

West Chiltington Parish Council

Our ref: WCNP_BC_061217

The Parish Office
Church Street
West Chiltington
West Sussex
RH20 2JW

8 January 2018

Dear Mr Monks,

Re: West Chiltington Neighbourhood Plan

Thank you for your letter dated 10 November 2017 in connection with the West Chiltington Neighbourhood Plan. Unfortunately resources within the Strategic Planning team have been limited recently, and I therefore apologise for our delay in responding to your letter.

We welcome the commitment in your letter that indicates that West Chiltington Parish Council wish to take every opportunity which helps with a timely and successful Regulation 16. As we have already indicated in our previous correspondence to you, dated 29 September 2017, we raised a number of concerns which would prevent your neighbourhood plan progressing to Regulation 16 at the current time. Although we are pleased to see that some progress has been made, we remain concerned that these are not sufficient to overcome our concerns. As we have previously offered we continue to welcome the opportunity to meet with you and discuss the matter further, but in addition our views are set out in more detail below, and we trust that these will be of assistance to you.

We are pleased to see that the steering group has acknowledged there is a requirement to undertake a housing needs assessment in accordance with the AECOM methodology. As we have already indicated to you, this report will form a significant material consideration to the plan making process, and the outcomes of this study will need to inform other areas of plan preparation, including the site assessment process and the Sustainability Appraisal (SA/SEA). It will not be appropriate to retrospectively apply any findings of conclusion arising from the HNA to the plan. Best endeavours should be made by the neighbourhood planners to meet the housing requirement generated by the Objectively Assessed Need (OAN) work. Failure to comply would not meet the basic conditions.

Following the production of the Housing Needs Assessment updated site assessment work and updated SEA, it will be necessary to publish an updated plan which takes account of the updated evidence and changes to the plan, including objective evaluation of all sites to accommodate the new housing requirement. As set out in our previous correspondence, there will need to be a further Regulation 14 consultation, and it will need to ensure that all statutory consultees are formally invited to comment as well as all landowners and developers.

Regulation 14 Consultation

We note that in your letter of 10 November 2017 you state that in your view it would be appropriate to consult WSCC on the draft plan and advertise on your website, but are not intending to re-do the whole Regulation 14 consultation. Irrespective of our views outlined above on the need to revisit the evidence base and re-consult in any event, we do not agree that this is an acceptable course of action were this not the case.

As you will be aware, the Regulation 14 consultation period is a statutory stage in Neighbourhood Plan preparation. Any consultation that is carried out under this regulation must therefore conform to its provisions. This means contacting all consultation bodies listed in Schedule 1 whose interests would be affected, publicise the plan, and to send the District Council a copy of the plan. Consultation must take place for a minimum of six weeks. Further guidance on this matter is provided in the Planning Practice Guidance on Neighbourhood Planning, and I have appended excerpts from this guidance to this letter for your information.

As West Sussex County Council is a statutory consultee who will be affected by the proposals in the emerging Neighbourhood Plan, they should have been contacted during the formal consultation period. In your letter of the 10 November 2017, we note that you did attempt to contact the County Council, but then state that they had closed their 'planning@westsussex.gov.uk' mail box. We have sought to clarify this with West Sussex County Council, and they have confirmed no such email address has ever existed. Horsham District Council could have been approached prior or (in the event of an email 'bounce back') during any consultation to ensure that contact addresses and details were up to date. As the Highways Authority and the Minerals Authority, West Sussex County Council would have a significant reason to comment the emerging plan especially as the plan contains draft policies (EH12 Mineral and Hydro-carbon Extraction and GA1 Parking for New Development) which have the potential to impact on its duties as a statutory authority, and every endeavour should be made to contact them for their views. For future consultations, a link to an up to date email address is provided from the WSCC neighbourhood planning page.

<https://www.westsussex.gov.uk/planning/neighbourhood-planning>

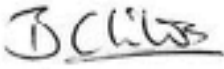
In addition to the consultation with WSCC, a number of external parties who have an interest in the West Chiltington Neighbourhood Plan have contacted Horsham District Council since our last meeting with you to express their concerns that process is not being duly followed as they were not formally consulted at Regulation 14 and did not have the opportunity to comment on the emerging plan. For the District Council to minimise any subsequent risk of a successful judicial review, which we would take on at Regulation 16, it is therefore essential that a full and thorough re-consultation is held under these regulations. This consultation will need to ensure that all statutory consultees are formally invited to comment as well as all landowners and developers. To hold an 'open' consultation whereby the Steering group is inviting representations arbitrarily does not meet the legal requirements set by the Regulations.

Although I can understand that the need for a further consultation does add an additional delay in the early preparation of the plan, at this stage Horsham District Council is not in a position to be able to progress the plan to Regulation 16 Consultation. We will not do so until we are content that it can be demonstrated to us satisfactorily that the basic conditions have been met. In undertaking the further work and consultation at this stage, **this will limit additional time and expense** from both the Parish Council and at Horsham District Council later on, as failure of the plan at Examination or in the worst case as a result of a Judicial Review, would require the plan preparation process to be repeated in its entirety.

While I understand this will come as disappointing news for you, I sincerely believe it is correct pathway to avoid failure at Examination or a successful legal challenge to the plan. Nevertheless

officers remain happy to assist the steering group in its endeavours and we remain very happy to assist you with any queries you may have.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'B Childs', with a horizontal line underneath the name.

Barbara Childs

Head of Strategic Planning and Sustainability

Cc Caroline West, West Sussex County Council

Planning Practice Guidance

The Planning Practice Guidance (PPG) is clear on who should be involved in the plan-making process:

'Should other public bodies, landowners and the development industry be involved in preparing a draft neighbourhood plan or Order?

A qualifying body must consult any of the consultation bodies whose interest it considers may be affected by the draft neighbourhood plan or Order proposal. The consultation bodies are set out in [Schedule 1 to the Neighbourhood Planning \(General\) Regulations 2012 \(as amended\)](#). Other public bodies, landowners and the development industry should be involved in preparing a draft neighbourhood plan or Order. By doing this qualifying bodies will be better placed to produce plans that provide for sustainable development which benefits the local community whilst avoiding placing unrealistic pressures on the cost and deliverability of that development.

Paragraph: 048 Reference ID: 41-048-20140306

Revision date: 06 03 2014'

All parties impacted by the proposals put forward in the emerging Neighbourhood Plan must be consulted. To carry out this undertaking arbitrarily does not satisfy the legal obligations set by the Regulations and the Localism Act. As the PPG stipulates below the Regulation 14 consultation period is a statutory consultation period and presents a formal opportunity for all stakeholders to make comments on the plan at a certain stage in the process. Furthermore, it also presents an opportunity for each stakeholder to review all the comments that have been made at that particular stage.

What are the pre-submission publicity and consultation requirements for neighbourhood planning?

A qualifying body must publicise the draft neighbourhood plan or Order for at least 6 weeks and consult any of the consultation bodies whose interests it considers may be affected by the draft plan or order proposal (see [regulation 14](#) and [regulation 21](#) of the Neighbourhood Planning (General) Regulations 2012) ([as amended](#)). The consultation bodies are set out in [Schedule 1](#) to the Regulations.

Paragraph: 050 Reference ID: 41-050-20140306

Revision date: 06 03 2014