

Horsted Keynes Neighbourhood Development Plan 2016-2031

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

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Executive Summary

- 1 I was appointed by Mid Sussex District Council in October 2022 to carry out the independent examination of the Horsted Keynes Neighbourhood Development Plan.
- 2 The examination was undertaken by written representations. I visited the neighbourhood area on 25 November 2022.
- 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 the character of the village and its surrounding landscape.
- 4 The Plan has been underpinned by community support and engagement. 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 Horsted Keynes 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
12 January 2023

1 Introduction

- 1.1 This report sets out the findings of the independent examination of the Horsted Keynes Development Plan 2016-2031 (the 'Plan').
- 1.2 The Plan has been submitted to Mid Sussex District Council (MSDC) by Horsted Keynes Parish Council (HKPC) 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) 2012 and its updates in 2018, 2019 and 2021. 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 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. It has a clear focus on maintaining the character and appearance of the neighbourhood area and safeguarding its landscape setting. It proposes the designation of three local green spaces.
- 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 neighbourhood area and will sit as part of the wider development plan.

2 The Role of the Independent Examine

- 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 HKPC, to conduct the examination of the Plan and to prepare this report. I am independent of both MSDC and HKPC. 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 as submitted proceeds 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.
- 2.5 The outcome of the examination is set out in Sections 7 and 8 of this report.

Other examination matters

- 2.6 In examining the Plan I am 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.
- 2.7 I have addressed the matters identified in paragraph 2.6 of this report. I am satisfied that the submitted Plan complies with the three requirements.

3 Procedural Matters

3.1 I have considered the following documents during the examination:

- the submitted Plan;
- the Basic Conditions Statement;
- the Consultation Statement;
- the Strategic Environmental Assessment;
- the Plan's Evidence Base;
- the HRA Screening Statement;
- HKPC's responses to the clarification note;
- the representations made to the Plan;
- the National Planning Policy Framework (July 2021);
- the Mid Sussex District Plan 2014-2031;
- The Mid Sussex Site Allocations Development Plan Document;
- Planning Practice Guidance; and
- relevant Ministerial Statements.

3.2 I visited the neighbourhood area on 25 November 2022. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular. The visit is covered in more detail in paragraphs 5.9 to 5.12 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.

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 HKPC has prepared a Consultation Statement. The Statement sets out the mechanisms used to engage all concerned in the plan-making process. The Statement helpfully breaks the consultation events into the various phases of the preparation of the Plan. This highlights that an earlier version of the Plan was withdrawn from examination. It also provides specific details about the consultation processes that took place on the two pre-submission versions of the Plan (April to October 2016 and October 2020 to March 2021). It captures the key issues in a proportionate way.
- 4.3 The Statement sets out details of the comprehensive range of consultation events that were carried out in relation to the initial stages of the Plan. The Statement also provides details of the way in which HKPC engaged with statutory bodies. I am satisfied that the process has been proportionate and robust.
- 4.4 The Statement identifies the principal changes that worked their way through into the submission version. This process helps to describe the evolution of the Plan.
- 4.5 I am satisfied 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.
- 4.6 From all the evidence provided to me as part of the examination, I am satisfied that HKPC sought to engage with residents, statutory bodies and the development industry as the Plan has been prepared. It is to HKPC's credit that it has maintained a high level of visibility and public engagement throughout the long and protracted plan-preparation period.

Representations Received

- 4.7 Consultation on the submitted plan was undertaken by MSDC and ended on 7 November 2022. This exercise generated comments from the following organisations:
- Sport England
 - Gatwick Airport
 - High Weald AONB
 - Environment Agency
 - Southern Water
 - Historic England
 - Natural England

- National Highways
- West Sussex County Council
- Mid Sussex District Council

4.8 I have taken account of the various representations as part of the examination of the Plan. Where it is appropriate to do so, I make specific reference to the individual representations in Section 7 of this report.

5 The Neighbourhood Area and the Development Plan Context

The Neighbourhood Area

- 5.1 The neighbourhood area is the parish of Horsted Keynes. Its population in 2011 was 1586 persons living in 664 houses. It was designated as a neighbourhood area on 9 July 2012. The neighbourhood area is located to the north-east of Haywards Heath. It is irregular in shape.
- 5.2 The principal settlement in the neighbourhood area is Horsted Keynes. It is an attractive village based on Station Road and the Village Green. It has a vibrant range of community facilities. St Giles Church and the Primary School are in the northern part of the village off Church Lane. The quality of the built environment in the parish is impressive and it includes two conservation areas (Horsted Keynes village and Birch Grove). There are 54 listed buildings within the parish, including the Parish Church of St. Giles (Grade 1)
- 5.3 The Parish has an attractive rural setting and landscape character. It is located within the High Weald Area of Outstanding Natural Beauty. There is a railway station at Horsted Keynes, approximately 1.5 km to the north-west of the village on the Bluebell Railway (a heritage line between Sheffield Park and East Grinstead, where it now links into the Southern Railway network). The railway brings tourists to the village. In addition, the village is also a popular centre for cycling clubs and walkers as the Sussex border path runs through the village.

Development Plan Context

- 5.4 The Mid Sussex District Plan 2014-2031 was adopted in March 2018. It provides the strategic planning context for the submitted Plan. The District Plan sets out a vision for the period up to 2031 and a delivery strategy for how that will be achieved. It sets out broad guidance on the distribution and quality of development in the form of 'higher level' strategic policies together with policies for the protection and enhancement of important features of the local environment.
- 5.5 The District Local Plan's overall planning strategy includes the overall amount of new residential development up to 2031 and a settlement hierarchy to indicate how it will be distributed. It also identifies several large-scale strategic development allocations at Burgess Hill, Pease Pottage and Hassocks.
- 5.6 The Site Allocations Development Plan Document (DPD) was adopted in June 2022. It allocates land south of St Stephen's Church, Hamsland (SA29) and land south of the Old Police House, Birchgrove Road (SA28) for new housing development. As a result of the adoption of the DPD, the submitted neighbourhood plan does not need to contribute to the strategic housing requirement.
- 5.7 MSDC is preparing a review of the District Plan for the period up to 2039. In due course, it will replace the existing District Plan.

- 5.8 The submitted neighbourhood plan has been prepared within its wider development plan context. In doing so it has relied on up-to-date information and research that has underpinned previous and existing planning policy documents in Mid Sussex. This is good practice and reflects key elements in Planning Practice Guidance on this matter.

Unaccompanied Visit

- 5.9 I visited the neighbourhood area on 25 November 2022. I approached the village from Selsfield Common to the north. This helped me to understand its setting within the High Weald AONB. I saw the attractive railway station on the Bluebell Line.
- 5.10 I looked carefully at the village. I saw the significance of St Giles Church and the broader conservation area. I also saw the scale and significance of the proposed local green spaces. This part of the visit also highlighted the comments in the Plan about the relative isolation of the village and the lack of through traffic.
- 5.11 I then drove to Birch Grove. I saw that its conservation area had a different character to that of the Horsted Keynes Conservation Area.
- 5.12 I left the parish by travelling to the south to Haywards Heath. This helped me to understand the relationship between Horsted Keynes and Haywards Heath and the way in which the parish connected to the strategic highway network.

6 The Neighbourhood Plan and the Basic Conditions

- 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 a well-presented and informative document. It is also proportionate to the Plan itself.
- 6.2 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;
 - contribute to the achievement of sustainable development;
 - be in general conformity with the strategic policies of the development plan in the area;
 - be compatible with European Union (EU) obligations and European Convention on Human Rights (ECHR); and
 - not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.
- 6.3 I assess the Plan against the basic conditions under the following headings.
- National Planning Policies and Guidance*
- 6.4 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 July 2021.
- 6.5 The NPPF sets out a range of core land-use planning issues to underpin both plan-making and decision-taking. The following are particularly relevant to the Horsted Keynes Neighbourhood Plan:
- a plan led system – in this case the relationship between the neighbourhood plan, the adopted Mid Sussex District Plan, and the adopted Mid Sussex Site Allocations DPD;
 - delivering a sufficient supply of homes;
 - building a strong, competitive economy;
 - 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;
 - highlighting the importance of 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.
- 6.6 Neighbourhood plans sit within this wider context both generally, and within the more specific presumption in favour of sustainable development. Paragraph 13 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.

- 6.7 In addition to the NPPF, I have also taken account of other elements of national planning policy including Planning Practice Guidance and ministerial statements.
- 6.8 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 subject to the recommended modifications included in this report. It sets out a positive vision for the future of the neighbourhood area. It includes a series of distinctive policies to shape new development in the Plan period. The Basic Conditions Statement maps the policies in the Plan against the appropriate sections of the NPPF.
- 6.9 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 (paragraph 16d). This matter is reinforced in Planning Practice Guidance. Paragraph ID: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.
- 6.10 As submitted the Plan does not fully accord with this range of practical issues. Many 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

- 6.11 There are clear overlaps between national policy and the way in which the submitted Plan contributes towards sustainable development. Sustainable development has three principal dimensions – economic, social, and environmental. The submitted Plan has set out to achieve sustainable development in the neighbourhood area. In the economic dimension, the Plan includes policies for the location of residential development (Policy HK1) and for employment development (Policies HK14 and HK15). In the social dimension, it includes policies on community-led housing (Policy HK2), a policy to promote a range of house sizes (Policy HK3) and for recreation uses (Policy HK8). In the environmental dimension, the Plan positively seeks to protect its natural, built, and historic environment. It has specific policies on design and character (Policy HK4), heritage assets (Policy HK6), local green spaces (Policy HK7), and the natural environment (Policy 10). HKPC has undertaken its own assessment of this matter in the submitted Basic Conditions Statement.

General conformity with the strategic policies in the development plan

- 6.12 I have already commented in detail on the development plan context in Mid Sussex in paragraphs 5.4 to 5.8 of this report.

- 6.13 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, the Plan adds distinctive local value to the contents of the District Plan and the Site Allocations DPD.

Strategic Environmental Assessment

- 6.14 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.
- 6.15 In order to comply with this requirement HKPC prepared a Sustainability Appraisal (incorporating Strategic Environmental Assessment). The Appraisal is thorough and well-constructed. It assesses the environment implications of the objectives and the policies included the Plan.
- 6.16 The Appraisal indicates that the proposals of the Plan will have several positive effects and a small number of likely or possible negative effects. It also advises that the potential for significant negative effects has been avoided through policy wording requiring mitigation measures. In practice, the only alternative to all the policies is that of having no policy (a 'policy off' position) and relying upon other development plan policies or national policy. The Appraisal comments that this has been assessed and none appear to lead to better sustainability outcomes, marginal through the differences are in most cases.
- 6.17 In the round, the assessment of the final objectives and policies of the Neighbourhood Plan indicates that the Plan contributes to the achievement of sustainable development and offers a supplementary level of guidance to those of national or local development policy.

Habitat Regulations Assessment

- 6.18 A separate Habitats Regulations Assessment (HRA) of the Plan was also prepared in July 2022. The HRA report is both thorough and comprehensive. It takes appropriate account of the significance of the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC) as a result of recreational disturbance and atmospheric pollution. Ashdown Forest lies adjacent to the north-east boundary of Mid Sussex and within Wealden District.
- 6.19 The Assessment concludes that there would be no likely significant effects on the Ashdown Forest SPA and SAC from the policies included within the Horsted Keynes Neighbourhood Plan. It also concludes that a full HRA (that is, the appropriate assessment stage that ascertains the effect on integrity of the European site) of the Horsted Keynes Neighbourhood Plan is not required as the Plan does not propose new residential development within the 7km zone of influence for the Ashdown Forest SPA.

- 6.20 The Assessment also comments that the transport modelling and air pollution analysis work undertaken for the HRA On the District Plan considers the Horsted Keynes Neighbourhood Plan. It comments that the Plan has been assessed strategically through the work undertaken for the District Plan so further work is not needed.
- 6.21 Having reviewed the information provided to me as part of the examination, I am satisfied that a proportionate process has been undertaken in accordance with the various regulations. In the absence of any evidence to the contrary, I am entirely satisfied that the submitted Plan is compatible with the appropriate regulations.

Human Rights

- 6.22 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. In addition, 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. Based on all the evidence available to me, I conclude that the submitted Plan does not breach, nor is in any way incompatible with the ECHR.

Summary

- 6.23 On the basis of my assessment of the Plan in this section of my report, I am satisfied that it meets the basic conditions subject to the incorporation of the recommended modifications contained in this report.

7 The Neighbourhood Plan policies

- 7.1 This section of the report comments on the policies in the Plan. It makes a series of recommended modifications to ensure that they have the necessary precision to meet the basic conditions.
- 7.2 The modifications 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 modifications 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 neighbourhood area. The wider community and HKPC 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 (ID:41-004-20190509) which indicates that neighbourhood plans must address the development and use of land. Section 10 includes a series of Community Actions which have naturally arisen as the Plan has been prepared.
- 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. I comment on the Community Actions after the policies.
- 7.6 For clarity this section of the report comments on all policies whether 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 section of the Plan (Sections 1-3)

- 7.8 The initial parts of the Plan set the scene for the range of policies. They do so in a proportionate way. The Plan is presented in an effective way. It makes good use of photographs and well-selected maps. A very clear distinction is made between the policies and the supporting text. It also highlights the links between the Plan's objectives and its resultant policies. In the round the document is an excellent example of a local plan. It focuses on distinctive issues within the parish and consolidates the approach already taken in the District Plan and the Site Allocations DPD.
- 7.9 The Introduction addresses the background to neighbourhood planning. It comments about how the Plan has been prepared and how it will be used. It also includes a map of the neighbourhood area (Map A) and describes the Plan period (paragraph 1.1). It also explains how the neighbourhood plan process overlaps with national planning policies and the planning policies produced by MSDC. In the round it is a very effective introduction to a neighbourhood plan.
- 7.10 Section 2 provides a range of helpful information about the neighbourhood area. Key elements of this analysis have underpinned the production of the Plan and its policies.

- 7.11 Section 3 comments about the Vision and the objectives of the Plan. The Vision is as follows:

'In 2031 Horsted Keynes remains an attractive rural village, centred on the village green, and is a desirable place to live, work and visit. It has a thriving local economy and is able to sustain sufficient essential services and facilities to meet most local needs. Homes are available for all stages of life and circumstances and there is a strong sense of local community which contributes to low levels of crime. Development has taken place in a sustainable way, at a scale and form that preserves the distinctive rural character, landscape, and community ethos.'

- 7.12 The Vision is underpinned by six objectives. A key success of the Plan is the way in which the vision and objectives capture the character of the neighbourhood area. In addition, they set the scene for the way in which HKPC intends to manage the parish within the Plan period.
- 7.13 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 HK1: Location of New Development

- 7.14 Policy HK1 seeks to concentrate development in, and immediately adjacent to, the village. It also indicates the exceptional circumstances where development beyond the built-up area boundary may be acceptable, and management and mitigation measures that will be necessary to ensure that any such developments are accommodated without undue harm.
- 7.15 The Mid Sussex Policies Map defines a built-up area boundary (BUAB) for Horsted Keynes in Policy DP12. The submitted Plan does not propose to amend the BUAB for Horsted Keynes. This reflects the approach taken in the adopted Site Allocations DPD. The BUAB is shown on Map B.
- 7.16 The policy reinforces this strategic approach to good effect. It identifies the limited set of circumstances where development would be supported beyond the Horsted Keynes BUAB. The third element of the Plan reinforces HKPC's expectations that development proposals should take account of other local and strategic policy documents.
- 7.17 The policy sets a development strategy for the parish in a very polished fashion. I recommend two modifications to bring the clarity required by the NPPF. The second recommended modification will also assist MSDC to implement the policy through the development management process. Otherwise, the policy meets the basic conditions.

In the second part of the policy replace 'permitted' with 'supported'

In the third part of the policy replace 'reflect' with 'respond positively to'

Policy HK2: Community-Led Housing

- 7.18 This policy sets out the context for the potential delivery of community-led housing. Work during the preparation of the Plan has shown very strong support for new housing development which is specifically designed and maintained to meet local housing

needs. A Housing Needs Survey was carried out in Spring 2019 which identified 24 households as being in housing need, most of whom are single person households requiring housing for rent.

- 7.19 The policy has been very well-constructed. It also responds positively to identified local housing needs. It defines community-led housing and then sets out a series of operational and environmental issues with which development proposals would need to comply. It is an excellent example of a bespoke neighbourhood plan policy. It will assist significantly in the delivery of the social and environmental dimensions of sustainable development. The policy meets the basic conditions.

Policy HK3: Dwelling Mix

- 7.20 This policy comments about the intended dwelling mix for new housing proposals. Research carried out for the Plan suggests that the demand for smaller properties, particularly by those currently living in large family properties in the village, will be significant. The housing needs survey identifies that several households are now looking to downsize since children have grown up and moved out. Most importantly, 94% of respondents said that they intended to stay living in Horsted Keynes on retirement.
- 7.21 The policy sets out specific standards for housing mix. It has a focus on the delivery of smaller houses.
- 7.22 As submitted the second part of the policy sets out a ‘starting point’ for the details of how smaller houses would be delivered and indicates that this matter will be determined by way of pre-application discussions. Whilst this approach takes account of how proposals may evolve it brings little clarity. In its response to the clarification note HKPC highlighted the importance of the policy to the community. I have considered this matter carefully. On the balance of the evidence, I recommend that the policy is modified so that it identifies that the intended housing mix would be applied where it is both practicable and commercially viable to do so. Plainly such issues will vary on a site-by-site basis. In addition, it will be much simpler (in design and mathematical terms) to achieve the ambitions of the policy on larger rather than smaller sites. I recommend consequential modifications to the supporting text.
- 7.23 Otherwise the policy meets the basic conditions. It will contribute significantly to the delivery of the social dimension of sustainable development.

Replace the second part of the policy with:

‘Where practicable and commercially viable development proposals should deliver the following housing mix:

- **40%- 1 bed; and**
- **40%- 2 bed; and**
- **20%- 3 bed.’**

In paragraph 5.18 replace ‘The starting point’ with ‘Policy HK3 sets out the Plan’s approach to this matter. The second part of the policy’

At the end of paragraph 5.18 add: 'Plainly the practicability and commercial viability of the housing mix set out in the policy will vary on a site-by-site basis. In addition, it will be much simpler to achieve the ambitions of the policy on larger rather than smaller sites.'

Policy HK4: Maintaining Local Character and Good Design

- 7.24 This policy seeks to maintain local character and promote good design. It comments that future building should respect the distinctive height, scale, spacing, layout, orientation, design, and materials of the area in which it is located. It also comments that innovative design should continue to reflect design cues from the wider context of the building.
- 7.25 The policy sets out to add local value to detailed design guidance already provided in three recently published documents: the National Design Guide (October 2019), the Mid Sussex Design Guide (adopted November 2020) and the High Weald Housing Design Guide for new housing development (November 2019).
- 7.26 The policy comments that all development should maintain the distinct local character and demonstrate good quality design. It explains that this process recognising the significance of the village setting, responding to it, and integrating with local surroundings and landscape context as well as the existing built environment. The policy is underpinned by a series of locally-distinctive criteria.
- 7.27 The policy is an excellent local response to Section 12 of the NPPF. It will assist significantly in the delivery of the environmental dimension of sustainable development. It meets the basic conditions

Policy HK5: Infill development and domestic extensions

- 7.28 This policy seeks to ensure that all infill development and domestic extensions should be designed to a high quality and should respect the distinctive character of the area of in which they are situated and reflect the identity of the local context by way of height, scale, spacing, design and materials of buildings. In addition, it comments that extensions should respect the amenities of adjoining residents. The supporting text expands on these design criteria to very good effect.
- 7.29 The policy has been designed to apply to proposals which require the submission of a planning application. I recommend that this matter is repositioned into the supporting text together with an encouragement that proposals which are permitted development also comply with the design principles in the policy.
- 7.30 I recommend a modification to the bullet point on important views to the countryside. It responds to the helpful feedback from HKPC to the question on this matter in the clarification note. I also recommend that the Plan includes the map showing the location of the two views supplied by HKPC in that response.
- 7.31 Finally I recommend two detailed modifications to bring the clarity required by the NPPF. In both cases they will also ensure that the Plan uses wording in a consistent fashion.

Replace the opening part of the policy with: ‘Proposals for infill development and domestic extensions within the built-up area boundary will be supported where they comply with the following criteria:’

Replace the second bullet point with: ‘existing gaps between buildings which provide important views out of the village to the surrounding countryside (as referenced within paragraph 5.29 above) are retained;’

In the fifth bullet point replace ‘significant’ with ‘unacceptable’

In the final part of the policy replace ‘must’ with ‘should’

At the end of paragraph 5.24 add: ‘Policy HK5 sets out the Plan’s approach to these matters. Plainly the policy only applies directly to proposals which require the submission of a planning application. However, the principles in the policy could also usefully be incorporated into proposals which would be permitted development.’

Include an additional figure in the Plan to show the location of the two referenced views in paragraph 5.29.

Policy HK6: Conserving Local Heritage

- 7.32 This is a wide-ranging policy on local heritage. The supporting text helpfully describes the heritage in the parish. It draws particular attention to the two conservation areas.
- 7.33 The policy has been well-considered. It has regard to national policy. The way in which it draws attention to the key features in the two conservation areas is best practice.
- 7.34 The policy indicates that developers should consult the County Historic Environment Record as part of the preparation of their proposals. Whilst this is excellent advice, it is a process matter rather than a policy. On this basis I recommend that it is repositioned into the supporting text. Otherwise, the policy meets the basic conditions. It will contribute significantly to the delivery of the environmental dimension of sustainable development.

Delete the final sentence of the policy.

Reposition the deleted sentence from the policy to the end of paragraph 5.42.

Policy HK7: Local Green Spaces

- 7.35 This policy proposes the designation of three local green spaces (LGSs). In doing so it celebrates the way in which the green spaces contribute to the overall attractiveness of the parish.
- 7.36 I looked at the three proposed LGSs during the visit. Based on all the information available to me, including my own observations, I am satisfied that the proposed LGSs comfortably comply with the three tests in paragraph 102 of the NPPF and therefore meet the basic conditions. In several cases they are precisely the types of green spaces which the authors of the NPPF would have had in mind in preparing national

policy. The Village Green and Recreation Ground are particularly good examples of informal and formal LGSs respectively.

- 7.37 In addition, I am satisfied that their proposed designation would accord with the more general elements of paragraph 101 of the NPPF. Firstly, I am satisfied that their designation is consistent with the local planning of sustainable development. They do not otherwise prevent sustainable development coming forward in the neighbourhood area and no such development has been promoted or suggested. Secondly, I am satisfied that the LGSs are capable of enduring beyond the end of the Plan period. Indeed, they are an established element of the local environment and, in most cases, have existed in their current format for many years. In addition, no evidence was brought forward during the examination that would suggest that the proposed local green spaces would not endure beyond the end of the Plan period.
- 7.38 The policy has three related parts. The first lists the three LGS. The second comments about the way in which HKPC will protect the LGSs. The third sets out the implications of LGS designation in paragraph 103 of the NPPF. I can understand the circumstances which have caused HKPC to design the policy in this way. Nevertheless, I recommend a modification so that the policy takes the matter-of-fact approach in the NPPF. The recommended modification also takes account of the case in the Court of Appeal on the designation of local green spaces and the policy relationship with areas designated as Green Belts (2020 EWCA Civ 1259). If development proposals affecting designated LGSs come forward within the Plan period, they can be assessed on a case-by-case basis and MSDC will be able to make an informed judgement on the extent to which the proposal concerned demonstrates the ‘very special circumstances’ required by the policy. I recommend that the supporting text clarifies this matter.

Delete the second part of the policy

At the end of paragraph 6.10 add: ‘The three Local Green Spaces will be protected for their amenity and recreational value, and the contribution they make to the character and appearance of Horsted Keynes. Policy HK7 follows the matter-of-fact approach in the NPPF. If development proposals come forward on the local green spaces within the Plan period, they can be assessed on a case-by-case basis by the District Council. It will be able to make an informed judgement on the extent to which the proposal concerned demonstrates the ‘very special circumstances’ required by the policy.’

Policy HK8: Recreation

- 7.39 This policy offers support to proposals which would improve the facilities offered at recreational grounds. It includes criteria to ensure that any such improvements are proportionate to the facility concerned and comply with Policy HK4.
- 7.40 The policy has been well-developed. It will assist significantly in the delivery of the environmental and social dimensions of sustainable development. It meets the basic conditions.

Policy HK9: The High Weald AONB

- 7.41 This policy seeks to add local value to the High Weald AONB Management Plan 2019-2024 and the High Weald AONB Design Guide for new housing development (2019). Both of those documents set out policies, proposals, and design guidance to help conserve and enhance its special character.
- 7.42 MSDC comments about the need for this policy given that it refers to existing documents and lists criteria that all development must demonstrate which lacks local specificity and may be too onerous and unreasonable to apply to all proposals.
- 7.43 I sought HKPC's comments on this matter in the clarification note. It responded as follows:
- 'We consider that this policy does actually add to the existing policy in the Mid Sussex District Plan. Whilst we accept that it is drawing on evidence and guidance produced by the High Weald AONB, that is already in the public domain, we have attempted to highlight the important aspects of their work that are specifically relevant to our parish. In particular we have referenced the Landscape Character maps that have been prepared for our parish which identify the key features that make the High Weald special and have contributed to it being designated an AONB. Whilst we note that existing district plan policy DP16 does make reference to the High Weald AONB Management Plan, it does not summarise the key features in the way that our proposed policy does and there is no direct link to the relevant character maps. Our experience, from engaging with numerous planning applications and appeals in our parish over recent years, is that there is a lack of understanding on the part of some developers on what specifically is important about the AONB.'*
- 7.44 I have considered this matter very carefully. On the balance of the evidence, I am satisfied that the inclusion of a policy in the Plan on the High Weald AONB is appropriate. It highlights the significance of the AONB to the parish. In addition, the proposed policy does not simply repeat existing policies on the AONB and has carefully weaved existing guidance with the wider approach taken in the submitted Plan and in specific policies. This brings the local distinctiveness required for a neighbourhood plan policy.
- 7.45 However, within this context, I recommend a modification to the wording used in the policy so that it can be applied on a proportionate way. As MSDC highlight the policy is absolute and would have the ability to generate a disproportionate amount of work for minor and domestic proposals (which will continue to make up most planning applications received in the parish in the Plan period). MSDC will be able to apply the policy alongside Policy HK4 on a case-by-case basis.
- 7.46 Otherwise, the policy meets the basic conditions. It will contribute significantly to the delivery of the environmental dimension of sustainable development.

Replace 'Development' with 'As appropriate to their scale, nature, and location development proposals'

Policy HK10: Protection and Improvement of Natural Habitats

- 7.47 This policy focuses on the natural environment in the parish. It comments that new developments should safeguard key features of the natural environment and demonstrate how they will provide for the protection and enhancement of existing habitats of any flora and fauna on the development site and, where possible, utilise opportunities to restore, enhance, or extend them. It includes a schedule of specific sites to be safeguarded
- 7.48 The policy has been well-considered. It addresses a range of issues in a very comprehensive fashion.
- 7.49 The policy comments about biodiversity net gain. I recommend that this part of the Plan is modified to bring the clarity required by the NPPF. I also recommend that the supporting text includes a statement on the national position as suggested by Environment Agency in its representation to the Plan.
- 7.50 Otherwise, the policy meets the basic conditions. It will assist significantly in the delivery of the environmental dimension of sustainable development.

Replace the final part of the policy with: ‘Development proposals should deliver a net gain in biodiversity, in addition to any mitigation or compensation required, in accordance with District Plan policy DP38.’

At the end of paragraph 6.16 add: ‘Policy HK10 comments about biodiversity net gain. It anticipates forthcoming changes in national legislation on the matter. At least 10% net gain is required which will align with the requirements in the Environment Act 2021 (Schedule 14 which inserts a new Schedule 7A into the Town and Country Planning Act 1990 - set to come into force in November 2023).’

Policy HK11: Low Carbon Design and Renewable Energy Schemes

- 7.51 An aspiration in the parish is to achieve a higher level of energy efficiency. In this context the policy requires developers to ensure that they address climate change targets and energy performance at the very initial stages of design.
- 7.52 The policy comments that all development must be ‘zero carbon ready’ by design to minimise the amount of energy needed to heat and cool buildings through landform, layout, building orientation, massing, and landscaping. It also comments that consideration should be given to resource efficiency at the outset and whether existing buildings can be re-used as part of the scheme to capture their embodied carbon. It comments that residential design proposals that include low energy and renewable technologies will be strongly supported. The policy also advises that the development of renewable and low carbon energy facilities, including community-led schemes, will be supported, provided that any adverse impacts (for example landscape and visual impacts, and impacts on biodiversity and amenity) can be managed and mitigated to an acceptable level.
- 7.53 In its representation to the policy MSDC comments that it is encouraging to see a clear support for renewable and low carbon facilities. Nevertheless, it comments that the

proposed policy would need further definition and the inclusion of a mechanism to demonstrate how it would be met. It also comments that in its current state, the policy will be challenging to implement and is likely to be superseded upon adoption of the Mid Sussex District Plan 2021-2039.

- 7.54 I have considered the policy and the representation very carefully. On the balance of the evidence, I am satisfied that the general approach taken in the policy is appropriate. It is a supporting policy rather than one which sets out a prescriptive approach. At its heart it seeks to ensure that current development proposals will be ready to accommodate the increasing energy efficiency standards which are likely to come forward in updates to national and local planning policies (and the building regulations) in the Plan period. However, I recommend modifications to the policy so that it can be applied in a proportionate way. Plainly if building efficiency standards are updated in either national or local policies the matter can be addressed in any review of a made neighbourhood plan.
- 7.55 The supportive nature of the policy should ensure that the administrative and practical burdens on MSDC will be kept to a minimum. The recommended modification to the wording of the policy will assist on this matter.

Replace ‘All development must’ with ‘As appropriate to their scale, nature and location development proposals should’

Policy HK12: Sustainable Drainage System Design and Management

- 7.56 This policy seeks to bring added value to paragraphs 159-169 of the NPPF and Policies DP41 and DP42 of the District Plan on the issue of sustainable drainage. It comments that proposals with drainage requirements should use sustainable drainage measures wherever practicable. It also supports new and improved water and waste water infrastructure.
- 7.57 The policy has been carefully considered. It meets the basic conditions.

Policy HK13: Light Pollution

- 7.58 The context to this policy is the parish’s location in the High Weald AONB. Its undulating topography makes certain parts of the parish highly visible and over intense, poorly-designed and located lighting can have a disproportionate polluting effect. The AONB currently enjoys some of the darkest skies in the south-east of England and illumination of the night sky is a significant issue.
- 7.59 The policy sets a requirement of any form of development which proposes external lighting to minimise the amount of light that is visible from outside the property. It comments that lighting in public areas, particularly street lights, should only be provided where it is demonstrated to be needed to ensure public safety and must be provided in the form of down lighters and other measures which serve to minimise the amount of light that is visible away from the area it is intended to be lit.
- 7.60 The policy is well-considered and reflects local circumstances.

- 7.61 The third part of the policy indicates that lighting schemes should follow guidance from the Institute of Lighting Engineers (Guidance Notes for the Reduction of Light Pollution 2011). The matter is also addressed in the supporting text (paragraph 6.26). Such guidance will be very appropriate to the development of sensitive proposals. Nevertheless, I recommend the deletion of this part of the policy as the Guidance Notes are a technical document which has not been tested for development plan purposes. In any event the matter is already captured in the supporting text and the technical guidance can be pursued by developers as they prepare planning applications.
- 7.62 Otherwise the policy meets the basic conditions. It will assist significantly in the delivery of the environmental and social dimensions of sustainable development.

Delete the final part of the policy

Policy HK14: Expansion of Existing Commercial Premises

- 7.63 This policy concentrates on existing businesses. It identifies that consultation with local employers has shown that development of their businesses could provide additional employment opportunities within the parish, but could require conversions or extensions to their existing business premises.
- 7.64 The policy offers support for the expansion of existing businesses subject to a series of locally-distinctive criteria.
- 7.65 I recommend two detailed modifications to bring the clarity required by the NPPF. In both cases they will also ensure that the Plan uses wording in a consistent fashion. Otherwise, it meets the basic conditions. It will assist significantly in the delivery of the economic dimension of sustainable development.

In the opening part of the policy replace ‘permitted’ with ‘supported’

In the final bullet point replace ‘significant’ with ‘unacceptable’

Policy HK15: Broadband and Telecommunications

- 7.66 This policy recognises the importance of good communications to the effectiveness of modern life. It offers support to appropriate proposals to provide access to super-fast broadband service and improve mobile telecommunications network that will serve businesses and other properties.
- 7.67 The policy sets out criteria for above-ground installations. They include an approach where developers are required to take all available opportunities to share masts and other equipment between code operators, and plan for de-commissioning and removal of equipment after it is no longer required.
- 7.68 The policy will assist significantly in the delivery of each of the three dimensions of sustainable development. It meets the basic conditions

Policy HK16: Loss of Existing Public Car Parks

- 7.69 The Plan comments that the issue of car parking within the village centre has been a major concern throughout the community consultation process. This has included concern both about losing any of the existing parking areas within the village as a result of development and that new development could exacerbate the existing problem by resulting in additional parked cars on existing narrow village streets, many of which do not have footways. Policies HK16 is intended to address these concerns.
- 7.70 The policy comments that within the Built-up Area Boundary, developments which result in the removal of existing public off-road parking spaces will only be permitted if alternative provision is made which maintains or increases the number of publicly accessible parking spaces at, or in the immediate vicinity of, the development.
- 7.71 In general terms the policy addresses a sensitive issue in the parish in a realistic fashion. I recommend two detailed modifications to bring the clarity required by the NPPF. Otherwise, it meets the basic conditions.

Replace ‘developments’ with ‘development proposals’ and ‘permitted’ with ‘supported’

Policy HK17: Cycleways and Footpaths

- 7.72 This policy promotes the incorporation of cycleways and footpaths into new developments. As the Plan comments its aim is to make a more walkable village. The first two parts of the policy set out policy requirements. The third part comments that the Mid Sussex Design Guide (November 2020) provides detailed guidance on the design of walking and cycling routes in new developments.
- 7.73 I recommend that the reference to the Design Guide is repositioned into the supporting text. It provides clarity about the way in which the policy should be implemented rather than functioning as a free-standing policy.

Delete the third part of the policy

Add the deleted part of the policy at the end of paragraph 8.12

Community Actions

- 7.74 Section 10 sets out a series of community actions. They are non-land use matters which have naturally come forward as the Plan has been prepared. Their inclusion in a separate part of the Plan is best practice.
- 7.75 The Actions are grouped under the following headings:
- Transport;
 - Environment and Energy;
 - Community Infrastructure; and
 - Housing Delivery.

I am satisfied that the Actions are appropriate and distinctive to the neighbourhood area. In several cases they will have a complementary role to the land use policies.

Monitoring and Review

- 7.76 Section 11 addresses the way in which HKPC will monitor the effectiveness of the Plan. It does so to good effect. It comments that it is expected that the Plan will be reviewed within the first five years of being formally made.

Other matters - General

- 7.77 This report has recommended a series of modifications both to the policies and the 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 HKPC 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 – Specific

- 7.78 MSDC has made a series of detailed comments on the Plan. They have been very helpful as part of the wider examination process. Where they are necessary to ensure that the Plan meets the basic conditions, I have recommended their incorporation into the Plan on a policy-by-policy basis.
- 7.79 MSDC has also commented on the general aspects of the Plan. In this context I recommend a general modification to the Plan which updates the reference to the emerging District Plan.

Replace paragraph 1.16 with: 'Mid Sussex District Council is in the process of reviewing and updating the adopted District Plan. The Mid Sussex District Plan 2021-2039 aims at achieving the adopted vision and strategic objectives while implementing a revised strategy to guide growth during the plan period. It provides updated and new policies to ensure that the Plan remains effective and in accordance with National Policy. It also includes new housing allocations to meet identified housing needs.'

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. The Plan has been refined and updated since an earlier submitted version was withdrawn from examination.
- 8.2 Following the independent examination of the Plan, I have concluded that the Horsted Keynes Neighbourhood Development Plan meets the basic conditions for the preparation of a neighbourhood plan subject to the recommended modifications included in this report.

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 the Horsted Keynes 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 designated neighbourhood area. In my view, that 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 MSDC District Council on 9 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.

Andrew Ashcroft
Independent Examiner
12 January 2023