

Storrington, Sullington and Washington Neighbourhood Plan, 2015-2031

Report of Examination

Report to Horsham District Council

By the Independent Examiner:

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24th March 2016

Summary

1. I have been appointed as the independent examiner of the Storrington, Sullington and Washington Neighbourhood Plan.
2. My role as independent examiner is to assess The Neighbourhood Plan and to ensure that it meets the basic conditions and other requirements set out in legislation and regulations.
3. It is with regret that I have reached the conclusion that in several respects the Plan does not meet the standards required to meet the basic conditions. My main concerns are as follows:
 - Policy 1 and the allocation of sites 2 (ii) at Land at Old London Road (The Vineyard) and 2 (ix) Land off Old London Road (Luckings Yard) seek to support development proposals at Old London Road, Washington. This examination has concluded that Old London Road, Washington is not a sustainable location for residential development. Policy 1 therefore does not contribute to the achievement of sustainable development. Nor does it comply with national policies issued by the Secretary of State, specifically paragraph 38 of the Framework, which requires larger scale residential developments to be within walking distance of key facilities such as primary schools and local shops. In the context of this Neighbourhood Plan I have concluded that the proposed allocations at Old London Road, Washington, should be regarded as larger scale developments.
 - Policy 1 states that the broad locations of the green gaps are shown on the Policies Map. Reference to the Policies Map indicates that the green gaps are not clearly shown. Policy 1 therefore does not comply with national policies issued by the Secretary of State, namely paragraph 17 (first bullet point) of the Framework which requires plans to provide a practical framework within which decisions on planning applications can be made with a high degree of practicability and efficiency.
 - The methodology by which development sites are selected in the Plan is neither clear nor has it been consistently applied. The Plan therefore does not comply with guidance issued by the Secretary of State (specifically the Planning Practice Guidance) which requires neighbourhood plans to be based on proportional, robust evidence to support the choices made and the approach taken.
 - The allocation of Site 2 (i) Robell Way is contrary to 2 policies contained in the Horsham District Planning Framework (HDPF) (November 2015). The evidence base contained within the Plan does

not justify the use of this Key Employment Site for housing. This proposal is therefore not in general conformity with the strategic policies contained in the development plan and fails to meet the basic conditions in this regard.

- Several Policies contained in the Plan are not sufficiently clear in the way they are drafted. Policies 3, 4, 8, 12, 14, 17 and 19 are included in this category. These policies do not comply with the policies issued by the Secretary of State specifically the first bullet point of paragraph 17 of the Framework which requires plans to provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency.
 - Policy 18 deals with Local Green Spaces. Unfortunately the evidence base which is needed to support this policy, in the context of this particular neighbourhood plan, is not to be found either in the Plan itself or the supporting documents. The Plan therefore does not comply in this respect with guidance issued by the Secretary of State (specifically the Planning Practice Guidance) which requires neighbourhood plans to be based on proportionate, robust evidence to support the choices made and the approach taken.
4. I have considered whether it would be possible to recommend modifications to the Plan which might allow it to comply with the basic conditions. Unfortunately in several cases the evidence is neither contained within the Plan nor within its supporting documents to allow such modifications to be made. In particular adequate background work on the selection, evaluation and identification of the development sites and the Local Green Spaces is simply not presented within the Plan or its supporting documents. To a degree these two issues are (or should be) inter-related and, in the absence of a complete evidence base (or in some cases any evidence), this element of complexity makes it doubly difficult to recommend acceptable modifications.
 5. I have reached the conclusion therefore that it is not appropriate to make the Plan, having regard to the need for the Plan to comply with the basic conditions.
 6. I note that the Health Check Report undertaken for the Plan was broadly supportive of the Site Assessment Report and the Plan generally. However, the more detailed work undertaken for this Examination, including the opportunity to make site visits, has revealed the concerns which are expressed in this Report.

1.0 Introduction

- 1.1 Neighbourhood planning provides a welcome opportunity for communities to directly shape the future of the places where they live and work and to deliver the sustainable development they need.

2.0 Appointment of the Independent Examiner

- 2.1 I have been appointed by Horsham District Council with the agreement of the qualifying body to undertake this independent examination. I have been appointed through the Neighbourhood Plan Independent Examiners Referral Service (NPIERS).
- 2.2 I confirm that I am independent of the qualifying body and the local authority. I have no interest in any land affected by the Neighbourhood Plan. I am a chartered town planner with over thirty-five years' experience in planning and have worked in the public and private sectors. I therefore have the appropriate qualifications and experience to carry out this independent examination.

3.0 The role of the Independent Examiner

- 3.1 The examiner must assess whether the Neighbourhood Plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990 (as amended).
- 3.2 The basic conditions are:
- Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood plan (the national policy basic condition)
 - The making of the neighbourhood plan contributes to the achievement of sustainable development
 - The making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (the development plan basic condition)
 - The making of the neighbourhood plan does not breach, and is otherwise compatible with, European Union (EU) obligations
 - Prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan.

For the avoidance of doubt these are the basic conditions against which the Plan has been assessed, even if the description of the basic condition has been shortened or paraphrased in the text.

- 3.3 Regulations 32 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended) require that the Neighbourhood Plan should not be likely to have a significant effect on a European Site (as defined in the Conservations of Habitats and Species Regulations 2012) or a European Offshore Marine Site (as defined in the Offshore Marine Conservation Natural Habitats etc. Regulations 2007) either alone or in combination with other plans or projects.
- 3.4 In examining the Plan, I am also required, under Paragraphs 8(1) of Schedule 4B to the Town and Country Planning Act 1990, (TCPA) to establish whether:
- The neighbourhood plan has been prepared and submitted for examination by a qualifying body
 - The neighbourhood plan has been prepared for an area that has been properly designated for such plan preparation
 - The neighbourhood plan meets the requirements to i) specify the period to which it has effect; ii) not include provision about excluded development; and iii) not relate to more than one neighbourhood area
 - The policies relate to the development and use of land for a designated neighbourhood area.
- 3.5 The examiner must then make one of the following recommendations:
- The Plan can proceed to a referendum on the basis it meets all the necessary legal requirements
 - The Plan can proceed to a referendum subject to modifications or
 - The Plan should not proceed to a referendum on the basis it does not meet the necessary legal requirements.
- 3.6 If the Plan can proceed to a referendum with or without modifications, the examiner must also consider whether the referendum area should be extended beyond the neighbourhood plan area to which it relates.
- 3.7 If the Plan goes forward to a referendum and more than 50% of those voting votes in favour of the Plan then it is made by the relevant local authority, in this case Horsham District Council. The Plan then becomes part of the 'development plan' for the area and a statutory consideration in guiding future development and in the determination of planning applications within the Plan area.

4.0 Compliance with matters other than the basic conditions

4.1 I now check the various matters as set out above in paragraph 3.4 of this report.

Qualifying body

4.2 Washington Parish Council and Storrington and Sullington Parish Council (“the Parish Councils”) have been designated as the qualifying bodies for the Storrington, Sullington and Washington Neighbourhood Plan (“the Plan”). The Parish Councils were designated by Horsham District Council on 19th December 2013. As part of the Plan area falls within the South Downs National Park (SDNP) that part of the Area was also designated by the Park Authority for this purpose on 10th December 2013. The Park Authority has agreed that the District Council will be responsible for arranging the examination and referendum of the Plan. (Basic Conditions Statement, July 2015, paragraph 1.2).

Plan area

4.3 The Plan relates to the area of Washington Parish Council with Storrington and Sullington Parish Council. The Plan relates to this area and does not relate to more than one neighbourhood area and therefore complies with these requirements.

Plan period

4.4 A neighbourhood plan must specify the period for which it is to have effect. The Plan indicates within the document itself that it covers the period from April 2015 to March 2031 (paragraph 1.1).

4.5 The Basic Conditions Statement states that the Plan period is from 1st April 2015 to 31st March 2035 (paragraph 1.3). I am assuming this is an error.

Excluded development

4.6 The Plan does not include policies or proposals that relate to any of the categories of excluded development and therefore meets this requirement.

Development and use of land

4.7 Neighbourhood plans often contain aspirations and objectives that signal the community’s priorities for the future of their local area. However, the neighbourhood plan should only contain policies relating to development and use of land.

4.8 I have certain reservations about the extent of the evidence base supporting some of the policies in the Plan, which I will address later in this Report.

5.0 The examination process

- 5.1 I commenced preparation for the examination of the plan in January 2016 following my appointment and briefing with the Plan documents.
- 5.2 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 to give a person a fair chance to put a case.
- 5.3 I am required to give reasons for each of my recommendations and also provide a summary of my main conclusions.
- 5.4 I am satisfied that I am in a position to properly examine the Plan without the need for a hearing.
- 5.5 I made an unaccompanied inspection of the Plan area on 10th March 2016.

6.0 The examination documents

6.1 In addition to the legal and national policy framework and guidance (principally The Town and Country Planning Acts, Localism Act, Neighbourhood Plans Regulations, the National Planning Policy Framework and the Planning Policy Guidance) and the development plan, I have had regard to the following principal documents that were furnished to me:-

- Storrington, Sullington and Washington Neighbourhood Plan – Submission Plan, July 2015.
- Consultation Statement, July 2015.
- Basic Conditions Statement, July 2015.
- Sustainability Appraisal/Strategic Environmental Assessment, July 2015.
- Site Assessment Report, April 2015 and Supplemental Site Assessment Report, October 2015.
- Local Green Spaces Report, October 2015.
- Bundle of representations submitted as a result of Regulation 16 Consultation.

I have also been furnished with a comprehensive set of other associated documents. All relevant documents and representations have been fully considered in the preparation of this Report.

7.0 Compliance with the basic conditions

7.1 National policy advice

The main document that sets out national policy is the National Planning Policy Framework (the Framework) published in 2012. In particular the Framework explains that the application of the presumption in favour of sustainable development will mean that neighbourhood plans should support the strategic development needs set out in Local Plans and plan to positively support local development.

7.2 The Framework also makes it clear that neighbourhood plans should be aligned with the strategic needs and priorities of the wider local area. In other words neighbourhood plans must be in general conformity with the strategic policies of the Local Plan. They should not promote less development than that set out in the Local Plan or undermine its strategic policies. (NPPF, paragraph 184).

7.3 The Framework indicates that plans should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency. (NPPF, paragraph 17).

7.4 Planning Practice Guidance explains what evidence is needed to be submitted with a neighbourhood plan as follows:-

“While there are prescribed documents that must be submitted with a neighbourhood plan or Order there is no ‘tick box’ list of evidence required for neighbourhood planning. Proportionate, robust evidence should support the choices made and the approach taken. The evidence should be drawn upon to explain succinctly the intention and rationale of the policies in the draft neighbourhood plan or the proposals in an Order.”

7.5 Planning Practice Guidance explains how policies in a neighbourhood plan should be drafted as follows:-

“A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.”

7.6 The Basic Conditions Statement is the document which is most suitable to contain the robust evidence which is needed to support the approach taken. Unfortunately in this case neither the Basic Conditions Statement nor the other submitted documents contain a sufficiently robust evidence base to support the choices contained within the Plan. I have reached the conclusion that the evidence contained within the submitted documents does not

adequately explain how the Plan responds to the unique characteristics of the Plan area. I feel therefore that the Plan fails to meet the national policy basic condition. I am particularly concerned with the robustness of the evidence base supporting several important policies. Later sections of this Report explain which policies have fallen short in this respect.

- 7.7 I have given long and careful consideration to the question of whether the Plan could be modified in some way to overcome the difficulties which I have identified. Unfortunately because of the complex inter-related nature of some of the policies I have reached the conclusion that I would not be able to suggest a satisfactory set of modifications. This is partly because evidence base is not available to support those modifications.

The Development Plan

- 7.8 A basic condition is that the neighbourhood plan should be in general conformity with the strategic policies contained in the development plan. The Framework (at paragraph 184) states that neighbourhood plans must be in general conformity with the strategic policies of the Local Plan.

- 7.9 In this case Horsham District Council has confirmed the development plan comprises the following documents:

Land within Horsham District Council Local Planning Authority

The Development Plan for land within Horsham District Council comprises:-

Horsham District Planning Framework (November 2015)

Joint Area Action Plan (2009)

Site Specific Allocations of Land (2007)

West Sussex Waste Local Plan (2014)

Saved policies of Minerals Local Plan 2003

Land within the South Downs National Park Local Planning Authority area within the administrative area of Horsham District

Horsham District Core Strategy 2007

Horsham District General Development Control Policies 2007

Site Specific Allocations of land (2007)

West Sussex Waste Local Plan (2014)

Saved Policies of Minerals Local Plan 2003

- 7.10 The basic conditions statement is dated April 2015 and describes the current development plan of relevance to the Neighbourhood Plan as the saved policies of the adopted 2007 Horsham District Core Strategy. That document

did comprise part of the development plan at that time but matters have moved on with adoption of the Horsham District Planning Framework (HDPF) in November 2015. The emerging policies of that plan were clearly taken into consideration in the preparation of the Plan.

- 7.11 An issue arises however because the basic conditions statement does not mention the saved policies of the West Sussex Minerals Local Plan (2003). There is therefore no evidence base contained in that document or elsewhere to explain how Policy 8 (Tourism Development Chantry Quarry) complies with the Minerals Local Plan although that plan is specifically mentioned in paragraph (i) of Policy 8.
- 7.12 I have reached the conclusion that the Plan fails to provide sufficient evidence to demonstrate how the making of the plan would be in general conformity with the strategic policies contained in the development plan for the area. The Plan therefore fails to meet the basic conditions in this regard.

EU Obligations

- 7.13 A Habitat Regulations Assessment Screening report has been prepared for Neighbourhood Development Plans in Horsham District. That report reaches the conclusion that Appropriate Assessment is not required for the Plan. Natural England has submitted comments on the Screening report. I am satisfied that the Plan meets the basic conditions in this regard.
- 7.14 The Plan is supported by a Sustainability Appraisal/Strategic Environment Assessment ('Environmental Report'), (July 2015) (SA/SEA).
- 7.15 This examination has identified concerns as to the adequacy of the evidence base supporting the evaluation of the various development sites which were considered in the preparation of the Plan.
- 7.16 To a significant degree the SA/SEA relies on the adequacy of that site assessment work as reported at paragraph 7.26 of the Environmental Report, for example. It cannot be certain therefore that the SA/SEA is founded on a complete and accurate evidence base.
- 7.17 I am not satisfied therefore that the Plan is compatible with EU obligations in this regard.

8.0 Neighbourhood Plan preparation and Public Consultation

- 8.1 The Consultation Statement (July 2015), together with its Appendices, fully sets out the process of consultation undertaken during the preparation of the Plan.
- 8.2 Storrington and Sullington Parish Council (SSPC) resolved to produce a Neighbourhood Plan on 23rd April 2013.
- 8.3 Washington Parish Council (WPC) resolved to produce a joint Neighbourhood Plan on 22nd July 2013.
- 8.4 On 10th September 2013 the Storrington and Sullington and Washington Neighbourhood Plan (SSWNP) Steering Group was formed.
- 8.5 At a public meeting held on 21st November 2013 it was resolved to establish Focus Groups covering five themes:-
- Community Facilities
 - Economy and Business
 - Environment, Heritage and Local Knowledge
 - Planning and Infrastructure
 - Traffic and Transport
- 8.6 Between December 2013 and July 2014 focus group meetings, coffee mornings and village day events were used to publicise the Plan and gather views.
- 8.7 Various surveys were undertaken at this time to inform the production of the Plan, which were used to prepare State of the Parish Reports which were completed in July 2014. During this time the views of important local and national stakeholders were canvassed, culminating in a Planning Policy Workshop being run in July 2014 attended by representatives of neighbouring Parish Councils and Horsham District Council.
- 8.8 A call for sites was made to landowners and their agents in August 2014. The Steering Group considered each of the sites that came forward. Criteria for site assessment were produced by the Steering Group.
- 8.9 Statutory Consultees were contacted regarding the scope of the Sustainability Appraisal/Strategic Environment Assessment (SA/SEA) in September 2014.
- 8.10 A Public Meeting was held on 22nd January 2015 to present a draft Pre-submission plan and to publicise a six week period of public consultation.

- 8.11 Public Consultation on the Pre-submission Neighbourhood Plan ran between 3rd February and 17th March 2015 using a variety of media.
- 8.12 Revisions were made following this consultation and a second public consultation was publicised at the Annual Meeting of the Parishes on 11th May 2015 and 20th May 2015. Various events were held at this time and the draft Plan was publicised through each Parish Council website. A total of 185 responses were received at this time. The Regulation 14 Representations are found at Appendix I to the Consultation Statement (July 2015).
- 8.13 In response to the public consultation a set of amendments was made and, as a result, a Second Pre-submission Consultation was held, under Regulation 14, between 6th May 2015 and 16th June 2015. This was publicised using various media and, as a result, 389 responses were received from members of the public.
- 8.14 A set of modifications was made to the Plan and agreed by the Steering Group on 21st July 2015. The Submission Plan is dated July 2015.
- 8.15 I am satisfied the process of preparing the Plan has been open and engaging, giving residents and others opportunities to become involved and influence plan making. As stated in the Introduction to the Consultation Statement (July 2015), the Government Guidance is that:-

“the consultation statement submitted with the draft Neighbourhood Plan should reveal the quality and effectiveness of the consultation that has informed the plan proposals.”

I am satisfied that the Consultation Statement achieves the standard set in the above quoted Government Guidance.

9.0 **The Land Use Policies**

- 9.1 One of the basic conditions is whether, having regard to national policies, it is appropriate to make the neighbourhood plan. The National Planning Policy Framework (March 2012), “the Framework”, sets out core planning principles. The first bullet point in paragraph 17 of the Framework states that plans:
- “Should provide a practical framework within which decisions on planning applications can be made within high a high degree of predictability and efficiency.”

- 9.2 Paragraph 184 of the Framework states that neighbourhood plans should be in general conformity with the strategic policies of the Local Plan, should not promote less development than that set out in the Local Plan or undermine its strategic policies.
- 9.3 In my examination of the Plan, its policies, and its supporting documents, I have also had due regard to the requirement of Planning Practice Guidance that proportionate robust evidence should support the choices made and the approach taken.

Policy 1: A Spatial Plan for the Parishes

- 9.4 I have concerns at the way the second paragraph of Policy 1 seeks to support housing proposals at Old London Road which are either allocated by Policy 2 or are confined to infill development of up to 5 dwellings. In my comments on Policies 2 (ii) and 2 (ix) below I explain why I do not believe that Old London Road is a sustainable location. This is because it fails the test of the Framework (especially at paragraph 38) that larger scale residential developments should be located within walking distance of key facilities such as primary schools and local shops. As stated at paragraph 4.17 of the Plan, there is a bar/restaurant at this location but this is not a local shop within the meaning of the Framework.
- 9.5 My conclusion therefore is that the second paragraph of Policy 1 fails the basic conditions test for two reasons. Firstly, it contains proposals that do not contribute to the achievement of sustainable development. Secondly, having regard to government policy as set out in the Framework it is not appropriate to make the Plan whilst it contains such unsustainable proposals.
- 9.6 The fourth paragraph of Policy 1 states that the broad location of green gaps between the villages is shown on the Policies Map. The main Policies Map does not have a key and any green gap notation which might be on it is not clearly identified. Similarly none of the four inset maps show on their keys a green gap notation. The Policies Map therefore fails to meet the test of the Framework (paragraph 17) in that it does not allow planning applications to be determined with a high degree of predictability or efficiency in this respect because it does not clearly identify the location of the green gaps applied by Policy 1. The Plan therefore fails to meet the basic condition with respect to government policy.

Policy 2: Site Allocations for Development

- 9.7 I have concerns regarding the process which has been followed leading to the selection of sites for residential development.

- 9.8 Paragraph 4.18 of the Plan states that the indicative total number of houses provided for is approximately 295 over the plan period.
- 9.9 The HDPF (November 2015) at Policy 15 (4) makes provision for at least 1500 homes throughout the district in accordance with the settlement hierarchy allocated through Neighbourhood Planning.
- 9.10 It is therefore consistent with HDPF strategic policy for the Plan to provide for approximately 295 dwellings through allocations. The Plan, at paragraph 4.18, states that this quantum strikes the right balance between meeting local housing need on the one hand and reflecting environmental constraints on the other.
- 9.11 Paragraph 5.2 of the Basic Conditions Statement (April 2015) explains how neighbourhood plans in the District are to contribute 1,500 new homes in total in the plan period. This is good in so far as it goes. In my view the evidence base of the Plan would be more robust if it explained to the reader (and in this case the Examiner) how the figure of 295 dwellings was derived in the context of a strategic provision of at least 1,500 houses through Neighbourhood Planning in the District as a whole. Are 295 dwellings too many to achieve the 1,500 provision, or are they too few? The Submission Plan (July 2015) (Annex A) makes reference to 34 documents which comprise the evidence base and which I am sure can be made available to view upon request through the Parish Council websites. Several of these documents comprise Horsham District planning background reports, which contain background material of relevance to this matter.
- 9.12 In my opinion the evidence base for this Plan would be much more clearly expressed if it were to contain a Statement showing how the Neighbourhood Plans in the District contribute towards the achievement of the overall 1,500 dwelling requirement. The obvious document to contain such a Statement would be the Basic Conditions Statement.
- 9.13 The Site Assessment Report (April 2015), together with the Supplemental Site Assessment Report (October 2015) explains the methodology used to assess sites. This is achieved by a numerical scoring method against 8 defined criteria.
- 9.14 I have concerns about the selection of the criteria. There are no general criteria relating to sustainability, for example. This is despite government policy as expressed in the 11th bullet point to paragraph 17 of the Framework, for example, that significant development should be focussed in locations which are or can be made sustainable. Similar points are made at

paragraphs 35 and 38 of the Framework. The scale of development proposed in the Plan is such that these considerations of sustainability as expressed in the Framework should be applied.

- 9.15 None of the criteria take account of agricultural land quality. This is despite the policy contained at paragraph 112 of the Framework that local planning authorities should seek to use areas of lower quality land in preference to that of higher quality where significant development of agricultural land is demonstrated to be necessary.
- 9.16 The fifth criterion in the Plan refers to detriment to a village greenspace/treasure. What is meant by a village greenspace/treasure is not defined. Nor is the relationship between a village greenspace/treasure and a Local Green Space (Policy 18) defined. This lack of definition and consistency may imply that the application of the criterion is somewhat arbitrary.
- 9.17 I believe the evidence base of the Plan would have been stronger if it had contained a paragraph or paragraphs explaining in more subjective terms how the criteria for site selection had been applied and how the planning judgements contained in the Plan had been made.
- 9.18 The SA/SEA Environmental Report (July 2015) contains at Table D a Summary Assessment of the Proposed Policy 2 Allocations.
- 9.19 The SA/SEA Environmental Report, at paragraph 7.15, states that:

“A fuller description of the characteristics and suitability assessments of each site in Table D are contained in the separate ‘Site Assessment Report’ in the evidence base.”

Unfortunately the Site Assessment Report does not contain such a description of the characteristics and suitability of each site. The Site Assessment Report contains a numerical ranking against a set of criteria. As stated above, the evidence base of the Plan would have been stronger had it contained a set of paragraphs giving a fuller description and explanation of how the judgements on site selection have been made in the Plan.

- 9.20 The lack of subjective description of how the planning judgements have been made in the Plan gives the impression that some of the assessments may be somewhat arbitrary in their nature.
- 9.21 Site 10 (the RAFA site), for example, scores 4 because its development is held to be incompatible with the local area and, as a result, the site is not included as a residential allocation. Land off Amberley Road (site 8),

however, scores 0 against this criteria and is included as a residential allocation. The Amberley Road site is located in close proximity to the South Downs National Park and its development may be held therefore to be incompatible with the local area. If the scores on this one criterion were to have been switched between the two sites, then the result as to whether the site was or was not included as an allocation would have been reversed. The Amberley Road site impacts to a greater or lesser degree on the National Park whereas the RAFA site does not and was assessed in the Horsham District SHLAA (Ref. SA153) as a site developable in a 6-10 year timeframe.

9.22 I am also concerned as to the accuracy of some of the assessments made in the Site Assessment Report. Site 12 “Downsview Avenue, Field behind Paula Rosa”, for example, is categorised as outside and not abutting the built up area. It therefore scores 5 on this criterion, giving it a total score of 13. Closer examination of this site reveals it does actually abut the built up area, giving it a score of 2 on this criterion and a total score of 10 bringing it into the sites with potential to be a housing allocation. Site 29 in many respects occupies a similar location in relation to the built area as site 12 and yet that site scores 2 on this criterion because it is judged to abut the built up area.

9.23 Similarly, if site 39, The Glebe Field, was held to score 0 in relation to the traffic congestion criterion then its total score would be 10 and it would have been included as a residential development site. Land off Amberley Road scores 0 when judged against this criterion and yet the allocation requires major road improvements to secure satisfactory access.

9.24 In conclusion I have some concerns as to the way the numerical scoring system was used to assess potential development sites within the Plan. Some of the criteria are surprising in their selection and unclear in their application. In some cases the way the scores have been applied to sites looks to be a little arbitrary and in one case (site 12) it is simply incorrect. I believe that had the “fuller description of the characteristics and suitability assessments” of each site, as described in paragraph 7.15 of the SA/SEA

Environmental Report, actually been carried out and included then the evidence base supporting the Plan would have been much more complete and robust. I believe the Plan fails to meet the national policy basic condition in this respect.

Policy 2: Site Allocations for Development

(i) Land at Robell Way ('Paula Rosa'), Sullington.

9.25 This site is allocated for 80 dwellings and associated development in the Plan.

- 9.26 This site is shown on the Horsham District Planning Framework (November 2015) (part of the development plan) as a Key Employment Area.
- 9.27 Policy 7 of the HDPF is a strategic policy for economic growth. Paragraph (5) states that sustainable employment for Horsham District will be achieved by:
- “(5) Retention of Key Employment Areas, for employment uses.”
- 9.28 Policy 9 of the HDPF deals with Employment Development in more detail. Paragraph (1) reads:
- (1.) Redevelopment in the Key Employment Areas must not result in the overall loss of employment floorspace. Proposals for alternative uses within the Key Employment Areas will be allowed where it can be demonstrated that the sequential approach has been applied to the redevelopment of the site, and the proposals support their integrity and function as centres of employment.”
- 9.29 On the face of it the loss of 2.5 hectares of a Key Employment Area is contrary to both of the above development plan policies. The proposal would, in my opinion clearly and fundamentally undermine a strategic policy of the development plan, contrary to paragraph 184 of the Framework. The submission plan, on its face, therefore fails to meet one of the basic conditions in this regard.
- 9.30 The Plan (paragraphs 4.21 and 4.22) seeks to justify the release of the site for housing on the basis that the factory buildings have been vacant for some time and that provision is being made elsewhere in the Plan for new employment land.
- 9.31 Paragraph 4.22 seeks to make it a pre-condition of the release of the Paula Rosa site for housing that other employment sites have already to come forward for new development in compensation.
- 9.32 I believe the approach taken in the Plan is unsatisfactory for the following reasons:
- i. Policy 7(5) of HDPF states that Key Employment Areas should be retained in employment use.
 - ii. Policy 9(1) of HDPF requires a sequential approach to be followed to support proposals for alternative uses within Key Employment Areas. I am not satisfied that the material contained in the Plan justifies the loss of employment land within a Key Employment Area.
 - iii. In my opinion it is unsatisfactory to make the release of alternative site or sites located elsewhere a pre-condition for the release of the

subject site, particularly when there can be no certainty, even if the substitution site was found to be appropriate, that the other site would come forward as envisaged.

- 9.33 I have therefore reached the conclusion that Policy 2 (i) breaches the basic conditions in that it is not in conformity with the strategic policies of the development plan.
- 9.34 I have had regard to whether Policy 2 (i) in the Plan might be deleted. I have reached the opinion that it is so fundamental to the housing provisions contained in the Plan that it would not be satisfactory to take the Plan forward to referendum at this time with this site deleted.
- 9.35 In reaching the above conclusion I have noted the ongoing concern expressed on behalf of Horsham District Council that the reallocation of this site should not set a harmful precedent elsewhere in the District.
- (ii) Land at Old London Road, ('The Vineyard'), Washington and*
- (ix) Land off Old London Road, ('Luckings Yard'), Washington.*
- 9.36 The second paragraph of Policy 1 deals with Old London Road, Washington. The general location at Old London Road is not within the Built Up Area Boundaries. This location, rightly, is defined in the Plan as outside any settlement. The location is remote from any settlement and it is remote from the services (such as schools and local shops) which might be expected to be found in rural settlements.
- 9.37 The Framework, at paragraph 38, states that:

“where practical key facilities such as primary schools and local shops should be located within walking distance of most properties.”

My conclusion is that the proposed development at Old London Road is of such a scale and location that it is in conflict with national planning policy to promote development at sustainable locations as set out in the Framework. The evidence base of the Plan (paragraph 4.50) confirms that Washington village currently lacks shops. Even if such facilities were to be provided under the aegis of Policy 7, the sites at London Road are in my judgement too remote from Washington village to be considered to be within walking distance as required by paragraph 38 of the Framework.

- 9.38 Paragraph 55 of the Framework reads as follows:-

To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality or rural communities. For example, where there are groups of small settlements, development in one village may support services in a village nearby. Local planning authorities

should avoid new isolated homes in the countryside unless there are special circumstances such as:

- the essential need for a rural worker to live permanently at or near their place of work in the countryside; or
- where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
- where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or
- the exceptional quality or innovative nature of the design of the dwellings. Such a design should:
 - be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;
 - reflect the highest standards in architecture;
 - significantly enhance its immediate setting; and
 - be sensitive to the defining characteristics of the local area.

9.39 The two sites at Old London Road are not located sufficiently close to any rural community that the proposed development could, in my judgement, realistically be said to support services in a village nearby. Nor are there any shops (for example) within Washington which could be supported by the housing. None of the four exceptions in paragraph 55 apply in this case. The two sites therefore fall into the category of new isolated homes in the countryside, which it is government policy that local planning authorities should avoid.

9.40 I have noted that there are several other sites in the general area of London Road which are being promoted for development through the Neighbourhood Plan. I am concerned therefore that, not only do the two subject sites contravene government policy which is to seek to promote development at sustainable locations, but their inclusion within the Plan could set a precedent for the promotion of other similar and equally unacceptable sites which would result in a major and significant breach of national planning policy at a very sensitive location close to the boundary of the National Park.

9.41 I have reached the conclusion therefore that the second paragraph of Policy 1 together with Policies 2 (ii) and 2 (ix) are in breach of two basic conditions. These are:

- i. that the making of the neighbourhood plan should contribute to the achievement of the sustainable development, and

ii. the national policy basic condition.

(iv) Land off Amberley Road, Storrington.

9.42 This site lies at the south-western edge of Storrington close to the foot of the scarp face of the South Downs. The site lies in close proximity to the boundary of the National Park.

9.43 I make various comments and recommendations in relation to areas of Local Green Space and Policy 18 elsewhere in this Report.

9.44 I have noted the concerns expressed by the South Downs National Park Authority (dated 8th October 2015) concerning this proposal and the potential harm to the setting and Purposes of the National Park. I have also noted the comments made on behalf of Horsham District Council in this respect.

9.45 If this allocation is to be retained in any future version of the Neighbourhood Plan then, in my opinion, great care should be taken to ensure that the development and the access to it does not cause unacceptable harm to the very attractive landscape setting of the National Park.

9.46 The qualifying body may wish to consider whether a limited number of houses (say less than 10) accessed from Bax Close is the most sustainable pattern of development at this location. In that case the qualifying body may wish to consider whether the balance of the site should be given into public ownership in perpetuity to ensure the long term maintenance of an attractive, fully landscaped buffer to the National Park. In my opinion if the re-working of the site assessment work recommended in this Report were to be undertaken, then 10 dwellings may well be the maximum capacity which would result.

9.47 I do not believe the evidence base contained within the Plan and its supporting documents justifies the release of the site as currently proposed. I believe the Plan therefore does not comply with the requirement of the Planning Policy Guidance that it should be supported by appropriate evidence. The Plan, as submitted, therefore fails to meet the basic condition having regard to such government guidance.

9.48 In reaching this conclusion I have had full and proper regard to all the representations which have been made in relation to the Plan.

(v) Land at Chantry Lane Industrial Estate, Storrington

9.49 I have a number of concerns in relation to this policy as follows:-

i. The policy does not specify the total acreage of the proposal, nor does it specify the areas to be developed for housing and business uses respectively. The policy therefore fails the test of clarity required by

NPPF paragraph 17 and does not meet the national policy basic condition in this regard.

- ii. Paragraph 4.79 of the Plan states that the employment element of the scheme should be implemented first, but the policy does not seek to secure that pre-condition. I have severe reservations whether such a pre-condition is satisfactory in any event.
 - iii. The tourism development proposals nearby at the Quarry (Policy 8) are not sufficiently well defined to allow a satisfactory cumulative traffic impact assessment of both schemes.
 - iv. The policy at paragraph (v) (d) and (v) (e) refers to the Chantry Mill heritage asset, an adjoining Archaeological Notification Area and a Site of Special Scientific Interest. The Plan and its supporting documents do not contain a sufficiently robust evidence base to assess whether the allocation proposed is acceptable in principle, bearing in mind the location of this site at a particularly sensitive location.
- 9.50 As it currently stands I do not believe policy 2 (v) meets the basic conditions. The evidence base of the Plan is not sufficiently robust to allow me to redraft this policy in a satisfactory manner.

Policy 3: Managing Housing Supply

- 9.51 This policy is too prescriptive, it does not address whether particular sites should come forward earlier. The qualifying body has been recommended to delete this policy.
- 9.52 I believe this policy does not meet the tests of paragraph 17 of the Framework and that the Plan does not meet the basic conditions in this regard.

Policy 4: Employment Uses

- 9.53 Policy 4 (i) states that employment uses will be supported provided they are within the built up area boundary of Storrington and Sullington or they comprise previously developed land within the A24 corridor only. This policy conflicts with Policy 2 (v) (Chantry Lane) which does not meet the criteria of Policy 4 (i).
- 9.54 I believe this policy does not meet the tests of paragraph 17 of the Framework to form an adequate basis for development management and that the Plan does not meet the national policy basic condition in this regard.

Policy 8: Tourism Development Chantry Quarry

9.55 I have a number of concerns regarding this policy as follows:-

- i. Firstly, and primarily, the nature of the “Tourism Development” (or “tourism or other community related development”) is not sufficiently clearly defined to understand what is being supported by the policy. The policy therefore fails the test of paragraph 17 of the Framework and does not meet the basic conditions in this regard.
- ii. Secondly, the provisions of the “West Sussex Local Minerals Plan” are not defined in the evidence base supporting the Plan. The Basic Conditions Statement (July 2015) does not include reference to the Minerals Plan in its description of the development plan documents of relevance to the Plan. The evidence base therefore does not describe the provisions of the Minerals Plan and the evidence base of the Plan does not allow an assessment of the proposal in the context of the development plan. The policy therefore fails the basic conditions in this regard.
- iii. The term tourism development could be interpreted to encompass a fairly major visitor attraction or a low key rural enterprise. Policy 11 (2) of HDPF seeks to focus major tourism in Horsham town centre. Depending on what is involved in this allocation it may therefore conflict with the basic condition that the Plan should be in general conformity with the strategic policies contained in the development plan. In my opinion Policy 11 is a strategic policy in the context of the basic conditions and this examination.
- iv. The Plan makes reference to the Chantry Mill Site of Special Scientific Interest and the setting of the National Park. The quarry is a large area of land. It is difficult to assess, without further information being provided whether a “new tourist attraction” (Submission Plan, July 2015, paragraph 4.54) would be appropriate in principle at such a sensitive location.

9.56 My overall conclusion is that Policy 8 does not meet the basic conditions and I recommend that more work is undertaken to define the nature and scale of what might be acceptable at such a sensitive location.

Policy 12: Education Uses

9.57 This policy as currently drafted relates only to state education facilities. It is a requirement that the Plan should only contain policies that relate to the use

land within the Plan area. It is recommended that the reference to state education be removed because the Policy should only relate to the use of land, not the particular operator of the development. For the avoidance of doubt it would be better to remove the reference to Thakeham Parish because the Plan can only contain policies relating to the development and use of land within its own Plan area.

- 9.58 I note the comment from Horsham District Council that this policy should be revised to include private education facilities as well. I agree with that comment. The Plan has not been reworded as requested in comments made by West Sussex County Council as the Education Authority. I agree with the County Council comment in this respect and I believe the evidence base of the Plan would be more complete if the County Council comments were to be incorporated.

Policy 14: Recreational Uses

- 9.59 I note the comment from Horsham District Council that this policy is pre-emptive. The policy should not imply that permission would be granted for any skate park at the Recreation Ground, no matter what scale or design. The Plan fails to meet the basic conditions test of paragraph 17 of the Framework in this regard. I recommend that the policy should be re-drafted as suggested by the District Council.

Policy 17: Green Infrastructures and Biodiversity

- 9.60 The drafting of Policy 17 (ii) that “All schemes must consider providing for wild life” is too vague. Consideration should be given to a wording such as:

“Development proposals should demonstrate that appropriate consideration has been given to providing for wildlife and that, wherever possible, sustainable proposals to protect wildlife interests have been incorporated into the design.”

Policy 18: Local Green Spaces

- 9.61 Paragraph 76 of the Framework encourages the identification of land as Local Green Space in neighbourhood plans. In fact the ability to designate such Spaces is a significant advantage to a local community of preparing a neighbourhood plan.
- 9.62 Paragraph 77 of the Framework sets out three criteria which should be used to make such a designation.

9.63 The Consultation Period on the Plan ran from Friday 28th August 2015 until noon on Friday 9th October 2015.

9.64 I have sent a document entitled 'Local Green Spaces Report' (October 2015), which I have taken into consideration in this examination. Because of the date of this document it could not have been taken into account by consultees throughout the Consultation Period.

9.65 Policy 18 in the Plan lists 25 Local Green Spaces.

9.66 Paragraph 4.76 states that the Local Green Spaces study:

“sets out the case for each site to be designated”.

The Local Green Spaces study lists 25 sites, which are shown on the maps included in the study. There are generic statements within the study that all the sites meet the criteria contained in the Framework. The study does not, however, list each one of the sites and give a paragraph, or paragraphs, explaining what is special about that particular site and why it has therefore been included as one of the Local Green Spaces. In the context of this neighbourhood plan, I regard such a study one of the essential elements which should have been provided in the evidence base to support the Plan.

9.67 Notwithstanding the lateness of the study, and the lack of its availability during the entire consultation period, I believe the study fails to meet the test of government guidance that the Plan should be supported by a robust evidence base which explains the choices which have been made. The Plan, in my opinion, fails to meet the basic condition in this respect having regard to government guidance and policy.

9.68 I have considered whether I could recommend that the Plan go forward with the areas of Local Green Space deleted. I have reluctantly reached the conclusion that I could not make that recommendation. There are a number of reasons for that conclusion as follows.

9.69 Firstly, there are 25 areas of Local Green Space and these are therefore of fundamental concern to the integrity of the entire Plan.

9.70 Secondly, I have concerns that several other policies within the Plan do not meet the basic conditions.

9.71 Thirdly, the areas of Local Green Space are intrinsically tied up with the extent of some of the development sites. The lack of the evidence base supporting

the selection of the Local Green Spaces is therefore intrinsically linked to the selection and extent of some of the development sites.

9.72 One of the criteria contained in the Site Assessment Report (April 2015) is:

“Would development of the site be detrimental to a village greenspace/treasure?”

9.73 I am not sure whether “village greenspace/treasure” in this context is the same as “Local Green Space” and if not, why not, bearing in mind the importance which is given to Local Green Space designation in the Framework. I believe the evidence base supporting the Plan would be stronger if a paragraph or paragraphs could be written explaining how each of the selected Local Green Spaces complies with the criteria set out in the Framework. It is not uncommon for such subjective assessments to be included in planning reports and I believe such a report would be a valuable addition to the evidence base.

Policy 19: Air Quality

9.74 The policy as currently written would require all development to demonstrate that their traffic impacts will not significantly decrease air quality. As pointed out by the District Council the guidance screens out the requirement for some development proposals to produce a report to assess this impact. The policy as drafted fails the test of paragraph 17 of the Framework and as such the Plan fails the basic conditions test in this regard. I recommended the policy be redrafted as suggested by Horsham District Council.

10.0 Conclusion

- 10.1 The examination of the Plan has found that it has not been possible to recommend a set of modifications that would allow me to recommend that the Plan can proceed to a referendum.
- 10.2 I have found that whilst the Neighbourhood Plan recognises the need for new housing development the site selection process is not based on sufficiently robust evidence. Given the District Plan context, a robust assessment of suitable and available sites was required to ensure that the policies and proposals in the Plan would contribute to the achievement of sustainable development, have regard to national policy and guidance and generally conform to the strategic policies of the development plan.
- 10.3 I recommend that consideration be given to re-working the site selection process undertaken for the Plan so that the revised set of allocations and the evidence supporting them can be put forward for public consultation.
- 10.4 Whilst the initiative of the Parish Councils is to be applauded in preparing the Neighbourhood Plan for examination, and there is much to commend in the Plan, it is with regret I have no alternative but to reach the conclusion that the Plan should not proceed to referendum.

11.0 Formal recommendation

I recommend to Horsham District Council that the Plan should not proceed to referendum.

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19th March 2016