

John Slater Planning Ltd

# Storrington, Sullington and Washington Neighbourhood Plan 2018-31

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## Submission Version

A Report to Horsham District Council and the South Downs National Park Authority on the Examination of the Storrington, Sullington and Washington Neighbourhood Plan

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## Executive Summary

My examination has concluded that the Storrington, Sullington and Washington Neighbourhood Plan should proceed to referendum, subject to the Plan being amended in line with my recommended modifications which are required to ensure the plan meets the basic conditions. The more noteworthy include –

- Amendment of the proposed Built Up Area Boundary (BUAB) to include the field at the end of Downsview Avenue
- Insert into Policy 1, an allowance for additional development around Montpellier Gardens, Washington.
- Allow redevelopment on all brownfield sites outside the BUAB, except on land within the South Downs National Park or on sites that would affect the setting of the National Park.
- A requirement that all policies affecting land supply, including allocations, be reviewed upon the adoption of the new Local Plan.
- That the Paula Rosa site no longer be allocated for residential development as planning permission has been granted and implemented.
- The Vineyard site should deliver at least 15 units.
- Delete the residential allocation of the former Ryecroft Allotments as it is in an area liable to flood and it fails to pass the sequential test.
- Increase the extent of the residential allocation at Ravenscroft Allotment site and include a requirement that the site should deliver at least 35 dwellings.
- Angells Sandpit to deliver a minimum of 6 dwellings, but remove the requirement that access has to come from Heather Way (access to be determined at the development management stage) and the addition of another criterion requiring the applicant to demonstrate that the land can be safely developed for housing, in view of its history of landfill.
- Remove reference to having Reserve Sites.
- Old Mill Drive site to be enlarged to include the adjacent garage site.
- Allow employment development on previously developed sites outside the National Park (or on sites that affect its setting) so long as the site was previously developed land.
- Allow flats to be created above High Street shops, as well as offices.
- Adjust the Village Centre boundary to be consistent with that shown on the Policies Map of the HDPF.
- Incorporate 15 identified viewpoints.
- Reduce the number of green gaps to just one, between Storrington and West Chiltington.
- Remove restrictions on tourist facilities having to be located inside the BUAB.

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- Remove reference to having to comply with the Storrington and Sullington Parish Design Statement and the Washington Parish Plan.
- That Longbury Hill Wood and the field on Downsview Avenue be removed from the list of Local Green Spaces.
- The Air Quality Policy be deleted.

The referendum area does need to be extended beyond the plan area into part of the Thakeham Parish Council area that is within that Parish's built up area boundary.

## Introduction

1. Neighbourhood planning is a process, introduced by the Localism Act 2011, which allows local communities to create the policies which will shape the places where they live and work. The Neighbourhood Plan provides the community with the opportunity to allocate land for particular purposes and to prepare the policies which will be used in the determination of planning applications in their area. Once a neighbourhood plan is made, it will form part of the statutory development plan alongside the Horsham District Planning Framework and the policies of the Horsham Core Strategy and the General Development Control Policies DPD. Decision makers are required to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.
2. The plan areas fall within the jurisdictions of 2 planning authorities. The areas outside the South Downs National Park fall under Horsham District Council and within the National Park they fall under the auspices of the South Downs National Park Authority. The two local planning authorities have agreed that for the purpose of this neighbourhood plan, Horsham District Council should be the “lead authority”.
3. This report is the outcome of my examination of the Submission Version of the Storrington, Sullington and Washington Neighbourhood Plan. My report will make recommendations based on my findings on whether the Plan should go forward to a referendum. If the Plan then receives the support of over 50% of those voting at the referendum, the Plan will be “made” by Horsham District Council and South Downs National Park Authority.

## The Examiner’s Role

4. I was formally appointed by Horsham District Council in April 2018, with the agreement of Storrington and Sullington Parish Council, to conduct this examination. My role is known as an Independent Examiner.
5. In order for me to be appointed to this role, I am required to be appropriately experienced and qualified. I have over 40 years’ experience as a planning practitioner, primarily working in local government, which included 8 years as a Head of Planning at a large unitary authority on the south coast, but latterly as an independent planning consultant. I am a Chartered Town Planner and a member of the Royal Town Planning Institute. I am independent of both Horsham District Council, and both Storrington and Sullington Parish Council and Washington Parish Council and I can confirm that I have no interest in any land that is affected by the Neighbourhood Plan.
6. Under the terms of the neighbourhood planning legislation I am required to make one of three possible recommendations:

- That the Plan should proceed to referendum on the basis that it meets all the legal requirements.
  - That the Plan should proceed to referendum if modified.
  - That the Plan should not proceed to referendum on the basis that it does not meet all the legal requirements.
7. Furthermore, if I am to conclude that the Plan should proceed to referendum, I need to consider whether the area covered by the referendum should extend beyond the boundaries of the area covered by the Storrington, Sullington and Washington Neighbourhood Plan area.
  8. In examining the Plan, the Independent Examiner is expected to address the following questions
    - a. Do the policies relate to the development and use of land for a Designated Neighbourhood Plan area in accordance with Section 38A of the Planning and Compulsory Purchase Act 2004?
    - b. Does the Neighbourhood Plan meet the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 namely that it specifies the period for which it is to have effect? It must not relate to matters which are referred to as “excluded development” and also that it must not cover more than one Neighbourhood Plan area.
    - c. Has the Neighbourhood Plan been prepared for an area designated under Section 61G of the Localism Act and has it been developed and submitted by a qualifying body?
  9. I am able to confirm that the Plan, if amended in line with my recommendations, does relate to the development and use of land, covering the area designated by South Downs National Park Authority and Horsham District Council, for the Storrington, Sullington and Washington Neighbourhood Plan on 10<sup>th</sup> December 2013 and 19<sup>th</sup> December 2013 respectively.
  10. I can also confirm that it does specify the period over which the plan has effect namely the period from 2018 up to 2031.
  11. I can confirm that the plan does not cover any “excluded development”.
  12. There are no other neighbourhood plans covering the area covered by the Plan designation.
  13. The position regarding the status of the Qualifying Body was initially not clear. From my initial investigation, I noted that the Basic Condition Statement referred to the Plan “being prepared by the Parish Councils”. The original application for neighbourhood area status was in the name of both councils and referred to “a jointly prepared plan”.
  14. The legislation underpinning neighbourhood planning is explicit, that a plan can cover a multi-Parish area, but there can only be a single Qualifying Body and any other parish council within the Plan area, must authorise the position of the parish that is to act as the Qualifying Body. This is also referred to in Regulation 7(1)(c) of the Neighbourhood Planning (General) Regulations 2012, which refer to the relevant body

in a singular form, rather than qualifying bodies. This is backed up by Secretary of State advice set out in the Planning Practice Guidance on Neighbourhood Planning, where it states that plans covering more than one parish are quite appropriate but that one parish council should be identified as the Qualifying Body.

15. I set out my early concerns on this matter in a document entitled *Initial Comments of the Independent Examiner*, dated 25<sup>th</sup> May 2018. I received a response from Horsham District Council on 20<sup>th</sup> June 2018 as this is a matter upon which they too have a duty to be satisfied. That response confirmed that “they considered Storrington and Sullington Parish Council is the Qualifying Body and has the consent of Washington Parish Council to act for all the plan area”. That confirmation that Storrington and Sullington Parish Council acts in that role means that through its status as a Parish Council, it meets the legal requirements that the Plan has been developed and submitted by a Qualifying Body.

### **The Examination Process**

16. This submission plan is not the first neighbourhood plan that has been submitted for the Plan area. In early 2016, an examination of an earlier version of this Plan, was conducted by the examiner, Paul McCreary. He concluded that the Plan did not meet the basic conditions and should not proceed to referendum. The main reasons for his conclusions included: -
- That Old London Road in Washington, which had two allocations, was not a sustainable location for residential development.
  - The Plan’s Green Gaps proposals were not shown on the Policies Map.
  - The site selection methodology was unclear and was not consistently applied.
  - The residential allocation of the Paula Rosa site was not justified as it was identified as a key employment site in the Local Plan.
  - Some of the policies were not sufficiently clear.
  - There was insufficient evidence to justify the selection of the Local Green Space.
17. The Steering Group did not abandon the Plan after this setback and sought to address the failings of the first Plan and has produced a new version of the Neighbourhood Plan and took the revised Plan through its legislative stages, leading to the submission of the revised Plan to Horsham District Council in February 2018. My role is to examine this new version of the Plan, alongside the other submitted documents and the supporting background evidence. I am required to give reasons for each of my recommendations and also provide a summary of my main conclusions.

18. The presumption is that the Neighbourhood Plan will proceed by way of an examination of written evidence only. However, the Examiner can ask for a public hearing in order to hear oral evidence on matters which he or she wishes to explore further or if a person has a fair chance to put a case.
19. I carried out an unaccompanied visit to Storrington, Sullington and Washington and the surrounding countryside on 24<sup>th</sup> May 2018. This enabled me to familiarise myself with the villages and the surrounding countryside. I visited the allocation sites as well as the sites that were also being promoted through the Regulation 16 consultation process.
20. Following that site visit and once the issue of the Qualifying Body status had been clarified, I issued a further document, *Further Initial Comments of the Independent Examiner*, dated 26<sup>th</sup> June 2018. That explained that I had concluded that a hearing would be required to address a number of specific issues, as well as inviting further written confirmation/clarification on a range of other matters, including my concerns regarding the mapping included in the submission document.
21. The hearing was subsequently arranged to be held on 20<sup>th</sup> September 2018 and, in preparation for the hearing, I issued a document *Guidance Notes and Agenda for Public Hearing* which set out the arrangements, including identifying the parties that I wished to invite to take part in the hearing. This Note set out a list of 6 main questions, plus some supplementary questions which I wished to see addressed. I also asked the invited parties to submit a short precis of their responses to assist the debate. I did allow parties to submit additional information in the form of appendices.
22. The hearing was held at Sullington Parish Hall and ran from 10 am until 6 pm and this was followed the next morning by accompanied site visits to a number of the sites. The hearing was well attended by members of the general public. I would like to place on record my thanks for the courtesy and consideration that I was shown throughout what proved to be a long session.
23. At the hearing, there were a number of matters upon which I sought further information, particularly with regard to Angells Sandpit. This was sent to me on 2<sup>nd</sup> October 2018. I had in particular asked for the views from Horsham's Environmental Health Officers on the contaminated land evidence submitted just prior to the hearing. These comments were forwarded to ECE Planning for their responses and these were received by me, on 19<sup>th</sup> October 2018. I also received on 6<sup>th</sup> November, information addressing issues that had been raised at the hearing and on the site visit, regarding Longbury Hill Wood Hill, which has been placed on the public websites.

## **The Consultation Process**

24. The majority of public engagement in respect of this Neighbourhood Plan was conducted prior to the original examination. I did not need to look into that in detail but rather I have concentrated on the additional consultation activity in respect of the current version of the Plan i.e. post-examination 2016.
25. The work of the Qualifying Body concentrated on producing further evidence and analysis, to address the matters raised in the first examination, particularly in respect of The Housing Alignment Study, Site Assessment and Local Green Spaces. All this activity culminated in a further Regulation 14 consultation which took place between 6<sup>th</sup> July and 17<sup>th</sup> August 2016. This produced a total of 105 responses as well as replies from statutory consultees and contributions on behalf of landowners.
26. Reviewing these comments with Horsham DC, it was agreed that further work was required, including the commissioning of a health check report. The recommendations from that health check report were subsequently incorporated into the Plan. It was then decided that the revised documents should go out for a further round of public consultation under Regulation 14, which ran from 10<sup>th</sup> July to 4<sup>th</sup> September 2017. Again, this produced 105 public responses and 13 responses from landowner representatives. These have all been fully set out in the appendices to the Consultation Statement, including the Qualifying Body's response to the representations made.
27. I am satisfied that the public and relevant stakeholders have had ample opportunities to contribute to the Neighbourhood Plan process.

## **Regulation 16 Consultation**

28. I have had regard, in carrying out this examination, to all the comments made during the period of final consultation, which took place over a 7-week period between 23<sup>rd</sup> February 2018 and 13<sup>th</sup> April 2018. This consultation was organised by Horsham District Council, prior to it being passed to me for its examination. That stage is known as the Regulation 16 Consultation.
29. In total, 137 individual responses were received. These came from Natural England, West Chiltington Parish Council, West Sussex County Council, Southern Water, Horsham District Council, Environment Agency, Sports England, South Downs National Park Authority, Sandgate Conservation Society, ECE Planning on behalf of the owners of the Angells Sandpit site, Savills on behalf of the owners of Land at Bax Close, Peter Brett Associates on behalf of Wates Developments who own land to the

north of Melton Drive, Keystone Planning on behalf of Abingdon Developments Ltd, Cushman and Wakefield on behalf of Waitrose Ltd, Batchellor Monkhouse on behalf of the landowner of Longbury Hill Wood, Carter Jonas on behalf of Natterjack Construction, Dowsett Mayhew on behalf of the Wiston Estate, CPA Property on behalf of Dudman Chantry Industries Ltd, Gladman Developments, Neame Sutton on behalf of A2 Dominion and West Sussex County Council, Henry Adams on behalf of the Pockett Family and Planning Potential on behalf of Welbeck Strategic Land. In addition, I received 14 letters from residents regarding various policies and sites, plus an additional 23 letters specifically either supporting or objecting to the allocation at Angell Sand Pit and 82 letters from local residents supporting the designation of Local Green Space at Longbury Hill Wood .

30. I have carefully read all the correspondence and I will refer to the representations where it is relevant to my considerations and conclusions in respect of specific policies or the Plan as a whole.

### **The Basic Conditions**

31. The Neighbourhood Planning Examination process is different to a Local Plan Examination, in that the test is not one of “soundness”. The Neighbourhood Plan is tested against what is known as the Basic Conditions which are set down in legislation. It will be against these criteria that my examination must focus.
32. The six questions which constitute the basic conditions test seek to establish that the Neighbourhood Plan: -
- Has had regard to the national policies and advice contained in the guidance issued by the Secretary of State and it is appropriate to make the Plan.
  - Will the making of the Plan contribute to the achievement of sustainable development?
  - Will the making of the Plan be in general conformity with the strategic policies set out in the Development Plan for the area?
  - The making of the Plan does not breach or is otherwise incompatible with EU obligations or human rights legislation.
  - Whether prescribed conditions are met and prescribed matters have been complied with?
  - Whether the making of the Plan will have a significant effect upon a European site or a European offshore marine site, either alone or in combination with other plans and projects?

33. During the course of this examination the Government issued a revised National Planning Policy Framework. However, in accordance with the stipulation of Paragraph 214 of the 2018 NPPF, this examination has been carried out applying the policies in the 2012 version of the Framework.

### **Compliance with the Development Plan**

34. To meet the basic conditions test, the Neighbourhood Plan is required to be in general conformity with the strategic policies of the Development Plan, which in this case is the Horsham District Planning Framework (HDPF), adopted in November 2015, for the part of the Plan area outside the South Downs National Park, which is still covered by the Horsham District Core Strategy and the General Development Control Policies DPD, both adopted in 2007.
35. The underlying spatial policy of the Horsham District Planning Framework is set out in Policy 2 which seeks to concentrate most development within the district around Horsham and to allow growth in the other settlements in accordance with their position in the settlement hierarchy. Another of its underlying requirements is to “encourage the effective use of land by reusing land that has been previously developed (brownfield land) provided that it is not of high environmental value”. Storrington and Sullington is one of the second-tier settlements, jointly described as “small towns and larger villages”. Policy 9 allows the redevelopment of employment sites which are not identified Key Employment Areas, where it is demonstrated that the site/premises is no longer needed and/or viable, for employment use. Policy 10 deals with rural economic-development and includes a number of criteria for proposals appropriate to a countryside location. Policy 12 deals with the retail hierarchy which identifies Storrington as a secondary centre. Policy 13 sets out policies for town centre uses.
36. Policy 15 sets out the required housing figure for the district and looks to provide at least 16,000 homes in the period 2011 – 2031. That overall provision will in part be delivered by “the provision of at least 1500 homes throughout the district in accordance with the settlement hierarchy, allocated through Neighbourhood Plans. It also expects that 750 units will come from windfall development.
37. Policy 26 deals with the countryside protection and requires that outside the Built-Up Area Boundary, protection will be given to undeveloped areas. Policy 27 is a policy to protect landscapes from development that would result in the coalescence of settlements. Policy 33 requires development to make efficient use of land and “prioritise the use of previously developed land and buildings whilst respecting any constraints that exist”. Policy 38 is the strategic policy dealing with flooding.
38. Inside the National Park, the National Park Authority is producing a new local plan for the whole Park, which is currently at its examination. Until its adoption, the

development plan for the Neighbourhood Plan area, inside the National Park is the Horsham District Core Strategy and General Development Control Policies DPD. Both were adopted in 2007. These policies include Washington Village Centre which is identified as a Category 2 settlement with a Built-Up Area Boundary which should accommodate only small-scale development. Policy CP5 deals with built-up areas and previously developed land. This includes the following, “the emphasis will be on the reuse of suitable previously developed land (including the reuse or conversion of existing buildings) for housing.” Policy CP15 deals with sustainable rural economic development and establishes criteria for development “which maintain the quality and character of the area while sustaining its varied and productive social and economic activity”. Policy DC24 deals with the conversion of agricultural and rural buildings for industrial, business or residential use. This includes the requirement that residential uses will be dependent on the examination of the suitability and sustainability of the location. I can only give a little weight to the policies in the emerging South Downs Local Plan as it is still a draft document that has outstanding objections, that are being heard at the local plan inquiry.

39. Horsham District Council has embarked upon the preparation of the new local plan, that is in part predicated upon the need to provide a significant increase in housebuilding across the district. At the present time, this work is at a relatively early stage. An Issues and Options paper has been published dealing with Employment, Tourism and Sustainable Rural Development. It is understood that the consideration of updated housing policies will be dependent on the new standard housing methodology for assessing housing need.
40. It is clear that this is likely to change the overall planning context for the Neighbourhood Plan area which could render the current Local Plans expectations for the amount of housing, set out for Neighbourhood Plan, out of date. This is recognised by the Qualifying Body, which has understood that in the near future, a review of this Neighbourhood Plan will be required, when the new local plan is sufficiently well advanced.

### **Compliance with European Obligations and Human Rights Legislation**

41. Following an initial screening carried out by Horsham District Council in respect of the earlier version of the plan, the Qualifying Body has produced a Sustainability Appraisal incorporating a Strategic Environmental Assessment dated February 2018 to meet the requirements of EU Directive 2001/42/EC, which is enshrined into UK law by the “Environmental Assessment of Plans and Programmes Regulations 2004”.
42. The District Council, as a competent authority, had issued a screening opinion under the Habitat Regulations in respect of the first plan. The assessment concluded that the Plan will not likely have a significant effect on the Arun Valley SAC/ SPA / Ramsar

site or the Mens SAC, which are the nearest European protected sites beyond those considered in the Appropriate Assessment of the Horsham District Planning Framework. Subsequently, following representations from Wealden District Council, the Council again screened the plan and included this time, looking at any possible impact on Ashdown Forest SAC. It again concluded that an Appropriate Assessment would not be required. That assessment was based on allocations which would produce a net increase in housing of 98 dwellings, noting that planning permission had already been granted on the Paula Rosa site.

43. I am satisfied that the basic conditions regarding compliance with European legislation are met but I will make a specific recommendation. In the light of my proposed modifications to Policy 1, introducing changes in the development management policies regarding the reuse of previously developed land outside the built-up area, which could increase the amount of housing built within the plan area, that prior to the making of the Plan, another screening of the Plan is carried out to ensure that the conclusions that the competent authority has reached are still robust.
44. I am also content that the Plan has no conflict with the Human Rights Act.

#### *Recommendation*

***That Horsham District Council rescreens the Plan, as it is to be amended in the light of these recommendations, under the Habitat Regulations to determine whether an Appropriate Assessment is required to be prepared.***

### **The Neighbourhood Plan: An Overview**

45. There has been one particular issue which has dominated the examination of the Neighbourhood Plan. It was the topic that took up the majority of the time at the public hearing and was also the focus of many of the Regulation 16 responses, which were made by persons promoting alternative allocations of land for residential development. The question is whether this Neighbourhood Plan is planning positively to meet the housing needs of the Plan area and is it allocating sufficient land to meet that housing need? Planning Policy Guidance states that a Neighbourhood Plan includes policies which affect housing supply, and this will cover issues such as the extent of the Built-Up Area Boundary, local green space or other constraints, these policies should be based on an up-to-date assessment of housing need.
46. The Plan relies upon two housing needs survey that are now dated, one for Storrington and Sullington having been conducted by Action in Rural Sussex in October 2012 and a Washington Parish Housing Needs Survey Report dated November 2013. Since the last examination, the Qualifying Body has produced a document, Alignment Study on Housing Need, which was drawn using more up to date district wide housing information, in response to the criticisms made by the first examiner, that the Plan needs to articulate its approach to housing delivery.

Essentially, based on the Qualifying Body's own assessment utilising the methodology used at the district level, based on revised household growth rates the unrestrained level of housing needed to be provided in the Plan area, is some 868 homes – a 21.7% increase. None of the representations challenge that figure.

47. However, the Plan is not allocating anywhere near enough land to get close to meeting that level of housing growth. The original Neighbourhood Plan's submission was allocating land for 295 units. When this second version of the Plan was at its Pre-Submission Consultation that figure had reduced to 234. And in the final version of the Plan the figure is now 194 and it must also be pointed out that that figure includes reserve sites, which the Plan is conceding may not become available in the *near future* but *may* become available during the Plan period.
48. The approach that could have been taken by the Steering Group, is that the Neighbourhood Plan should have sought to allocate sufficient land to be meeting the area's own housing needs. I am conscious that one of the basic conditions is whether "the Plan will deliver sustainable development". One of the indicators of sustainable development, as set out in Paragraph 7 of the NPPF (2012) is "delivering strong, vibrant and healthy communities by providing the supply of housing to meet the needs of the present and future generations." This could mean that the community will have to make some difficult decisions in balancing the identified constraints against the need to provide homes which the area needs. Many of the Regulation 16 representations argued that the whole Neighbourhood Plan fails the basic conditions test, as it was not getting close to addressing the question of housing need.
49. The counter argument is that the Neighbourhood Plan has been prepared against the background of a local plan, and in the case of Horsham, this is a relatively recent local plan, which was adopted in November 2015. That plan has made deliberate strategic choices, by allocating the majority of developments in the district either to sites around Horsham or a number of other strategic sites. It could well be argued that this strategy was seeking to address the objectively assessed needs across the whole district, rather than responding to each individual communities' housing requirement.
50. Horsham DC has, in its Reg 16 representations, referred to the Neighbourhood Plan "being required to take its fair proportion of the housing needs set out in Policy 15". It has said that "the proposed scale of development is appropriate for the village for this Plan period and full consideration has been given to the many environmental designations and constraints in effect in this area".
51. For areas such as Storrington, Sullington and Washington, who have chosen to prepare a Neighbourhood Plan, the development plan expects the totality of these Neighbourhood Plans, to deliver a minimum of 1500 new homes and also that there will be 750 windfall completions. The quantum of housing that each Plan should be delivering is not set out and it only refers to the amount being consistent with its place in the settlement hierarchy. At the hearing, we heard that to date only 5 Neighbourhood Plans had been made, but that progress was being made on the

number of other Neighbourhood Plans. When pressed on the matter at the hearing, the District Council representatives said that, in their view, they were confident that all Neighbourhood Plans will actually deliver the 1500 homes required. I draw a great deal of comfort from that conclusion.

52. However, it was recognised that the new plan will have to deliver a significant increase in housebuilding, both in terms of meeting its own housing growth and also to meet the needs of other districts, under the “duty to cooperate”. At the present time, there is no certainty as to what the new district figure will be, as the new Standard Method for Assessing Housing Need, which was introduced by Government this summer in the revisions to the NPPF (2018), is the subject of further public consultation, in terms of housing forecasts. The District Council is however committed to producing a new plan in the next few years and this is likely to have to prescribe housing numbers to individual Neighbourhood Plan areas. That is in response to new national requirements. This will resolve what I see has been a significant failing in the way that this Neighbourhood Plan has been allowed to be prepared, in that the District Council has not been in a position to indicate a housing number, which the Neighbourhood Plan should be seeking to allocate land for.
53. It is perfectly understandable, that in the absence of a housing number, that the Qualifying Body has approached the housing question, based on the delivery of the sum of the sites, that it believes are deliverable, in the light of what it sees as the environmental constraints. This has resulted in the Plan not seeking alternative provision when allocations are lost, when sites fall away and has not taken “hard decisions”, in terms of balancing the weight to be given to constraints against the housing need. I will cite the example of the criteria related to changes in the Built-Up Area Boundary, where there is a history of public opposition, a position which the Qualifying Body, in its response to my question on this topic, appears to have taken a step back from. There were also some responses to my questions at the hearing that reinforced that view.
54. Whilst I readily recognise the environmental constraints which affect the area and particularly the fact that more than half of the Plan area falls within the National Park, nevertheless, I believe the Plan has not been as ambitious as it could have been, in planning “positively to support local development”. I believe that the balance between the quoted environmental constraints and the housing needs of the two parishes may be tilted too far in one direction.
55. For example, I would highlight the weight that has been given to the importance of restricting development to primarily within the Built-Up Area Boundary, which seems to not recognise the role that the development of brownfield sites in the more rural areas, can play. This is a core principle that is enshrined in local and national policy. My recommendations in Policy 1 seek to place much greater importance on the role that previously developed land can play, to accommodate development, which may be outside the Built-Up Area Boundary but is, nevertheless, land that has already been built upon. This may allow more development to take place within the Plan area,

outside the National Park, by making greater use of brownfield sites, rather than releasing green field sites. Some of the sites where Reg 16 comments have been made may be able to come forward, by way of this amended development management policy rather than as an allocation. Some of these sites will be of a scale that will be expected to deliver affordable housing.

56. I initially felt that the difference between what the Neighbourhood Plan was delivering, by way of housing land allocations, was so far removed from the overall housing need, that I did consider seriously whether the Plan, when taken as a whole, should be allowed to proceed to referendum.
57. However, I do recognise, and place particular weight, on the fact that a Neighbourhood Plan is required to be in general conformity with the strategic policies in the local plan. This Neighbourhood Plan is a direct response to the housing requirements set out in Policy 15 of the HDPF. It is the weight to that factor which has persuaded me that the Plan when taken as a whole can now proceed to referendum.
58. I also see that this version of the Neighbourhood Plan is merely an interim position, which will rapidly become out of date, in a matter of just a few years, when the new local plan comes forward. In both the Neighbourhood Plan document and also in evidence given at the hearing, the Qualifying Body acknowledged that there will be a need for an urgent review of this Neighbourhood Plan.
59. I will be making a strong recommendation that the requirement for the Plan to be updated, needs to be explicitly stated in the Neighbourhood Plan itself. At that point, I believe that the two Parish Councils will need to take some difficult decisions if they are to take the initiative and choose which sites have to be developed to meet the increasing housing requirements, otherwise those decisions will be imposed upon them, by others.
60. I have recommended that the Paula Rosa site should no longer be retained as a housing allocation, as the site has already been given planning permission and that permission has now been implemented. I could have been persuaded to retain the allocation had the consent not been implemented, as there could still have been the possibility that the permission could have lapsed. Alternatively, the developers could have sought a different planning permission and this allocation policy could have been the basis for making a decision on an alternative scheme. However, as the consent has been fully implemented, it is not possible to include it as a site allocation.
61. The former Ryecroft allotment site should not be retained as housing allocation either, as it is proposing development in an area that is liable to flood. It is still building homes that could flood and also importantly could increase the risk of flooding to other properties, by virtue of placing development in a flood area. I do not believe that the sequential approach has been carried out in accordance with Government advice, as there are sites outside the flood area that could be developed. The approach set out in the sequential test is flawed.

62. The reason that the site at the end of Downsview Avenue was excluded as a housing site allocation was on the basis of its proposed designation as local green space. I have concluded that the land no longer performs a recreational role and I consider that this is a suitable location for housing. I have therefore recommended its inclusion as an alternative housing site.
63. My examination has concentrated on the policies themselves, rather than the supporting text as these will be used to determine planning applications. It is beyond my role as examiner to be making editorial changes to the Plan's supporting text as these are not required to ensure the Plan meets the basic conditions. There will be changes necessary to the supporting text and policy justifications, which are needed in the light of my recommendations, so that the Plan reads as a coherent planning document when the Referendum Version of the Plan is produced.

## **The Neighbourhood Development Plan Policies**

### **Policy 1: A Spatial Plan for the Parishes**

64. The Plan proposes revisions to the Built-Up Area Boundary which will incorporate the Ravenscroft allotment allocation site within the Built-Up Area Boundary, along with the Angells Sandpit allocation. In view of my conclusions regarding the proposed Local Green Space designation on land at the end of Downsview Avenue, I consider that it would be logical that the boundary should be altered to include that site, as I am proposing this as an allocation site in Policy 2.
65. The policy is essentially to support the development proposals within the Built-Up Area Boundary. I consider that it is unnecessary to include the sentence "especially if they will result in the beneficial reuse of previously developed land". That itself is not a determining consideration of sites within the built-up area, so long as they are not covered by other designations in the development plan, such as recreational areas.
66. However, the issue of the status as brownfield sites, is an important consideration for those parts of the Plan area, that fall outside the Built-Up Area Boundary. My strong conclusion is that the Plan pays insufficient regard to the role that the redevelopment of previously developed land can play in bringing forward sites that will contribute to meeting the housing need of the area. The reuse of previously developed land is actively promoted in both national policy as set out in the NPPF and also in the Horsham District Planning Framework. That does include the proviso that such sites should not be of high environmental quality. I am therefore proposing that the spatial plan policy should include a presumption in favour of the redevelopment of brownfield sites in those areas beyond the Built-Up Area Boundary so long as they are not within the South Downs National Park as an area of the

highest environmental quality. Equally it should not allow developments which will adversely affect the setting of the National Park.

67. I consider this to be an important change which will demonstrate that the Plan is shown to be planning positively to meet the housing needs of the area, on sites that are already developed in the countryside rather than being on greenfield sites. Many of the Regulation 16 representations are promoting the allocation of sites that would fall within the definition of “previously developed land” as set out in the Glossary of the NPPF. Such allocations are not necessary, if the presumption in favour of the redevelopment of brownfield sites is applied. That would be important to be able to demonstrate that the policy meets the basic conditions tests.
68. The policy does not need to refer to the Vineyard site which is already specifically allocated in Policy 2 of the Plan.
69. Turning to the matter of infilling, I raised this as one of the matters upon which I sought further written clarification from the Qualifying Body, particularly in terms of a possible inconsistency with emerging South Downs policy and also the lack of definition as to what constitutes “infilling”. Its response was that it recognised that “development will sometimes take place outside Built-up Area Boundaries”. The Qualifying Body now recognise that allowing infill development of up to 5 houses outside the settlement boundary in the National Park, would be contrary to the objectives set out in the emerging South Downs policy, which is a view that I would concur with. However, in its response, it does point to an area suitable for development around Montpelier Gardens in the Washington Parish, which is outside the Park, which it argues could form a small unclassified settlement in the spirit of Policy 3 of the Horsham District Planning Framework.
70. In its response, it agreed that it would not be appropriate to deal with the issue of residential extensions in the context of “infilling” although they include it within suggested amendments to the policy. I consider that residential extensions in the countryside are not relevant to an overarching spatial policy for the Plan area and are already dealt with adequately, by districtwide policies.
71. I recognise the logic of the argument as to the potential for additional development of land around Montpelier Gardens and in view of my conclusions reached in respect of the sustainability of the Vineyards site, I can support the principle of this new designation, but it is not necessary to limit the number of units to be provided to a maximum of 5, as the amount of development a site can take will depend on matters such as the size of the site, the size of the dwellings proposed and other site specific considerations. Equally development could take place with a form that does not constitute infill.
72. I did consider whether the designation should be extended to include the Old Lucking’s Yard site. However, I have concluded that, as the development potential could be realised by virtue of the status of that land as previously developed land, , its inclusion under that designation is unnecessary.

### ***Recommendations***

***Amend the Built-Up Area Boundary to include the site of the field at the far end of Downsview Avenue.***

***Remove that section of the BUAB which lies within Thakeham Parish.***

***Insert the amended Inset Plan 4.***

***Provide a Plan Overview Map that shows all the Plan area.***

***In paragraph 1, second sentence, delete “where appropriate, especially if they will result in the beneficial reuse of previously developed land”. In the third sentence delete “Neighbourhood Plan and the Horsham”.***

***In the second paragraph, delete “for infilling” and delete all the text in the paragraph after “supported” and insert on any “allocated site(s) and within the area within and around Montpelier Gardens as shown on Inset Plan 4 or if it results in the reuse of previously developed land on land outside the South Downs National Park, provided the proposal accords with other policies in the development plan”***

***In the third paragraph, replace “boundaries” with “definitions”***

***Add a final paragraph “The Built-Up Area Boundary and all the policies in this Neighbourhood Plan that affect housing supply, including allocations and the BUAB (but excluding Local Green Space), will need to be reviewed once the Horsham Local Plan has been adopted, if not earlier, to avoid the policies becoming out of date”.***

### **Policy 2: Site Allocations**

73. I would firstly commend the Qualifying Body for undertaking a systematic approach to site allocation. I will however express some reservations, regarding the consistency as to how some of the criteria have been scored. I will give some examples:

- Site 2 Vineyards – the site is shown green with regard to the ability to accommodate affordable housing, whilst Lucking’s Yard, which is in the similar location and is capable of accommodating more units is shown as amber, but with exactly the same comment in the matrix.
- Site 25 Land adjacent to Spring Gardens - the comment in the scoring refers to “development unlikely to significantly increase traffic” but it is shown as red. The reference to distance to the shops does not reference to the proximity of Squires Garden Centre which is cited as one of the reasons to allocate Vineyards.

- Site 11 The Yard, The Street, Washington - The conclusion of this 0.2ha site is that it is not appropriate for allocation, but the text says that the site would be suitable for windfall.
- Site 9 The Glebe Field - The whole site is rejected but the text recognised that planning consent had been granted for 9 units – why could the Plan not have assessed and allocated the smaller site?
- Site 12 Chantry Lane Industrial Estate - against the criteria for site generating significant additional traffic/congestion it is shown amber yet the comment is that it is unlikely to generate more traffic than the current use.

### Vineyards

74. The previous examiner had taken the view that both Vineyards and also the adjacent Lucking's Yard, were not sustainable locations for new residential development. He referred to the proposal not complying with Paragraph 38 of the NPPF (2012). I have come to a different conclusion, based on my reading of that paragraph. I see the remit of that paragraph as related to the design of large housing development such as major local plan releases, where it is important to include a mix of land uses within the scheme and using the master planning of these developments, to site shops and primary schools in locations whereby residents can walk to them from their homes. I do not necessarily see that as a determining criterion in rejecting the proposed allocation.
75. Having said that I have also received additional information, which may not have been available to the previous examiner. In response to my question as to what had changed, since the previous examiner's comments, I have been pointed to the fact that the site is within walking distance of a local farm shop, The Village Larder, a freestanding business within Squire's Garden Centre. During the hearing, I made a point of visiting the store and I noted that it held a wide variety of stock which might ordinarily be found in the village store and which could meet some of the day to day needs of local residents.
76. Similarly, I was initially concerned regarding the walking route from the site to the local primary school in Washington Village, due to "barrier" of the A24 and its large roundabout. However, I have now walked the route and used the underpass and was pleasantly surprised in that it did not strike me as a particularly hostile environment, compared to many underpasses, and I consider that it will be a perfectly usable route for parents with young children, walking to school.
77. I do not share my fellow examiner's conclusions regarding this location and I do not believe that it is an unsustainable residential location. I note this from other residential schemes having been similarly approved in the immediate vicinity.
78. A development of this size does not warrant a Traffic Impact Assessment. Paragraph 32 of the NPPF (2012) only requires these where the development will generate "significant amounts of movement". Similarly, there is no need to be specifying the number of affordable units, as the policy states that all schemes need to deliver the

requirement, set out in the relevant affordable policy in the HDPF. In terms of the capacity of the site, this will depend on the mix of units that are provided and I will be recommending that the development provides at least 15 dwellings.

79. I do not know the reason why the Qualifying Body did not equally seek to allocate the Lucking's site. That equally would, in my opinion, be a sustainable housing site along with other locations in the immediate vicinity. However, my recommendations to Policy 1 should allow residential redevelopment on previously developed sites, in the areas outside of the defined Built-Up Area Boundary and which are not in the National Park, and could allow this and similar sites to come forward as windfall development.

### **Ravenscroft Allotments**

80. At the hearing, a significant amount of time was spent on this allocation and I heard conflicting landscape evidence. As a result of representations made by the South Downs National Park Authority, at the Regulation 14 stage, the potential yield from the site was reduced from 70 units to 35, at the submission plan stage. The National Park Authority was concerned regarding the impact of the development including the replacement allotments on the National Park, particularly when viewed from the Downs above. I therefore took the opportunity to view the site from Chantry Hill Cross Dyke during the accompanied site visit.
81. I had been initially concerned that the capacity of one of the larger allocations was being halved and these "lost" homes were not being replaced elsewhere in the plan. I needed to be satisfied that this reduction in site area was justified, in landscape impact terms.
82. The allocation proposes housing on the existing allotment site and then to relocate the allotments to the south-west portion of the enlarged site – the middle field that runs up to what will be the enlarged Built-Up Area Boundary and to include a row of development in the middle field which will back onto the public footpath which runs parallel to the site boundary. From my site visit, I was able to gain a strong appreciation of the visibility of the site and its prominence against the backdrop of Storrington itself. There did appear to me that there was some boundary screening which could be supplemented and that it was stronger towards the eastern side of the site, which could accommodate a greater residential incursion so that the single row of houses could be supplemented, so as to allow development on the opposite side of the proposed new road, thereby making better use of the site, without unduly impacting on the views and the landscape generally of the National Park. I will propose an amendment to the allocation plan.
83. At the hearing, we also discussed whether the policy wording should refer to "some 35 dwellings" or whether it should refer to "at least 35 dwellings". I feel that the site could have potential to increase its contribution to housing numbers, depending on the mix of units put forward. Whilst the site may be to accommodate 35 no. four bedroom units, equally it could achieve a greater number of smaller units within the same site area or indeed within the same building footprint, for example, if it incorporated small

terraced houses or flats (which the Neighbourhood Plan is saying that it wants to encourage).

84. The supporting text refers to the site providing much needed affordable housing. The representations on behalf of the developer confirmed that they are looking for “an appropriate level of affordable and market housing” which is compliant with Policy 16 of the HDPF. The Qualifying Body could, if it wanted to, have promoted a predominantly affordable housing scheme, by designating the site, which is currently outside the Built-Up Area Boundary, as a rural exception site under the provisions of Policy 17 of the HDPF.

#### **Land of North Street (former Ryecroft Allotments)**

85. I have great concerns that the plan is choosing to allocate the site which is shown as falling within Flood Zones 2 and 3 and will be at risk from flooding. I note that the land is jointly owned by the Parish Council and the District Council.
86. I have carefully considered the response made by the Qualifying Body to my questions on this site and in particular, on the sequential testing. The response acknowledges that the wording set out in the document, Storrington Sequential Approach “lacks clarity in places”. It then refers to the Site Assessment report, which rejected most of the sites that had come forward in the call for sites “as a result of impacts on other sustainable development objectives”. That, in my opinion, misinterprets the Secretary of State’s approach to sequential testing in areas liable to flood. That aims to steer development to the areas with the lowest probability of flooding. To quote from the NPPF (2012) “Development should not be allocated or permitted, if there are reasonably available sites, appropriate for the proposed development, in areas of low probability of flooding”. The test is, basically, are there appropriate sites available, in areas which do not flood? If there are, then they should be considered for residential development, before allocating homes which are at risk of flooding.
87. Having considered the Site Assessment report, I believe that there are other sites that can be developed for housing, which are not in areas of flood risk e.g. land at the end of Downsview Avenue or the Glebe Field, which is close to the allotment site and will accommodate a similar number of properties and is in Flood Zone 1 – that is exactly how the sequential approach should work.
88. The Site Assessment report refers to the flood risk being mitigated, but the properties would still be in the area which will flood and the design of the buildings needs to make them flood resistant and resilient. However, that requirement only applies if there are no sites available for housing, that are not at risk of flooding.

#### **The Paula Rosa site**

89. This is still proposed as an allocation site, yet not only has planning permission been granted, but that consent has been implemented and a number of dwellings are now occupied. A Neighbourhood Plan policy is required to be used as to the basis of determining planning applications. At the hearing, there was a discussion as to

whether the site should be included still as an allocation as it derived from an initial call for sites or whether it should be recorded as a commitment. In either case 98 dwellings will count against the requirements of the local plan to deliver 16,000 homes under Policy 15. The Qualifying Body wish me to retain the allocation in the Plan to demonstrate the amount of development that is being delivered by the Neighbourhood Plan.

90. I have reviewed the District Council's planning officer's report into the development at Paula Rosa and whilst it refers to the Neighbourhood Plan, it is on the basis that the original examiner did not find the Plan acceptable and accordingly the Neighbourhood Plan is said to carry little weight. I have also noted that pre-application discussions, regarding development on this site were instigated in 2014 prior to any Plan being published.
91. I am not persuaded that there is a value in continuing to allocate land in a Plan for development that has not only been granted planning permission, but has importantly, actually been built. I will therefore be recommending that the allocation be removed from the Plan as it will not meet the basic conditions.

#### **Land at Angells Sandpit**

92. This site is a former quarry, which has been fully restored through the use of the site for infill. I am advised that the planning conditions regarding the site's restoration have been complied. Whilst I consider that the natural environment which has been created is attractive, nevertheless, there is no reason, in principle why this site cannot become a housing site, so long as the issues associated with building on filled land can be overcome. I understand that there is a technical solution, which will likely involve piling, and this is it a matter that can be fully explored and resolved at the development management stage. I am satisfied that the site is deliverable in principle and the Built-Up Area Boundary is being extended to include the site.
93. In terms of the capacity of the site, my opinion is that it would not be making the most efficient use of development land to restrict development to just six dwellings, especially if the aspiration of the policy is that the development includes two and three bedroom properties. I propose to amend the capacity to require the site to deliver *at least* six dwellings.
94. I did raise concerns regarding the position of the proposed access, as the policy requires that to come from Heather Way which is a narrow, unmade private driveway which I understand is maintained by a private Resident's Association. Whilst I am satisfied that this access is available, I have seen correspondence from the landowner that confirms this but with a caveat that the access cannot be used for construction traffic.
95. Whilst on-site, I saw that there is already an access route onto the site from within the recently completed housing development, off Water Lane. The landowner's representative confirmed that this access would be available for construction traffic. It

does seem to me that if that route were available and be suitable for construction traffic, it may well be a more suitable access for the completed scheme.

96. In view of the uncertainty over the access being available for *all* traffic associated with the development, including construction, from Heather Way, it is not necessary for the Neighbourhood Plan to require all access to be to and from the site from Heather Way. I therefore propose to remove that stipulation from the policy and leave the matter to be resolved at the planning application stage.
97. In terms of buffer zone with the adjacent SSSI, I have seen no evidence that would justify a reduction in the 20-metre buffer which is required by Natural England.

#### **Land at Old Mill Drive**

98. The Plan allocates this, and the land at the Post Office Depot, as reserve sites, on the basis that they are not immediately available, but may become available during the Plan period. Normally reserved sites are sites, which are only required to be developed if other allocation sites do not come forward. Their use is promoted by the Government in terms of ensuring that a Plan can maintain an adequate housing supply, in all situations. There is no trigger in the Plan, as to when their reserve status should change and I therefore conclude that there is no actual value in describing them as *reserve sites*. I will be recommending that both become allocation sites.
99. I note that the policy is in line with the planning brief which is looking for a mixed-use development. I had also seen representations from Cushman and Wakefield that confirms there is now little prospect of a mixed-use scheme and they are now wishing to pursue a housing or a retirement home scheme. The Diamond Planning Brief has been in place for over a decade and in that time no mixed commercial/residential scheme, has come forward. I suspect that, in view of the difficulties facing high streets across the country, there is little possibility of securing a scheme with a commercial component, particularly in this “off pitch” location.
100. In view of the need to maximise the delivery of housing within the Plan area, and in view of this being previously developed land, I consider that a residential scheme is more likely to secure the development of this site, which is in a very sustainable location, is not in an area of flooding and where residents can walk to all local facilities. From what I saw on my site visit I believe there is no value in excluding the garage site within the allocation area as this would make a sensible use of the land if included.

#### **Land at the Post Office Depot**

101. I consider it is vital to retain the retail frontage of this site to the High Street. In terms of the land to the rear, whilst retail uses on the ground floor could be beneficial as part of a mixed-use courtyard development, I do not consider that this should be a prerequisite and a solely residential development, accessed from the rear could be deliverable and be more attractive to developers, should the Post Office Depot be relocated.

### Land at Downview Avenue

102. In view of my conclusions regarding the current and future recreational use of this field, I have concluded that it does not meet the criteria for designation as local green space. This potential designation was the primary reason why the Site Assessment Report, rejected the site for residential development. It lies immediately adjacent to the Built-Up Area and I consider that this land has the potential to deliver much-needed new homes, including a significant number of smaller units that the Plan is seeking to provide and there is no reason why it could not deliver the full complement of affordable homes. I have noted the comments regarding the traffic using the existing roads; I do not feel this would constitute a sustainable reason to resist residential development. The development of this greenfield site will not have any meaningful impacts on views from the South Downs National Park, either to the south or the north west. I consider that this development on the edge of Storrington would be consistent with the objectives of Policy 4 of the HDPF.

### Recommendations

**i) Land at Robell Way – delete all text**

**ii) Land at Old London Road – in a) replace “Some” with “At least” and delete d) and e)**

**iii) Land off North Street - Delete all of text**

**iv) Ravenscroft Allotment Site - Amend the proposals map as follows**



**In a) Replace “some” with “At least”**

**v) Land at Angells Sandpit - Insert “a minimum of” before “6 dwellings”, delete**

**b) as drafted and replace with “Demonstrate that the land can safely be**

***developed for housing, bearing in mind the site's previous use of a landfilled mineral excavation"***

***In e) replace "15" with "20"***

***Delete the heading "Reserve Sites"***

***In vi) Remove" provided the scheme has regard to the proximity of commercial uses"***

***Amend the site allocation plan to include the garage site.***

***Introduce a new allocation Land at Downsview Avenue***

***"Land north of Downsview Avenue as shown on the amended Policies Map is allocated for housing. Proposals will be permitted where:***

- ***At least 60 dwellings will be provided including a substantial number of one, two and three bed units.***
- ***Access to the housing will be accessed from Downsview Avenue.***
- ***The development will incorporate the requisite amount of open space and play areas.***
- ***The public right of way which abuts the western side of the site will be maintained as part of a green corridor that runs along the western perimeter of the site.***

### **Policy 3 - Employment Use**

103. This policy only supports proposals for new employment uses, or the extension to existing employment uses, to sites that are found within the Built-Up Area Boundary or if it is previously developed land but lies within the A24 corridor. I asked for the extent of the corridor to be shown on a map and this is now shown on Inset Maps 4 and 5. However there is a gap between the inset maps, where it is not clear whether the corridor exists. This also relates to a small section of the A24 to the north of Inset Map 4. As currently proposed, the implication of the policy is that employment uses are allowable within a corridor through the National Park, but corresponding employment-producing development is not considered acceptable within countryside areas outside the Built-Up Area Boundary outside of the National Park.
104. Policy 10 of the HDPF deals with rural economic development and it is supportive of development which contributes to the wider rural economy, either in a converted building or within the boundaries of an established rural industrial estate. It supports the conversion of rural buildings to business and commercial uses over residential "in the first instance".
105. Similarly, paragraph 28 of the NPPF (2012) supports economic growth in rural areas through conversions of existing buildings and well-designed new buildings. One of the core planning principles, as set out in Paragraph 17 of the NPPF is to promote "the

effective use of land by reusing land that has been previously developed provided that it is not high environmental quality". I consider that it is this proviso that justifies a more restrictive approach inside that part of the Plan area that falls into the National Park or where a site affects the Park's setting.

106. The National Park Authority does not support the policy regarding the A24 corridor and is concerned about the impact on views, but I consider this is one of the locally distinctive policies that is positively supporting rural employment, recognising that the sites will have already been developed and therefore would be impacting on the landscape to some extent. I also note that one of the National Park's duties include fostering the economic and social wellbeing of communities in the Park.
107. I therefore believe that a less restrictive approach is justified in the remainder of the Plan area, outside the National Park, which allows economic development on previously developed land and along the A24 corridor. This will bring the policy into line with strategic local plan policy and national policy and hence will now meet the basic conditions.

### ***Recommendations***

***In i), after "previously developed land" insert "in areas outside the Built-Up Areas but which are outside the South Downs National Park and do not affect its setting and within the National Park, the previously developed land within the A24 corridor as shown on the Proposals Map"***

***Amend Policy Map 4 to remove the A24 Corridor outside the South Downs National Park.***

***Plus, prepare a new plan that shows the extent of the A24 corridor in the area between the areas shown as Inset 4 and Inset 5 on the Overview Map.***

### **Policy 4: North Farm, Wiston Estate, Washington**

108. This policy is driven by the initiative which is being taken by the South Downs National Park Authority to work in collaboration with the large rural estate via a jointly agreed Whole Estate Plan. I am grateful for the explanation provided to my questions by the National Park Authority at the *Further Initial Comments* stage which explains the mechanisms for these Plans and how they are a material consideration in the determination of planning applications. It appears that there is a Plan already approved covering the Wiston Estate, which covers North Farm.
109. The policy reflects this agreed Plan and the policy is aimed at improving the economic well-being of the National Park. I have no reason to conclude that it does not meet the basic conditions.

### **Policy 5: Storrington Village Centre Retail Area**

110. This policy builds on Policy 13 of the HDPF, but without the percentage limits which seek to achieve balance between different use classes. I consider that this is sensible being in mind the pressures on town and village retail areas. My only concern with this policy is that it does not “support” residential uses of the upper floors. Paragraph 23 of the NPPF (2012) states that Plans should “recognise that residential development can play a valuable role in ensuring the vitality of centres”. I propose to amend the policy to stipulate that upper floor uses can include residential uses as well as offices. This will then mean it meets the basic conditions.

#### ***Recommendations***

***After “offices” insert “and/or flats”.***

### **Policy 6: Development in Storrington Village Centre**

111. My concern is that this policy refers to the Village Centre, which is set out in Insert Map 1. This boundary is different to the primary shopping area, to which Policy 5 above relates. The policy states that planning permission will be granted for residential development within the area shown. My concern stems from trying to understand how proposals will be considered for housing sites which fall outside of the defined centre. An example would be the Diamond site which is currently allocated as a reserve housing site. I see no evidence to justify why the Village Centre in the Neighbourhood Plan should have different boundaries to the Village Centre as set out in the HDPF, especially as the proposed boundary will rule out the presumption in favour of residential development within that part of Storrington Village Centre.
112. There is a mistake in the identification of the design policies which the Plan is required to have regard to. The text refers to Policy 16 which deals with local green spaces, but should have, I am advised by the Qualifying Body, referred to Policy 14. I can correct that error.

#### ***Recommendations***

***Amend the boundary of the Village Centre to coincide with the Village Centre shown in the HDPF. In i) replace “16” with “14”***

### **Policy 7: Washington Village Centre Retail Uses**

113. I have no comments with regards this policy.

### Policy 8: Countryside Protection

114. My initial view was that the policy, which sought “to protect views from and to the surrounding countryside, as these are important to local people” is too vague. At my request, the Qualifying Body has produced a map which shows the location of 15 viewpoints, all of which are views out from the town into the surrounding countryside. I have no comments to make over the choice of viewpoints, as these are essentially a matter for local determination.
115. The wording of the policy is not to rule out development, although most views will be across land which is outside the Built-Up Area Boundary but requires that “new development shall protect these views” which I interpret as seeking to incorporate these views *into* any development rather than if the policy had been written to protect these views *from* development. On that basis, I consider the policy meets the basic conditions. However, the requirement to adopt a “robust master planning process” would not be appropriate for every form of development, just the larger developments. I therefore propose to introduce a caveat to that particular element of the policy, by inserting “where it is appropriate”.

#### *Recommendations*

***Remove the first sentence.***

***Replace in the second sentence “these views and” by “the views shown on the Green Gap and Views Map and where appropriate”***

### Policy 9: Green Gaps

116. The objective of this policy is to identify particular areas that, if developed, could lead to the coalescence between settlements. That is the stated purpose of Policy 27 of the District Planning Framework.
117. I was initially concerned that the policy as written was too vague as it stated that the “Neighbourhood Plan identifies the broad location of green gaps between Storrington and Sullington and Washington Village and between these two parishes and other neighbouring parishes.” It did not do that.
118. It is important to recognise that this is not a general countryside protection policy, but a policy which is to protect especially vulnerable areas from built development. The Qualifying Body has produced a Green Gaps and Views Plan. It appears to identify a significant number of green gaps where there is no chance of settlement coalescence, because there are no settlements to be coalesced with. The only “corridor” which I consider could be at risk of coalescence is between the northern edge of Storrington and West Chiltington. This gap would have the support of the West Chiltington PC.

#### *Recommendations*

***Remove all proposed green gaps and only identify the following gap.***



**Delete the first sentence of the policy. In the second sentence, delete “settlements” and insert “Storrington and West Chiltington, as shown on the Green Gap and Views Map”.**

### **Policy 10: Tourist Accommodation**

119. This policy only supports tourist accommodation within the Built-Up Area Boundary. That would run counter to proposals to encourage the rural economy and agricultural diversification, in particular, which is promoted by both Policy 11 of the HDPF and also paragraph 28 of the NPPF (2012)”. I propose to remove the requirement that restricts the policy to within the Built-Up Area Boundary so that it meets the basic conditions.

#### **Recommendations**

**Delete “within a Built-Up Area Boundary”.**

### **Policy 11: Education Users**

120. I have no comments to make with regards to this policy except that it cannot contain a policy presumption, covering land outside the Plan area. I will remove this element of the policy but there is no reason why the comment regarding land in Thakeham Parish could not be included in the supporting text.

#### **Recommendations**

**Delete “(which may include land in the adjoining Thakeham Parish)”.**

### Policy 12: Recreation Facilities

121. I have no comments to make on this policy except that proposals should also be considered against relevant policies in the local plan. I am proposing to add “and other parts of the development plan”.

#### *Recommendations*

***Insert at the end “and other parts of the development plan.”***

### Policy 13: Allotments

122. I have no comments to make with regards this policy, which meets basic conditions.

### Policy 14: Design

123. I have looked in detail, at the Storrington and Sullington Parish Design Statement. I found the design advice would only be relevant to the historic parts of the parish but would not be directly related to the more modern parts of the Plan area which make up the majority of the built environment of the Plan area. The policy also refers to the Washington Parish Plan, but that document provides no design advice.

124. I consider that the wording of the policy is appropriate when it refers to new development needing to reflect the architectural and historic character and scale of the surrounding buildings and landscape. I do not consider that it is appropriate for the policy to refer to the need for development proposals to have had regard to existing or future elements of the development plan. Once adopted, it will become a material consideration in any event. I will therefore be proposing that element of the policy be deleted.

#### *Recommendations*

***Delete all the text in the policy after “buildings and landscape”.***

### Policy 15: Green Infrastructure and Biodiversity

125. I consider that the policy is broadly consistent with national guidance. I will recommend the criteria (iii) be changed to relate to all trees, because it could be contrived, for example, that trees in Conservation Areas are not considered to be important under the apparent wording of the policy.

126. There will be some developments where it is not relevant, due to the site location or the nature of the development, to have to provide a green corridor to the countryside

for the movement of wildlife. This can be done by introducing the caveat, “where appropriate”.

127. Beyond that I consider that policy meets the basic conditions.

#### *Recommendations*

***In iii) delete all text up to “Conservation Areas” and replace by “All trees...”  
At the end of iv), insert “where it is practical”***

#### **Policy 16: Local Green Spaces**

128. I am conscious that the previous examiner was critical of the first version of the Plan, in that the relevant policy (then Policy 18) was not based on a robust evidence base. Horsham District Council commissioned the Consultancy Service provided by the South Downs National Park Authority to undertake this evaluation. It produced a report in March 2017 and also a further addendum report dated November 2017. In addition, the Qualifying Body prepared its own Local Green Space Addendum report which dealt solely with the justification for the designation of Longbury Hill Wood, notwithstanding that the previous two versions of the assessment, had concluded that the wood did not meet the criteria justifying designation as local green space.
129. On my site visits, I have visited all 21 sites. I am satisfied that all of them meet the criteria set out in paragraph 77 of the NPPF (2012) apart from two, which had generated representations at Regulation 16 stage namely Longbury Hill Wood, where I received letters in support and objecting to the designation, and secondly the field at the top of Downsview Avenue where I had received representations opposing the designation of the land. These areas were dealt with at length at the hearing and were the subject of accompanied and unaccompanied site visits.
130. I have also received a number of comments requesting the designation of the Water Lane Country Park but the land is a future area for public recreation and it does not meet the strict criteria for designation at this point in time, but clearly is a matter that can be reviewed in the future, once the public are using it.
131. I will be amending the wording of the policy to bring it into line with Secretary of State advice which is that LGS status rules out development “except in very special circumstances.”

#### **Longbury Hill Wood**

132. I need to record that there has been a significant number of letters from local residents, supporting the designation of this land as local green space. I am not sure whether this is in response to the significant felling of the trees that has taken place or whether there has been a concerted drive to encourage residents to demonstrate public support for its designation. Nevertheless, I must acknowledge that this level of response is a clear expression of public support for the designation. Notwithstanding

that, I still need to be satisfied that the proposed area meets the strict criteria set out in Paragraphs 76 and 77 of the NPPF (2012), as well as having regard to the advice set out by the Secretary of State in the Planning Practice Guidance.

133. The woodland is a commercial plantation which has been recently cropped under the terms of a Felling Licence granted by the Forestry Commission dated 20<sup>th</sup> December 2017. I am also aware that the Felling Licence was granted subject to any requirement that the area be replanted with the next two years. I have now received the following reassurance given by the landowner's representative "The landowner has confirmed that the site is likely to be replanted with commercial timber-producing stock suitable for harvesting in future years. Restocking will need to take place within the next 2 years."
134. It was also revealed at the hearing, that the landowner has aspirations for development on the land and put the site forward for consideration to both the Neighbourhood Plan group and the District Council in their respective call for sites.
135. I am aware that the area lies outside the Built-Up Area Boundary. It is clear that there is no formal public access to the land and I witnessed, by reference to the nature of the areas that have not been felled, that the density of undergrowth, particularly invasive species such as rhododendron, would have meant that the wood would not be conducive to public recreation, including dog walking. I recognise that the public enjoy the external aspect of the woodland, when viewed from the outside of the site, namely the roads and public rights of way that run around the perimeter of the woodland.
136. Furthermore, during the course of the hearing it became apparent that the original area identified for designation, included residential properties on land to the south of the driveway serving the property now known as Heath Bank, to the east of Hampers Lane. It was conceded by the Qualifying Body that it would be entirely inappropriate for local green space designation to be granted on land forming the curtilage of residential properties. Subsequent to the hearing, a revised plan was submitted which restricts the area of the proposed designation to that covered by the plantation.
137. In coming to my conclusions, I have had special regard to the weight of local residents' representations and the information provided in the addendum, submitted by Washington Parish Council, as well as the legal submissions made by Mr Hawley during the course of the hearing. I am also now aware that the land is covered by the Heath Common Design Statement, which is a Supplementary Planning Document, recently adopted by Horsham District Council. I do not consider that this document is directly relevant to whether the Longbury Hill Wood meets the criteria for designation as local green space.
138. In terms of the three criteria set out in Paragraph 77 of the NPPF (2012)
  - I consider that Longbury Hill Wood is in reasonably close proximity to the community it serves i.e. those residents who derive value from the land.

- I accept that the green area is considered special by the local community as witnessed by the many representations that I received. However, the second part of the second test is that it “hold a particular local significance”. I interpret the test to be that local *significance* implies that it is differentiated from other green space in the area, that is not designated. I asked myself that question, why is this particular land is of significance when others are not?
- My judgement is that the “beauty” of Longbury Hill Wood is not of a higher quality than other woodland areas within the Plan area.
- It is clear that the area is referred to in historical documents but I do not consider that in itself justifies local green space designation, say as it would be if there had been a specific historical event of local significance taken place on the land. Similarly, whilst there may be archaeological earthworks, I do not consider that would make the area demonstrably significant on that basis. In terms of the wood’s recreational value, I believe that it is generally accepted that the area has not actually been used for public recreation.
- I do not believe that the land, as it would be experienced by the public, could be described as tranquil.
- I have seen reference made to the ecological value of the wood as a “haven of wildlife”, but the site has no recognised local wildlife designation, that would differentiate the area from other wooded areas in the immediate locality, which are not designated as local green space.
- I agree that the area is local in character, in that it is not of importance to the wider area.
- There was a debate at the hearing as to whether the woodland constituted an extensive area of land. My view is that a commercial plantation of circa 10 ha, nearly 25 acres, will fall within the remit of what could be described as being an extensive area of land. I am not aware of any designated LGS of such size and at the hearing, the only example that was quoted was a woodland park area which surrounded a lake. Many smaller areas have been discounted by examiners on the grounds that they were an extensive area of land.

139. I appreciate that my conclusions on this matter will be a disappointment for many people, who have written in support of this designation but I am required to consider the proposal against strict criteria.

140. Whilst not confirming LGS designation, I have reached the conclusion that the desire of local residents to protect the remainder of the woodland could be better achieved by Horsham District Council through other means..

141. **Land at Downsview Avenue**

142. The determining issue regarding this site is whether giving it local green space status is still appropriate now that public access to the land has been prevented by the landowner fencing off the field. I am satisfied that prior to the erection of this enclosure, the public enjoyed access, albeit on an informal basis, rather than “by right”. I heard how the land was used for dog walking and jogging, although I imagine that the field was not managed in such a way as to be suitable for formal games, essentially being an agricultural field. I understand that a hay crop was taken several times a year.

143. However, since the fence was put up and public access to what is private land, has been effectively denied, the field no longer performs its recreational role, which was the main basis for its designation. I can see no value in recognising the recreational value of the land, if there is no possibility of the public enjoying it for recreational purposes.

144. In coming to my conclusion, it is important that the land should have a likelihood of performing the purpose for which it is recognised at the time when the Plan is being made. Local Green Space does not confer public rights. I see no likelihood that public usage will be reintroduced, irrespective of any conclusion I come on the question of its LGS status. I therefore conclude that in view of the fact that it can no longer be used for recreation, it no longer passes the tests as set out in Paragraph 77 of the NPPF (2012). This is in line with PPG advice that land can be designated without public access “because of its wildlife, historic significance and/or beauty” rather than for a recreational role, which it no longer performs.

145. The public access along the footpath corridor is of course to be maintained and has not been fenced off. I did consider retaining its LGS status, but PPG advice on that issue is “there is no need to designate linear corridors as local green space simply to protect rights of way, which are already protected under other legislation”.

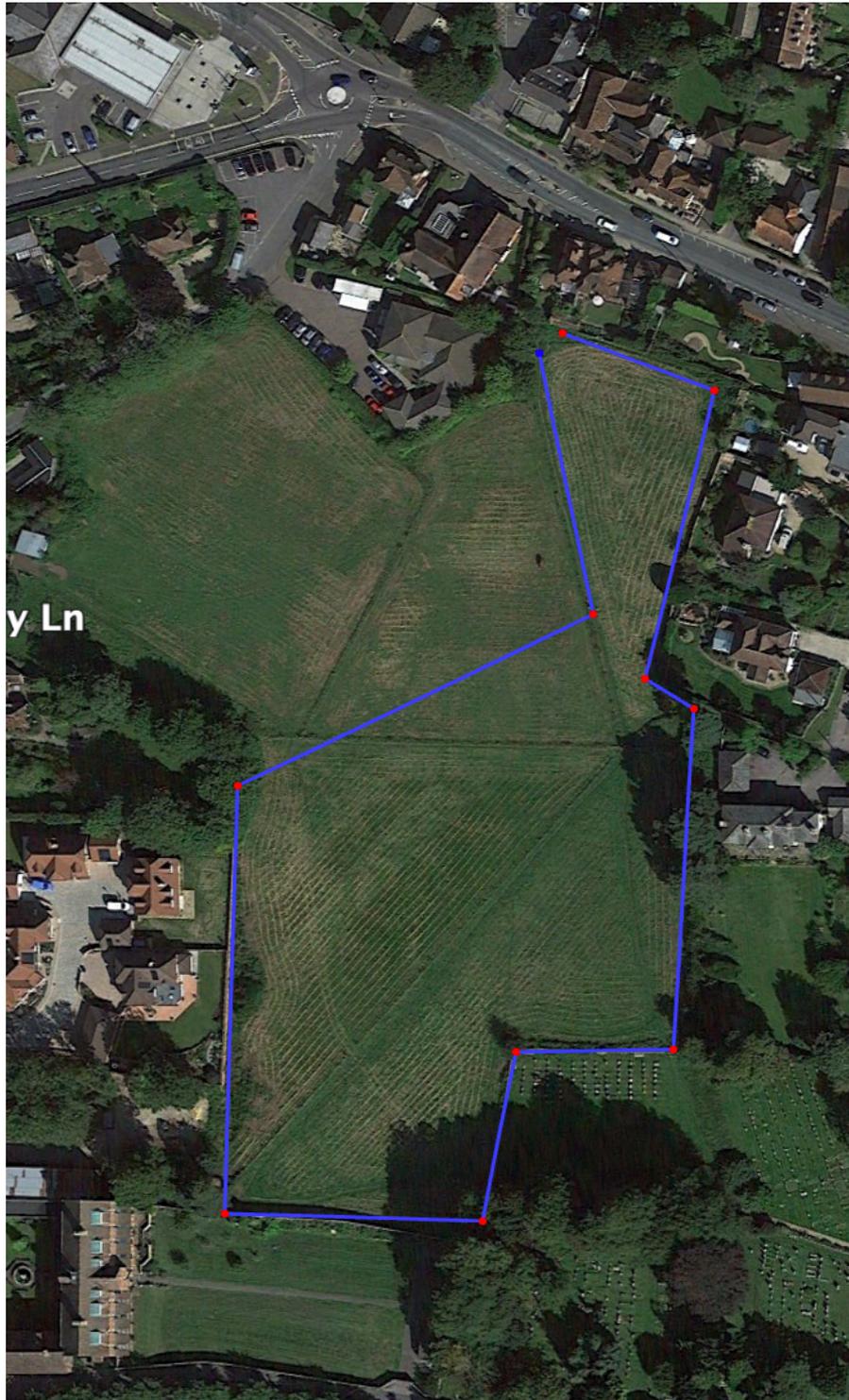
**The Glebe Field**

146. I am advised that the extent of the local green space that is now to be available following the grant of planning permission DC/16/2108, is a reduced area from that shown as Site 19 as at the time of the submission of the Plan, which had not been fixed. I attach a plan showing the reduced area that I will be recommending.

***Recommendations***

***Delete from the list and the Policies Map –17. Longbury Hill Wood and 7. Field at the top of Downsvie Avenue.***

***Amend the policies map the following boundary shown in blue for 19. The Glebe Field. After “resisted:” insert “other than in very special circumstances”.***



**Policy 17: Air Quality**

147. This policy essentially just repeats the existing planning policy for the Storrington Air Quality Management Area. When I questioned what the added value was that derived from having a Neighbourhood Plan policy, the Qualifying Body agreed that the policy could be deleted, as it does not provide a local dimension to controls that are already covering the Storrington shopping area.

***Recommendations***

***That the policy be deleted.***

**Policy 18: Traffic and Transport**

148. The threshold for the acceptability of development proposals is, according to the proposed policy “the traffic impact on the local road network can be either avoided or can be mitigated to the satisfaction of the local highway authority”. That is not consistent with the threshold set by the Secretary of State. Paragraph 32 of the NPPF (2012) states that “development should only be prevented or refused on transport grounds where the residual cumulative impacts are severe”. As submitted the policy would not meet basic conditions.
149. The requirement to maximise the “best and most effective use of existing transport networks and to facilitate enhancements to various means of transport” is not a land use policy, that can be used to determine a planning application, which is the essential role of a Neighbourhood Plan policy. These are matters that fall within the responsibility of the local highway authority rather than the planning authority.
150. Similarly, decisions on the spending of CIL receipts are not issues related to the determination of planning applications. These are budgetary decisions and cannot be part of the development plan, but can be included in the Neighbourhood Plan as community aspirations.

***Recommendations***

***In the first sentence insert “residual” before “traffic impacts” and delete all of the remainder of the policy after “network “and insert “are not severe”.***

**Policy 19: Car Parking**

151. The wording of the policy needs to refer to retaining existing car parking in Storrington Village Centre.
152. In terms of car parking, the policy requires developers to provide as a minimum the number of spaces set out in the County Council’s Car Parking Calculator covering residential development. It goes on to say that the Plan *prefers* a different standard. A scheme will comply with the proposed policy if it meets the minimum figure. To express a preference for a different car parking is not appropriate as it introduces

a lack of clarity into the decision-making process. Planning Practice Guidance requires that a policy should be written so that a decision maker can use the policy consistently and with confidence.

153. The policy is also vague when it requires “proportionate spaces for any larger homes”. Equally to have a policy which requires the determination of the amount of car parking for flats to be decided on a “case-by-case basis” is not actually a planning policy.
154. The third paragraph of the policy requires employment or leisure development to provide “adequate on-site parking provision”. This, again, is too vague as it does not define what is considered to be adequate.
155. I propose to retain the element of the policy relating to electric vehicle charging points being encouraged, and the requirement that car parking surfaces should be permeable.

### *Recommendations*

***In the first sentence insert “Storrington” before “village centre”.***

***In the second paragraph delete all the policy after the first sentence.***

***Delete the third paragraph.***

### **The Referendum Area**

156. If I am to recommend that the Plan progresses to its referendum stage, I am required to confirm whether the referendum should cover a larger area than the area covered by the Neighbourhood Plan.
157. In the normal course of events I would normally recommend that the referendum should be restricted to the Plan area only. I am aware of the advice set out in Paragraph 59 of the Neighbourhood Planning section of the PPG. This states:

“It may be appropriate to extend the referendum area beyond the neighbourhood area, for example where the scale and nature of their proposals in the draft Neighbourhood Plan or Order are such that they will have a substantial, direct and demonstrable impact beyond the Plan area neighbourhood”.
158. I am aware that at the start of the Neighbourhood Plan exercise there was a memorandum of understanding, between the respective Parish Councils with Thakeham Parish Council, that there would be a joint consultation area related to the Built-Up Areas which astride the parish boundaries.
159. I can see the benefits in terms of consistency, of extending the referendum area to include those properties which fall within that joint consultation area. I consider that this area will be directly impacted by some of the policies in the Plan. I have been provided with a list of roads that fall within Thakeham Parish area and inside the joint consultation area and hence should be included in the referendum.

- Brook Close
- Southdown Way
- Rother Close
- Jubilee Way
- Rainbow Way
- Concorde Close
- Crescent Rise
- Rock Road up to junction with Bracken Lane
- Water Lane up to junction with Brook Close
- New development at Watermeadow Close
- New development at Leatherbottle Way

160. I can confirm that the area of the Storrington, Sullington and Washington Neighbourhood Plan as designated by Horsham District Council on 19<sup>th</sup> December 2013, plus all the properties in the above roads, is the appropriate area for the referendum to be held.

## Summary

161. I must commend the Steering Group for staying committed to preparing a new version of the Neighbourhood Plan, covering the two parishes. There is clear evidence of collaboration with the Horsham planners. Much of the new evidence is well put together and has sought to meet “head on” the failings identified in the first examination.

162. There are some fundamental issues that I have had to address in making my recommendations, which are all made in order to allow the Plan to progress. In particular, I have had to make changes to take a more proactive approach to the development of sites, especially those outside the BUAB which have previously been developed and which are not in the National Park. This change will allow a number of important sites to be redeveloped without building on greenfield sites. Without these changes, I fear my recommendation would have been that the Plan did not go forward to referendum. As a result of my recommendations, I believe that the Plan will deliver more, much needed houses than the submission version would have done. It is important that the ability of the community to shape development is done in a way that positively supports local development rather than find reasons to prevent development from taking place.

163. I have placed great weight to the fact that this Plan is a response to the current Horsham District Planning Framework and its requirement that the Neighbourhood Plan has only to contribute, to an unspecified extent, to the minimum of 1500 new homes.

164. The Plan will need to be reviewed in the very near future to ensure that it is responding to a new strategic planning framework, which is part of the Government's overarching commitment for the planning system to be delivering a significant increase in housing. This task may also be easier next time around, if the Neighbourhood Plan area is allocated a number of new homes to find sites for, rather than having to derive its own figure.
165. Whilst some of my recommendations may be uncomfortable reading for many residents e.g. Longbury Hill Wood and also re. Downsview Avenue, I hope that the version of the Plan which emerges from the examination plan is still recognisable as the Plan that was submitted and for which a considerable amount of work has been put in.
166. To conclude, I can confirm that my overall conclusions are that the Plan, if amended in line with my recommendations, meets all the statutory requirements including the basic conditions test and that it is appropriate, if successful at referendum, that the Plan, as amended, be made.
167. **I am therefore delighted to recommend to the Horsham District Council and the South Downs National Park Authority that the Storrington, Sullington and Washington Neighbourhood Plan, as modified by my recommendations, should now proceed to referendum.**

JOHN SLATER BA(Hons), DMS, MRTPI

John Slater Planning Ltd

22<sup>nd</sup> November 2018