

West Chiltington Submission Neighbourhood Plan 2018-2031

Produced by West Chiltington Parish Council

Health Check - October 2019: Undertaken by Andrew Seaman BA (Hons) MA MRTPI

Summary of Recommendations

1. Process

- The West Chiltington Neighbourhood Area was designated in on 24 February 2014 by Horsham District Council (HDC). Since this time, the Parish Council has clearly undertaken much work leading to the production of the current version of the West Chiltington Parish Neighbourhood Plan (NP). The Parish Council has produced a Consultation Statement and a Basic Condition Statement both of which are required before formal submission. It is recommended that these are reviewed and expanded to ensure sufficient information is supplied to meet the Regulations and to assist the Examination process.
- Further liaison and correspondence with HDC is recommended to ensure, as far as practical, that the District Council is in agreement with the process of the NP production and its final content (for example in relation to housing development, local green space etc).
- A Sustainability Appraisal/Strategic Environmental Assessment (SEA) has been undertaken¹. This concludes that an “In overall terms, therefore, the sustainability impacts of the Neighbourhood Plan are positive or, at worst, neutral. The proposed mitigation measures of most policies will effectively avoid any negative impacts”. There is no evidence to the contrary at this time.
- There is no Habitats Regulation Assessment (HRA) Screening Report or Appropriate Assessment. This must be addressed as a matter of priority.

¹ https://docs.wixstatic.com/ugd/fc02af_e677c85059144113bc19df39c09d5f2d.pdf

- The Parish Council should assure itself that the landowners of the proposed Local Green Space (LGS) have been notified/ consulted in accordance with the advice in the Planning Practice Guidance (PPG)². The LGS policy requires amendment to ensure regard is had to national planning policy.

2. Content

- The NP is logically presented. It appears drafted to take into account national planning policy and the requirement to plan positively for sustainable forms of development. Section 5 of the NP refers to the National Planning Policy Framework (NPPF) presumption in favour of sustainable development and indicates that each policy has been assessed against the objectives of the NP. The evidence for this should be cross referenced (and expanded upon) within the Plan. Clarity of how the NP will support sustainable forms of development could be provided by providing a ‘conclusion/summary’ after 5b on page 24 of the NP, with a signpost to a revised Basic Conditions Statement (updated with additional details/ narrative).
- The NP (Section 4) contains a Vision and 5 Core Objectives, which have been identified and confirmed by consultation with Parish residents. The Vision, unlike some of the Objectives, is focussed on the protection and enhancement of the Parish characteristics which does not specifically embrace positive new development that would meet the needs of its growing resident population. This may be slightly anomalous and could form a focus for the Examination. Further explanation of how the Vision was derived would be helpful.
- The NP contains 35 policies which address the Plan’s core objectives: housing (including site allocation); environment; getting around; employment and enterprise; leisure and community. Further liaison with HDC should be made to check the general conformity of the NP with the current strategic planning policies of the development plan (which are referenced in part within the NP itself). A Statement of Common Ground with HDC (and South Downs National Park Authority (SDNPA)) would be a very useful addition to the evidence base prior to formal submission for Examination.
- The NP approach to Housing (and allocation), design matters, flood risk, heritage assets, the ‘unlit village’, rural conversions and LGS requires further justification, clarification and explanation. The evidence base should be reviewed for completeness and expanded/clarified where necessary.
- As noted above, a Basic Conditions Statement and Consultation Statement are available but should be subject to further updates. Detailed guidance on the contents of a Consultation Statement can be viewed here: https://www.rtpi.org.uk/media/1282948/how_to_write_a_consultation_statement.pdf
Further guidance on Basic Conditions Statements can be found here: https://www.rtpi.org.uk/media/1282954/approaches_to_writing_a_basic_conditions_statement.pdf.

² See PPG Reference ID: 37-019-20140306.

- Some suggested amendments are identified to the NP which are set out in Part 3 of this Health Check. It is clear that the policies within the NP have been shaped by the community and the process of Plan production to date but some of the justification is unclear, the links to evidence are not always clear or obvious and some of the policies themselves require refinement. Some detailed comments are made on the content and drafting of the NP Policies to assist their clarity³ and future implementation.
- Where no comment is made against a policy, this is because the policy appears to be in general conformity with the strategic policies of the adopted Development Plan and has regard to national policy and guidance, and the aims of sustainable development.

Andrew Seaman
9 October 2019

³ PPG Reference ID: 41-041-20140306.

Part 1 - Process

	Criteria	Source	Response/Comments	
1. 1	Have the necessary statutory requirements been met in terms of the designation of the neighbourhood area?	West Chiltington NP Basic Conditions Statement Consultation Statement	Section 1 of the Basic Conditions Statement states that the Neighbourhood Area was designated on 24 February 2014 by HDC and South Downs National Park. A Plan is provided in the NP (page 7). There is no evidence to the contrary.	
1. 2	If the area does not have a parish council, have the necessary statutory requirements been met in terms of the designation of the neighbourhood forum?	Not applicable	NA	

<p>1.3</p>	<p>Has the plan been the subject of appropriate pre-submission consultation and publicity, as set out in the legislation, or is this underway?</p>	<p>West Chiltington NP Consultation Statement Basic Conditions Statement</p>	<p>The Consultation Statement indicates that work commenced on the NP in 2014 with the formation of a Steering Group and, following a period of inactivity, was reenergised by an Open Day event in November 2016.</p> <p>A number of mechanisms were used to obtain the views of residents and a second Regulation 14 consultation was undertaken in May/June 2017 with notification/consultation (as referenced in the Consultation Statement section 8).</p> <p>Further detail should be provided within the evidence base, predominantly the Consultation Statement, to indicate how the Parish Council has met its obligations under the Regulations. This should include the specific dates of all consultation activities, the specific list of consultees (statutory bodies, residents, business operators and affected landowners) and the content of the email consultation. Copies of the materials used, dates and summaries of events and any questionnaires will help to demonstrate compliance.</p> <p>It is noted that HDC raised a concern at the efficacy of the Regulation 14 consultation and this should be a matter addressed clearly in evidence before submission. The Plan should not be submitted for examination if regulatory requirements have not been met.</p>	<p>Done</p>
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1.4	Has there been a programme of community engagement proportionate to the scale and complexity of the plan?	West Chiltonington NP Consultation Statement Parish website	<p>At present, the Consultation Statement focusses on the activities that have primarily occurred since November 2016. It would be prudent to provide more detail on what was undertaken in the 2014-2016 period which led to a Regulation 14 Plan - this information is not explicitly provided (albeit listed in the NP paragraph 1.2 and is available in the Regulation 14 NP) and how it may have informed the final draft version of the NP.</p> <p>An accurate narrative of how the community has been engaged and how it has informed the final Plan is important. It would be sensible to update the Consultation Statement accordingly. This could include details of the Regulation 14 consultations and how the Parish Council took into account the comments received (eg including information such as the Regulation 14 round up summary from the website).</p> <p>The Consultation Statement should confirm that any landowners affected by the NP proposals have been consulted, including land allocations such as LGS and housing.</p>	<p>Done. The REG 14 comments and how they were actioned is in the evidence already.</p> <p>LGS landowner consultation has been added to both the Consultation Statement and the LGS document.</p>
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1.5	Are arrangements in place for an independent examiner to be appointed?	No source	<p>There is no information provided on this. It would be prudent for the Parish Council to begin consideration in liaison with HDC of what the process will be for identifying a suitable independent examiner.</p> <p>Whilst the general approach is to assess the resumes/CVs provided by prospective examiners, you may also find it very helpful in coming to a decision by reading examples of their reports on other Neighbourhood Plans.</p>	HDC will not permit this to happen.
1.6	Are discussions taking place with the electoral services team on holding the referendum?	No source	No details are available, but it would be appropriate to put in place arrangements for a Referendum after the examination of the Plan. Discussions should be held with HDC.	HDC will not permit this to happen.
1.7	Is there a clear project plan for bringing the plan into force and does it take account of local authority committee cycles?	No source	There is no process set out for bringing the Plan into force which could be helpfully discussed with HDC.	HDC will not permit this to happen.

1.8	Has a SEA screening been carried out by the LPA?	<p>West Chiltoning NP Sustainability Appraisal/Strategic Environmental Assessment</p> <p>West Chiltoning Sustainability Scoping Report</p>	<p>A SEA has been undertaken following a Scoping Report (2015) and an earlier Screening Opinion from HDC. It is unclear who has produced the SEA which could helpfully be added and will confirm that the SA/SEA has been prepared appropriately.</p> <p>The SEA summarily concludes: “In overall terms, therefore, the sustainability impacts of the Neighbourhood Plan are positive or, at worst, neutral. The proposed mitigation measures of most policies will effectively avoid any negative impacts”.</p> <p>However, the SEA (paragraph 7.4.1) refers to 30 policies in the NP whereas there are 35 in the current version of the Plan and listed in Appendix A. This anomaly should be resolved and the SEA should ensure it evidentially addresses the NP in its entirety.</p> <p>The attention of the Parish Council is drawn to the advice within the PPG (Reference ID: 41-073-20190509) which strongly encourages liaison with HDC to ascertain whether the Environmental Assessment of Plans and Programmes Regulations 2004 and the Habitat Regulations 2017 are likely to apply.</p>	<p>Typographical error which has been corrected</p>
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<p>1.9</p>	<p>Has an HRA screening been carried out by the LPA?</p>	<p>West Chiltington NP West Chiltington Sustainability Scoping Report Desktop Biodiversity Report</p>	<p>There is no specific HRA screening report.</p> <p>The Parish Council’s attention is drawn to the fact that the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018 were made on 5 December 2018 and came into force on 28 December 2018. These amend the prescribed Basic Condition related to Habitats Assessments - the revised Basic Condition took effect from 28 December 2018. See the following link: http://www.legislation.gov.uk/uksi/2018/1307/contents/made (Section 3).</p> <p>The SA Scoping Report (Chapter 5) refers to the Habitat Regulations and confirms that the report should be seen as a screening application to confirm that an HRA is not required due to the fact that no protected sites exist within the Plan area. The response of Natural England to the Scoping Report is not provided.</p> <p>This is very likely insufficient to meet the legislative requirement: “A qualifying body which submits a proposal for a neighbourhood development plan must provide such information as the competent authority may reasonably require for the purposes of the assessment under regulation 105 or to enable it to determine whether that assessment is required”.</p>	<p>At no point has the LPA suggested the need for HRA.</p> <p>Natural England response clarified in the report.</p>
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Part 2 - Content

	Criteria	Source	Response/Comments	
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2.1	Are policies appropriately justified with a clear rationale?	<p>West Chiltington NP</p> <p>West Chiltington NP Sustainability Appraisal/Strategic Environmental Assessment</p>	<p>The Plan is clearly set out for a time period that aligns with the Horsham District Council Planning Framework (HDPF) (to 2031).</p> <p>The NP has 11 main chapters. The introduction sets out the background and context for the NP whilst Chapter 2 provides an overview of the planning policy context with appropriate regard to national and local considerations. It would be prudent to expand this section, with cross reference to the Basic Conditions Statement, to indicate how the NP meets the requirement to promote sustainable development and how the NP has been drafted to be consistent with the strategic policies of the extant development plans (including that of the SDNPA).</p> <p>Chapter 3 is a useful profile of the Parish, albeit it would be helpful to explain how the strengths and weaknesses were identified with the appropriate evidence (eg community feedback).</p> <p>Chapter 4 sets out the Vision and Core Objectives for the NP. It would be useful to set out briefly how the Vision and Objectives have been derived with references to the supporting evidence (eg community consultation outcomes etc).</p> <p>Chapters 5-10 set out the policies of the NP. These are clearly identified and are arranged so as to identify which</p>	<p>I believe this is covered by the text accompanying the section.</p> <p>Done</p> <p>Done</p>
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<p>2.2</p>	<p>Is it clear which parts of the draft plan form the 'neighbourhood plan proposal' (i.e. the neighbourhood <i>development plan</i>) under the Localism Act, subject to the independent examination, and which parts do not form part of the 'plan proposal', and would not be tested by the independent examination?</p>	<p>West Chiltoningon NP</p>	<p>Yes, at present all elements of the NP would form the proposal for Examination.</p>	
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<p>2. 3</p>	<p>Are there any obvious conflicts with the NPPF?</p>	<p>West Chiltoning NP</p> <p>West Chiltoning NP Sustainability Appraisal/Strategic Environmental Assessment</p> <p>Basic Conditions Statement</p>	<p>The NP is drafted to support the principle of sustainable development.</p> <p>For the purposes of this report, the focus of for NPPF consideration has been with the stated Policies of the NP (please see Section 3 below). The NP could more clearly set out how it will achieve sustainable forms of development in keeping with the aims of national policy, eg Chapter 2.</p> <p>The Basic Conditions Statement (Section 3) briefly identifies which NP policies relate to some of the identified content of the NPPF. This should be expanded further to show how/why consistency has been achieved - feasibly with more narrative commentary on the content of both documents.</p> <p>Section 4 of the Basic Conditions Statement is titled 'General conformity with the strategic policies of the development plan for the area' but provides a table linking the NP policies to 'social, economic and environmental' attributes. The precise purpose of this is unclear. The table cites HDPF policies but the degree of consistency or otherwise is not stipulated clearly. This should be clarified and remedied. Additional reference to the strategic policies of the South Down National Park Local Plan is also necessary and not currently provided.</p>	<p>Amended</p>
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2.4	Is there a clear explanation of the ways the plan contributes to the achievement of sustainable development?	West Chiltoningon NP Sustainability Appraisal/Strategic Environmental Assessment	The Plan contains limited references to sustainable development and does not specifically explain how it will contribute to achieving this end. This could be remedied by additional text which synthesises the Vision/Objectives and policies of the Plan in securing sustainable forms of development, possibly with an addition to the end of Chapter 4.	This is covered under 5
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2.5	Are there any issues around compatibility with human rights or EU obligations?	<p>West Chiltington NP Sustainability Appraisal/Strategic Environmental Assessment</p> <p>West Chiltington Sustainability Scoping Report</p> <p>Basic Conditions Statement</p>	<p>Yes. The approach to HRA is insufficiently evidenced. There are some partial references but the evidence is not clearly set out as to how an HRA Screening has been undertaken and how any conclusion as to the absence of need for an Appropriate Assessment has been reached.</p> <p>Clarifications within the SA on the approach to housing allocations and site selection may be prudent.</p> <p>There is some reference to human rights in the Basic Conditions Statement which concludes no impacts are anticipated. This may be subject to further scrutiny at Examination, given that it relies in part of the assessment previously made for the HDPF, and the Parish Council should assure itself that the evidence provided is adequate.</p> <p>It is also suggested that the Parish Council obtains a statement from HDC confirming that the District Council agree there are no issues with the Plan's compatibility with human rights legislation.</p>	Need a response from HDC as this has never been requested.
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2.6	Does the plan avoid dealing with excluded development including nationally significant infrastructure, waste and minerals?	West Chilton NP	There is a reference to minimising the impact from mineral, oil and gas exploration as part of the environmental objectives (page 21), which may be appropriately deleted ('e'), as the objective is not explicitly delivered by the policies of the NP.	Done
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2.7	Is there consensus between the local planning authority and the qualifying body over whether the plan meets the basic conditions including conformity with strategic development plan policy and, if not, what are the areas of disagreement?	<p>West Chiltington NP</p> <p>West Chiltington NP Sustainability Appraisal/Strategic Environmental Assessment</p>	<p>There is no evidence to demonstrate a consensus between HDC (and SDNPA) and the Parish Council. This should be resolved as far as possible before submission.</p> <p>Correspondence on the Parish website would suggest that disagreements remain with HDC as to the approach of the NP towards housing allocations, in particular.</p> <p>This should be remedied (by meetings/ correspondence) ideally before submission. If there are any areas of obvious disagreement these should be obviated or minimised. A statement of common ground would be prudent.</p> <p>A statement from SDNPA should also be secured.</p> <p>It cannot be concluded at the present time that there are no potential issues of general non-conformity (i.e. disagreement) with strategic development plan policies.</p>	Unable to gain any response from HDC
2.8	Are there any obvious errors in the plan?	West Chiltington NP	Some suggestions are made in Section 3 below.	

<p>2.9</p>	<p>Are the plan's policies clear and unambiguous and do they reflect the community's land use aspirations?</p>	<p>West Chilton NP</p>	<p>Detailed comments are made below on the content and drafting of the Plan's Policies, which invariably reflect and have been shaped by the community's land use aspirations to date.</p> <p>However, some of the policies would benefit from a further 'sense check' and refinement to ensure they are clear and capable of effective implementation.</p>	
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Part 3 - Detailed Comments

1. These detailed comments address all matters, both of significance and of a more minor nature, across the Plan and are presented in Page order.

2. Page 4; 2nd paragraph refers to the Localism Act as guidance which would be more accurately phrased as ‘requirements’.

The last bullet refers to ‘European Regulation on key environmental aspects’ but there is also the Human Rights Act to consider (derived from European law⁴), so perhaps this is better phrased: ‘European Regulation including key environmental matters’. **Done**

The origins of the acronym HDC should be introduced in the final line. **Done**

3. Page 5; paragraph 1.1 introduces the 6 sections of the Plan but the Plan itself does not follow this division and has 11 sections/chapters. This should be clarified/resolved. **Done**

Add SDNP after the South Downs National Park in paragraph 1.2 **Done**

Paragraph 1.2 sets out the Plan preparation process in a series of bullets. It would be helpful to add a timeline to this sequence of events. **Done**

4. Page 6; paragraph 1.4 refers to the SEA. This should be expanded to summarise the conclusions of the report. The HRA should be referenced in a new paragraph, when complete. **Done**

5. Page 8; paragraph 2.1.1 refers to National Guidance; this should be referred to as National Policy. It does not set guidance but provides policy so perhaps the first sentence would more accurately read as: “...published in March 2012, informs the approach of local planning authorities...”. The NPPF was updated in February 2019 so references to 2018 should be removed. **Done however our Plan was submitted long before the NPPF was revised.**

6. Page 9; final paragraph, the South Downs Local Plan was adopted in July 2019 so this section should be updated (and the fact reflected in the Basic Conditions Statement). **Done**

7. Page 10; second paragraph should refer to West Chiltington *Parish*, for clarity. **Done**

⁴ Note: the European Convention on Human Rights is derived from the Council of Europe rather than the EU.

8. Page 11; it would be helpful to explain how the strengths and weaknesses have been identified; perhaps an additional paragraph or two. **Done**
9. Page 13; paragraph 3.4 refers to West Chiltonington's strategic location. It would be useful to explain why it is strategic or omit the term. **Done**
10. Page 15; section 3.4.2 could usefully reference the issue of HRA when complete. Agreed if HRA is needed
11. Pages 15/16; paragraph 3.5 - housing will be a key matter for the Examination of the NP. It is recommended that the Parish Council review its available evidence base to ensure it is taking a justified approach towards the issue before submission. Inevitably this will include the comments of HDC.

Paragraph 3 (page 16) refers to the AirS Housing Needs Survey Report of 2014 as the main evidence base. Whilst relevant, this document is 5 years old and predates the adoption of the HDPF. The NP notes that the report largely concentrated on affordable housing needs. Furthermore, since this time national policy has changed. Reference is subsequently made to the AECOM study and its unconstrained housing need assessment of 363 dwellings for the Plan period.

Consequently, the NP identifies a minimum additional 81 dwellings for the period 2011 to 2031 (albeit the Plan period is 2018 to 2031) which will be met largely by previous completions and windfalls. The narrative of this part of the NP should be expanded to explain the relationship between the AECOM conclusions, the provisions of the HDPF and the single housing allocation intended by NP Policy H2 for 16 sheltered housing units. Reference to the Response to AECOM Housing Needs Assessment October 2018 and a justification summary would be particularly helpful.

As currently prepared, the NP is not sufficiently clear as to why only one site is to be allocated, what the robust process of site identification has been, why a minimum figure of 81 units over the Plan period is justified and what the breakdown for the implementation of that figure is. This matter should be clarified prior to submission for Examination.

12. Page 16 and elsewhere; it would be useful to check the NP for its consistent use of acronyms and clarification of what they mean; for example, WCNP or NP? **Done**
13. Page 18; Under the heading 'Footpaths', should public rights of way be referenced? **Done**
14. Page 21; It would be helpful to briefly introduce how the Vision has been derived, particularly the valued characteristics which do not specifically embrace social and economic development for the benefit of broad sustainable outcomes. **Done**

The core objective of Housing (1a) should perhaps state "contribute to meeting some of the locally identified housing need". **Done**

Core Objective 2e should be deleted, as this is encroaching into policy affecting excluded forms of development. **Done**

15. Page 22; this is headed Section 2, which is not consistent with what follows or the index of contents (page 2)

16. **Changed**

17. Pages 23/24; this part of the NP iterates the presumption in favour of sustainable development. The final sentence indicates that each policy has been assessed against the principles set out in the NPPF and a cross reference to the evidence for this assessment should be included. The purpose of page 24 is unclear. This section (5) would benefit from an expansion of the narrative as to how the NP meets the Basic Condition for sustainable development and a summary conclusion. **This is assessed at each policy**

18. Pages 25/26; as referenced above, the issue of Housing will be a key one for any Examination. The Parish Council should ensure its evidence is consistent and sufficient to justify the approach taken within the NP. **Noted**

Because not all of the criteria in Policy H1 will apply to all development schemes the first part of the policy should read 'Development proposals will be supported where the following criteria, as applicable, are met: ...'. The justification for the policy should explain why each element is required in order that all users of the NP will understand clearly how it is to be implemented. Consequently, additional reasoning for criteria 'c' would be helpful and a cross reference to where the individual identities of The Common and the Old Village may be found (criterion 'd'). Criterion 'g' is not required, as all development plan policies apply to all schemes where relevant. The inclusion of the final paragraph of the policy introduces a requirement to demonstrate compliance with a NP Policy or a need to be located in the countryside, which is not consistent with national policy (eg NPPF paragraph 84) and should be amended/deleted.

It can be expected that the principle and extent of the proposed Settlement Separation Zone/Local Gap will be scrutinised at Examination, particularly in that that the previous Core Strategy policy has been superseded in favour of the HDPF which has no such designation. The Parish Council should assure itself that adequate evidence exists to support its proposal. At present, Appendix 9 rehearses some of the background to the policy but whilst the principle of separation is arguably established, the extent of the designated area is not nor the relationship with HDPF Policy 27. This could usefully be explained by updating Appendix 9 in support of Policy H1. NP Paragraph H1.5 seems unnecessary and out of date.

Reaching agreement with HDC on this issue as part of satisfying the Basic Condition of general conformity between the NP and the strategic policies of the extant development plan is recommended. **Changes made - need to strengthen the Gap document**

19. Page 26/27: Policy H2 allocates land for housing. The Proposals Map should be called the Policies Map (due to Regulation). **Done** The evidence base will be assessed for the way in which it supports the policy and therefore additional supporting justification should be provided explaining how the Parish Council has considered the level of housing required and undertaken its exercises in identifying the allocated site. At present, the evidence trail is not totally clear in these respects and this poses a risk to the successful Examination of the Plan. Paragraph H2.3 refers to sites in the plural which, given the content of the Plan should be singular.

20. Pages 27/28; Policy H3 addresses design quality. To ensure flexible and suitable implementation, it may be helpful to amend the first sentence of the policy as follows: “to reflect local character and reinforce, where appropriate, local distinctiveness”. It is not appropriate to give the untested content of a design guide the weight of statutory development plan policy and therefore Policy H3 should either remove the references to the Village Design Guide and instead include them in the justification or alter the wording, for example, to say: “...have regard to the core principles of the Village Design Guide ...”.

The criteria of the Policy H3 also include items that do not constitute ‘development’ or may benefit from permitted development rights and therefore may not be controlled by the planning application process (eg telephone lines, lighting). This part of the policy would benefit from review and amendment, feasibly in liaison with HDC to ensure it is capable of effective implementation. In any event, requiring strict compliance with the design guide via the policy would not be appropriate. **Done**

Guidance on the issue of design has recently been updated by the government here: <https://www.gov.uk/guidance/design> which may be helpful.

There is a formatting error in paragraph H3.4

21. Page 28; the reference to Lifetimes Home Standards within Policy H4 should be removed as national policy does not support the creation of additional non-governmental standards for development within development plans. A reference to its objectives/principles could feasibly be included within the justification to the policy. **Done**
22. Page 29; whilst not deviating from the strategic intentions of the development plan, is Policy H6 necessary given the HDPF? This matter should be confirmed with HDC. **Choose to retain the policy**
23. Page 30; Policy H7 sets challenging criteria to be met for windfall sites to be developed. The justification for the approach taken needs to be expanded with reference to any supporting evidence. As drafted, how criterion ‘b’ is to be applied is unclear, what does ‘subdivision of larger sites of a unified character’ mean in practice? Would this unreasonably stymie windfall development (which is required for the housing target)? **No we do not believe so and given the large plots surrounding many homes in the Parish the character of the parish would change if this is not followed**

To ensure suitable scope for appropriate implementation, criterion ‘c’ should refer to ‘harming *unacceptably* the amenities of ...’. Similarly, how would criterion ‘e’ be discharged for a small scale windfall scheme? What is the necessity and justification for criterion ‘f’? The final paragraph of the policy repeats the design aspirations of the NP and could be subsumed into the justification instead. **Done**

24. Page 32; Policy EH1 is supported in evidence by the Green Infrastructure and Ecosystem Services report. The use of the word ‘noticeable’ in the first sentence of EH1 is imprecise; perhaps this should be termed ‘unacceptable harm’, which would be identified by

the details of any development submission that would flow from the implementation of the second paragraph of the policy. The advisory nature of the last two sentences of Policy EH1 would be better placed in the supporting justification. **Done**

25. Page 33; the first sentence of Policy EH2 refers to areas at risk from flooding. This is unclear (as all areas are at some risk from flooding). Should this refer to Flood Risk Zones 2 and 3? In large part, this first paragraph is repeating national policy so is unnecessary; indeed, aspects appear to replicate Policy 38 of the HDPF, so could be deleted. The 2nd paragraph may be undeliverable in practice; to ensure clarity and flexibility, the policy could be phrased to say all development proposals must demonstrate an acceptable means of surface water disposal. This would remove the need for the third paragraph. The evidence for the requirements of paragraphs 2 and 3 is not clear. The aspirations for greenfield and previously developed land could be contained in the supporting justification. **Done**
26. Page 33; Policy EH3 could omit the word ‘refused’ for ‘not supported’, in the interests of balanced decision making. **Done**
27. Page 34; It would be helpful in the interests of effective implementation and to ensure that Policy EH4 does not address excluded forms of development, to clarify what ‘energy generating infrastructure’ means. The justification for criterion ‘a’ is unclear and is currently contrary to national policy (see NPPF paragraphs 149 on). Similarly, there is no clear evidence in support of the last paragraph of Policy EH4. The policy should be amended and clarified accordingly. **Done**
28. Page 35; the first sentence of Policy EH5 runs counter to national policy as set out in Chapter 15 of the NPPF which, paragraph 197, requires the effect of an application on the significance of a non-designated heritage asset to be taken into account and thereby a balanced judgement will be required having regard to the scale of any harm or loss. This should be amended. **Done**

It is unclear why the items listed (a-e) in the policy are considered to be non-designated heritage assets (or indeed if they already have been identified as such by HDC). Whilst there is supporting survey work (eg finger posts, bus shelter photo, Wells Cottages report) the specific reasons as to why the items should be non-designated heritage assets would benefit from explanation, ideally with reference to the advice of Historic England⁵ (see also NPPF Section 16). **Done**

The final sentence of Policy EH5 refers to ‘public benefits’ which is not aligned with national policy, which requires the balance of public benefits to apply to designated assets. The policy should be amended accordingly. **Done**
29. Page 35; for clarity, Policy EH6 would benefit from reformatting. At present, there is only one criterion after the colon which itself has 5 applicable bullets. Scheduled Monuments are no longer referred to with the word ‘Ancient’, which should be deleted. The final bullet could be phrased as ‘Development *should be* in keeping ...’ to ensure flexible implementation. **Done**
30. Page 36; it would be informative for any evidence in support of the ‘unlit village’ status to be clearly set out so that the current baseline can be understood for the effective implementation of the policy aims. The policy refers to best practice but it is unclear what this is;

⁵ <https://historicengland.org.uk/images-books/publications/local-heritage-listing-advice-note-7/heag018-local-heritage-listing/>

could it be signposted by a footnote or perhaps the wording could be altered to refer to minimising the effects of any lighting through the submission of a lighting plan where necessary? The 4th bullet as worded would be difficult to implement without further clarity and should either be deleted or amended. The final sentence of Policy EH7 requires rewording for clarity as it purports to refer to roads but then includes other items. Is this approach justified where suitable lighting could mitigate any impact? **Done**

31. Page 37; deletion of the word ‘only’ from Policy EH8 would ensure it is positively phrased as required by national policy. The inclusion of ‘only’ in the absence of any Conservation Area designation or Article IV direction does not appear justified whilst matters affecting these properties, if included as non-designated heritage assets, would be partially controlled by Policy EH5. **Done**
32. Page 38; the approach to important views should make clear that it applies only to development proposals within the neighbourhood planning area. Reference would be more effectively made to ‘an unacceptable impact’ rather than ‘an adverse impact’. **Done**
33. Page 39; the justification for Policy EH11 is rather weak and should be bolstered in some manner, perhaps with reference to any historic issues of subdivision and buildings. The second sentence of the policy could refer to proposals being ‘reasonably necessary’, which is the language used by the General Permitted Development Order⁶. **Done**
34. Page 39; Policy EH12 is not justified or consistent with national policy, which recognises the potential benefits of the most versatile agricultural land but does not seek to limit its use in the manner suggested by the policy. **Feel that the justification is adequate**
35. Page 41; Policy GA1 should inset the word *justified* into criterion ‘a’ as follows to be legally robust: “...or by means of *justified* financial contributions ...”. **Done**
36. Page 42; the recommended dimensions of a garage should be justified and incorporated into the policy justification rather than Policy GA3 itself. The overall policy approach should be verified with HDC and West Sussex County Council as appropriate. **Added the word recommended**
37. Page 44; Policy EE1, the reference to ‘other policies in this Plan’ is unnecessary as they would apply in any event. **Done**
38. The wording of Policy EE2 could be reviewed for its clarity, for example: “...no longer economically viable ~~or where permitted development rights apply~~. Evidence should be provided by the developer that the site has been actively marketed, at the market rate current at the time for a minimum of 12 months and no sale or let has been *possible* achieved”. **Done**
39. Page 45; to be flexible, the word ‘possible’ could replace ‘achieved’ in Policy EE3. **Done**

⁶ <http://www.legislation.gov.uk/uksi/2015/596/schedule/2/part/6/crossheading/class-b-agricultural-development-on-units-of-less-than-5-hectares/made>

40. Page 46; to be clear, Policy EE5 should refer to ‘unacceptable impacts’ in the first sentence. The second paragraph of the policy uses the word ‘appropriate’ frequently but it is not clear what this means - can it be explained in the justification? What is appropriate?
Amended
41. Page 46; Policy EE6 refers to ‘Rural Buildings’. As worded, this does not have adequate regard to national policy which simply supports the conversion of existing buildings without reference to the word ‘farm’ or their structural condition. Criterion ‘a’ should be amended. Criterion ‘b’ is not justified and runs counter to national policy; it should be removed. Criterion ‘c’, the reasoning for what is deemed appropriate to a rural location is not clearly explained in evidence or the justification and this should be added if feasible. Criterion ‘d’ is not set out with regard to evidence which should be supplied. Criterion ‘e’ should refer to ‘unacceptable’ impacts rather than ‘adverse’ impacts which is too inflexible. **Done**
42. Page 48; Policy LC1 refers to the amenity of residential properties which should be amended to surrounding residents (as properties do not experience amenity). Should Policy LC3 also refer to parking? **Done**
43. Page 49; Policy LC4 refers to assets of community value; because the 9 suggested facilities are yet to be confirmed as ACVs, the list would be better placed in the supporting text of the policy with some explanation as to why they are deemed important. **Done**
44. Page 50; any Examination will likely scrutinise the content of Policy LC5, Appendix 5 and any other supporting evidence. The NPPF indicates that policies for managing development within a Local Green Space should be consistent with those for Green Belts. As worded, Policy LC5 is not. This is best remedied by liaison with HDC prior to submission. **Policy wording has been agreed elsewhere. HDC has not raised any objections**
45. Page 51; for ease of reference, it would be helpful to hyperlink the background documents and all the appendices. **Done**
46. **General** -The main focus of this report has been on undertaking a detailed assessment of the Plan. A thorough proof-read and sense check should be made of the supporting documents prior to their publication and submission and the Plan itself should also be proof-read by an independent person to check for typographical errors (which appear to be generally and creditably absent).
47. Finally, it is recognised that the above comments will involve additional work to support the Plan and its contents without which the risk of an unsuccessful Examination would be increased. However, the time and effort that has clearly been put into the Plan to date is commendable.