfully relates the Plan's policies to policies in the development plan. Subject to the recommended modification in this report I am satisfied that the submitted Plan is in general conformity with the strategic policies in

the development plan. Indeed, it positively seeks to deliver the ambitions of the District Plan in the neighbourhood area.

## 7 The Neighbourhood Plan policies

- 7.1 This section of the report comments on the policies in the Plan. In particular, it makes a series of recommended modifications to ensure that the various policies have the necessary precision to meet the basic conditions.
- 7.2 My recommendations focus on the policies themselves given that the basic conditions relate primarily to this aspect of neighbourhood plans. In some cases, I have also recommended changes to the associated supporting text.
- 7.3 I am satisfied that the content and the form of the Plan is fit for purpose. It is distinctive and proportionate to the Plan area. The wider community and the Parish Council have spent time and energy in identifying the issues and objectives that they wish to be included in their Plan. This sits at the heart of the localism agenda.
- 7.4 The Plan has been designed to reflect Planning Practice Guidance (41-004-20170728) which indicates that neighbourhood plans must address the development and use of land. It includes a series of Aims which the Plan recognises cannot be delivered directly through the planning process. These Aims are identified in a different colour to the land use policies. They sit within the appropriate topic-based parts of the Plan.
- 7.5 I have addressed the policies in the order that they appear in the submitted plan. Where necessary I have identified the inter-relationships between the policies. The Aims are addressed after the policies.
- 7.6 For clarity this section of the report comments on all the policies and the Aims whether or not I have recommended modifications in order to ensure that the Plan meets the basic conditions.
- 7.7 Where modifications are recommended to policies they are highlighted in bold print. Any associated or free-standing changes to the text of the Plan are set out in italic print.

### *The initial sections of the Plan (Sections 1-3)*

- 7.8 These introductory sections of the Plan set the scene for the range of policies. They do so in a concise and proportionate way. The Plan is presented in a professional way. It is colourful and makes a very effective use of tables and maps. A very clear distinction is made between its policies and the supporting text. It also draws a very clear connection between the Plan's objectives and its resultant policies.
- 7.9 The initial elements of the Plan set the scene for the policies. They are commendable to the extent that they are proportionate to the Plan area and the subsequent policies.

- 7.10 Section 1 provides a very clear context to the neighbourhood area and when it was designated. It identifies how the Plan was prepared, how it will fit into the wider planning system in the event that it is 'made' and what the Plan sets out to achieve.
- 7.11 It also sets out how the community was engaged in the plan-making process. Whilst this overlaps with the Consultation Statement it provides a useful context to this matter in the main body of the Plan.
- 7.12 Section 2 provides commentary on the neighbourhood area. It sets out useful information on the social and economic context of the neighbourhood area. This information feeds into some of the policies in the Plan.
- 7.13 Section 3 provides a Vision for the neighbourhood area together with a series of Strategic Objectives. The objectives are both thorough and comprehensive.
- 7.14 The remaining parts of the Plan incorporate policies on a topic basis. They include related supporting text and background information. The remainder of this section of the report addresses each policy in turn in the context set out in paragraphs 7.5 to 7.7 of this report.

#### Policy 1: Protecting the Area of Outstanding Natural Beauty

- 7.15 The majority of the neighbourhood area falls within the High Weald AONB. This policy provides a context within which development proposals can be assessed and determined. I sought clarity from the Parish Council on the actual extent of the AONB and whether it should be included on a map base within the Plan. The Parish Council has provided the relevant information. I recommend accordingly.
- 7.16 The form and structure of the policy is very similar to that of Policy DP16 of the MSDP. National policy is clear that there is no need for a neighbourhood plan to repeat policies that are already contained within a local plan. However, in circumstances where the AONB extends largely throughout the neighbourhood area and has had a significant influence on other elements on the plan-making process, I am satisfied that the policy should remain in the Plan. I recommend two modifications to ensure that the policy has the clarity required by the NPPF. The first signposts the extent of the AONB within the neighbourhood area within the policy itself. The second inserts the relevant details from MSDP Policy DP16 into the first part of the policy. As submitted Policy 1 has excluded important parts of the corresponding MSDP policy. I also recommend a modification to the third part of the policy to correct a grammatical error.

#### **At the beginning of the policy add:**

**'The extent of the High Weald Area of Outstanding Natural Beauty is shown on [insert details]'**

**In the first part of the policy insert 'only' between 'will' and 'be'.**

#### **At the end of the first part of the policy add:**



**‘in particular;**

- **the identified landscape features or components of landscape beauty and to their setting;**
- **the traditional interaction of people with nature and appropriate landscape management;**
- **character and local distinctiveness, settlement pattern, sense of place and setting of the AONB; and**
- **the conservation of wildlife and cultural heritage.’**

**In the third part of the policy replace ‘it’s’ with ‘its’.**

Policy 2: Protection of the Landscape

- 7.17 This policy refers specifically to the part of the neighbourhood area which is outside the AONB. In specific terms it is the built-up area of Pease Pottage and two adjoining modern developments.
- 7.18 The policy indicates that development which has an unacceptable detrimental effect on the landscape in this area will not be supported other than in exceptional circumstances where the use relates to essential infrastructure. The policy has attracted several representations.
- 7.19 I have considered the purpose of this policy very carefully. I can see that the Parish Council wishes to apply a policy approach to the landscape in that part of the neighbourhood area outside the AONB. However, the evidence for the policy is not well-developed. Paragraph 4.6 comments that its principal purpose is to protect this part of the neighbourhood area from unacceptable development based on public feedback about its local importance. Plainly this is an important part of the neighbourhood planning process. However, in this case the resultant policy is not dissimilar to Policy 1 which addresses the AONB. In particular Policy 2 would only support development in ‘exceptional circumstances’. Such an approach is reserved only for designated landscapes in paragraphs 115 and 116 of the NPPF. Plainly in the case of the AONB that part of the neighbourhood area is such a designated landscape.
- 7.20 In addition the matter of fact approach taken in the policy is not in general conformity with Policies DP12 (Protection and Enhancement of the Countryside), DP14 (Sustainable Rural Development) and DP15 (New Homes in the Countryside) of the adopted District Plan. In their different ways these policies offer a degree of flexibility for appropriate development to come forward. On this basis I recommend the deletion of this policy from the Plan. It does not have regard to national policy and is not in general conformity with strategic policies of the development plan.

**Delete the policy.**

*Delete paragraph 4.6*

### Policy 3: Protection of the Open Countryside

- 7.21 This policy raises similar issues to those addressed above in respect of Policy 2. In this case there is a specific issue of the consistency between the submitted policy and Policy DP12 (Protection and Enhancement of the Countryside) in the adopted District Plan.
- 7.22 The submitted policy takes a negative approach to development proposals in the countryside except for the purposes of agriculture or other uses which have to be located in the countryside. In contrast Policy DP12 of the District Plan takes a positive approach to new development in the countryside. The policy initially comments that the countryside will be protected in recognition of its intrinsic character and beauty. It then continues to comment that development will be permitted where it maintains or possibly enhances the quality of the rural and landscape character of the District.
- 7.23 Considering all of the issues I conclude that the submitted policy is not in general conformity with Policy DP12 of the District Plan. Indeed, in many respects the two policies run in different directions. In any event the submitted policy fails to add any local value or distinctiveness to the strategic context for development in the District. In these circumstances I recommend the deletion of the policy and the supporting text. I am satisfied that the general policy objective that is sought by the policy will be satisfactorily achieved by the implementation of District Plan Policy DP12 through the development management process.

#### **Delete the policy.**

*Delete paragraph 4.12*

### Policy 4: Sustainable Development Measures

- 7.24 The policy supports sustainable development measures and associated proposals. It specifically highlights photovoltaic panels, solar thermal insulation and biomass and heat pumps.
- 7.25 The policy meets the basic conditions.

### Policy 5: Green Infrastructure

- 7.26 The policy addresses green infrastructure. It has three related parts. The first supports proposals which would conserve, maintain and enhance existing green infrastructure. The second part supports proposals that would improve access for pedestrians and cyclists into the parcels of green infrastructure in the neighbourhood area. The third resists proposals that would involve the loss of green infrastructure unless mitigation or compensation measures are associated with the proposal.

- 7.27 The supporting text provides a context to the existing green infrastructure in the neighbourhood area (paragraph 4.17). It also identifies the social and community benefits of well-managed green infrastructure (paragraph 4.16).
- 7.28 I recommend a series of detailed modifications to the wording of the policy as follows:
- in the first part of the policy replace ‘and’ with ‘or’. As submitted the policy would require proposals to ‘conserve, maintain and enhance the existing green infrastructure network’. In some case this may well be possible. In most cases to achieve all three ambitions in the policy would be unrealistic or impracticable;
  - in the second part of the policy insert the missing words at the end; and
  - in the third part of the policy replace ‘be resisted’ with ‘not be supported’
- 7.29 Otherwise the policy meets the basic conditions.

**In the first part of the policy replace ‘and’ with ‘or’**

**In the second part of the policy add at the end ‘will be particularly supported’**

**In the third part of the policy replace ‘be resisted’ with ‘not be supported’**

#### Policy 6: Conservation Areas

- 7.30 This policy celebrates the rich historic built environment of the neighbourhood area. It contains three conservation areas – Slaugham, Warninglid and Handcross.
- 7.31 I recommend that the supporting text and map information shows the extent of the conservation areas. This would be best achieved by including an A4 plan for each of the three conservation areas in an appendix of the Plan. In the absence of this information the reader of the Plan has to go elsewhere to find the relevant information.
- 7.32 The policy itself has two related parts. The first provides general policy guidance on the need for new development to conserve or enhance the three conservation areas. The second part of the policy identifies five specific locations within the three conservation areas. I sought clarity from the Parish Council on the role and purpose of this part of the policy. I was advised that the intention of this part of the policy was to identify particularly sensitive locations within the conservation areas. The Parish Council also considers that they are of local significance and should be conserved in an appropriate fashion. I recommend modifications to this part of the policy, and to the supporting text, to bring clarity to the policy and to achieve the ambitions which the Parish Council had in mind in formulating its approach in the Plan.
- 7.33 The initial part of the policy is more general in its approach. The corresponding policy in the adopted District Plan is Policy DP35. Plainly its coverage is District-wide. Nevertheless, it is commendably detailed in the way in which it requires development in conservation areas to conserve or enhance the character or appearance of the District’s conservation areas. In comparison Policy 6 in the submitted Plan does not include the same level of general detail and guidance. As such it is not in general

conformity with the District Plan policy. In addition, it does not provide any refined or granular details which would apply to the three conservation areas in the neighbourhood area.

- 7.34 In these circumstances I recommend that the policy is modified so that it consolidates and reinforces the strategic District Plan policy in a more local context. In recommending this modification I have also considered the need for the retention or otherwise of the supporting text associated with the policy (paragraphs 4.18-4.23). Given the importance of the conservation areas within the neighbourhood area and the quality and robustness of the supporting text I am satisfied that it should remain in the Plan. I recommend modifications to the existing text so that it makes a direct reference to District Plan Policy DP35 and its role in determining development proposals in the three conservation areas.

**Replace the opening part of the policy with the following:**

**‘Development proposals within the Handcross, Slaugham and Warninglid conservation areas will be supported where they conserve or enhance the character or appearance of the conservation area concerned and comply with the requirements in Policy DP35 (Conservation Areas) of the District Local Plan.**

**In the second part of the policy add the following after ‘will be supported’:**

**‘where such proposals would conserve or enhance the specific part of the conservation area and its immediate setting’**

*At the end of paragraph 4.18 add:*

*‘The three conservation areas are shown on [insert details]’*

*At the end of paragraph 4.22 add:*

*‘Development proposals within the three conservation areas will be assessed and determined against national policy and Policy DP35 of the Mid Sussex District Plan 2014-2013. Policy 6 of this Plan has been designed to be complementary to this national and local policy context and to provide specific detail relevant to the neighbourhood area.’*

*At the end of paragraph 4.23 add:*

*‘Policy 6 has two related parts. The first has a general effect. It makes a reference to the key principles contained in Policy DP35 of the adopted District Plan. The second makes a specific reference to five identified locations within the three conservation areas. They are particularly sensitive locations which have been identified as part of the plan-making process. The Parish Council also considers that they are of local significance and should be conserved in an appropriate fashion.’*

Policy 7: Open Space

- 7.35 The policy seeks to recognise the importance of good well-planned open spaces in the neighbourhood area. It has four related parts. The first offers support to

development proposals which provide a mix of formal and informal open space. The second requires open spaces to be high quality and to serve a local need. The third resists proposals that would result in the loss of open spaces. The fourth part supports proposals for the replacement of open space where two criteria are met.

- 7.36 I recommend that the first and second parts of the policy are combined. This will bring the clarity required by the NPPF. I also recommend that the initial part of the policy should be realigned so that it requires the provision of open space to standards set out in the Mid Sussex Development Infrastructure and Contributions Supplementary Planning Document in developments promoted within the neighbourhood area in either the neighbourhood plan or the District Plan. Whilst policies in a neighbourhood plan need to be considered in the round the language used in the first part of the policy could be interpreted as offering support to a proposed development which conflicted with the wider development plan but which provided open space to meet local need.
- 7.37 Otherwise the policy meets the basic conditions. Its implementation through the development management process will make a significant contribution towards the achievement of the social and the environmental dimensions of sustainable development in the neighbourhood area.

**Replace the first and second parts of the policy with:**

**‘Development proposals which are otherwise in accordance with the development plan should provide a mix of formal and informal open space to standards set out in the Mid Sussex Development Infrastructure and Contributions Supplementary Planning Document to meet local need as appropriate to the site concerned. The resulting open space should be designed and arranged within the site in a high-quality fashion’**

Policy 8: Community Facilities

- 7.38 This policy celebrates the extensive range of community facilities to be found in the neighbourhood area. They are primarily focused in the four main settlements. Paragraph 5.6 provides an indication of their scope. During my visit to the neighbourhood area I saw their importance to the local community.
- 7.39 The policy has two related parts. The first resists proposals that would result in the net loss of community facilities. The second offers support for the alteration and/or replacement of community facilities where a series of factors are met.
- 7.40 The policy has attracted two representations. One suggests that the policy would be improved if it provided a context for the provision of new community facilities. The other suggests that the policy has not fully explored the scenario where alternative sites would unlock the potential to provide new facilities to meet the immediate needs of residents of Handcross. Plainly both of these potential dimensions to a policy of this nature would improve its role and applicability. However, my role is to examine the policy against the basic conditions. It is not within my remit to improve a policy.

As such I am satisfied that the policy has regard to national policy and is in general conformity with strategic policies in the development plan. It meets the basic conditions.

#### Policy 9: Superfast Broadband

- 7.41 The policy has a sharp focus on supporting proposals that would improve access to high speed broadband services. It has regard to national policy in the NPPF.
- 7.42 The policy has two related elements. The first offers support to proposals which would provide access to super-fast broadband. The second offers support to schemes which sympathetically locate and design the associated above-ground network installations. I recommend modifications to both elements of the policy. They will bring clarity and simplicity to the intentions of the policy. They will also ensure that the two parts of the policy follow a similar format to other policies in the submitted Plan.

**Replace the first part of the policy with:**

**‘Proposals which would provide access to a super-fast broadband network will be supported’.**

**Replace the second part of the policy with:**

**‘Proposals for above ground network installations which would provide access to a super-fast broadband network will be supported where their location is sympathetically chosen and designed to reflect the character of the local area’.**

#### Policy 10: Utility Infrastructure

- 7.43 The policy offers support to new and/or improved community infrastructures where it meets the identified needs of the community.
- 7.44 The principle of the approach taken meets the basic conditions. Nonetheless I recommend the deletion of ‘encouraged’ in the policy wording. It is both unclear and unnecessary. I also recommend other detailed modifications to the wording of the policy so that it has the clarity required by the NPPF.

**Delete ‘encouraged and’.**

**Replace ‘in order to meet’ with ‘where it meets’.**

#### Housing Allocations

- 7.45 Policies 11 and 12 are at the very heart of the Plan. They propose a housing allocation and a reserve housing allocation respectively. They are located on adjacent parcels of land off St Martin Close in Handcross. I comment on each in turn later in this report. However, in the interests of consistency and to avoid repetition I

address a series of general issues at this point. Whilst they overlap one with another the following points have a particular bearing on the two housing sites:

- the strategic need or otherwise for the two proposed housing sites (paragraphs 7.46 to 7.54);
- the location of the two proposed sites with the High Weald AONB (paragraphs 7.55 to 7.69);
- the concentration of the proposed new housing development in the Plan in Handcross (paragraphs 7.70 to 7.71); and
- the site-selection process (paragraphs 7.72 to 7.82).

*The strategic need or otherwise for the two proposed housing sites*

- 7.46 The supporting text in Section 6 of the Plan provides a context against which it has proposed the two housing allocations. It outlines the strategic housing targets contained in the MSDP and the way in which they step from 876 dwellings per annum up to 2023/24 to 1090 dwellings from 2024/25. It also explains the context within which MSDC has commenced work on its own Site Allocations Development Plan Document.
- 7.47 The most significant residential development in the neighbourhood area during the Plan period will be that of the strategic site to the east of Pease Pottage. It is allocated in Policy DP10 of the MSDP. I saw that development had already commenced on this important site started when I visited the neighbourhood area.
- 7.48 Policy DP6 Settlement Hierarchy of the MSDP identifies the extent of the unidentified additional housing provision that remains to be provided within the District. It emphasises the role that will be played by neighbourhood plans as part of this process. The table at the end of the policy identifies the minimum residual housing delivery figure from 2017 onwards for the various settlements in the District. Footnote 6 to the table is particularly informative for the Slaugham Plan. It identifies that ‘the required minimum provision at Pease Pottage (Slaugham Parish) is significantly greater than other settlements within Category 3 due to the allocation and subsequent permission granted for 600 homes within this settlement. Due to this, the other settlements within Slaugham Parish (Handcross, Slaugham and Warninglid) will not be required to identify further growth through the Plan process on top of windfall growth although may wish to do so to boost supply’.
- 7.49 The Parish Council undertook a Housing Needs Consideration in late 2016 as the MSDP was in preparation. The results of that study indicate that the housing need in the neighbourhood area over the Plan period could be accommodated by the completions and commitments and that the housing need would be met without the need for allocations in the emerging neighbourhood plan.
- 7.50 Nevertheless the Parish Council resolved to consider whether further modest growth should be facilitated through the preparation of the emerging neighbourhood plan. As paragraphs 6.12 and 6.13 of the Plan comment this decision took account of the pro-

growth national growth agenda, the pressure for new dwellings in the District and MSDC's decision to proceed with work on a Site Allocations DPD.

- 7.51 The decision of the Parish Council to promote additional residential development in the submitted Plan beyond that already committed at Pease Pottage strategic allocation features in many of the local residents' representations made to the Plan (see paragraph 4.8 of this report). The representations contend that the proposed new housing in St Martin Close Handcross is simply not required.
- 7.52 Such comments from local residents are understandable. Indeed, they take account of footnote 6 of Policy DP6 of the MSDP. Nevertheless, I am satisfied that the principle of the approach taken by the Parish Council is both appropriate and meets the basic conditions. I have come to this conclusion for the following reasons:
- footnote 6 to Policy DP6 of the MSDP is clear that through the neighbourhood plan process the Parish Council may wish to identify further growth to boost supply;
  - it recognises the emerging work being carried out by MSDC on the preparation of a Sites Allocations DPD;
  - paragraph 47 of the NPPF highlights the importance and the role of the plan-making process in boosting significantly the supply of housing;
  - PPG (41-044-20160519) advises that neighbourhood plans can allocate additional sites to those in a Local Plan where this is supported by evidence to demonstrate need above that identified in the Local Plan; and
  - in any event the purpose of neighbourhood planning is to give communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of the local area (PPG 41-001-20140306).
- 7.53 Whilst local residents have contended that the two sites in St Martin Close are not needed the development industry has made a different set of representations on the Plan. Some suggest that the level of development should be higher both in general terms and to future-proof the Plan. Others promote potential development sites either in addition to or as alternatives to the St Martin Close package. Clearly different proposals would bring forward different levels of additional housing. In some case they would include community benefits. However, based on the evidence available to me I am satisfied that the proposals in the plan for a modest allocated site and a modest reserve site are appropriate to the circumstances that exist in the neighbourhood area on strategic housing allocation and delivery.
- 7.54 I address the site selection process shortly. Nevertheless, at this point in the report I highlight a later recommended modification which refers to the potential need for a review of any made neighbourhood plan based on the monitoring of the delivery of new housing development within the Plan period. The current situation may change within the Plan period.

*The location of the two proposed sites within the High Weald AONB*

- 7.55 Both of the proposed sites fall within the High Weald AONB. On this basis their proposed allocations have attracted objections from the High Weald AONB Unit and



Natural England. The comments from the AONB Unit draw my attention to paragraphs 115 and 116 of the NPPF. The former indicates that great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty. The latter indicates that planning permission should be refused for major development in these designated areas except in exceptional circumstances and where it can be demonstrated that they are in the public interest. Three factors are identified for the consideration of any such applications.

- 7.56 Plainly the issue of the appropriate location of additional housing allocations is heavily influenced by the extensive nature of the AONB within the neighbourhood area. This matter was addressed in detail within the examination and the eventual adoption of the MSDP. In paragraph 49 of his report on the MSDP the Planning Inspector comments:

*'Meeting the housing needs of an area is a core planning principle in the NPPF, and in Mid Sussex this will entail development on greenfield land. Mid Sussex District is endowed with sites and areas of natural and historic interest; it has part of the South Downs National Park, the High Weald Area of Outstanding Natural Beauty (AONB) and various heritage designations. Moreover, many of the undesignated rural areas of the District are attractive countryside. Together, these assets are a central part of the character of the District.'*

- 7.57 It is within this context that the two housing sites in the submitted Plan have been promoted. They are a proposed housing allocation and a proposed reserve site in an emerging neighbourhood plan which has had to grapple with the inherent tensions of promoting new housing growth on the one hand and safeguarding a high-quality landscape on the other hand. The Planning Inspector's report on the Local Plan anticipates the challenges which the Parish Council has addressed. Paragraph 53 of his report comments that:

*'Further allocations are likely to be needed in the future Site Allocations DPD to meet the housing requirement. There are locations within the District of lesser landscape value, in relatively sustainable locations near to settlements and close to main transport routes. Some settlements lie within the AONB and may be appropriate for modest housing schemes, but there is no evidence that meeting the housing requirement will necessitate major development in the AONB other than that already permitted by the Council at Pease Pottage, or that it would harm the National Park.'*

- 7.58 I sought comments from both MSDC and the Parish Council on this important matter as part of the clarification note process. I summarise the responses below.

- 7.59 MSDC helpfully commented on the process which it is following with regards to its work on the emerging Site Allocations Development Plan Document (DPD). The site selection criteria are based around three key factors: planning constraints, development considerations and sustainability/access to services. The work is drawing on the distribution requirements identified in Policy DP6 of the adopted District Plan.

- 7.60 I was also advised that approximately half of the wider District is within the High Weald AONB. On this basis the High Weald AONB Unit is providing an assessment of the potential impact of the development of sites within the AONB. Plainly this is good practice. As an outcome of this process sites with a medium or low impact will be taken forward for further assessment taking into account any necessary mitigation. Sites with a high impact are not being considered further.
- 7.61 The site assessment process was ongoing at the time that the responses to the clarification note were received. The package of sites in St Martin Close is one of eight sites in the wider parish, and one of four in Handcross that are being considered as part of this process
- 7.62 The Parish Council raises similar and overlapping commentary in its response to this issue to those raised by MSDC. In a local context it advises that 99% of the neighbourhood areas lies within the AONB. It goes on to comment that in this context there is little practical alternative to identifying land for new residential development in sustainable locations outside the built-up areas that would not be within the AONB. It then comments that not all land within the neighbourhood area is of equal landscape character, quality or sensitivity and that its site selection process has taken these matters and inevitable variations into account.
- 7.63 The Parish Council concludes that its detailed assessment of the various site options (as set out in the SA) indicates that the two sites promoted in the Plan are of a lesser landscape importance and sensitivity to other sites considered both in both absolute and relative terms. It also comments that the two sites are visually well-contained and relate well to the existing built up area of Handcross.
- 7.64 I have considered the extent to which the development of either the proposed allocated site or the combination of the allocated site and the reserve site would constitute major development in the AONB. In doing so I have considered national policy in paragraphs 115 and 116 of the NPPF.
- 7.65 Within its general approach paragraph 116 of the NPPF specifically advises that any applications for major development in an AONB should include an assessment of three factors as follows:
- the need for the development;
  - the cost of and scope for developing elsewhere outside the designated area or meeting the need 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
- 7.66 In this context the High Weald AONB Unit has raised an objection to the identification of the allocated and the reserve site in the Plan. In particular the Unit comments that the proposals represent unwarranted major development in the AONB and that insufficient information has been included in the submitted documents to support such development.

- 7.67 I have also considered the allocation of the two sites that are located within the AONB very carefully. Plainly the submitted Plan needs to have regard to national policy to meet the basic conditions. Having considered all the evidence and information I am satisfied that the Plan has regards to national policy on AONBs. Firstly, the language used in paragraph 116 of the NPPF has a clear focus on how local planning authorities should consider planning applications for major development in AONBs. Plainly this may well arise in the event that the Plan is made. However, the neighbourhood plan is being promoted as part of the development plan process. In addition, the two sites, in their different ways are being promoted by a qualifying body for inclusion within a development plan document. In this capacity the process involved is very different from that which would properly arise if, in this case, MSDC was to receive an application for major development in the AONB.
- 7.68 Secondly the Plan itself, and the responses to the clarification note, comment on the way in which the identification of an allocated site and a reserve site would address a similar set of issues to the three criteria identified in paragraph 116 of the NPPF. In particular the Parish Council has come to a reasonable judgement that it wishes to promote additional housing development over and above the strategic development site at Pease Pottage and that there is no realistic prospect of accommodating that need in a sustainable location outside the AONB.
- 7.69 Thirdly I am satisfied that the development of either the proposed allocated site or the allocated site and the reserve site would not constitute major development in the AONB. Given that the NPPF does not define major development any assessment of this matter is inevitably subjective in nature. However, I have concluded that the development of the allocated site would be modest in scale and well-related to the existing built up area of the village. I have also separately recommended modifications to the proposed reserve site so that the policy reflects this approach and that clear release mechanisms are identified in the Plan. Nevertheless, if it came forward, I am also satisfied that the in-combination effect would not represent major development given the proximity of the two sites and the similarities of their effects on the natural beauty of the overall AONB.

*The concentration of the proposed new housing development in the Plan in Handcross*

- 7.70 The Plan provides commentary about the neighbourhood area and the relative sustainability of its various settlements. On the basis of this information and my own observations when I visited the neighbourhood area, it is unsurprising that several of the sites assessed for future development are around the edges of Handcross village. It is the most sustainable settlement within the neighbourhood area. In particular it has a critical mass of community services and an attractive and vibrant village centre.
- 7.71 As such I am satisfied that the Plan has sought to concentrate additional housing development in Handcross. Whilst some developers have argued that their sites are in more sustainable locations within or on the edge of the village than those included in the Plan off St Martin Close there is general agreement that Handcross is an appropriate location for new residential development in principle.

*The site-selection process*

- 7.72 The site-selection process has generated a considerable degree of commentary both from the development industry and from local residents. This reflects the importance of the relationship between the delivery of new housing and safeguarding the environment in the District in general and within the neighbourhood area in particular.
- 7.73 The site selection process is addressed both within the submitted Plan (paragraphs 6.2 to 6.15) and within the submitted Sustainability Appraisal (SA). The former sets out the way in which the process considered wider housing needs and has sought to take into account that a Site Allocations DPD is being prepared. The latter assesses a range of potential housing sites considered against a series of environmental and other factors. In combination these parallel sets of information inform the site-selection process captured in the Plan.
- 7.74 The Parish Council commissioned the preparation of the Sustainability Appraisal. The resulting document is both thorough and detailed. The Appraisal has been prepared in accordance with the CLG Plan Making Manual and the SEA guidance from the Office of the Deputy Prime Minister 'A Practical Guidance to the Strategic Environmental Assessment Directive' 2005.
- 7.75 The Appraisal identifies a range of sustainability issues and options to be considered in formulating the proposals for the emerging Plan. It has ensured that a range of potential social, economic and environmental effects have been properly considered. Its ambition has been to enable the most sustainable policy options to be identified for inclusion with the submitted Plan.
- 7.76 The SA assesses seventeen sites for their ability to provide additional housing within the neighbourhood area. Three of the sites had received planning permission at the time that the plan was submitted (SL04/05/14). SL05 is the strategic site at Pease Pottage as allocated in the MSDP. All of the other fourteen sites are within the AONB. In addition, the five sites promoted as alternative/additional sites through the representation process were also within the AONB. There are overlaps between the two sets of sites.
- 7.77 The details of the sites assessed are captured in Appendix 2 of the SA. Each site was assessed against a common set of criteria. They include the effect of the sites on rural character, highways safety, the delivery of affordable housing and their ability to maintain or enhance community infrastructure. The assessment highlighted that all sites will positively contribute to the delivery of housing. The majority would be likely to include some provision of affordable housing. The assessment process also highlighted that sites which are close to existing services and facilities score more favourably against the objectives which seek to enhance non-car modes of travel. The assessment also indicates that the majority of sites would have a negative impact on the environmental objectives of the Plan. Plainly the extent of the impact is dependent on the location of the site, and in particular with reference to the High Weald AONB. The results confirm that the neighbourhood area is relatively constrained in environmental terms.

7.78 The SA draws the following conclusions on this important matter:

*'In order to seek to facilitate the delivery of housing need in the parish, it is considered inevitable there will be some harm, particularly against environmental objectives. Undertaking the requisite balancing exercise, it is considered sites off St. Martins Close score more favourably and the potential to limit and mitigate the adverse impacts are greater.*

*Having assessed all reasonable alternative sites, the Parish Council elected to allocate St. Martins Close (east), and St. Martins Close (west) which the Assessment has demonstrated will overall, and on balance, positively meet the Sustainability Objectives of the Plan. It is considered the proposed allocation of the identified sites presents the most sustainable option for the Parish as the sites with the least environmental effects have been allocated.'*

7.79 Several representations have been made by the development industry on both the SA process followed and its conclusions. In most cases the developer concerned suggests either an alternative site to the St Martin Close package or its own site in addition to those proposed in the submitted Plan. In summary they raise the following matters:

- the Plan does not go far enough in contributing towards national and local housing needs;
- it fails to future-proof the Plan; and
- the comparison between the various sites assessed is insufficiently-detailed.

7.80 In several cases the various representations raise the following concerns about the appropriateness of the selection of the sites in St Martin Close and/or their sustainability as follows:

- the sites are rural and tranquil;
- they have relatively poor access to local services;
- their development would impact negatively on the informal recreational use of the open area in St Martin Close;
- the access to the sites and the capacity of the highways network; and
- the impact on the AONB from their development.

7.81 Plainly there will be a range of views about the scale of new development that should be delivered within the Plan and the best sites that would achieve the required amount. However, my role is to examine the Plan as submitted rather than a potential alternative to the submitted Plan. In this capacity I am satisfied that the site-selection has been robust and that it has been carried out to an appropriate standard. The SA takes a professional approach to the matter which is proportionate to the task concerned. In particular its conclusion is understandable and derived from its evidence base. In addition, the site selection has been undertaken within the wider context of the SA process which has addressed a series of environmental objectives and their relationship to the policies within the Plan itself.

- 7.82 I address site specific considerations for the St Martin Close sites in my commentary on the two sites concerned (Policies 11 and 12). However, in a broader sense I am satisfied that their development can be satisfactorily accommodated within the landscape/AONB context. I am also satisfied that the sites can be satisfactorily accommodated within the local highway network. In reaching this view I have taken account of the lack of any representation on this issue either from West Sussex County Council (in its capacity as the highways authority) or from MSDC (in its capacity as the local planning authority).

*Summary of the section on housing allocations*

- 7.83 I have given very careful consideration to these various matters and the overlaps between them. I have concluded that the Parish Council has taken a responsible and a thorough approach to this important aspect of the plan-making process. In particular it has addressed the matter of future housing development in a positive fashion and has responded to the opportunity provided by the Local Plan Inspector to consider further residential development in the Parish beyond the strategic allocation at Pease Pottage. In doing so it has sought to dovetail the preparation of the neighbourhood plan into the emerging Site Allocations DPD work.
- 7.84 I am also satisfied that the identification of a housing allocation and a reserve site in the AONB is both distinctive to the neighbourhood area and meets the basic conditions. In simple terms there is no practical option other than to allocate sites for any new residential development within the AONB. However, within this context I am satisfied that the Parish Council have chosen the correct package of sites and that it has done so on the basis of an appropriate evidence base within the SA. In my judgement either the separate development of the allocated site or the development of both sites would have a limited impact on the wider integrity and attractiveness of the High Weald AONB. In particular the sites concerned would be seen within the wider landscape as a logical and natural rounding off the existing village. This approach is in contrast with some of the other sites considered both within the neighbourhood area and around Handcross where the impact would be much greater.
- 7.85 The following sections of this report comment in detail on the two St Martin Close sites. Where necessary I recommended specific modifications to the policies.

Policy 11: St Martin Close (East)

- 7.86 This policy proposes the allocation of land adjacent to St Martin Close Handcross for residential development. The policy and the supporting text indicate that the site would yield 30 houses in the early part of the Plan period (2017-2022). As the Plan comments the character of the site is influenced by the adjacent modern residential development in St Martin Close which lies to the north of the site.
- 7.87 The proposed housing allocation is located at the southern end of West Park Road. In effect Covert Mead and West Park Road have been developed over the years to the south and have created a discrete group of houses to the south of Handcross. There are two separate vehicular access points into the wider area. The first via

Covert Mead is off Horsham Road. The second via West Park Road is off Coos Lane. I looked at the traffic conditions and the capacity of the network when I visited the neighbourhood area. I saw several cars parked on street in the area in general, and on Covert Mead in particular. This restricted vehicular speeds. Both of the junctions with Coos Lane and Horsham Road were functioning safely and effectively. Plainly the development of additional dwellings at the southern end of St Martin Close will add further traffic onto the local network. Nevertheless, there is no evidence to the effect that the additional traffic and vehicle movements will impact on highway safety. In this respect I note that West Sussex County Council has raised no objection to the potential development of the site in its representation.

- 7.88 The Plan comments that the site is a greenfield site. My observations when I visited the neighbourhood area were that the site was a combination of informal open space (to the immediate west of St Martin Close) and a wooded area (to the south of the western part of West Park Road). I sought clarity from MSDC on this matter. I was advised that the planning history indicates that the planning application that granted consent for the construction of 20 low cost dwellings at St Martin Close, identified land at St Martin Close East as open space associated with the development (planning application SV/038/96). The land was transferred to the Parish Council via a Section 106 Agreement. Clause 5 of that agreement refers to the open space. I was also advised that the open space has neither been formally identified as open space on the Policies Map in the adopted District Plan nor on the Council's mapping system. In addition, it is not included in any of the published District Council open space surveys.
- 7.89 The Parish Council has also advised that the S106 agreement comments that the open space shall not be used for any purpose other than as public open space and no buildings or other structures or erections shall be constructed or placed thereon without the Council's prior written approval.
- 7.90 The Parish Council has advised further about how it has sought to address this restriction. It has engaged with the transferor, whose retained land benefits from this covenant, to keep them abreast of the preparation of the Plan and the Parish Council's aspiration to develop the site for residential uses. The transferor has been invited to attend public consultation events and to make representations at the pre-submission consultation stage. I was also advised about an informal understanding between the Parish Council and the transferor, that where the site is allocated for residential development as part of the emerging Plan, the transferor will agree to have the covenant removed from the land.
- 7.91 Since the grant of planning permission, the land has been left as grassland/scrubland. As a gesture of good will, for the benefit of existing residents, the Parish Council currently informally manage the area immediately fronting St. Martin Close (East).
- 7.92 Plainly the circumstances around the future development of the site are not straightforward. Nevertheless, this scenario is not unusual. On the basis of the information available to me I am satisfied that the site is capable of being developed

within the Plan period in general terms, and within its earlier part as anticipated in the Plan in particular. Plainly it cannot be guaranteed. It is for this and other reasons that I have separately recommended that the Plan is monitored, and, if necessary, reviewed.

- 7.93 The issue of the potential development of the ‘open space’ within the existing Martin Close development raises several related issues. The issues overlap with the representations made by several local residents. The first is its status. The planning history indicates that it was transferred to the Parish Council as part of the Section 106 agreement. Evidence from the Parish Council identifies that the land has been left as grassland/scrubland and that the area is informally managed.
- 7.94 The second is the use of the area. Its informal management and layout arrangements are unlikely to generate any formal use of the space. Evidence submitted by the development industry indicates that there are informal but established footpaths within the ‘open space’. I saw these footpaths when I visited the neighbourhood area. Local residents have also advised about their use of the ‘open space’.
- 7.95 The third is the opportunity for local residents, including children, to secure safe and convenient outdoor recreation in the event that the St Martin Close East site is developed for housing. The Parish Council draws my attention to the existing open recreational area at the western end of West Park Road. It is located approximately 75 metres away from the existing houses in St Martin Close.
- 7.96 In its response to the clarification note the Parish Council has also addressed the general issue of the provision of open space in the wider locality of St Martin Close/West Park Road in the event that the development of the proposed allocation proceeds. It considers that the proposed allocation can positively accommodate open space which would benefit future users of the site. It is envisaged that new open space could be provided which connects with existing open space(s) in the surrounding area. It is considered such connected provision could provide health and recreation benefits for existing and future users of the site. In addition, the Parish Council considers open space could provide community-focused and social benefits. It considers that the provision of such high-quality open space would be an important element in achieving sustainable development. In this context the wider issue of the provision of open space on new housing developments in the District is addressed in the Mid Sussex Development Infrastructure and Contributions Supplementary Planning Document (SPD). It was adopted in July 2018. It operates within the context of the adopted District Plan. Paragraph 3.53 of the SPD comments that the District Council requires that the leisure and recreation needs generated by residential development are provided for by the developer as an integral part of the development. These needs will include outdoor playing space, a contribution towards sporting infrastructure, and, in the case of larger developments may include indoor facilities. If this is not feasible, the District Council will require developers to make financial contributions which will be used to provide appropriate facilities in the District. In terms of the details of doing so paragraph A2.9 of the SPD comments that it is not always practicable or appropriate to provide all the categories of outdoor playing space, sport and recreation within every development. In particular it



comments that it is only appropriate on larger developments to provide playing pitches on site and that the provision of children's playing space on site for developments of 50 homes or more.

- 7.97 I have considered these various matters very carefully. On the one hand the proposed development of the site will involve the loss of the existing informal open space off St Martin Close. Plainly the existing space adds to the openness of this part of Handcross in general terms, and the West Park Road/St Martin Close part of the village in particular. On the other hand, the existing 'open space' appears to be used only on an informal basis. At the same time the development of the site offers an opportunity to incorporate a re-worked open space.
- 7.99 Taking all the various factors into account I am satisfied that the approach which has been taken in the plan-making process takes account of the evidence on this matter. Nevertheless, I recommend that the development of St Martin Close East provides for its own open space which would be provided and maintained to the standards set out in the Mid Sussex Development Infrastructure and Contributions Supplementary Planning Document. Given the circumstances of the site as described in paragraph 7.88 to 7.91 of this report I recommend that the open space is provided as an integral part of its development. I also recommend modifications both to the policy and to the supporting text on this matter.
- 7.100 Finally the policy requires access into the site from St Martin Close. It also requires that the development of this site provides access into the proposed site to the west – St Martin Close (west) and as detailed in Policy 12. I am satisfied that these matters are appropriate to the policy and the circumstances of the proposed development of the site. I comment on Policy 12 (St Martin Close West) in the next part of this report. I have already commented on the wider capacity of the highways network earlier in this report (paragraph 7.82).

**Insert an additional criterion in the policy (between 3 and 4) to read: 'the development provides open space at least to the standards set out in the Mid Sussex Development Infrastructure and Contributions Supplementary Planning Document'**

*In paragraph 6.16 replace 'a greenfield site bound' with 'informal open space associated with the original development of St Martin Close and is bounded'*

*At the end of paragraph 6.16 add: 'Criterion 4 of Policy 11 requires the provision of open space as part of the development of the site. This should be to the standards in the Mid Sussex Development Infrastructure and Contributions Supplementary Planning Document as a minimum. The development of the site brings an opportunity to provide community and social benefits through the provision of revised open spaces facilities in this part of Handcross. The provision of high-quality well-designed open space would be an important element in securing the sustainable development of the site.'*

Policy 12: St Martin Close (West)

- 7.101 The policy refers to a parcel of land which is located to the immediate west of the St Martin Close (east) site as addressed in Policy 11. My observations when I visited the neighbourhood area were that the site was open grassland and shrubland.
- 7.102 The policy comments that the site could deliver 35 houses. It also comments that access should be achieved through the development of the adjacent allocated site (as set out in Policy 11).
- 7.103 Paragraph 6.24 comments that the site is allocated as a reserve site. This reflects advice in national policy to the extent that such allocations can help to ensure that emerging evidence of housing need is addressed in the plan-making process. This is summarised in paragraph 6.22 of the Plan. However, the concept of a reserve site is not translated into the policy itself. It simply comments that development of the St Martin Close West site will be supported following the commencement of the St Martin Close East site. In these circumstances the reserve mechanism (effectively holding the development of such a site until a strategic need was identified) would not apply. Instead the development of the site would simply be linked to that of St Martin Close East. In its response to the clarification note the Parish Council acknowledges this inconsistency and confirms its view that the site should function as a reserve site. In this respect the commentary in paragraph 6.24 that the site could come forward in the second part of the plan period...if required to ensure the longer-term housing need of the Parish is fully met.
- 7.104 The site has developer interest (Millwood Designer Homes). In its representation to the Plan Millwood Designer Homes suggests that the site is immediately available and could come forward in the earlier part of the Plan. It also comments about the restrictions on its development in relation to the development of the St Martin Close east site. Finally, it draws my attention to the point above about the tension between the supporting text and the policy on when and in what circumstances its potential development could proceed.
- 7.105 I have considered the tension between the policy and the supporting text. In doing so I have taken careful consideration of the representation made by Millwood Designer Homes and by the Parish Council in its response to my clarification note. I am satisfied that the St Martin Close West site should be considered as a reserve site. There is no compelling evidence to suggest that there is a strategic need at this stage for the development of both the St Martin Close East and West sites. Nevertheless, the potential for this site to be developed in conjunction with that of St Martin Close East is appropriate in general terms in the event that the evidence justifies the need for its release for housing purposes.
- 7.106 The concept of a reserve site within a neighbourhood plan has regard to national policy (PPG 41-009-20160211). It also takes account of the potential uncertainty about future housing delivery needs within the neighbourhood area during the Plan period. Given the inconsistency between the policy and the supporting text on this site in the Plan I recommend modifications to the policy so that properly achieves the ambitions as captured in the text. In doing so I have considered the following matters:

- the likely commencement of development on the St Martin Close East site;
- the likely build out of that site;
- the timetable for the eventual adoption of the emerging Mid Sussex Site Allocations DPD;
- the recommended modification in this report that the neighbourhood plan is monitored and reviewed as appropriate in the event that it is 'made';
- the need for a stepped trajectory in the delivery of housing in the District as a whole (from 876 dwellings per annum from 2015/15-2023/24 to 1090 per annum from 2024/5); and
- the planned trajectory for the Pease Pottage strategic site.

7.107 Taking account of these matters I recommend that the supporting text identifies a series of key trigger points at which the potential release of the reserve site would be considered by the Parish Council. In the circumstances I recommend that this consideration involves MSDC given its broader access to information on the delivery of housing in the wider District. At this stage it is impractical to identify the way in which various process will unfold over the next few years. As such I recommend that the trigger point for the consideration of the release of the site should be whichever of the following four events occurs first:

- The review of neighbourhood plan itself – this review process is already recommended elsewhere in this report;
- The adoption of the emerging Mid Sussex Allocations DPD – this process will determine whether or not the site is required to meet the residual District housing requirement;
- The adoption of any review of the District Plan – this process would have a similar effect to that of the adoption of the DPD;
- A material delay in delivery of the Pease Pottage strategic delivery site in the adopted District Plan – the allocation of this site and its development trajectory has been an important factor in underpinning the development of the adopted District Plan and the emerging neighbourhood plan.

7.108 As submitted both the policy and the supporting text are based on the principle that the development of the St Martin Close West site follows the development of the St Martin Close East site. Within the context of the former site operating as a reserve site I am satisfied that it would be appropriate for it to be developed following the development of the St Martin Close East site. In particular this takes account of the access arrangements proposed in both policies.

7.109 In the event that the development of the St Martins Close East site does not proceed for whatever reason and evidence supports the need to release the development of the St Martin Close West site the issue could be addressed in a review of the neighbourhood plan at that time.

7.110 I have commented in paragraph 7.99 of this report about the need for an appropriate amount of open space to be provided as part of the residential development of the St Slaugham Neighbourhood Plan – Examiner's Report

Martin Close East site. The same principles should also apply to the development of this reserve site. I recommend accordingly. I also recommend consequential additional supporting text. In particular the additional text highlights the opportunity that would exist for the open spaces on the St Martin Close East and West sites to be provided on adjacent sites and to a complementary design and layout in the event that they were provided either in full or in part on the site concerned. This would enhance the usability of the spaces and may assist with maintenance costs and liabilities.

**Replace the first part of the policy with:**

**‘Land at St Martin Close West Handcross is identified as a housing reserve site. Where the need for its release is identified at the relevant trigger point in paragraph 6.27 of this Plan development proposals for up to 35 houses will be supported subject to the following criteria:’**

**Insert an additional criterion in the policy (between 2 and 3) to read: ‘the development provides open space at least to the standards set out in the Mid Sussex Development Infrastructure and Contributions Supplementary Planning Document’**

*In paragraph 6.24 replace ‘in the second part of’ with ‘later within’*

*Replace paragraph 6.27 with:*

*‘The potential trigger point at which the need or otherwise for the release of this reserve site will be considered will be an important matter for the Parish Council. At this stage it is impractical to identify the way in which various process will unfold over the next few years. These include progress on the Mid Sussex Allocations DPD, the development of the St Martin Close East site and wider housing delivery in both the District and the neighbourhood area. As such the trigger point for the consideration of the release of the site should be whichever of the following events occurs first -the review of neighbourhood plan itself; the adoption of the emerging Mid Sussex Allocations DPD; the adoption of any review of the District Plan and a material delay in delivery of the Pease Pottage strategic delivery site in the adopted District Plan. The Parish Council will involve the District Council in this exercise given the overlaps with strategic housing delivery.’*

*At the end of paragraph 6.28 add:*

*‘Criterion 3 of Policy 12 requires the provision of open space as part of the development of the site. This should be to the standards in the Mid Sussex Development Infrastructure and Contributions Supplementary Planning Document as a minimum. The development of the site brings an opportunity to provide community and social benefits through the provision of enhanced open spaces facilities in this part of Handcross. The provision of high-quality well-designed open space would be an important element in securing the sustainable development of the site. In the event that both St Martin Close East and West sites are developed for housing purposes and that some or all of that open space is provided on site there would be an opportunity for the open spaces on the two sites to be provided on adjacent*

*parcels of land and to a complementary design and layout. There may also be the opportunity to consolidate the provision of open space on St Martin Close West with the existing open space off West Park Road. These options would enhance the usability of the spaces and may assist with maintenance costs and liabilities.'*

Policy 13: Residential Development within and adjoining the settlement boundaries

- 7.111 This policy offers support for residential development within the built-up areas of Handcross, Pease Pottage and Warninglid subject to the proposals concerned meeting five environmental and design criteria. Its second part identifies the circumstances in which proposals for residential development outside the defined built up areas will be supported.
- 7.112 The policy takes on a similar format to that in Policy DP6 of the District Plan. In addition, the Parish Council advised me through the clarification note process that the definition of the built-up areas has adopted the boundaries as included in the Policies Maps of the District Plan.
- 7.113 On the one hand the submitted policy seeks to add local value to the District Plan policy by defining five specific environmental and design matters that are distinctive to the neighbourhood area. The policy in the District Plan is more general in its reference to its Policy DP26. This matter would in general terms add weight to the ability of the policy to meet the basic conditions and its retention of the policy in the Plan.
- 7.114 On the other hand the submitted policy either repeats key elements of District Plan Policy DP6, or in other places omits key elements of that policy. In particular the final part of Policy DP6 is excluded.
- 7.115 In all the circumstances I am not satisfied that the policy meets the basic conditions. In the first instance it does not have regard to national policy to the extent that it largely repeats a local plan policy without adding any local value. In the second instance the submitted policy is not in general conformity with Policy DP6 of the District Plan. In the event that I was to recommend modifications to ensure that it was in general conformity the policy would then replicate Policy DP6.
- 7.116 In recommending this modification I have also considered the need for the retention or otherwise of the supporting text associated with the policy (paragraphs 6.29-6.32). Given the importance of the built-up areas within the neighbourhood area and the quality and robustness of the supporting text I am satisfied that it should remain in the Plan. In any event the supporting text comments that the Parish has had a strong record of windfall development. There is no reason to suppose that this will not continue throughout the Plan period. I recommend modifications to the existing text so that it makes a direct reference to the role of District Plan Policy DP6 in determining residential development proposals in the three built up areas and their definition in the District Plan policies maps.

### Delete the policy.

*At the end of paragraph 6.31 add:*

*'The three built up areas are shown on the Mid Sussex District Plan Policies Map Pease Pottage (18a), Handcross (18b) and Warninglid (18d)'*

*At the end of paragraph 6.32 add:*

*'Development proposals within the three built-up areas will be assessed and determined against national policy and Policy DP6 of the Mid Sussex District Plan 2014-2031'*

### Policy 14: Local Employment

- 7.117 This policy is the first of two policies which addresses economy and employment matters. Its focus is on restricting the loss of land in business or other employment use unless the business use is no longer viable.
- 7.118 The policy refers to the need for the marketing of the premises for business purposes for a period of six months and the levels of interest shown. Plainly this is an important factor. However, it is a process matter rather than a policy requirement. I recommend accordingly. The issue can be satisfactorily captured in the supporting text.

### Delete 'and the site.....being shown'

*At the end of paragraph 7.5 add:*

*'Policy 14 provides an opportunity for land owners to demonstrate that the site or premises concerned is no longer viable for business purposes. In these circumstances any resulting planning application should demonstrate that the site has been professionally marketed for business use at a realistic market price for at least six months and with no interest being shown.'*

### Policy 15: Economic Development

- 7.119 This is the second policy on the matter of economic development in the neighbourhood area. It offers support to proposals which would enable the development of business uses subject to four locational and environmental issues.
- 7.120 I sought advice from the Parish Council on its definition of 'a sustainable location' as set out in the first of the four criteria. I was advised that as part of its consideration of this matter it had concluded that a sustainable location would be either one within Handcross or Pease Pottage or within 800 metres of the settlement boundaries of those settlements and/or readily accessible to non-car forms of transport. It also commented that it recognised that other locations may have the ability to meet this test.
- 7.121 These comments are both helpful and highlight the inherent tension in attempting to define a matter which may vary from site to site. Nonetheless I consider that on

balance the retention of this matter within the policy meets the basic conditions and serves a useful purpose within the wider context of the policy. I recommend a modification to the supporting text to clarify this matter for the decision-maker. Otherwise the policy meets the basic conditions.

*At the end of paragraph 7.6 add:*

*'Policy 15 provides a supporting context within which such proposals would be considered in the development management process. Plainly the definition of a sustainable location will be a matter of local judgement. However, the Parish Council considers that a sustainable location would be either one within Handcross or Pease Pottage or within 800 metres of the settlement boundaries of those settlements and/or readily accessible to non-car forms of transport.'*

Policy 16: Protection of Handcross High Street

- 7.122 The policy seeks to protect the vitality of Handcross High Street. The approach taken has been underpinned by community consultation feedback. I saw its various retail and commercial facilities first-hand when I visited the neighbourhood area. It sits at the heart of the neighbourhood area and contributes significantly to its sustainability.
- 7.123 The focus of the policy is safeguarding A1(shops) and A4 (drinking establishments) uses. Proposals for the change of use of existing A1/A4 uses to other uses will not be supported. Within this context however the policy recognises the potential implications of permitted development rights and commercial viability issues.
- 7.124 The thrust of the policy meets the basic conditions. However, I recommend a series of modifications to ensure that it has the clarity required by the NPPF. In particular I recommend modifications to transfer text currently included in the policy into the supporting text and to clarify the wording of the principal element of the policy itself. The first paragraph of the policy is more of a statement of intent rather than a policy and is already addressed in the supporting text

**Delete the first and third paragraphs**

**In the second paragraph of the policy replace 'Where planning permission is required for' with 'Insofar as planning permission is required'**

*At the end of paragraph 7.10 add:*

*In these circumstances [then include the deleted third paragraph]*

Plan Aims

Aim 1: Preventing Coalescence: Pease Pottage Gap

- 7.125 This Aim indicates that development will not be supported within the Pease Pottage Gap unless the proposal concerned meets three criteria. They are primarily focused

on agricultural development or where they would otherwise make a valuable contribution to the landscape and amenity of the Gap.

- 7.126 Like other neighbourhood plans the submitted Plan has sought to include a suite of non-land use aims which do not meet the tests to be included as a land-use policy. The submitted Plan has properly followed this approach in the majority of the Aims in the submitted Plan.
- 7.127 However this approach does not extend to this specific Aim. By simple definition it is worded as a land use policy. In addition, the Gap is clearly defined on the Proposals Map. I sought clarity from the Parish Council on this point. The response is very thorough. It identifies the way in which the approach in the submitted Plan evolved during the Plan-making process. In summary the Aim was originally a planning policy in the pre-submission version of the Plan. The need for such an approach has now been overtaken by the adoption of the District Plan. Unlike the previous Local Plan, the District Local Plan does not include a Gap policy. Following detailed discussions with MSDC the Parish Council decided to proceed with an Aim in the submitted Plan recognising that it was not supported by a background paper as suggested by MSDC.
- 7.128 Plainly this matter has presented several challenges for the Parish Council. Whatever the background to this matter the Aim is worded as a planning policy. This is inherently contrary to the expected approach for a non-land use policy. I recommend modifications to the Aim so that it adopts an appropriate approach. In this case I recommend that the Aim indicates that the Parish Council will work with affected landowners to safeguard the existing gap between Crawley and Pease Pottage.
- 7.129 The Aim in the submitted Plan defines the Gap on the Proposals Map. Whilst I understand the intended clarity of that approach, I recommend that the Gap is removed from the Proposals Map. By definition an Aim in a neighbourhood plan is not a land use policy and cannot be shown on the Proposals Map.
- 7.130 Within this context I also recommend consequential modifications to the supporting text.

*Replace the Aim with:*

*'The Parish Council considers the area to the north of Pease Pottage should be kept free from development. In this context it will work with landowners and other agencies to secure appropriate management regimes to safeguard the openness of the parcels of land between Pease Pottage and Crawley.'*

*Remove the Pease Pottage Gap from the Proposals Map*

*Replace paragraphs 4.7-4.9 as follows:*

*4.7*

*'This Aim refers to the existing open land between Pease Pottage and Crawley. The southern part of this wider area falls within the neighbourhood area.'*



#### 4.8

*'The adopted District Plan includes a policy to prevent coalescence between settlements (DP13). This approach replaces the inclusion of specific Strategic Gaps in the former Local Plan.'*

#### 4.9

*Retain the first sentence in the submitted Plan.*

*Replace the second sentence with:*

*'Aim 1 sets out the Plan's approach to this matter. It identifies the way in which the Parish Council will work with landowners and other agencies to secure appropriate management regimes to safeguard the openness of the parcels of land between Pease Pottage and Crawley.'*

#### Aim 2: Preserving Settlement Identity

- 7.131 This Aim raises similar issues to those raised with regard to Aim 1. In this case it effectively produces a planning policy which would not support development proposals which would individually or cumulatively result in the loss of the separate identity of the four villages in the neighbourhood area.
- 7.132 The Aim largely repeats the approach taken in Policy DP13 of the adopted District Plan. Indeed, the supporting text in paragraph 4.10 largely repeats the first part of Policy DP13. The approach in that policy is to ensure that new development does not result in the coalescence of existing settlements.
- 7.133 I have considered all the information available to me on this element of the Plan, including the Parish Council's response to my clarification note. I recommend that the Aim is deleted. I have come to this view for two principal reasons. The first is that it adds no distinctive local value to Policy DP13 of the District Plan. The second is that the geography of the neighbourhood area is such that the coalescence of any two of the four villages would be a remote possibility given the distances between them and their location within the AONB.

*Delete the Aim*

*Delete the supporting text (paragraph 4.10 and 4.11)*

#### Aim 3: Pease Pottage Community Facilities

- 7.134 The Aim has two related parts. The first supports development that would bring community benefits in Pease Pottage. The second supports the creation of new community facilities in Pease Pottage.
- 7.135 I am satisfied that it is both appropriate and distinctive to the neighbourhood area.

#### Aim 4: Community Infrastructure Levy (CIL)

- 7.136 The Aim sets out the Parish Council's priorities for the local use of CIL funding.

- 7.137 MSDC has yet to decide to operate a CIL charging levy. Nonetheless the Aim seeks to establish priorities if this work is adopted. In this context I am satisfied that it is both appropriate and distinctive to the neighbourhood area.

#### Aim 5: Handcross Village Centre

- 7.138 The Aim reflects the importance of Handcross village centre in the neighbourhood area. In effect the Aim identifies the Parish Council's approach towards co-ordinating the retail approach and marketing of the existing operators.

- 7.139 I am satisfied that it is both appropriate and distinctive to the neighbourhood area. I saw the vibrancy of the village centre first-hand. The Aim has the ability to contribute significantly to the delivery of the economic dimension of sustainable development in the neighbourhood area.

#### Aim 6: Quiet Lanes and Public Rights of Way

- 7.140 The Aim reflects the importance of the use and the recreational opportunities offered by quiet lanes and footpaths. The Aim supports three related matters - the Quiet Lane initiative in the wider county, the upgrading of existing rights of way and supporting proposals for new footpaths. Six are specifically highlighted.

- 7.141 I am satisfied that the Aim is both appropriate and distinctive to the neighbourhood area. In particular I can see that the package of measures set out to develop a footpath between Warninglid and the primary school. I saw the isolated nature of the school when I visited the neighbourhood area.

#### Aim 7: Handcross Parking and Improvements to the Pedestrian Environment

- 7.142 The Aim reflects the importance of the use and vitality of the village centre of Handcross and the pressures placed on its parking facilities by visitors to the adjacent Nymans Gardens National Trust facility. The Aim supports three related matters - the identification of a site for off-street parking; the facilitation of additional parking for visitors to Nymans and the High Street and the improvement of the wider pedestrian environment.

- 7.143 I am satisfied that the Aim is both appropriate and distinctive to the neighbourhood area. In particular I can see that the package of measures set out to address a particular area of concentrated activity in the neighbourhood area.

#### Aim 8: Traffic Management and Access

- 7.144 This Aim supports proposals for traffic management and proposals that would improve access to community facilities. Plainly the two may overlap.

7.145 I am satisfied that it is both appropriate and distinctive to the neighbourhood area.

Aim 9: Parking

7.146 This Aim supports development which provides parking facilities at or beyond County Council parking standards

7.147 I am satisfied that it is both appropriate and distinctive to the neighbourhood area.

Other Matters – Monitoring the Plan

7.148 In paragraph 7.54 I recommended that measures be taken to monitor the effectiveness of the Plan and, as appropriate, to undertake a review of certain elements of the Plan. This is important both in its right and to take account of any potential implications which may arise from the adoption of the emerging Allocations Plan DPD or the review of the adopted District Plan.

7.149 In this context I recommend the inclusion of an additional section within the Plan on this important matter.

*Include the following at the end of the Plan.*

*'Section 9*

*Monitoring and Review*

*9.1. The preparation of this Plan has taken place within the strategic context provided by the Mid Sussex District Plan which was adopted in March 2018. It has also sought to take account of the emerging Mid Sussex Allocations Plan DPD.*

*9.2. The Parish Council recognises that the plan-making process is dynamic and that development does not always proceed at the pace that was originally intended. In other cases, development may come forward which was not predicted at the time that development plans were adopted or made as appropriate. In this context the Parish Council will monitor the effectiveness or otherwise of the implementation of the policies in the neighbourhood plan on an annual basis.*

*9.3. Where monitoring of the Plan indicates that development is not proceeding as anticipated the Parish Council will consider undertaking a review of the wider neighbourhood plan or specific parts of the plan as appropriate.*

*9.4. Within the context of the monitoring and review process the Parish Council will specifically take account of the potential implications of the adoption of the Mid Sussex Allocations Plan DPD. At the end of the year in which the DPD is adopted the Parish Council will assess the need or otherwise for a review of the neighbourhood plan with regard to the delivery of new housing in the neighbourhood area.*

*9.5. The Parish Council will monitor the delivery of the allocated housing site at St Martin Close East (Policy 11). It will also monitor the strategic circumstances with regard to the delivery of housing in the neighbourhood area so that it can work collaboratively with the District Council to reach a decision on the extent to which the trigger mechanisms have been met in order to release the reserve site identified in the Plan (Policy 12 St Martin's Close West).'*

## Other Matters - General

- 7.150 This report has recommended a series of modifications both to the policies and to the supporting text in the submitted Plan. Where consequential changes to the text are required directly as a result of my recommended modification to the policy concerned, I have highlighted them in this report. However other changes to the general text may be required elsewhere in the Plan as a result of the recommended modifications to the policies. It will be appropriate for MSDC and the Parish Council to have the flexibility to make any necessary consequential changes to the general text. I recommend accordingly.

*Modification of general text (where necessary) to achieve consistency with the modified policies.*

## Other Matters – Factual Errors

- 7.151 Paragraph 1.2 of the Plan comments that the neighbourhood area was designated in September 2012. However, the designation took place in July 2012. I recommend that the supporting text is modified accordingly.

*In paragraph 1.2 replace ‘September’ with ‘July’*

## 8 Summary and Conclusions

### *Summary*

- 8.1 The Plan sets out a range of policies to guide and direct development proposals in the period up to 2031. It is distinctive in addressing a specific set of issues that have been identified and refined by the wider community.
- 8.2 Following my independent examination of the Plan I have concluded that the Slaugham Neighbourhood Development Plan meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications.

### *Conclusion*

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

### *Referendum Area*

- 8.4 I am required to consider whether the referendum area should be extended beyond the Plan area. In my view, the neighbourhood area is entirely appropriate for this purpose and no evidence has been submitted to suggest that this is not the case. I therefore recommend that the Plan should proceed to referendum based on the neighbourhood area as approved by the District Council in July 2012.
- 8.5 I am grateful to everyone who has helped in any way to ensure that this examination has run in a smooth and efficient manner. The responses to my Clarification Note were very thorough. They helped significantly in the preparation of this report.

**Andrew Ashcroft**  
**Independent Examiner**  
**7 May 2019**