

## **APPENDIX 2**

### **Slaugham Neighbourhood Plan Decision Statement - June 2019**

#### **1. Introduction**

1.1 Under the Town and Country Planning Act 1990 (as amended), Mid Sussex District Council has a statutory duty to assist communities in the preparation of neighbourhood development plans and orders and to take plans through a process of examination and referendum. The Localism Act 2011 (Part 6 chapter 3) sets out the Local Planning Authority's responsibilities under Neighbourhood Planning.

1.2 This statement confirms that the modifications proposed by the Examiner's report have been accepted, the draft Slaugham Neighbourhood Development Plan will be altered as a result of it; and that this plan can proceed to referendum.

#### **2. Background**

2.1 The Slaugham Neighbourhood Development Plan relates to the area that was designated by Mid Sussex District Council as a neighbourhood area July 2012. This area corresponds with the Slaugham Parish boundary that lies within Mid Sussex District Local Planning Authority Area.

2.2 Following the submission of the Slaugham Neighbourhood Development Plan to the District Council, the plan was publicised and representations were invited. The publicity period ended on Monday 14<sup>th</sup> January 2019.

2.3 Mr Andrew Ashcroft BA (Hons) MA, DMS, MRTPI was appointed by Mid Sussex District Council with the consent of Slaugham Parish Council, to undertake the examination of the Slaugham Neighbourhood Development Plan and to prepare a report of the independent examination.

2.4 The examiner's report concludes that subject to making the modifications recommended by the examiner, the Plan meets the basic conditions set out in the legislation and should proceed to a Neighbourhood Planning referendum.

#### **3. Decision**

3.1 The Neighbourhood Planning (General) Regulations 2012 requires the local planning authority to outline what action to take in response to the recommendations of an examiner made in a report under paragraph 10 of Schedule 4A to the 1990 Act (as applied by Section 38A of the 2004 Act) in relation to a neighbourhood development plan.

3.2 Having considered each of the recommendations made by the examiner's report, and the reasons for them, Mid Sussex District Council in consultation with Slaugham Parish Council has decided to accept the modifications to the draft plan. Table 1 below outlines the alterations made to the draft plan under paragraph 12(6) of Schedule 4B to the 1990 Act (as applied by Section 38A of 2004 Act) in response to each of the Examiner's recommendations. The reasons set out have in some cases been paraphrased from the Examiners report for conciseness. This statement should be read alongside the Examiner's Report.

3.3 If the Local Planning Authority is satisfied that, subject to the modifications being made, the Neighbourhood Plan meets the legal requirements and basic conditions then it can proceed to referendum.

**Table 1**

Examiner's Recommended Modifications	Justification	Decision
<b>Policy 1: Protecting the Area of Outstanding Natural Beauty</b>		
<p>At the beginning of the policy add: 'The extent of the High Weald Area of Outstanding Natural Beauty is shown on [insert details]'</p> <p>In the first part of the policy insert 'only' between 'will' and 'be'.</p> <p>At the end of the first part of the policy add 'in particular;</p> <ul style="list-style-type: none"> <li>the identified landscape features or components of landscape beauty and to their setting;</li> <li>the traditional interaction of people with nature and appropriate landscape management;</li> <li>character and local distinctiveness, settlement pattern, sense of place and setting of the AONB; and</li> <li>the conservation of wildlife and cultural heritage.'</li> </ul> <p>In the third part of the policy replace 'it's' with 'its'.</p>	<p>To ensure that the policy has the clarity required by the NPPF. The first modification 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. The modification to the third part of the policy is to correct a grammatical error.</p>	<p>Accept modification</p>

Examiner's Recommended Modifications	Justification	Decision
<b>Policy 2: Protection of the Landscape</b>		
Delete the policy; Delete paragraph 4.6 in supporting text	The evidence for the policy is not well-developed. The 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. In addition 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.	Accept modification
<b>Policy 3: Protection of the Open Countryside</b>		
Delete the policy; Delete paragraph 4.12 in supporting text	The submitted policy is not in general conformity with Policy DP12 of the District Plan. In many respects the two policies run in different directions. In addition, the submitted policy fails to add any local value or distinctiveness to the strategic context for development in the District. The general policy objective that is sought by the policy will be satisfactorily achieved by District Plan Policy DP12.	Accept modification
<b>Policy 5: Green Infrastructure</b>		
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'	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. There are missing words at the end of the second part of the policy and the third change is in the interest of consistency of policy wording.	Accept modification

Examiner's Recommended Modifications	Justification	Decision
<p><b>Policy 6: Conservation Areas</b></p> <p>Inclusion of an A4 plan for each of the three conservation areas in an appendix of the Plan;  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 Plan.</p> <p>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'</p> <p>At the end of paragraph 4.18 add:  'The three conservation areas are shown on [insert details]'</p> <p>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.'</p> <p>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.'</p>	<p>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. The policy as currently worded does not provide any refined or granular details which would apply to the three conservation areas in the neighbourhood area. The proposed modifications will also consolidate and reinforce the strategic District Plan policy in a more local context.</p>	<p>Accept modification</p>

Examiner's Recommended Modifications	Justification	Decision
<b>Policy 7: Open Space</b>		
<p>Replace the first and second parts of the policy with:</p> <p>‘Development proposals which are otherwise in accordance with the development plan should provide a mix of formal and informal open space to standards as 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.’</p>	<p>This is to bring the clarity required by the NPPF. The initial part of the policy needs to be realigned so that it requires the provision of open space to approved District Council Standards within developments promoted within the neighbourhood area in either the neighbourhood plan or the District Plan. In addition, the language used in the first part of the policy could be interpreted as offering to support a proposed development which conflicted with the wider development plan but which provided open space to meet local need.</p>	Accept modification
<b>Policy 9: Superfast Broadband</b>		
<p>Replace the first part of the policy with:</p> <p>‘Proposals which would provide access to a super-fast broadband network will be supported’.</p> <p>Replace the second part of the policy with:</p> <p>‘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’.</p>	<p>To provide clarity and simplicity to the intentions of the policy and to ensure that the two parts of the policy follow a similar format to other policies in the submitted Plan.</p>	Accept modification
<b>Policy 10: Utility Infrastructure</b>		
<p>Delete ‘encouraged and’;</p> <p>Replace ‘in order to meet’ with ‘where it meets’</p>	<p>The word encouraged is considered both unclear and unnecessary. The other modifications to the wording of the policy are proposed to provide the clarity required by the NPPF.</p>	Accept modification

Examiner's Recommended Modifications	Justification	Decision
<b>Policy 11: St Martin Close (East)</b>		
<p>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;</p> <p>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'</p> <p>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.'</p>	<p>The proposed development of the site will involve the loss of the existing informal open space off St Martin Close. This 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. However, 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.</p>	Accept modification
<b>Policy 12: St Martin Close (West)</b>		
<p>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 points in paragraph 6.27 of this Plan development proposals for up to 35 houses will be supported subject to the following criteria:'</p> <p>Insert an additional criterion in the policy (between 2 and 3) to read: 'the development provides open space at least to the standards as set out in the Mid Sussex Development Infrastructure and Contributions Supplementary Planning Document.'</p> <p>In paragraph 6.24 replace 'in the second part of' with 'later within'</p>	<p>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. However there is inconsistency between the policy and the supporting text therefore modifications are required so that the policy properly operates as a reserve site. As such a series of trigger points for the consideration of the release of the site are proposed. In addition, the development of the site should make provision for open space and there is the opportunity</p>	Accept modification

<p>Replace paragraph 6.27 with:</p> <p>'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 four 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.'</p> <p>At the end of paragraph 6.28 add:</p> <p>'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 (SPD) 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 provide 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 spaces off West Park Road. These options would enhance the usability of the spaces and may assist with maintenance costs and liabilities.'</p>	<p>if both sites are developed for housing for the open spaces on the two sites to be provided on adjacent parcels of land and to a complementary design and layout.</p>	
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Examiner's Recommended Modifications	Justification	Decision
<b>Policy 13: Residential Development within and adjoining the settlement boundaries</b>		
<p>Delete the policy.</p> <p>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)';</p> <p>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'</p>	<p>The policy 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.</p> <p>The supporting text associated with this policy is proposed to be retained due the importance of the built-up areas within the neighbourhood area and the comments regarding the Parish having a strong record of windfall development. Some modifications are proposed so that text 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.</p>	Accept modification
<b>Policy 14: Local Employment</b>		
<p>Delete the wording in the policy 'and the site.....being shown'</p> <p>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.'</p>	<p>The need for the marketing of the premises for business purposes for a period of six months and the levels of interest shown is considered to be a process matter rather than a policy requirement. The issue can be satisfactorily captured in the supporting text.</p>	Accept modification



Examiner's Recommended Modifications	Justification	Decision
<b>Policy 15: Economic Development</b>		
<p>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.'</p>	<p>For clarity regarding the definition of 'a sustainable location'</p>	<p>Accept modification</p>
<b>Policy 16: Protection of Handcross High Street</b>		
<p>Delete the first and third paragraphs of the policy.</p> <p>In the second paragraph of the policy replace 'Where planning permission is required for' with 'Insofar as planning permission is required'</p> <p>At the end of paragraph 7.10 add:  In these circumstances [then include the deleted third paragraph]</p>	<p>To ensure that the policy has the clarity required by the NPPF. 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</p>	<p>Accept modification</p>

Examiner's Recommended Modifications	Justification	Decision
<b>Aim 1: Preventing Coalescence: Pease Pottage Gap</b>		
<p>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.'</p> <p>Remove the Pease Pottage Gap from the Proposals Map</p> <p>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.'</p>	<p>The Aim is worded as a planning policy. This is inherently contrary to the expected approach for a non-land use policy. Modifications are proposed so that the aim adopts an appropriate approach.            The Aim in the submitted Plan also defines the Gap on 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.</p>	<p>Accept modification</p>
<b>Aim 2: Preserving Settlement Identity</b>		
<p>Delete the Aim;            Delete the supporting text (paragraph 4.10 and 4.11)</p>	<p>The policy adds no distinctive local value to Policy DP13 of the District Plan. Furthermore, 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.</p>	<p>Accept modification</p>

Examiner's Recommended Modifications	Justification	Decision
<b>Monitoring and review of the Neighbourhood Plan</b>		
<p>Include the following 'Section 9 - Monitoring and Review</p> <p>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 April 2018. It has also sought to take account of the emerging Mid Sussex Allocations Plan DPD.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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)'.</p>	<p>Measures should 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.</p>	<p>Accept modification</p>

Examiner's Recommended Modifications	Justification	Decision
<b>Other Matters - General</b>		
Modification of general text (where necessary) to achieve consistency with the modified policies.	This is a general caveat as other changes to the general text may be required elsewhere in the Plan as a result of the recommended modifications to the policies. It is considered appropriate for MSDC and the Parish Council to have the flexibility to make any necessary consequential changes to the general text.	Accept modification
<b>Other Matters – Factual Errors</b>		
In paragraph 1.2 replace 'September' with 'July'	Paragraph 1.2 of the Plan comments that the neighbourhood area was designated in September 2012. However, the designation took place in July 2012.	Accept modification