

PARISH 2031 NEIGHBOURHOOD PLAN HURSTPIERPOINT AND SAYERS COMMON

A Report to Mid Sussex District Council
of the Examination into Parish 2031,
a Neighbourhood Plan for Hurstpierpoint and Sayers Common

by Independent Examiner, Nigel McGurk BSc(Hons) MCD MBA MRTPI

Nigel McGurk

Erimax Land, Planning and Communities

erimaxltd.com

September 2014

Contents:

1. Introduction

2. Basic Conditions and Development Plan Status

3. Background Documents and Hurstpierpoint and Sayers Common Neighbourhood Area

4. Public Consultation

5. The Neighbourhood Plan, Introductory Section

- **Introduction, background and general policies**

6. The Neighbourhood Plan - Policies

- **Countryside, landscape and conservation**
- **Amenities**
- **Housing**
- **Economy and employment**
- **Transport**

7. Maps and Schedule of evidence

8. Summary

9. Referendum

1. Introduction

The Neighbourhood Plan

This Report provides the findings of the examination into the Hurstpierpoint and Sayers Common Neighbourhood Plan (referred to as the Neighbourhood Plan).

Neighbourhood planning provides communities with the power to establish their own policies to shape future development in and around where they live and work.

“Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need.”
(Paragraph 183, National Planning Policy Framework)

Hurstpierpoint and Sayers Common Parish Council is the *qualifying body*¹ responsible for the production of this Neighbourhood Plan. This is in line with the aims and purposes of neighbourhood planning, as set out in the Localism Act (2011), the National Planning Policy Framework (2012) and Planning Practice Guidance (2014).

Hurstpierpoint and Sayers Common Parish Council established a Neighbourhood Plan “working party” to lead on production of the Neighbourhood Plan. The Neighbourhood Plan is a “front runner” and as such, is one of the first tranche of neighbourhood plans to come forward in the country, and one of the first of such plans in Sussex.

This Examiner’s Report provides a recommendation as to whether or not the Neighbourhood Plan should go forward to a Referendum. Were it to go to Referendum and achieve more than 50% of votes in favour, then the Plan would be *made* by Mid Sussex District Council. The Neighbourhood Plan would then be used to determine planning applications and guide planning decisions in the Hurstpierpoint and Sayers Common Neighbourhood Area.

Role of the Independent Examiner

I was appointed by Mid Sussex District Council, with the consent of Hurstpierpoint and Sayers Common Council, to conduct an examination and provide this Report as an Independent Examiner. I am independent of the qualifying body and the local authority. I do not have any interest in any land that may be affected by the Neighbourhood Plan and I possess appropriate qualifications and experience. I am a chartered town planner and an experienced Independent Examiner of Neighbourhood Plans. I have extensive land, planning and development experience, gained across the public, private, partnership and community sectors.

¹The qualifying body is responsible for the production of the Plan.

As the Independent Examiner, I must make one of the following recommendations:

- a) that the Neighbourhood Plan should proceed to Referendum, on the basis that it meets all legal requirements;
- b) that the Neighbourhood Plan, as modified, should proceed to Referendum;
- c) that the Neighbourhood Plan does not proceed to Referendum, on the basis that it does not meet the relevant legal requirements.

If recommending that the Neighbourhood Plan should go forward to Referendum, I must then consider whether or not the Referendum Area should extend beyond the Hustpierpoint and Sayers Common Neighbourhood Area to which the Plan relates.

In examining the Plan, I am also required, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, to check whether:

- the policies relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act (PCPA) 2004;
- the Neighbourhood Plan meets the requirements of Section 38B of the 2004 PCPA (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one Neighbourhood Area);
- the Neighbourhood Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.

Subject to the contents of this Report, I am satisfied that all of the above points have been met.

Neighbourhood Plan Period

A neighbourhood plan must specify the period during which it is to have effect. The Neighbourhood Plan is entitled “Parish 2031” and the Introduction states it is “for the period up to 2031.” The Basic Conditions Statement confirms that the Neighbourhood Plan covers the period from the date of submission through to 2031.

Taking the above into account, I consider that it would add further clarity and ensure that the Neighbourhood Plan satisfies the requirement to specify the plan-period, if the first sentence of the Introduction was modified to read:

“...for the period from 2014 up to 2031.”

Taking the above into account, I confirm that the Neighbourhood Plan satisfies the relevant requirement in this regard.

Public Hearing

According to the legislation, *when the Examiner considers it necessary* to ensure adequate examination of an issue, or to ensure that a person has a fair chance to put a case, then a public hearing must be held.

However, the legislation establishes that it is a general rule that neighbourhood plan examinations should be held without a public hearing – by written representations only.

Further to consideration of the written representations submitted, I confirmed to Mid Sussex District Council that I was satisfied that the Hurstpierpoint and Sayers Common Neighbourhood Plan could be examined without the need for a Public Hearing.

A representation was subsequently received from a planning consultancy. It demanded that I “*must* hold a hearing.” Amongst other things, the planning consultancy considered that this was due to there being objections to the Neighbourhood Plan.

It is not the role of third parties to determine whether or not a hearing should take place – I summarise the legislation in this regard above. An Examiner will determine whether or not to hold a hearing, in line with the legislation, further to consideration of the information before them. He or she will not be cajoled into holding a hearing.

The fact that there are objections to the Neighbourhood Plan is not in any way unusual. It is the role of the Examiner, when examining a neighbourhood plan, to consider all representations. I have done this.

It is clear to me that there have been plentiful opportunities for individuals and organisations to consider the Neighbourhood Plan and to put forward representations, whether in support, objection or as general comments. I consider the Neighbourhood Plan consultation process in some detail below. I note that the receipt of representations in support and, whilst fewer in number, representations in objection to the Hurstpierpoint and Sayers Common Neighbourhood Plan, provides evidence that people have had a fair chance to put a case.

In addition and as above, I was satisfied that I could ensure adequate examination of matters or issues relating to the Neighbourhood Plan without holding a hearing. Whilst I note that the planning consultancy referred to above “cannot believe” this to be the case, the publication of this Report should end any suspended disbelief in this regard.

2. Basic Conditions and Development Plan Status

Basic Conditions

It is the role of the Independent Examiner to consider whether a neighbourhood plan meets the “basic conditions.” These were *set out in law*² following the Localism Act 2011. In order to meet the basic conditions, the Plan must:

- have regard to national policies and advice contained in guidance issued by the Secretary of State;
- contribute to the achievement of sustainable development;
- be in general conformity with the strategic policies of the development plan for the area;
- be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations.

I have examined the Neighbourhood Plan against all of the basic conditions above.

EU and ECHR Obligations

The Basic Conditions Statement submitted with the Neighbourhood Plan states that it does not breach, and is compatible with, all European obligations.

I am satisfied that the Neighbourhood Plan has regard to fundamental rights and freedoms guaranteed under the ECHR and complies with the Human Rights Act 1998 and there is no substantive evidence to the contrary.

According to European legislation, a Habitats Regulations Assessment (HRA) is required when it is considered that likely negative, significant effects could occur on protected European sites as a result of the implementation of a plan or project. An HRA Screening Report has been undertaken by Mid Sussex District Council.

The Screening Report recognises that the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC) is the nearest relevant site protected by European legislation, forming a sensitive natural asset that *may* be affected by proposals in the Neighbourhood Plan. The Screening Report establishes that there would be no likely significant effects on the SPA and SAC. The Neighbourhood Area is more than 14km from the SPA and SAC boundary and lies well outside its established “zone of influence.”

Given the above, I concur with Mid Sussex District Council’s view that a full HRA is not required.

² Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990.

The Neighbourhood Plan allocates land for development. The allocation of development land comprises one of the circumstances, referred to by the Planning Practice Guidance, whereby a strategic environmental assessment (SEA) *may* be required.

With regards an SEA, Planning Practice Guidance establishes that *the local planning authority must decide whether the draft neighbourhood plan is compatible with EU regulations*. Mid Sussex District Council has confirmed that it is satisfied that the Neighbourhood Plan meets the basic conditions.

The Sustainability Appraisal submitted together with the Neighbourhood Plan incorporates a Strategic Environmental Assessment (SEA). It makes use of baseline information contained in a Scoping Report, which itself was subject to consultation with Mid Sussex District Council, South Downs National Park Authority, Natural England, the Environment Agency and English Heritage.

The Sustainability Appraisal includes individual policy appraisals, which test options against a Sustainability Framework. This approach has regard to the advice set out in Planning Practice Guidance.

Evidence has been provided to demonstrate that the Sustainability Appraisal was integral to, and formed an ongoing part of, the plan-making process. The processes for gathering and testing evidence for the Sustainability Appraisal and for producing the Neighbourhood Plan were integrated and informed the choices being made. They were accompanied by robust consultation.

Thakeham Homes submitted representations highlighting its view that the SEA's assessment of reasonable alternative development sites was weak and that "in respect to the reasonable alternatives is a significant and clear breach of the (SEA Regulations)." It also refers to the Slaugham Neighbourhood Plan, which another independent examiner considered did not demonstrate compatibility with European obligations. With regards this latter point, I am not examining the Slaugham Neighbourhood Plan, nor determining whether or not to accept the recommendations of the independent examiner of that plan.

Alternative development sites were evaluated against fixed criteria. Thakeham Homes considers that the allocations in the Neighbourhood Plan were inconsistent with a landscape character assessment undertaken as part of the plan-making process. However, I note that the landscape character assessment referred to was one of a number of factors that helped to inform the overall process and that it did not, itself, dictate allocations in the Neighbourhood Plan.

A neighbourhood plan's evidence base cannot be expected to be the same as that of a district wide development plan. Planning Practice Guidance is explicit in stating that an SEA does not need to be done in any more detail, or using more resources, than is considered to be appropriate for the content and level of detail in the

neighbourhood plan. Rather than breach SEA regulations, I note above that the plan-makers' approach reflected national policy advice.

In the above regard, I am also mindful of the absence of objection from any of the statutory consultees in respect of European legislation. In addition, I have noted that the local planning authority is satisfied that the Neighbourhood Plan meets the basic conditions.

Taking all of the above into account, I consider that the Neighbourhood Plan is compatible with EU obligations and that it does not breach, nor is in any way incompatible with the ECHR.

3. Background Documents and Hurstpierpoint and Sayers Common Neighbourhood Area

Background Documents

In undertaking this examination, I have considered each of the following documents in addition to the examination Version of the Hurstpierpoint and Sayers Common Neighbourhood Plan:

- National Planning Policy Framework (The Framework) (2012)
- Planning Practice Guidance (2014)
- Town and Country Planning Act 1990 (as amended)
- The Localism Act (2011)
- The Neighbourhood Planning Regulations (2012)
- Mid Sussex Local Plan (Adopted 2004)
- Basic Conditions Statement
- Consultation Statement
- Sustainability Appraisal (incorporating Strategic Environmental Assessment)
- Sustainability Appraisal Non Technical Summary
- Habitats Regulations Assessment Screening Report
- Sequential Flood Risk Test for Mid Sussex Neighbourhood Plans
- Statement by Mid Sussex District Council
- Summary Table of Policy Option Sustainability Appraisals

Also:

- Representations received during the publicity period

In addition, I spent an unaccompanied day visiting the Hurstpierpoint and Sayers Common Neighbourhood Area.

Hurstpierpoint and Sayers Common Neighbourhood Area

The Hurstpierpoint and Sayers Common Neighbourhood Area coincides with the area within the Parish boundary. There is a plan showing the Neighbourhood Area (Plan Boundary) on page 22 of the Neighbourhood Plan.

Further to an application made by the Parish Council, Mid Sussex District Council and the South Downs National Park Authority approved the designation of Hurstpierpoint and Sayers Common as a Neighbourhood Area on 9 July 2012 and 13 September 2012, respectively.

This satisfied a requirement in line with the purposes of preparing a Neighbourhood Development Plan under section 61G (1) of the Town and Country Planning Act 1990 (as amended).

4. Public Consultation

Introduction

As land use plans, the policies of neighbourhood plans will become the basis for planning and development control decisions. Legislation requires the production of neighbourhood plans to be supported by public consultation.

A comprehensive and robust approach to public consultation can ensure that a neighbourhood plan reflects the needs, views and priorities of the local community. Successful public consultation enables a neighbourhood plan to reflect the needs, views and priorities of the local community. It can create a sense of public ownership, help achieve consensus and provide the foundations for a successful 'Yes' vote at Referendum.

Hurstpierpoint and Sayers Common Neighbourhood Plan Consultation

Hurstpierpoint and Sayers Common Parish Council submitted a Consultation Statement to Mid Sussex District Council. This sets out who was consulted and how, together with the outcome of the consultation. As such, the Consultation Statement meets the requirements of the neighbourhood planning *regulations*³.

It is clear from the evidence provided – significant parts of which, I summarise below - that the production of the Neighbourhood Plan was supported by significant, comprehensive and well-organised public consultation, whereby the views of the wider community were sought on a sustained and pro-active basis.

The Consultation Statement points out that when leaflets were distributed, they were sent out directly to over 2,500 households, 173 local businesses and 48 local interest groups. Completed questionnaires could be posted, emailed or returned at public meetings. Information was disseminated regularly in a newsletter distributed to all addresses in the Neighbourhood Area and available in shops and pubs. All information was available on the Parish Council website.

When held, public meetings generally took the form of presentations followed by discussions, feedback groups and opportunities for questions/answers. Additional stakeholder meetings comprised invited parties.

Consultation began with the distribution of a "Where We Live" leaflet and questionnaire in January 2012, followed by a public meeting in February 2012; and the distribution of a "Future Housing" leaflet and questionnaire in March 2012, followed by a public meeting in the same month. Further public meetings, concerning Countryside and Heritage, and the Neighbourhood Plan as a whole, were

³Neighbourhood Planning (General) Regulations 2012.

held in April and May 2012; and a “Future Housing Document” was produced for public comment in June 2012. Stakeholder meetings were held with interest groups in July and August 2012 and between May 2012 and April 2013, the Neighbourhood Plan working group invited landowners and developers to attend meetings and/or present their ideas for development.

All of the above enabled plan-makers to establish key themes, objectives and topic areas. I note that feedback generally endorsed the proposal for the vision for the Neighbourhood Area to be focused on the retention of “a village feel.”

A four day public exhibition was held in October 2012 in Hurstpierpoint and in Sayers Common and was attended by 520 people. More than 400 completed questionnaires were submitted and 98.6% of respondents agreed with the vision set out for the Neighbourhood Plan. Answers to other questions provided further background information to inform the Neighbourhood Plan.

Prior to producing a first draft plan, plan-makers held discussions with Mid Sussex District Council as part of the process to determine the type and amount of housing development to provide for during the plan period. This was an important part of the consultation process, reflecting a collaborative approach to policy development.

The public consultation draft plan then underwent a six week consultation period during April and May 2013. All of those who provided contact details during earlier consultation were contacted directly. Statutory consultees were contacted further to close working with Mid Sussex District Council and South Downs National Park Authority. Details of the consultation were also sent to every household and business in the Neighbourhood Area and were available at various locations in Hurstpierpoint and Sayers Common. It was widely publicised.

With regards to statutory consultees, Southern Water states that it wasn’t consulted on the draft Neighbourhood Plan. However, I note that they provided a detailed representation to the Submission Version and I am satisfied that they have had fair chance to state their case.

The Consultation Statement clearly sets out how the main issues raised during the public consultation were considered and taken into account in the Neighbourhood Plan.

With regards to all of the above, it is clear to me that public consultation was integral to the Hurstierpoint and Sayers Common Neighbourhood Plan, and was fundamental to its development. There is an audit trail to demonstrate that consultation was ongoing, extensive and comprehensive, and that it was transparent and widely promoted. There were plentiful opportunities for comment and comments were duly considered. I am satisfied that people and organisations were provided with a fair chance to have their say.

The consultation undertaken is reflective of the significant efforts made by all involved to go well beyond any statutory requirements. Public consultation was central to the production of the Neighbourhood Plan and as such, is reflected in its policies.

I am satisfied that the consultation process was significant and robust.

5. The Neighbourhood Plan – Introductory Section

Where modifications are recommended, they are presented as bullet points and highlighted in bold print, with any proposed new wording in italics.

The policies of the Neighbourhood Plan are considered against the basic conditions in Chapter 6 of this Examiner’s Report. I have also considered the Introductory Section of the Neighbourhood Plan and make recommendations below which are aimed at making it a clear and user-friendly document.

Introduction, background and general policies

I note on page 4 of this Report that the first line should be modified, as below, to provide clarity:

Change end of first sentence to read “*...for the period from 2014 up to 2031.*”

The rest of the Introduction provides useful information with regards the Submission version of the Neighbourhood Plan and contact details. However, the majority of this information would not be relevant to a final version of the plan.

- **Delete remainder of Introduction, with the exception of contact details.**

The background and general policies section summarise the background to the Neighbourhood Plan. At the end of para 2.2 there is reference to the emerging Mid Sussex District Plan. This is only an emerging document, it is at a very early stage and has yet to be rigorously examined. The reference is therefore unnecessary and potentially confusing.

- **Delete “NOTE: These...District Plan).”**

This section goes on to reference the Sustainability Appraisal, the wording of which would be clearer as a result of the recommended modification:

- **Reword to “*...Parish Council published...and published...this Plan was prepared.*”**
- **Delete final sentence of 2.3**

Paragraph 2.4 states that the proposals maps identify urban areas and that the policies of the Mid Sussex District Local Plan will apply to areas of countryside. This is self-explanatory and unnecessary. The paragraph is also selective – for example it does not state that the Framework and other development plan policies will apply to other subject areas.

- **Delete para 2.4**

The reference to Burgess Hill Northern Arc, which is not defined in an adopted plan, would benefit from being re-worded to provide accuracy and clarity.

- **Replace para 2.5 with *“The Burgess Hill Northern Arc is a strategic site which forms an important role in delivering development within Mid Sussex in the period up to 2031. The western part of the site is located in the Neighbourhood Area. It falls within the scope of this Neighbourhood Plan, which includes employment and recreation land allocations which are designed to be consistent with the emerging plans for the Burgess Hill Northern Arc.”***

The next paragraph, as worded, fails to accurately reflect legislation. I recommend the following modification:

- **Para 2.6, change to read: *“Our Neighbourhood Plan needs to be in general conformity with the strategic policies of the Mid Sussex Local Plan (2004). It also takes into account a wide range of relevant factors further to consultation and consideration of the following:”***

The final paragraph makes an important and relevant point. It would be helpful to retain, but update the wording.

- **Para 2.7, amend middle sentence to: *“...However, these comprised important community aspirations and it was considered that they should not be lost, but should continue to be referenced in the Neighbourhood Plan. These...”***

6. The Neighbourhood Plan – Neighbourhood Plan Policies

The policy section of the Neighbourhood Plan provides a clear distinction between the Neighbourhood Plan's land use planning policies and the supporting text. Each chapter has a useful introduction and I note that supporting text is concise.

Some of the policies are followed by brief "notes" which identify consistencies between the policies and development plan/national policies. Whilst perhaps helpful for a draft document, their content is selective and their inclusion is unnecessary. They detract from the impact of the policies themselves. Furthermore, they are not applied to each policy and as such, their inclusion is inconsistent. I recommend the following modification:

- **Delete all reference "NOTES" regarding consistency with other policies/Framework.**

As a minor point, I note that the numbering of the policies (eg C1 for Countryside Policy 1) is clear and helpful.

Countryside, landscape and conservation

This section opens with reference to the countryside comprising all land outside the defined built-up areas on the proposals maps. As worded, this is ambiguous and potentially confusing, as the built up areas defined on the proposal maps relate to “existing built up area” boundaries.

- **Change opening sentence of para 3.1 to read “...built-up areas *and land allocated for development*, as shown...”**

Policy Countryside C1 – Conserving and enhancing character

Further to the above modification, there is no reason to repeat the definition of the countryside in Policy C1 (and the definition included is incorrect anyway).

- **Policy C1 – delete that part of first sentence from “defined as...Maps”**

As worded, policy C1 is so considerably more restrictive of development in the countryside than the Framework that it fails to have regard to national policy. It does not meet the basic conditions. However, rather than delete the policy, I propose the modification below. Whilst it could be considered that to some degree the policy repeats national policy, I recognise that the local community, through consultation, identified the requirement to maintain the character of the area:

- **Change first bullet point to “*It comprises an appropriate countryside use*”**
- **Change final bullet point to “*In the South Downs National Park, Policy C2 will take precedent.*”**

Subject to the above, Policy C1 has regard to national policy and is in general conformity with Mid Sussex Local Plan Policy C1.

Policy Countryside C2 – South Downs National Park

Policy C2 recognises the tremendous importance of the National Park. The South Downs National Park Authority supports the inclusion of the policy. In referring to the emerging South Downs National Park Local Plan there is little point in referencing the latest stage, as this will constantly change until adoption.

- **Delete “(an Options...2014)”**

The final part of Policy C2 requires all development to enhance the character of the National Park. This may not be possible in all cases and the approach set out would fail to have regard to national policy, which is not so onerous. To ensure that Policy C2 meets the basic conditions I propose the following modification:

- **Change final sentence to “...where it *conserves or enhances* and does not detract...”**

Subject to the above, Policy C2 has regard to national policy and safeguards the National Park, contributing towards the achievement of sustainable development.

Policy Countryside C3 – Local Gaps and Preventing Coalescence

Mid Sussex Local Plan Policy C3 identifies areas of countryside that are particularly vulnerable to development pressure, but which have an important function with regards protecting local character.

Neighbourhood Plan Policy C3 permits development in the countryside, subject to it not resulting in coalescence or the loss of identity of neighbouring settlements. This approach is in general conformity with Mid Sussex Local Plan Policy C3. Further to testing and robust consultation, it reflects the local community’s strong support for the vision for the Neighbourhood Area, which seeks to retain a “village feel” and sense of place. This has regard to the Framework, which gives communities direct power to develop a shared vision for their neighbourhood.

The policy contributes to the achievement of sustainable development by protecting local character and supporting appropriate development. No modifications are proposed.

Neighbourhood Plan Countryside Aim

I note that, within this section, the Neighbourhood Plan sets out an Aim to encourage the identification and implementation of “Quiet Lanes.” I note that the Aim is referred to as “Countryside C4 Quiet Lanes.” This title is confusing, as it suggests that the Aim should be treated in a similar manner to the Policies of the Neighbourhood Plan. This is not the case.

Aims reflect an aspiration and do not comprise land use planning policies to control development. As worded, the approach to Aims would fail to have regard to that part of the Framework that requires plans to set out clear policies on what will or will not be permitted and where. As such, it is important that Aims are clearly distinguished from Policies. I propose the following modification:

- **Change title of Aim to “*Countryside Aim 1 – Quiet Lanes*”**
- **Change the numbering of the subsequent Policies to reflect the above change.**

Policy Countryside C5 – Conservation Areas

There are three Conservation Areas around Hurstpierpoint. The first part of Policy C5 simply refers to encouraging Mid Sussex District Council to do something. It is not a land use planning policy. It could however, be usefully retained as an Aim that reflects the text in para 3.4

- **Policy C5 – Remove part (1) and replace it in a new Countryside Aim. This would be “*Countryside Aim 2 – Conservation Areas*”**

The second part of Policy C5 recognises the importance of the setting of the Conservation Areas in Hurstpierpoint. This has regard to the Framework, which recognises the potential importance to Conservation Areas of the “contribution made by their setting” (para 127). In this way, Policy C5 provides a helpful steer to applicants and provides clarity for decision makers. However, I find that it would help the clarity of the Policy if the wording had more regard to national policy. I recommend the following modification:

- **Policy C5, change end to read “where the settings of the *Conservation Areas are conserved or enhanced.*”**

Policy Countryside C6 – Hurstpierpoint College

Policy C6 recognises the unique characteristics of Hurstpierpoint College. The College includes Listed Buildings and as worded, the Policy does not have regard to national policy as it simply requires development to “not detract” from character. The final bullet point effectively repeats the first bullet point. The following modifications are proposed:

- **Add new bullet point, after the bullet point “It does not detract from...landscape” “*It conserves or enhances the character and appearance of Listed Buildings.*”**
- **Further to previous modifications delete “- Conserving and enhancing character” from the third bullet point**
- **Delete the final bullet point.**

Subject to the proposed modifications, Policy C6 has regard to the Framework. It supports the rural economy and contributes to the achievement of sustainable development.

Policy Countryside C7 – Little Park and Tilley's Copse Woodland

This Policy recognises the value of specific areas of ancient and other woodland in the Neighbourhood Area. The Policy affords protection and links the creation of a management trust directly to the development of adjacent sites. In this way, Policy C7 contributes to the achievement of sustainable development. No modifications are proposed.

Paragraph 3.7 provides useful information, but ends as though it is a Policy, which it is not.

- **Para 3.7 delete “, and its status shall be protected” at the end of the para.**

Amenities

Policy Amenities A1 - Hurst Meadows

This Policy provides for the creation of an area of public open space for informal recreation. It is directly linked to the development of housing in Hurstpierpoint. The Policy clearly sets out how the public open space will be managed and financed; and states that it will include areas for the conservation and preservation of fauna and flora.

Policy A1 is clear, well thought-out and deliverable. It has regard to the Framework's aim of creating healthy communities. It contributes to the achievement of sustainable development. It provides a good example of how a community can deliver the sustainable development it needs.

However, the Policy, as worded, would prevent the delivery of essential infrastructure. I find that such development would comprise the "very special circumstances" identified by the Framework, whereby the potential harm of a development is clearly outweighed by other circumstances.

Taking the above into account, I recommend the following modification:

- **Policy A1 b), add "...perpetuity. However, the provision of essential infrastructure will be supported where it can be demonstrated that there are no reasonable alternative sites available."**

Policy A1 meets the basic conditions. No modifications are proposed.

Policy Amenities A2 – Fairfield Recreation

Policy A2 allocates land for an extension to an existing recreation ground. It identifies the opportunity for recreation space to be provided in conjunction with the development of housing.

Policy A2 has regard to the Framework's aim of creating healthy communities and contributes to the achievement of sustainable development. It is in general conformity with Mid Sussex Local Plan Policy HU2, which allocates land to the north of Fairfield Recreation Ground for additional formal outdoor recreation facilities. No modifications are proposed.

Policy Amenities A3 – Northern Arc Community Sports

This Policy requires an area for outdoor community sports to be provided as part of the Burgess Hill Northern Arc Development Plan. The proposed allocation is shown as a large area, to the south of the A2300, on the Proposals Map.

As set out above, the Burgess Hill Northern Arc is a major strategic site. It is widely recognised as a key element in delivering development in Mid Sussex in the period up to 2031. It is coming forward through an emerging plan and as such, does not yet form a policy within an adopted development plan.

The Neighbourhood Plan makes specific reference to the Burgess Hill Northern Arc in its Introductory Section (para 2.5). I have recommended a modification to this paragraph, for accuracy and clarity, although the modified wording would still reflect the clear and stated intention of the Neighbourhood Plan for it to be “consistent with the emerging...Burgess Hill Plans.” The Neighbourhood Plan recognises that, as a major strategic site, the plans for the Burgess Hill Northern Arc are emerging at the District-wide, not Neighbourhood Area, level.

Mid Sussex District Council points out that Policy A3, as proposed, would not be consistent with the proposals for the Burgess Hill Northern Arc. The allocation on the Proposals Map would be different to that of the emerging plans for the strategic site. To ensure that Policy A3 has regard to the Framework, by providing clear guidance to decision makers, it is important to ensure that it does not contradict the Neighbourhood Plan’s established intention for consistency with regards the Burgess Hill Northern Arc. Consequently, I propose the modification below:

- **Policy A3 – In line with the stated intention of the Neighbourhood Plan, state that the land allocation shown on the Proposals Map at Burgess Hill Northern Arc is “indicative.”**

Policy Amenities A4 – Fairfield Pavilion

This Policy allocates a pavilion owned by Mid Sussex District Council for future development as a sports and recreation facility. It has regard to the Framework, which supports the creation of healthy communities and contributes to the achievement of sustainable development. It meets the basic conditions.

Policy Amenities A5 – Cemetery

This Policy allocates land owned by Hurstpierpoint and Sayers Common Parish Council for a cemetery. Policy A5 will help the deliver a facility needed by the community. It contributes to the achievement of sustainable development and meets the basic conditions.

Housing

The introduction to the Housing section sets out how the Neighbourhood Plan has considered the provision of housing in the Neighbourhood Area for the period to 2031. This provides useful and informative detail.

The Neighbourhood Plan and its supporting evidence consider housing matters in some detail. I note above that the Neighbourhood Plan was widely consulted upon, on an ongoing basis and in a robust manner. Responses throughout consultation reflect overall support for the Neighbourhood Plan's approach to housing and I note that there has been collaborative working between plan-makers and Mid Sussex District Council.

Mid Sussex District Council cannot demonstrate a five year supply of housing. In such circumstances, Planning Practice Guidance emphasises the importance of collaborative working between the local planning authority and the qualifying body. Further to the above, I am satisfied in this regard.

There is an emerging Mid Sussex District Plan and information relating to this has been taken into account by plan-makers. However, it is clear from all of the evidence provided that the Neighbourhood Plan's approach to housing is in no way founded on the emerging Mid Sussex District Plan, but takes into account a comprehensive range of factors.

Amongst other things, in planning for housing needs, the Neighbourhood Plan has taken into account: consultation on housing matters; a Sustainability Appraisal and related information; demographic changes; household formation rates; and allowing for additional economic growth generated by demands from outside the Neighbourhood Area. It recognises that, in order to meet future demands, housing numbers are likely to be at the higher end of an identified range – towards 395 new homes.

Furthermore and importantly, whilst its Policies reflect its community-endorsed vision by seeking to safeguard the Neighbourhood Area's "village-feel," nowhere in the Neighbourhood Plan is there an absolute limit, or a maximum cap on the number of houses to be built over the plan period. In this way, the Neighbourhood Plan contributes to the achievement of sustainable development and has regard to national policy, which promotes sustainable growth.

The Neighbourhood Plan recognises the inevitability of greenfield release for the delivery of housing and sustaining the future of the Neighbourhood Area. As such, it has regard to the Framework, which states that the purpose of the planning system is to contribute to the achievement of sustainable development.

In taking all of the above into account, I am also mindful that, as well as confirming that in its view, the Neighbourhood Plan meets the basic conditions, Mid Sussex

District Council considers that it adopts “a positive approach...being proactive in facilitating a sustainable level of growth within the Parish.”

Whilst the Neighbourhood Plan’s proactive approach has, perhaps inevitably, led to some objections to the Neighbourhood Plan based on it providing for too much development, I note that the majority of representations support its policies.

Perhaps inevitably, representations have been made around the subject of housing numbers and the absence of an up to date strategic policy in this regard. It is firmly established within national policy that a Neighbourhood Plan can be made whether or not District-wide housing policies are up to date. I have established that the Neighbourhood Plan’s approach to housing has regard to national policy and contributes to the achievement of sustainable development. The Neighbourhood Plan meets the basic conditions in this regard. There has also been collaborative working with Mid Sussex District Council, which has confirmed that, in its view, the Neighbourhood Plan meets the basic conditions.

The final sentence of the introduction to the Housing Policies refers to a “Site Availability Map.” There is no such Map in the Neighbourhood Plan. Furthermore, there is no “presumption against development” policy in the Neighbourhood Plan.

- **Delete sentence above Policy H1 “The “Site...”**

Policy Housing H1 – Hurstpierpoint: new housing development and Policy Housing H2 – Sayers Common: new housing development

The title of Policy H1 has merged with the Policy itself:

- **Policy H1, separate Policy title from Policy**

The reference to “in and around the Parish” is ambiguous. It does not provide clarity and does not therefore, have regard to the Framework:

- ***Change first line of Policy H1 to read “To meet the future needs in the Neighbourhood Area new housing development...”***

Rather than “permit” certain types of development – which suggests that all other forms of development will not be permitted – Policy H1 would have regard to national policy if it “supported” certain types of development. This is an important distinction. Policy H1 cannot require all housing development to enhance (the phrase “positively enhance” is not plain English) an existing settlement pattern. This would probably be unachievable and would certainly be well beyond, and fail to have regard to, the requirements of national policy. However, to support development which enhances the settlement pattern would have regard to the

Framework, which protects local character and supports good design. I propose the following modifications:

- **Policy H1 replace “will be permitted” with “will be supported”**
- **Policy H1 (a) delete “positively”**

The last three requirements of Policy H1 are already addressed by other Neighbourhood Plan policies. As such, they comprise unnecessary and potentially confusing repetition.

- **Delete Policy H1 categories (c – e)**

Policy H2 is very similar to Policy H1, although it introduces a criteria relating to flood and drainage management, an important issue in Sayers Common. Rather than have two almost repetitive Policies, I propose the following modification:

- **Delete Policy H2**
- **Policy H1, change title to Policy Housing H1 – Hurstpierpoint and Sayers Common: new housing development**
- **Policy H1, bullet point (b) add to beginning, “*In Hurstpierpoint, can...*”**
- **Policy H1, add new bullet point “(c) *In Sayers Common, can enhance the flood and drainage management in the village.*”**

The supporting information provides the reasoning behind bullet point (c) above in relation to Sayers Common. Southern Water has commented on this wording and suggested changes. The changes proposed would help to provide clarity and I propose the following modification:

- **Under Sayers Common heading, after bullet points, replace the next two paragraphs with the wording provided by Southern Water.**

Planning is a dynamic subject and during the course of this examination, relevant planning permissions have been granted at appeal.

- **Amend Table under para 5.3 to reflect the current situation**
- **Delete paragraph below Table in para 5.3**

Policy Housing H3 – Hurstpierpoint allocated sites

Policy H3 identifies specific sites for housing development during the plan period. These emerged further to a Housing Sites Appraisal, the Sustainability Appraisal and robust public consultation. The Policy provides for sustainable growth, having regard to the Framework and as such, contributes to the achievement of sustainable development. It meets the basic conditions.

A representation has been received suggesting that Policy H3 (together with Policy H4) should allow further sites to be promoted and provide greater flexibility. However, in this regard, I have already noted that the Neighbourhood Plan does not place a cap on housing numbers. Furthermore, Policy H3 simply provides for specific allocations, rather than precludes all other development from taking place.

Further representations have questioned the selection of sites in the Neighbourhood Plan. I am mindful that sites have emerged as part of the Neighbourhood Plan's overall approach to housing, upon which I comment above. I have found that Policy H3, together with the Neighbourhood Plan's approach to housing, meets the basic conditions.

Policy Housing H4 – Sayers Common Housing Sites

Policy H4 refers to new housing in Sayers Common. As worded, I find that the Policy is somewhat inflexible with regards the timing of addressing drainage issues and the granting of planning permission – it may be that permission needs to be granted (or in the case of the recent appeal decision, will be granted) ahead of drainage works having taken place. I note that there is no evidence to demonstrate that the drainage issues cannot be resolved.

Also, as worded, the Policy imposes a specific maximum number on housing development in Sayers Common. Furthermore, the Policy would be made clearer by taking into account the issues clarified by Southern Water.

The Framework promotes sustainable growth and a flexible approach. Consequently, I propose the following modifications to ensure that Policy H4 has regard to national policy:

- **Reword Policy H4 as “*Subject to existing water drainage issues being resolved, to remove the incidence of localised flooding, new housing will be permitted at Sayers Common. It is anticipated that the village will accommodate around 30-40 dwellings during the Plan period. A review and appraisal of deliverable housing sites will be undertaken at an early stage in the Plan period.*”**

Subject to the above, Policy H4 contributes to the achievement of sustainable development.

Policy Housing H5 – Phasing of construction

Policy H5 prevents new housing unless it can be demonstrated that there is “necessary capacity” in community and physical infrastructure. This is an onerous and ambiguous requirement. It is not clear how the Policy will be measured and implemented. “Necessary capacity” is not defined. It is not clear how the capacity of the road infrastructure, pedestrian and cycle routes and other factors will be measured.

The supporting text suggests delaying development “to allow time for local services to be expanded.” Without clarity and certainty as to how such an approach would be implemented, there appears to be significant conflict with the Framework’s aim of allowing sustainable development to go ahead, without delay.

The Framework is explicit in requiring policies to provide clarity for decision makers. Policy H5 does not have regard to the Framework and does not meet the basic conditions.

- **Delete Policy H5 and supporting text**

Policy Housing H6 – Development principles

This Policy seeks to protect local character. However, as worded, it requires all housing development to enhance the village character of the area. This goes well beyond the requirements of national policy and fails to meet the basic conditions. I propose the following modification:

- **Policy H6 delete “and enhance”**

Policy Housing H7 – Housing sites infrastructure and environmental impact assessment

As worded Policy H7 applies to all new housing development. The requirements of Policy H7 would be onerous and add an unnecessary burden on applications for one, or a small number of houses. Consequently Policy H7 does not meet the basic conditions as it fails to have regard to the Framework, which prevents policy burdens from threatening viability.

However, rather than propose deletion of Policy H7, I find that it can be modified to contribute towards the achievement of sustainable development and have regard to the Framework:

- **Policy H7: Re-word to read “*New housing developments which meet the policies of this plan and meet the criteria below will be supported: (...retain criteria a) – h)*”**

- **Policy Housing H8 – Affordable homes**

The Framework establishes that sites and development should not be subject to such a scale of obligations that the ability to develop viably is threatened. It states that “the costs of any requirements...such as requirements for affordable housing” should not prevent a development from being deliverable (para 173).

As worded, Policy H8 makes no provision for any flexibility with regards viability and deliverability and conflicts with national policy in this regard. Furthermore, I note that Mid Sussex Local Plan Policy H4 includes terms such as “generally” and “normal requirement,” indicating flexibility.

Taking the above into account, in order to meet the basic conditions, I propose the following modification:

- **Policy H8 – change first and second lines to read “...there will *normally* be a 30%...for local people *and generally*, not more than 25%...”**
- **Policy H8 change penultimate line to “...provision will *normally* be required...”**

Policy Housing H9 – Small Sites

In general terms, this is not a Policy but a statement. All planning applications are considered on their planning merits. Policy H9 does not provide clear guidance and fails to meet the basic conditions.

- **Delete Policy H9.**
- **Add to end of Para 5.7 “...*and may contribute around 20 to 25 new homes during the Plan period.*”**

Policy Housing H10 – Small dwellings

As worded, Policy H10 is ambiguous. It refers to “a proportion” but gives no indication as to whether this should be 1% or 100%. Consequently, the Policy is unclear and does not have regard to national policy. However, it seeks to provide some clarity with regards to support for development designed for people with access and movement difficulties. I propose the following wording, which would clarify the Policy and enable it to contribute to the achievement of sustainable development:

- **Policy H10, reword to read: “*Housing development which meets the requirements of the Neighbourhood Plan and provides small homes with*”**

ground floor accommodation designed for people with access and movement difficulties will be supported.”

Economy and Employment

This section recognises the importance of businesses to the Neighbourhood Area.

Policy Employment E1 – Business Park

Policy E1 seeks to “conditionally allocate” land for employment, subject to it forming part of the Burgess Hill Northern Arc. This approach fails to have regard to the Framework’s requirement for policies to provide decision makers with clarity. As worded, the Policy does not provide for any certainty. In effect, the conditionality imposed means that the site is not actually allocated in the Neighbourhood Plan.

However, the intention of the Policy is obvious. It reflects the Neighbourhood Plan’s stated intention to provide consistency with the emerging plans for the Burgess Hill Northern Arc. It is sensible for the Neighbourhood Plan to recognise and seek to plan for a major strategic site that, Mid Sussex District Council confirms, is intended to form a major part of development in the District in the period coinciding with that of the Neighbourhood Plan (up to 2031).

In the light of this, I recommend the proposed modification below, to provide clarity to decision makers and to ensure that the Neighbourhood Plan has regard to the Framework. Furthermore, I note that Policy E1 would have regard to national policy’s support for economic sustainability and as modified, would meet the basic conditions.

- **Policy E1 – Change wording to read *“Proposals for the development of a Business Park providing high quality employment at Goddards Green as part of the Northern Arc Development Plan, will be supported. Land at Goddards Green, as shown on the Proposals Map, is safeguarded for this use.”***

Policy Employment E2 – Whiteoaks and Valley Farm

Policy E2 states that it will permit development that maintains and enhances employment. Whilst encouraged, the “enhancement” of employment within existing employment sites is not a national policy requirement. As worded, Policy E2 does not meet the basic conditions. However, the intention of the Policy, to support existing and encourage additional business development within an important employment area, has regard to the Framework, which supports economic growth in rural areas.

In the light of the above, I propose the following modification:

- **Reword Policy E2 to read *“Development that maintains and where possible, enhances the provision of employment in this location will be supported.”***

- Change title of “AIM Employment E3” to “*Employment Aim 1 – Retail Sector.*”
- Change subsequent Policy Numbers to reflect above modification.

Policy Employment E4 – (Superfast) Broadband

This Policy seeks to encourage other parties to promote broadband. Whilst I recognise that it is an important aim, it is not a land use planning policy.

- Change Policy E4 to “*Employment Aim 2 – (Superfast) Broadband*”

Policy Employment E5 – Tourism

This Policy recognises that the geography of the Neighbourhood Area, with particular regard to the South Downs National Park, presents important economic and employment opportunities. Policy E5 has regard to the Framework, which supports tourism developments in appropriate locations. It meets the basic conditions.

Transport

The Transport section of the Neighbourhood Plan does not include any Policies, but sets out a series of Aims. For consistency with the changes above, I recommend that the title of the aims is modified:

- **Change “AIM Transport T1 Safety” to “*Transport Aim 1 – Safety*” – and so on.**

7, Maps and Schedule of Evidence

The final part of the Neighbourhood Plan provides a Schedule of Evidence and four clearly presented Maps. Taking into account all of the above, the following modifications are proposed:

- **Sayers Common Proposals Map – Replace “New Employment Area” with “*Employment Area*” (this is not a new employment area)**
- **Proposals Map – take into account the above modification and the modification to Policy E1**

Further to a representation by West Sussex County Council, I note that land has been allocated, in the adopted West Sussex Waste Local Plan (2014), for waste management facilities. This is an important allocation in the Neighbourhood Area and I recommend the following modification:

- **Amend Proposals Map to include allocated waste management site at Goddards Green and reference in the Legend as “*Waste Management Facility allocated in West Sussex Waste Local Plan (2014).*”**

8. Summary

The Hurstpierpoint and Sayers Common Neighbourhood Plan is the result of a major and sustained community effort. It contains some exemplary approaches to neighbourhood planning.

Further to consideration of its Policies against the basic conditions, I have recommended a number of modifications to the Neighbourhood Plan.

Subject to these modifications, the Hurstpierpoint and Sayers Common Neighbourhood Plan

- has regard to national policies and advice contained in guidance issued by the Secretary of State;
- contributes to the achievement of sustainable development;
- is in general conformity with the strategic policies of the development plan for the area;
- does not breach, and is compatible with European Union obligations and the European Convention of Human Rights.

Taking the above into account, I find that the Hurstpierpoint and Sayers Common Neighbourhood Plan meets the basic conditions. I have already noted above that the Plan meets paragraph 8(1) requirements.

9. Referendum

I recommend to Mid Sussex District Council that, subject to the modifications proposed, the **Hurstpierpoint and Sayers Common Neighbourhood Plan should proceed to a Referendum.**

Referendum Area

Neighbourhood Plan Area - I am required to consider whether the Referendum Area should be extended beyond the Hurstpierpoint and Sayers Common Neighbourhood Area. I consider the Neighbourhood Area to be appropriate and there is no substantive evidence to demonstrate that this is not the case.

I recommend that the Plan should proceed to a Referendum based on the Hurstpierpoint and Sayers Common Neighbourhood Area as approved by Mid Sussex District Council and the South Downs National Park Authority on 9 July 2012 and 13 September 2012, respectively.

Nigel McGurk, September 2014
Erimax – Land, Planning and Communities

www.erimaxltd.com