

John Slater Planning Ltd

# Woodmancote Parish Neighbourhood Plan 2016-2031

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## Submission Version

A Report to Horsham District Council and South Downs National Park  
Authority on the Examination of the Woodmancote Parish  
Neighbourhood Plan

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30<sup>th</sup> January 2017

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## Introduction

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 2011-2031 and the adopted Horsham District Core Strategy and General Development Control Policies for that part of the Plan area within the South Downs National Park. Decision makers are required to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.

The neighbourhood plan making process has been led by Woodmancote Parish Council. A Steering Group was appointed to undertake the plan preparation made up of Parish Councillors and residents. Woodmancote Parish Council is a “qualifying body” under the Neighbourhood Planning legislation

This report is the outcome of my examination of the Submission Version of the Woodmancote Parish 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 the South Downs National Park, who are the respective Local Planning Authorities for the neighbourhood plan area, as the southern part of the parish lies within the National Park. Horsham District Council has been identified as the “lead authority” in terms of the liaison between the Parish Council and the local planning authorities, in accordance with Government advice set out in the Planning Practice Guidance.

## The Examiner’s Role

I was formally appointed by Horsham District Council in November 2016, with the agreement of Woodmancote Parish Council, to conduct this examination. My role is known as an Independent Examiner. My selection has been facilitated by the Neighbourhood Planning Independent Examiner Referral Service which is administered by the Royal Institute of Chartered Surveyors (RICS).

In order for me to be appointed to this role, I am required to be appropriately experienced and qualified. I have over 38 years’ experience as a planning

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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, South Downs National Park Authority and Woodmancote Parish Council and I can confirm that I have no interest in any land that is affected by the Neighbourhood Plan.

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.

Furthermore, if I 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 area covered by the Woodmancote Parish Neighbourhood Plan.

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 to 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 been developed and submitted by a qualifying body?

I am able to confirm that the Plan, if amended in line with my recommendations, does relate to the development and use of land. It covers the area designated by Horsham District Council, for the Woodmancote Neighbourhood Plan on 23<sup>rd</sup> January 2014. The South Downs National Park Authority also designated the neighbourhood area on 17<sup>th</sup> February 2014. The plan area coincides with the Parish boundary

I can confirm that it does specify the period over which the plan has effect, namely the period between 2016 and 2031.

I can confirm that the plan does not cover any “excluded development”.

There are currently no other neighbourhood plans covering the area covered by the Plan designation.

## **The Examination Process**

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.

I am required to give reasons for each of my recommendations and also provide a summary of my main conclusions.

I am satisfied that I am in a position to properly examine the plan without the need for a hearing. No parties have requested a hearing.

I carried out an unaccompanied visit to the Plan area on 19<sup>th</sup> January 2017 to familiarise myself with the two main villages within the Plan area and the surrounding countryside.

## **The Consultation Process**

The neighbourhood plan process was initiated by a decision of Woodmancote Parish Council taken on 30 October 2013. That December, Christmas cards were sent to all residents asking what they like about their villages and what changes they wish to see. On 8<sup>th</sup> March 2014, an initial drop in event was held at the Village Hall and the plan was discussed at the Annual Parish Meeting in April. A steering group started work in October 2014, comprising both parish councillors and residents. A facilitated visioning workshop was held the following month in November and in December a call for sites was issued to all landowners. Over the same period a survey form was delivered to every households in the parish. This produce 77 responses, a commendable response rate of just under 33%.

Focus groups were held in January 2015 and open steering group meetings were held throughout the 2015.

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The Pre-Submission Version of the Plan was published on 22 February 2016. This was the Regulation 14 Consultation and the consultation lasted 6 weeks. A total of 21 responses were received, from 14 households, 6 statutory bodies and one representation from Henfield Parish Council.

I am satisfied that all parties have had ample opportunity to engage with the plan making process.

### **Regulation 16 Consultation**

Once the Neighbourhood Plan was formally submitted under Regulation 15, Horsham District Council carried out the formal Regulation 16 Consultation. This ran from 9<sup>th</sup> September until 26<sup>th</sup> October 2016. In total, 7 representations were received from South Downs National Park Authority, West Sussex County Council, Horsham District Council, Natural England, and the Environment Agency, who were all supportive and Southern Water asked for an additional policy to be inserted into the Plan related to water infrastructure. Finally, one local household made reference to the possible loss of parking arising from the development of the garage site in Blackstone.

I have had regard, in carrying out this examination to all the comments made.

### **The Basic Conditions Test**

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.

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?

## **Compliance with the Development Plan**

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 2011-2031 which was adopted in November 2105 and the Horsham District Core Strategy and General Development Control Policies (adopted in 2007) for that part of the Plan area within the South Downs National Park. When the South Downs Local Plan is adopted, then this Plan will supersede the 2007 Core Strategy for the National Park areas of the neighbourhood area.

The neighbourhood plan area is a rural area and the relevant strategic policies covering development within the plan area are Policy 3 and 4 of the District Framework. The plan area's settlements are unclassified, being designated as settlements with few or no facilities or social network and limited accessibility, which are reliant on other villages and towns to meet residents' needs. Policy 4 allows the growth of settlements to meet identified housing needs on sites allocated by neighbourhood plans and adjoining existing settlement edges whose scale is appropriate to meet the identified housing need and developments will be within a defensible boundary. This Plan does not allocate any housing sites.

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

Horsham District Council has screened the Plan to determine whether it should be the subject of a Strategic Environmental Assessment (SEA) as required by EU Directive 2001/42/EC which is enshrined into UK law by the "Environmental Assessment of Plans and Programmes Regulations 2004".

It confirmed, by way of a Screening Determination dated 27th January 2016, having consulted with the three statutory consultees, to the effect that an SEA was not required and I have been sent a copy of that screening determination.

The Basic Conditions Statement has confirmed that Natural England has concluded that the Plan is not in close proximity to any European protected sites and there was no need to carry out an Appropriate Assessment under the Habitats Regulations.

I have received no representations that there is any incompatibility with the European or Human Rights legislation and I am satisfied that this element of the Basic Conditions test is met.

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

The original stated key driver for the plan, was to enable residents to ensure local plan policies were robust enough to protect the parishes' character whilst supporting modest development. The neighbourhood plan has been prepared for what is clearly an attractive rural location, which is not expected to deliver significant housing or employment development. The policies that the neighbourhood plan has come up with, have been generally well drafted, are appropriate for the area and are properly justified and supported by a comprehensive evidence base contained in the document Community Evidence Paper. I have not had to make significant changes to policy wording and no policies have been deleted.

Southern Water are suggesting in their Regulation 16 response, that the Plan will not be delivering sustainable development, as it is not promoting a specific policy dealing with water-based infrastructure. One of the defining characteristics of neighbourhood planning, is that plans do not need to include policies covering all matters and that it can rely upon existing policies in other parts of the development plan. In this respect, I considered Policy 39 of the District Framework will adequately cover the matters raised by Southern Water.

As previously mentioned the Plan does not allocate any sites for housing although the garage site in Blackstone has been highlighted as a possible windfall opportunity. That is an appropriate approach for a rural area such as Woodmancote Parish, which is unclassified on the District's Settlement hierarchy.

I am satisfied that the plan has been prepared following extensive consultation and will enjoy local support, which should be reflected, in due course, in the referendum.



## The Neighbourhood Development Policy

### Policy 1 A Spatial Plan for the Parish

My only slight issue with the wording of the policy relates to the requirement that proposals be of *high-quality*. It could possibly be interpreted that this refers to the quality of the submission, rather than the quality of the development. I believe that the Plan's intention could be clarified by requiring proposals to be of a *high-quality design*. Other than this small matter of clarification, I consider that policy complies with national and local plan policy and will deliver sustainable development.

#### *Recommendation*

Insert "design" after "high quality"

### Policy 2 Housing Windfall Sites

This policy allows for up to 5 dwellings to be built on previously developed sites or as infill development subject to five criteria. (The text numbering is incorrect in the Submission version)

– Firstly the proposal preserves the essentially open character of the parish and does not lead to the subdivision of larger sites of a *unified character*. I have considered whether the understanding of *larger sites of a unified character* is sufficiently clear as to what the characteristics of these sites are. My conclusion is that it is. On my site visit, I saw a large number of substantial houses set in generous gardens and grounds, where the introduction of infill residential development would be alien to the overall characteristics of the area. I do not think that the intention is to encourage such development but rather undeveloped parcels of land between properties and I saw a number of potential plots during my drive through the area.

– Secondly, the proposal delivers, wherever feasible and viable, on-site affordable houses, in accordance with the development plan policy in force at the time. This is currently set out in Policy 16 of the District Planning Framework, which requires, for schemes of between 5 and 11 dwellings, that 20% of the houses to be affordable homes. My concern is that, notwithstanding the recent adoption of the local plan in November 2015, the Secretary of State's position has returned to that as set out in the Written Ministerial Statement of 28 November 2014. This is now set out in the Planning Practice Guidance, which was revised on 19 May 2016 which followed the Court of Appeal judgement in the Secretary of State v Reading BC and West Berkshire DC case. This poses somewhat of a dilemma, in how I am to assess this element of policy against the basic conditions. On the one hand, I am required to assess the policy having regard to national policies and advice contained in the guidance issued by the Secretary of State, whilst at the same time being satisfied

that the neighbourhood plan policies are in general conformity with the strategic policies set out in the development plan.

In this regard, I am faced with a local plan policy, which is contrary to Secretary of State guidance, that affordable housing should not be sought for residential schemes of five units and less whilst, at the same time, there is clearly a strategic policy in the development plan, that requires for a five-unit scheme, one of the units should be affordable housing.

My conclusion is that in view of the very limited amount of the development that is likely to take place in the neighbourhood plan area, strict compliance with national policy would result in a situation where no affordable housing would be delivered in the plan area through the normal development management process. Affordable housing would then only be delivered through a landowner choosing to forego market housing, so as to be able to deliver some affordable homes. I think that is an unlikely scenario. In reality this dilemma only kicks in when a development of exactly 5 units is proposed. With schemes of less than five units, the local plan does not require any affordable housing to be provided and schemes for over five units would not, in any event, comply with Policy 2 of the neighbourhood plan. My overall conclusion is that, having regard to the aim of trying to address housing need, especially where there is limited development taking place, it would not be in the interests of delivering sustainable development, to have a neighbourhood plan which was inconsistent with a local plan affordable housing policy. In this particular case I conclude that local plan policy should take precedence over national policy. The matter is actually of somewhat academic significance, because it is likely that a developer would only ever come forward with schemes of four units as there is no affordable housing requirements, rather than submit a scheme of five units, one of which would have to be affordable. He would again only be able to sell four units as open market housing.

– Thirdly, the development should be appropriately contained, avoid harming the residential amenities of neighbours or results in an unsuitable access. These are sensible policies consistent with national and local advice.

– Fourthly the site recognises by the layout and landscaping, the importance of green links that lie within or adjacent to the site. Again, I have no comments on this aspect of the policy.

– Finally, the scheme respects and, where possible, enhances the natural, built and historic environment including the landscape setting of the South Downs National Park. I have no concerns regarding this criterion.

My overall conclusion is that it is not necessary for me to recommend any amendment to this policy.

### Policy 3 Design

This is a wide-ranging policy extending from building design through to car parking and drainage issues. I believe that the expectations of policy are clear and policy is capable of being used with confidence. I do not need to recommend any amendments as it meets basic conditions.

### Policy 4 Community Facilities

The wording of the policy is somewhat obtuse. It sets the criteria for the consideration of what is defined as *the following the building and facility* and only names Woodmancote Parish Hall as the subject of the policy, at the end. Whilst it may have been better to have the policy wording to be a specific proposal identified at the start as referring to the parish hall, this is not a matter that is relevant to the basic conditions test and I will not be recommending any changes to that element.

I do feel that the drafting of the second paragraph could be misinterpreted and could lead to a discussion as to whether any resulting increase in use, is appropriate *in design terms*. I will be recommending revised wording for this part of the policy to clarify that the matters related to any increase in potential level of use arising from development, should not harm the amenities of adjoining residential properties.

#### *Recommendation*

Replace second paragraph with “The design of the scheme is appropriate and any resulting increase in use will not harm the amenities of adjoining residential properties:”

### Policy 5 Local Employment

This policy has two elements. The first component is the protection of the allocated site, Firland Park Estate, from the alternative uses, unless it can be shown that the current uses are no longer viable. Secondly, the policy supports the expansion of other business premises in the plan area, so long as the proposal meets a range of criteria. I do consider that the policy needs some minor refinement, as it could be read as implying that the expansion of the business will have an impact on a number of issues. In my experience, there may be proposals that do not affect flood risk, amenity, traffic, noise or landscape impacts, in which case, the policy should not be requiring “proven and deliverable mitigation”. This concern can be addressed by the insertion of “any adverse impact on.....”

*Recommendation*

In the second sentence delete “the” and insert “any adverse” before “impact”.

**Policy 6 Green Links Throughout the Parish**

The only issue is the ambiguity as to what development proposals *amenity requirements* would actually be. I believe the policy should more specifically relate to *amenity space requirements* relating to the green link network.

*Recommendation*

Insert “space” after “amenity” in the final paragraph of the policy.

**Policy 7 Broadband**

I do not consider that it is likely that typical broadband infrastructure is ever going to reflect the character of the local area. I consider that the more appropriate test would be that any above ground installation should *not harm* the character of the area.

I believe that it is appropriate for any new residential or employment related development to provide ducting to enable the property to be served by any fibre technology that was available. I consider that this element meets basic conditions.

*Recommendation*

Replace “reflect” and insert “does not harm”.

**The Referendum Area**

If I am in a position 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. In this instance, I can confirm that the area of the Neighbourhood Plan as designated by Horsham District Council on 23<sup>rd</sup> January 2014 and South Downs National Park Authority on 17<sup>th</sup> February 2014 would be the appropriate area for the referendum to be held and the area does not need to be extended.

## Summary

This neighbourhood plan will provide an appropriate set of planning policies which will guide development in the Parish over the next 15 years. They will protect the rural quality of this attractive part of Sussex yet allowing some modest development. It will be seen that I have had to recommend some minor alterations to the wording of some of the policies and none of the policies have had to be recommended to be deleted.

The biggest issue that I have had to grapple with is the mismatch between the District Council's Planning Framework's affordable housing policy and the most recent pronouncements of the Secretary of State on the threshold of when affordable housing can be sought. Whilst I have paid due regard to the Secretary of State's policy on this issue, I have concluded that it is still appropriate to make the Plan.

The Parish Council and the Steering Group are to be commended for the quality of the Plan document, the policies' justifications and the evidence. All the policies are relevant to the use and development of land. I particularly enjoyed reading Derek Linford's descriptions of his four study walks around the footpaths of the Parish.

Finally, 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 it is appropriate that the Plan, as amended, if successful at referendum, be made.

**I am therefore delighted to recommend to the Horsham District Council and South Downs National Park Authority that the Woodmancote Parish Neighbourhood Plan, as amended by my recommendations, should now proceed to referendum.**

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30<sup>th</sup> November 2017