

Billingshurst Neighbourhood Development Plan 2019-2031

**A report to Horsham District Council on the
Billingshurst Neighbourhood Development Plan**

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Executive Summary

- 1 I was appointed by Horsham District Council in September 2020 to carry out the independent examination of the Billingshurst Neighbourhood Development Plan.
- 2 The examination was undertaken by written representations. I visited the neighbourhood area on 28 September 2020.
- 3 The Plan includes a range of policies and seeks to bring forward positive and sustainable development in the neighbourhood area. There is a very clear focus on safeguarding local character and the specific role of the village centre. It also proposes a series of local green spaces. In the round the Plan has identified a range of issues where it can add value to the strategic context already provided by the wider development plan.
- 4 The Plan has been underpinned by community support and engagement. It is clear that all sections of the community have been actively engaged in its preparation.
- 5 Subject to a series of recommended modifications set out in this report I have concluded that the Billingshurst Neighbourhood Plan meets all the necessary legal requirements and should proceed to referendum.
- 6 I recommend that the referendum should be held within the neighbourhood area.

Andrew Ashcroft
Independent Examiner
11 November 2020

1 Introduction

- 1.1 This report sets out the findings of the independent examination of the Billingshurst Neighbourhood Development Plan 2019-2031 (the 'Plan').
- 1.2 The Plan has been submitted to Horsham District Council (HDC) by Billingshurst Parish Council in its capacity as the qualifying body responsible for preparing the neighbourhood plan.
- 1.3 Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently embedded in the National Planning Policy Framework (NPPF) 2012 and its updates in 2018 and 2019. The NPPF continues to be the principal element of national planning policy.
- 1.4 The role of an independent examiner is clearly defined in the legislation. I have been appointed to examine whether or not the submitted Plan meets the basic conditions and Convention Rights and other statutory requirements. It is not within my remit to examine or to propose an alternative plan, or a potentially more sustainable plan except where this arises as a result of my recommended modifications to ensure that the plan meets the basic conditions and the other relevant requirements.
- 1.5 A neighbourhood plan can be narrow or broad in scope. Any plan can include whatever range of policies it sees as appropriate to its designated neighbourhood area. The submitted plan has been designed to be distinctive in general terms, and to be complementary to the Horsham District Planning Framework in particular. It has a clear focus on safeguarding the local environment and ensuring good design standards. It proposes the designation of a series of local green spaces.
- 1.6 Within the context set out above this report assesses whether the Plan is legally compliant and meets the basic conditions that apply to neighbourhood plans. It also considers the content of the Plan and, where necessary, recommends changes to its policies and supporting text.
- 1.7 This report also provides a recommendation as to whether the Plan should proceed to referendum. If this is the case and that referendum results in a positive outcome the Plan would then be used to determine planning applications within the Plan area and will sit as part of the wider development plan.

2 The Role of the Independent Examiner

- 2.1 The examiner's role is to ensure that any submitted neighbourhood plan meets the relevant legislative and procedural requirements.
- 2.2 I was appointed by HDC, with the consent of the Parish Council, to conduct the examination of the Plan and to prepare this report. I am independent of both HDC and the Parish Council. I do not have any interest in any land that may be affected by the Plan.
- 2.3 I possess the appropriate qualifications and experience to undertake this role. I am a Director of Andrew Ashcroft Planning Limited. In previous roles, I have over 35 years' experience in various local authorities at either Head of Planning or Service Director level. I am a chartered town planner and have significant experience of undertaking other neighbourhood plan examinations and health checks. I am a member of the Royal Town Planning Institute and the Neighbourhood Planning Independent Examiner Referral Service.

Examination Outcomes

- 2.4 In my role as the independent examiner of the Plan I am required to recommend one of the following outcomes of the examination:
- (a) that the Plan is submitted to a referendum; or
 - (b) that the Plan should proceed to referendum as modified (based on my recommendations); or
 - (c) that the Plan does not proceed to referendum on the basis that it does not meet the necessary legal requirements.
- 2.5 The outcome of the examination is set out in Sections 7 and 8 of this report.

Other examination matters

- 2.6 In examining the Plan I am required to check whether:
- the policies relate to the development and use of land for a designated neighbourhood plan area; and
 - the Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 (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); and
 - the 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.
- 2.7 I have addressed the matters identified in paragraph 2.6 of this report. I am satisfied that the submitted Plan complies with the three requirements.

3 Procedural Matters

3.1 In undertaking this examination I have considered the following documents:

- the Submission Plan;
- the Basic Conditions Statement;
- the Consultation Statement;
- the Sustainability Appraisal Report;
- the HRA Screening Report;
- the Demand for Commercial Workshops report;
- the Density Topic Paper;
- the Local Green Space designation report;
- the Walking and Cycling Improvements report;
- the Housing Needs Paper;
- the High Street Options Paper;
- The Queen (on behalf of Lochailort Investments Ltd) and Mendip District Council [2020] EWCA Civ 1259;
- the Parish Council's responses to the Clarification Note;
- the District Council's responses to the Clarification Note
- the representations made to the Plan;
- the adopted Horsham District Planning Framework 2015;
- the National Planning Policy Framework (2019);
- Planning Practice Guidance (March 2014 and subsequent updates); and
- relevant Ministerial Statements.

3.2 I visited the neighbourhood area on 28 September 2020. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular. I maintained the social distancing requirements that were in place at that time during the day in the neighbourhood area. The visit is covered in more detail in paragraphs 5.9 to 5.16 of this report.

3.3 It is a general rule that neighbourhood plan examinations should be held by written representations only. Having considered all the information before me, including the representations made to the submitted plan, I was satisfied that the Plan could be examined without the need for a public hearing. I advised HDC of this decision once I had received the responses to the Clarification Note.

4 Consultation

Consultation Process

- 4.1 Policies in made neighbourhood plans become the basis for local planning and development control decisions. As such the regulations require neighbourhood plans to be supported and underpinned by public consultation.
- 4.2 In accordance with the Neighbourhood Planning (General) Regulations 2012 the Parish Council has prepared a Consultation Statement. This Statement sets out the mechanisms that were used to engage the community and statutory bodies in the plan-making process. It also provides specific details about the consultation process that took place on the pre-submission version of the Plan (September to November 2019).
- 4.3 The Statement is particularly helpful in the way in which it captures the key issues in a proportionate way and is then underpinned by more detailed appendices
- 4.4 The Statement sets out details of the comprehensive range of consultation events that were carried out in relation to the initial stages of the Plan. They are helpfully summarised in Appendix A of the Statement. The principal events included:
- the Call for Sites (Spring 2016);
 - the High Street Consultation events (September and October 2016);
 - the engagement phase with specific groups and organisations (December 2016 to January 2017);
 - the Billingshurst Centre consultation events (January to March 2017);
 - the Vision and Objectives consultation and the associated newsletter to all residents (September/October 2017); and
 - ongoing liaison with HDC
- 4.5 I am satisfied that the engagement process was both proportionate and robust. It sought to engage in a balanced way with local residents, statutory bodies, local businesses and potential developers.
- 4.6 Appendix C of the Statement provides specific details on the comments received on the pre-submission version of the Plan. It identifies the principal changes that worked their way through into the submission version. This process helps to describe the evolution of the Plan.
- 4.7 It is clear that consultation has been an important element of the Plan's production. Advice on the neighbourhood planning process has been made available to the community in a positive and direct way by those responsible for the Plan's preparation.
- 4.8 From all the evidence provided to me as part of the examination, I can see that the Plan has promoted an inclusive approach to seeking the opinions of all concerned throughout the process. HDC has carried out its own assessment that the consultation process has complied with the requirements of the Regulations.

Representations Received

4.9 Consultation on the submitted plan was undertaken by HDC for an eight-week period that ended on 12 August 2020. This exercise generated comments from a range of organisations as follows:

- Bellway Homes/Crest Strategic Projects
- Reside Developments
- Dunmoore
- Vistry Homes
- JWPC
- CPA Property
- Woodland Trust
- McConnell Planning
- Environment Agency
- Hallam Land Management
- Arunway
- Network Rail
- Natural England
- West Sussex County Council Estates
- Waverley Borough Council
- Surrey County Council
- Sport England
- UK Power Networks
- Southern Water
- West Sussex County Council
- Horsham District Council
- Historic England

4.10 The submitted Plan also generated representations from eighteen local residents.

4.11 I have taken account of all the representations received. Where it is appropriate to do so, I refer to particular representations in my assessment of the policies in Section 7 of this report.

5 The Neighbourhood Area and the Development Plan Context

The Neighbourhood Area

- 5.1 The neighbourhood area consists of the parish of Billingshurst. Its population in 2011 was 8232 persons living in 3576 houses. It was designated as a neighbourhood area on 30 December 2015. The neighbourhood area is irregular in shape with Billingshurst at its centre. It is located in the western part of Horsham District. The neighbourhood area is predominantly rural in character and is situated in the Low Weald, seven miles south-west of Horsham. The gently undulating landscape features many pockets of ancient woodland and old hedgerows.
- 5.2 The principal settlement in the neighbourhood area is Billingshurst. It is located at the junction of the A272 and the A29. The latter road forms its western boundary. Its historic core is arranged in a linear fashion around the vibrant High Street. This principal thoroughfare includes an attractive range of retail and commercial premises. St Mary's Church provides a very prominent viewpoint within the wider village, and along High Street in particular. Billingshurst includes a range of educational and community facilities and a railway station on the Arun Valley Line. The village's layout reflects its historic role along Stane Street.
- 5.3 The other principal settlements in the neighbourhood area are Five Oaks in the northern part and Adversane in the southern part. Both are located along Stane Street. The remainder of the neighbourhood area consists of a very attractive agricultural hinterland.

Development Plan Context

- 5.4 The development plan covering the neighbourhood plan area is the Horsham District Planning Framework (HDPF). The HDPF was adopted in 2015 and covers the period up to 2031. It sets out to bring forward new growth that is proportionate to the size of the various settlements in the District. Policy 2 (Strategic Development) focuses development in and around Horsham itself together with other strategic development in Southwater and Billingshurst. Elsewhere it proposes an appropriate scale of development which would retain the overall settlement pattern in the District. Policy 3 establishes a settlement hierarchy.
- 5.5 Within this context Policy 2 establishes a context for the delivery of three strategic development areas of at least 2,500 dwellings immediately to the north of Horsham Town, around 600 dwellings West of Southwater, and around 150 dwellings South of Billingshurst to meet the strategic requirement for new homes, and to provide access to new employment, health, educational and recreational opportunities. In the case of Billingshurst Policy SD11 of the HDPF provide the strategic context for the delivery of two housing sites to the south of the settlement. In total they are anticipated to yield 150 dwellings.

5.6 In addition to the policies set out above the following policies in the HDPF have been particularly important in influencing and underpinning the various policies in the submitted Plan:

Policy 7	Economic Development
Policy 9	Employment Development
Policy 17	Meeting Local Housing Needs
Policy 26	Countryside Protection
Policy 32	Quality of New Development
Policy 43	Community Facilities, Leisure and Recreation

5.7 HDC has now well-advanced in terms of its preparation of a new Local Plan. A draft Regulation 18 Local Plan was published for consultation between February and March 2020. It is anticipated that the Plan will be submitted for examination in Spring 2021. The adoption of the Plan is anticipated to be in April 2022. In these circumstances the emerging Plan is not at a stage at which it can have any significance in the examination of the submitted neighbourhood plan. Nevertheless, HDC has helpfully provided advice to qualifying bodies on how it anticipates that the emerging Plan will have a bearing on the well-developed neighbourhood planning agenda in the District. In this case it has had a particular bearing on the way in which the submitted Plan anticipates needing an early review once the emerging Local Plan has been adopted.

5.8 The submitted Plan has been prepared correctly and properly within this current adopted development plan context. In doing so it has relied on up-to-date information and research that has underpinned existing planning policy documents in the District. This is good practice and reflects key elements in Planning Practice Guidance on this matter. It is also clear that the submitted Plan seeks to add value to the different components of the development plan and to give a local dimension to the delivery of its policies. This is captured in the Basic Conditions Statement.

Unaccompanied Visit

5.9 I visited the neighbourhood area on 28 September 2020. The warm and sunny Autumnal weather showed off the neighbourhood area at its best. I maintained appropriate social distancing measures in force at that time when I was in the neighbourhood area.

5.10 I drove into the neighbourhood area along the A24/A29 from the north. This gave me an initial impression of its setting and character in general terms. It also highlighted its connection to the strategic road system and to Horsham to the north and east.

5.11 I parked off Stane Street in the southern part of the village. Given its compact nature I was able to undertake the majority of the visit on foot. I looked initially at the proposed bypass local green space. I saw the way in which the footpath sat on the village side of the earth bund which runs parallel to the bypass itself. I walked along part of its southern section. In doing so I saw the secluded play space to the south of Berrall Way.

- 5.12 Thereafter I walked along Stane Street into the village centre. I saw the Weald Community School and the Billingshurst Primary School, and their associated playing fields/open spaces. From the junction between High Street and West Street I saw the way in which the buildings changed as I headed into the historic core of the village. I saw the importance and visibility of the St Mary's Church within the village. This helped me to understand the purpose of Policy BILL 17. I spent a quiet moment in the gardens of the Unitarian Chapel. I then looked at St Mary's Church and its impressive grounds. I also saw the impressive group of vernacular buildings to the north and the east of the Church.
- 5.13 I then looked at the village centre. I saw the interesting and attractive range of retail and commercial facilities. I saw the contrast between the traditional retail core based on High Street with the more modern group of shops in Jengers Mead to the immediate west. I looked in particular at the proposed primary retail frontages (as proposed in Policy BILL 7) and the pedestrian routes (as proposed in BILL 12). I continued to walk to the north. I saw the impressive Community Hub with its impressive range of community uses. I saw the plaque celebrating the centenary of the Parish Council in 1994.
- 5.14 I then retraced my steps and walked along Station Road. I looked at the Station Road Gardens and the relationship of the open space to the Community School to its west. I looked at the railway station and its associated buildings. I then walked along Daux Road and Daux Way to look at the concentration of employment premises in this part of the village. In doing so I looked at Great Daux Farmhouse. I walked along the network of public footpaths in this part of the village including the one which crosses the railway line.
- 5.15 I then looked at the various sites proposed as potential residential development areas.
- 5.16 I finished my visit by driving to Adversane to the south of Billingshurst. I looked at the character and appearance of its designated conservation area.

6 The Neighbourhood Plan and the Basic Conditions

- 6.1 This section of the report deals with the submitted neighbourhood plan as a whole and the extent to which it meets the basic conditions. The submitted Basic Conditions Statement has helped considerably in the preparation of this section of the report. It is a well-presented and informative document. Tables 2.3 and 4.1 are exemplary in the way in which they relate the policies in the Plan to national and local planning policies respectively. The wider Statement is also proportionate to the Plan itself.
- 6.2 As part of this process I must consider whether the submitted Plan meets the Basic Conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. To comply with 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 in the area;
 - be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations; and
 - not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017 (7).
- 6.3 I assess the Plan against the basic conditions under the following headings.
- National Planning Policies and Guidance*
- 6.4 For the purposes of this examination the key elements of national policy relating to planning matters are set out in the National Planning Policy Framework (NPPF) issued in 2019. This approach is reflected in the submitted Basic Conditions Statement.
- 6.5 The NPPF sets out a range of core land-use planning issues to underpin both plan-making and decision-taking. The following are of particular relevance to the Billingshurst Neighbourhood Plan:
- a plan-led system– in this case the relationship between the neighbourhood plan and the adopted Horsham District Planning Framework;
 - delivering a sufficient supply of homes;
 - building a strong, competitive economy;
 - recognising the intrinsic character and beauty of the countryside and supporting thriving local communities;
 - taking account of the different roles and characters of different areas;
 - highlighting the importance of high-quality design and good standards of amenity for all future occupants of land and buildings; and
 - conserving heritage assets in a manner appropriate to their significance.

- 6.6 Neighbourhood plans sit within this wider context both generally, and within the more specific presumption in favour of sustainable development, which is identified as a golden thread running through the planning system. Paragraph 16 of the NPPF indicates that neighbourhoods should both develop plans that support the strategic needs set out in local plans and plan positively to support local development that is outside the strategic elements of the development plan.
- 6.7 In addition to the NPPF I have also taken account of other elements of national planning policy including Planning Practice Guidance and ministerial statements.
- 6.8 Having considered all the evidence and representations available as part of the examination I am satisfied that the submitted Plan has had regard to national planning policies and guidance in general terms. It sets out a vision for the future of the neighbourhood area. In particular, it includes a series of policies to safeguard and enhance its character and appearance and to influence the design of new development. In addition, it proposes a series of local green spaces. The Basic Conditions Statement maps the policies in the Plan against the appropriate sections of the NPPF.
- 6.9 At a more practical level the NPPF indicates that plans should provide a clear framework within which decisions on planning applications can be made and that they should give a clear indication of how a decision-maker should react to a development proposal (paragraphs 17 and 154). This was reinforced with the publication of Planning Practice Guidance in March 2014. Its paragraph 41 (41-041-20140306) indicates that policies in neighbourhood plans should be drafted with sufficient clarity so that a decision-maker can apply them consistently and with confidence when determining planning applications. Policies should also be concise, precise and supported by appropriate evidence.
- 6.10 As submitted the Plan does not fully accord with this range of practical issues. The majority of my recommended modifications in Section 7 relate to matters of clarity and precision. They are designed to ensure that the Plan fully accords with national policy.

Contributing to sustainable development

- 6.11 There are clear overlaps between national policy and the contribution that the submitted Plan makes to achieving sustainable development. Sustainable development has three principal dimensions – economic, social and environmental. It is clear that the submitted Plan has set out to achieve sustainable development in the neighbourhood area. In the economic dimension the Plan includes policies for housing and employment development (Policies BILL1 and BILL10 respectively). It also includes a policy on the vitality of the village centre (BILL7). In the social role, it includes policies on leisure and recreational facilities (Policy BILL 4) and local green spaces (Policy BILL 15). In the environmental dimension the Plan positively seeks to protect its natural, built and historic environment. It has specific policies on design (Policy BILL2), sustainable drainage (Policy BILL 16) and on views to St Mary's Church (Policy BILL 17). The Parish Council has undertaken its own assessment of this matter in the submitted Basic Conditions Statement.

General conformity with the strategic policies in the development plan

- 6.12 I have already commented in detail on the development plan context in Horsham District in paragraphs 5.4 to 5.8 of this report.
- 6.13 I consider that the submitted Plan delivers a local dimension to this strategic context. The Basic Conditions Statement helpfully relates the Plan's policies to policies in the development plan. Subject to the incorporation of the recommended modifications in this report I am satisfied that the submitted Plan is in general conformity with the strategic policies in the development plan.

European Legislation and Habitat Regulations

- 6.14 The Neighbourhood Plan General Regulations 2015 require a qualifying body either to submit an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 or a statement of reasons why an environmental report is not required.
- 6.15 In order to comply with this requirement HDC issued a 'standard' screening for all neighbourhood plans within the District. It comments that if a neighbourhood plan is allocating sites for development then it could have a significant environmental impact and a strategic environmental assessment (SEA) would be required. The Billingshurst Neighbourhood Plan does not allocate sites. In this context it has been confirmed by HDC that SEA is not required.
- 6.16 In this wider context the Parish Council commissioned a Sustainability Appraisal. The Appraisal (July 2019) was included in the package of submission documents. The purpose of the Appraisal is to determine the sustainability criteria against which the Billingshurst Neighbourhood Plan should be assessed, to ensure that it contributes to the achievement of sustainable development.
- 6.17 HDC has produced a Habitats Regulations Assessment (HRA) of the Plan. It concludes that the Plan is not likely to have significant environmental effects on a European nature conservation site or undermine their conservation objectives alone or in combination taking account of the precautionary principle. As such Appropriate Assessment is not required.
- 6.18 The Assessment takes appropriate account of the significance of the following sites within close proximity of the neighbourhood area:
- the Arun Valley Special Protection Area (SPA);
 - the Arun Valley Special Area of Conservation (SAC);
 - the Mens Special Area of Conservation (SAC);
 - the Ebernoe Common Special Area of Conservation (SAC); and
 - the Duncton to Bignore Escarpment Special Area of Conservation (SAC)
- 6.19 Having reviewed the information provided to me as part of the examination, I am satisfied that a proportionate process has been undertaken in accordance with the

various regulations. In the absence of any evidence to the contrary, I am entirely satisfied that the submitted Plan is compatible with this aspect of European obligations.

- 6.20 In a similar fashion I am satisfied that the submitted Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights (ECHR) and that it complies with the Human Rights Act. There is no evidence that has been submitted to me to suggest otherwise. In addition, there has been full and adequate opportunity for all interested parties to take part in the preparation of the Plan and to make their comments known. On the basis of all the evidence available to me, I conclude that the submitted Plan does not breach, nor is in any way incompatible with the ECHR.

Summary

- 6.21 On the basis of my assessment of the Plan in this section of my report I am satisfied that it meets the basic conditions subject to the incorporation of the recommended modifications contained in this report.

7 The Neighbourhood Plan policies

- 7.1 This section of the report comments on the policies in the Plan. In particular, it makes a series of recommended modifications to ensure that they have the necessary precision to meet the basic conditions.
- 7.2 My recommendations focus on the policies themselves given that the basic conditions relate primarily to this aspect of neighbourhood plans. In some cases, I have also recommended changes to the associated supporting text.
- 7.3 I am satisfied that the content and the form of the Plan is fit for purpose. It is distinctive and proportionate to the Plan area. The wider community and the Parish Council have spent time and energy in identifying the issues and objectives that they wish to be included in their Plan. This sits at the heart of the localism agenda. Each policy provides a direct link to the relevant objectives of the Plan, to local planning policies and to the NPPF. This is best practice and provides assurance that the Plan has set out to deliver local objectives in a co-ordinated fashion.
- 7.4 The Plan has been designed to reflect Planning Practice Guidance (41-004-20170728) which indicates that neighbourhood plans must address the development and use of land. The Plan also includes a series of non-policy Actions. They are appropriately distinguished from the principal land use policies by their inclusion in a separate part of the Plan.
- 7.5 I have addressed the policies in the order that they appear in the submitted plan. Where necessary I have identified the inter-relationships between the policies. The Actions are addressed after the policies.
- 7.6 For clarity this section of the report comments on all policies whether or not I have recommended modifications in order to ensure that the Plan meets the basic conditions.
- 7.7 Where modifications are recommended to policies they are highlighted in bold print. Any associated or free-standing changes to the text of the Plan are set out in italic print.

General Comments on the presentation of the Plan

- 7.8 The Plan has been written and presented in an exemplary fashion. It makes a very effective use of well-presented maps and photographs. A very clear distinction is made between its policies and the supporting text. It is a major achievement for the local community in general, and those involved in its preparation in particular. Its design would allow it to sit very comfortably within the development plan in the event that it is 'made'.

The initial section of the Plan (Sections 1-3)

- 7.9 These initial parts of the Plan set the scene for the range of policies. They do so in a proportionate way. The Plan highlights the links between the Plan's objectives and its resultant policies.

- 7.10 The Introduction provides helpful information about the context of the Plan. It correctly identifies the Plan period, when the neighbourhood area was designated and the neighbourhood area itself. It goes on to describe the planning policy context within which the Plan has been prepared and how the wider community has been engaged. It helpfully comments about the relationship between its development and that of the emerging Horsham District Local Plan. It comments about the proposed early review of the neighbourhood plan once the emerging Local Plan has been adopted. Overall, it is a particularly effective introduction to a neighbourhood plan.
- 7.11 Section 2 comments about the Plan's Vision and Objectives. It is well-constructed. It describes how the vision and the objectives of the Plan were developed. It also comments about ten key issues to be addressed in the neighbourhood area.
- 7.12 Section 3 comments about the neighbourhood area and a range of matters which have influenced the preparation of the Plan. In particular it addresses the following matters:
- Geography and Heritage;
 - Modern Billingshurst;
 - Local Transport Infrastructure; and
 - The Profile of the Community Today

A key strength of the Plan is the way in which the issues in Sections 2 and 3 filter into the various policies.

- 7.13 The remainder of this section of the report addresses each policy in turn in the context set out in paragraphs 7.5 to 7.7 of this report.

Policy BILL1 Billingshurst Built-up area boundary

- 7.14 This policy sets out the scene for the location of new development. Its effect is to establish a spatial strategy for the neighbourhood area. Its approach is built around the definition of a built-up area boundary (BUAB) for Billingshurst. The policy sets out to focus new development within the BUAB. Thereafter it applies national and local planning policies to the remainder of the neighbourhood area.
- 7.15 The supporting text and Figure 4.1 identifies how the Plan proposes to expand the BUAB geographically from that in the adopted HDDF to take account of developments which have either been completed or granted consent since that time.
- 7.16 The policy has attracted representations from the development industry. They fall into two categories. The first comments about the principle of the policy. The second suggests further detailed refinements to the BUAB. I address these two matters in turn.
- 7.17 On the first matter the development industry comments that the policy is too restrictive in general terms, and that it fails to take account of the emerging Horsham District Local Plan in particular. In some cases, specific site allocations are proposed in the representations. I have commented earlier in this report about the timetable for the emerging Local Plan and its status in such circumstances. In summary, the basic

conditions test is against the adopted development plan rather than an emerging Plan where detailed information is not yet available. In any event the submitted neighbourhood plan is very clear (in its paragraphs 1.5 and 1.6) that a decision has been taken to proceed with the neighbourhood plan process, but without the inclusion of site allocations. In this context the Working Group was concerned that the plan could be in danger of being overtaken by the emerging Local Plan. In this context the Plan comments that it is 'expected that an early review of the Billingshurst Neighbourhood Plan will be required to take account of the changing strategic context with the expected adoption of the HDPF Review'.

7.18 Taking account of all the information I am satisfied that this is a balanced local decision that has been taken within the strategic context of the information shared with Parish Council by HDC in 2019 on strategic options for the continued work on partially-developed neighbourhood plans at that time. In any event the final part of the second element of the policy anticipates a situation where the emerging Local Plan may allocate sites for development within the neighbourhood area.

7.19 In addition I am also satisfied that in technical terms Policy BILL1 meets the basic conditions. It seeks to concentrate new development within Billingshurst which is the most sustainable settlement in the neighbourhood area. Nevertheless, I recommend a modification to the wording used in the second part of the policy so that it is positive in its tone. This will accord with the approach required in the NPPF. The emphasis of the policy would however remain unchanged.

7.20 On the second matter the following representations suggested that the BUAB is extended to include the following parcels of land:

Dunmoore – Land to the north of Hilland Farm, Billingshurst

McConnell Planning – Land to south of Maringdean Acres, Maringdean Road, Billingshurst

In both cases the representations contend that the BUAB should respect and take account of the extant planning permissions for new development on the sites concerned.

7.21 I sought the views of the Parish Council on the two representations. It acknowledged that it had considered the merits or otherwise of including sites with planning permission but where development had not commenced within the proposed extended BUAB when it was preparing the Plan. In the current context it accepted that development was now well underway on the Hilland Farm site and that it should be included within the BUAB. I recommend accordingly.

7.22 In respect of the Maringdean Acres site the Parish Council commented about the minimal amount of work which had been undertaken to comply with the relevant planning permission. On this basis it contended that the site should not be included within the extended BUAB.

7.23 I have considered this matter very carefully. The site in question has a long planning history dating back to 2016. In particular it includes a series of applications to approve

details required by conditions associated with the original planning application for 51 dwellings (DC/16/0274). In this context HDC has provided information which confirms that a timely and substantive start has been made on development on the site in order to ensure that the planning permission remains extant.

- 7.24 In any event the site concerned, together with a smaller site to the west, forms part of the strategic housing land allocation (Policy SD11) in the HDPF for around 150 dwellings. In these circumstances it has already been allocated for development and planning permission would be supported in principle for any new planning applications which may come forward on the site. In all the circumstances I recommend that the site is incorporated into the proposed extended BUAB.

In Part B of the policy replace ‘will not be permitted unless’ with ‘will only be supported where’

Incorporate the land to the north of Hilland Farm and the land to south of Maringdean Acres, Maringdean Road (as shown in the Parish Council’s response to the clarification note) as sites with planning permission on Figure 4.1

Policy BILL2 Housing Design and Character

- 7.25 This policy sets the Plan’s approach towards design and place-making.
- 7.26 The policy approach is underpinned by comprehensive supporting text (paragraphs 5.5 to 5.11). In particular the supporting text comments that through the engagement on the development of the Plan, the community has stressed that where new housing is approved, it should be of a high quality that respects the character and rural feel of the parish and is in keeping with its immediate surroundings. In this context the policy seeks to ensure that new development and redevelopment is in-keeping with its surroundings and in particular is well-laid out to provide a feeling of space.
- 7.27 The approach in the policy builds on the approach in the Billingshurst Design Guide (2009) and includes a focus on the following aspects of new development:
- landscaping and biodiversity;
 - the appearance of space;
 - the provision of green space;
 - car parking; and
 - accessible footways.
- 7.28 The policy has two related parts. The first sets out a series of design principles. The second offers specific support for the development of dwellings which would respond to the needs of older persons (60 years and older).
- 7.29 This policy sets out a thorough and a positive response to the increasingly important national agenda on design and place-making. It is positive in its tone, and its design principles are distinctive and appropriate to the neighbourhood area in general, and to Billingshurst in particular.

- 7.30 I recommend detailed modifications to the policy so that it has the clarity required by the NPPF and can be implemented in a clear and consistent fashion by HDC throughout the Plan period. In the first part of the policy I recommend that the intended supporting rather than prescriptive approach is more clearly expressed. I also recommend that the design principles should apply to particular developments as appropriate to their scale and nature. As submitted the policy has a universal nature and, in some cases, not all the principles will be relevant to the sites concerned. In the second part of the policy I recommend that the reference to space standards becomes more general than specific. I also recommend that the final sentence is relocated into the supporting text given that it is not directly of a policy nature.

Replace the opening element of Part A of the policy with: ‘Development proposals should be guided by the Billingshurst Parish Design Statement and, where practicable, should incorporate the following features as appropriate to their scale and nature into the overall design of development:’

Replace Part B of the policy with: ‘Proposals for new dwellings designed to be suitable for older residents (aged 60 and over) in general, and which include bungalows in particular, will be supported where they meet the space and accessibility requirements in place at that time’

At the end of paragraph 5.9 add: ‘Space and accessibility standards may change within the Plan period. On this basis Part B of Policy BILL 2 has been designed to be flexible over time. This part of the policy also offers support for the development of housing for older persons, and for bungalows in particular. In this context the Plan recognises that bungalows may also be suitable for younger residents and as such the policy is not intended to be restrictive in the longer-term use of such dwellings’

Policy BILL3 Energy Efficiency and design

- 7.31 This policy takes a comprehensive approach to energy efficiency and design. It sets out a series of design principles for new development (Part A) and for retrofitting to existing buildings (Part B). The policy is underpinned by comprehensive supporting text (paragraphs 5.12 to 5.17). The policy has been carefully designed so that it sets out general principles rather than prescriptive local standards. As such it does not conflict with national policy. Similarly, it will eventually dovetail with any district wide standards which may be included in the emerging Horsham District Local Plan.
- 7.32 I recommend that the policy is modified so that its supportive rather than prescriptive nature is more clearly expressed. In both Parts A and B of the policy the modifications will ensure that the policy would offer general support to sustainability principles and with particular support to schemes which deliver the relevant principles identified. I also recommend that the third part of the policy on community energy schemes is simplified.
- 7.33 Finally I recommend that some of the specific sustainability measures included in principle iii of the first part of the policy are deleted. They do not require planning permission and therefore cannot be controlled (positively or negatively) by a planning policy. In any event the matters are addressed by the Building Regulations.

Replace the opening part of Part A of the policy with: ‘Development proposals which seek to maximise design principles for energy efficiency and sustainability will be supported. Proposals which incorporate the following energy design principles as appropriate to their scale and nature will be particularly supported:’

In criterion iii of Part A of the policy delete ‘loft and wall insulation’

Replace the opening part of Part B of the policy with: ‘Proposals which incorporate the sensitive retrofitting of energy efficient measures in historic buildings, including listed buildings, will be supported where they would preserve the architectural and historic interest of the heritage asset concerned and its setting. Proposals which incorporate the following energy design principles as appropriate to their scale and nature will be particularly supported:’

Replace Part C of the policy with: ‘Proposals to develop community energy schemes will be particularly supported’

Policy BILL4 Provision of Leisure and recreation facilities

- 7.34 The policy comments about leisure and recreational facilities. I saw the range of such facilities in the neighbourhood area during my visit. The first part of the policy offers support to a series of leisure and recreation facilities. The second part of the policy comments about the means by which the various facilities and/or their improvements would be secured. Table 6.1 helpfully sets out an analysis of existing facilities in the neighbourhood area and areas where improvements could be achieved.
- 7.35 The first part of the policy is well-considered. In particular it is evidence-based and will assist in the consolidation and improvement of the existing facilities. Some of the improvements anticipated may not need planning permission. I recommend that the supporting text is expanded so that it highlights this matter. I also recommend that the fifth type of facility supported by the policy (a multi-use games area) draws attention to the need for any external lighting to be sensitive to its location.
- 7.36 The second part of the policy helpfully sets out the potential delivery mechanisms for such facilities. However, it is supporting text rather than policy. I recommend that it is repositioned accordingly.

In criterion v. add ‘appropriately-designed and sensitive’ between ‘and’ and ‘floodlights’

At the end of paragraph 6.4 add: ‘Policy BILL 4 sets out a supportive context for the development of new leisure and recreation facilities and/or their consolidation and improvement. Depending on their scale and location some of the improvements may not need planning permission. The delivery of new facilities or improvements to existing facilities, including the Sports Hall at Billingshurst Leisure Centre, have the ability to be secured by different measures. They include Section 106 contributions or

Community Infrastructure Levy funding or by way of direct provision by the relevant organisation on site'

Policy BILL5 Burial Space

- 7.37 This policy offers support for the development of new burial spaces. As paragraph 6.6 of the Plan comments there is no further burial space available to the general public in the Billingshurst parish and the nearest place that burials can take place is in Shipley. In addition, local people have expressed a wish to be buried in the parish.
- 7.38 The policy is criteria-based. I am satisfied that the criteria are distinctive and appropriate to the neighbourhood area. I recommend modifications to the wording in the policy for both grammatical and clarity purposes. The modifications will ensure that any development proposals need to comply with each of the four criteria. Otherwise the policy meets the basic conditions.

In i. replace 'It is' with 'They are'

In ii. replace 'It' with 'They'

In iii. replace 'It is' with 'They are'

In iv. replace 'It.... impact' with 'They will not have an unacceptable impact'

At the end of criteria i. and ii replace the full stop with a semi-colon

At the end of criterion iii replace the full stop with '; and'

Policy BILL6 Integrated Infrastructure

- 7.39 This policy offers support to the development of new infrastructure to meet the identified needs of the community. Paragraph 6.8 of the Plan sets out the Parish Council's ambition to secure the integration of new development and infrastructure.
- 7.40 The policy also explains its purpose (to meet the identified needs of the community) and how it will be delivered (through section 106 agreements linked to new development). Whilst these matters assist in providing a comprehensive approach to the issue neither are directly policy matters. As such I recommend that they are relocated into the supporting text. In doing so I recommend that the supporting text makes reference to the Horsham Community Infrastructure Levy (as introduced in 2017). Some of the delivered infrastructure projects are likely to arise from this mechanism rather than from Section 106 agreements. I also recommend detailed modifications to the wording of the remaining element of the policy.

Replace the policy with:

'Proposals for the development of community and utility infrastructure will be supported.'

At the end of paragraph 6.8 add: ‘Policy BILL 6 seeks to address this important matter. Its ambition is to ensure that new infrastructure is positively supported. This will be particularly the case where it directly addresses the identified needs of the community. Infrastructure has the ability to be delivered through a variety of means. They include a direct provision by the service provider, and with a degree of public sector funding through either the Horsham Community Infrastructure Levy or through component parts of Section 106 agreements linked to planning permissions for housing or other commercial development’

Policy BILL7 Vitality and Viability in Billingshurst Village Centre

7.41 This policy seeks to ensure the ongoing vitality and viability of Billingshurst Village Centre. It has been designed to add local value to Policy 12 of the HDPF. It has three related parts as follows:

- to offer support proposals which would safeguard enhance and promote the role of the village centre (Part A);
- to identify restrictions on changes of use from A1 and A2 uses to other commercial uses (Part B); and
- to identify a series of policy approaches towards temporary uses in the village centre (Parts C/D/E).

7.42 The policy is underpinned by extensive supporting text. It builds on the work previously undertaken on the Billingshurst Village Centre Supplementary Planning Document (2016) and other work undertaken as part of the development of the Plan. In summary it identified the following matters as being particularly important for the future role and integrity of the village centre:

- pedestrian access and safety;
- car parking;
- enhanced retail and service offer;
- expanding the village centre offer; and
- public realm improvements.

7.43 The policy was developed in good faith in the period leading up to its submission. However, in September 2020 the Use Classes Order was substantially revised. It introduces three new use classes as follows:

- Class E Commercial, business and service uses
- Class F1 Learning and non-residential uses
- Class F2 Local community uses

The new Use Class E incorporates several former use classes including A1(shops), A2 (financial and professional services) and A3 (cafes or restaurants). In this context there is now considerable flexibility for different business functions to be undertaken in towns and village centres without the need for planning permission.

- 7.44 In this context I sought the views of the Parish Council on its intentions for policy and the extent to which it would remain applicable with the recent changes to the Use Classes Order. The Parish Council responded as follows:

‘The intent of the policy is to recognise the important role played by Billingshurst village centre, both for local residents and those living further afield. This role encompasses not solely retail, but also the wider variety of benefits that the central core to the village encompasses – the provision of a mixed offer of cultural, leisure, retail and recreational opportunities, set within an attractive, historic shared space that encourages social interaction. This has not changed and in fact, is considered to be even more important within the context of the Covid-19 pandemic. It is this latter point, however, that leads the Steering Group to be mindful that policies seeking to encourage a thriving mixed-use village centre, should not be overly restrictive and clearly need to comply with the amended Use Classes Order’

- 7.45 In this context the Parish Council also proposed specific modifications to the policy to take account of the revised approach and details of the 2020 Use Classes Order. In particular it set out its support for the ongoing safeguarding and extension of the role, importance and significance of the village centre. In doing so it acknowledged the government’s wider ambition to stimulate the role of town and village centres. I am satisfied that the Parish Council’s revised approach to this matter meets the basic conditions.
- 7.46 I recommend other detailed modifications to the policy so that it would have the clarity required by the NPPF in general, and ensure that the three relevant criteria need to be met in order to allow the change of use a property from Use Classes E, F1 and F2. Otherwise it meets the basic conditions.
- 7.47 I looked at the way in which the Plan had defined the Primary Shopping Area (PSA) and the Primary Shopping Frontages (PSF). I saw that they served a useful purpose and related to current uses in the village centre. As Policy Map 2 (Insert B) indicates several PSFs are located outside the PSA. In this context I recommend that the Primary Shopping Frontages are renamed Important Shopping Frontages (ISF). This will ensure that there is an obvious and hierarchical distinction between the PSA and the ISFs.

In Part B:

- **Replace ‘the permanent change of use of Class A1 and A2 retail and service premises to other commercial uses (Classes B1, C1, D1, D2 and commercial sui generis activities)’ with ‘the permanent change of use of Classes E, F1 and F2 to other uses’**
- **Delete ‘Class A retail’ from criteria ii and iii**
- **Replace ‘permitted’ with ‘supported’**
- **Add a semi colon at the end of criterion i**
- **Add ‘; and’ at the end of criterion ii**

In Part C replace ‘A’ with ‘E, F1 and F2’

Throughout the policy replace ‘Primary Shopping Frontages’ with ‘Important Shopping Frontages’

At the end of paragraph 7.4 add: ‘Policy BILL 15 sets out a policy context that builds on this approach. It takes account of the changes to the Use Classes Order introduced in September 2020. It provides a local response to the government’s agenda to consolidate town and village centres in the context of the challenges created by the Covid pandemic’

On Policy Map 2 (A and B) replace ‘Primary Shopping Frontages’ with ‘Important Shopping Frontages’

Policy BILL8 Public realm and movement in Billingshurst Village Centre

- 7.48 This policy offers support for proposals which would enhance public realm and pedestrian movement in the village centre. It specifies that any such proposals should not have a detrimental impact on heritage assets. It also offers particular support to three particular types of public realm improvements.
- 7.49 The policy is well-developed in its own right. In addition, it consolidates the approach taken in Policy BILL7. I am satisfied that the policy’s identification of specific improvements is appropriate to the nature and character of the village centre. Whilst some of the anticipated improvements have the ability to come forward as free-standing highway improvements, they also have the ability to form a component part of wider development and enhancement projects.
- 7.50 I recommend detailed changes to the wording of the policy so that it has the clarity required by the NPPF. Otherwise it meets the basic conditions.

In both the first and second sentences replace ‘encouraged’ with ‘supported’

Policy BILL9 Re-use of historic buildings in Billingshurst Village Centre

- 7.51 This policy continues the approach towards the continued importance of the village centre. It supports proposals which would involve the change of use of historic buildings to uses which would support the vitality and viability of the village centre whilst safeguarding the integrity of the buildings themselves.
- 7.52 I recommend detailed changes to the wording of the policy so that it has the clarity required by the NPPF. Otherwise it meets the basic conditions.

In the first sentence replace ‘are strongly encouraged’ with ‘will be particularly supported’

In the third sentence replace ‘Any alterations...need to’ with ‘Any associated physical alterations should’ and add ‘concerned’ at the end of the sentence.

Policy BILL10 Flexible Workspaces

- 7.53 This policy seeks to support the development of flexible workspaces within the built-up area of Billingshurst. It reflects the information in the supporting text in general, and in particular the Parish Council's ambition to provide a greater incentive and opportunity for local people to work in the parish.
- 7.54 The policy seeks to incorporate environmental and traffic-related safeguards. However, this aspect of the policy does not have the clarity required by the NPPF. I recommend modifications to both the policy and to the supporting text to remedy this matter. Otherwise it meets the basic conditions.

In the initial part of the policy delete 'subject to specific site and traffic assessments'

At the end of the policy add a new section to read: 'As appropriate to their scale, nature and location proposals for new workspaces should demonstrate the way in which they can be incorporated within their immediate locality without generating any unacceptable impact on the amenity of residential properties and on the capacity and safety of the local highways network'

At the end of paragraph 7.7 add: 'Policy BILL 10 sets out a policy approach to address these issues. Its second part has been designed to ensure that proposals for flexible workspaces should take account of both residential amenity and traffic safety in the immediate area in which they are located. The District Council will reach a judgement on the merits of development proposals on a case-by-case basis.'

Policy BILL11 Tourism-related development and provision of tourist accommodation

- 7.55 This policy offers support for tourism-related development. The supporting text recognises the benefits that tourism could bring to the village and the challenges associated with doing so whilst safeguarding its built and natural environment. The policy includes five well-considered and distinctive criteria.
- 7.56 I recommend detailed changes to the wording of the criteria so that the policy will have the clarity required by the NPPF. Otherwise it meets the basic conditions. The policy will assist in the wider promotion of the village centre in the Plan.

In criterion i) replace 'proposals' with 'proposal'

In criterion ii) replace 'significant' with 'unacceptable'

In criterion iii) replace 'significant' with 'unacceptable'

In criterion iv) replace 'detrimental' with 'unacceptable'

In criterion v) replace 'adequate' with 'appropriate'

Policy BILL12 Protection and Enhancement of Key Movement Routes

- 7.57 This policy takes an innovative approach towards movement and accessibility in the neighbourhood area. It has four related parts as follows:
- offering support to proposals that would improve walking and cycling facilities;
 - new developments should provide facilities for safe pedestrian and cycle access to existing such facilities;
 - the identification of Key Movement Routes (KMRs) and offering support to proposals which would incorporate their enhancement; and
 - requiring that new developments should respect the identified KMRs.
- 7.58 The policy has been designed to ensure the Billingshurst is a safe and accessible community. This will assist to deliver the social dimension of sustainable development in the neighbourhood area. I looked carefully at the KMRs during my visit. Their role, purpose and importance were immediately self-evident.
- 7.59 The second part of the policy is worded in a general fashion. As such it would have a universal effect on all development proposals. However, most proposals will be for residential or minor development and where it would be both unreasonable and impracticable to apply such an approach. I recommend a modification to remedy this matter.
- 7.60 This part of the policy also assumes that it will be practicable to connect specific pedestrian and cycle access arrangements associated with any development site with existing facilities. Plainly in some circumstances the approach will be achievable. Elsewhere this may not be the case. I recommend a modification to remedy this matter.
- 7.61 Finally I recommend the deletion of the that part of the policy which is supporting text. It is already adequately addressed in paragraphs 8.1 to 8.4 of the Plan.
- 7.62 In addition I recommend detailed changes to the wording of the criteria in the policy so that it has the clarity required by the NPPF. Otherwise it meets the basic conditions.

**In part B of the policy replace ‘To ensure that.....cycle access’ with:
As appropriate to their scale and nature new development proposals should provide safe pedestrian and cycle access.’**

Thereafter and immediately before ‘to link up’ insert ‘Where it is practicable to do so the pedestrian and cycle access provided should’

In Part D of the policy replace ‘Development.....unacceptable impact on’ with ‘Development proposals should take account of’ and replace ‘and to provide’ with ‘and, where necessary, provide’

Policy BILL13 Public Car Parking

7.63 This policy acknowledges the importance of public car parking in the neighbourhood area. When I visited Billingshurst I saw particular pressures on car parking in the village centre and around the railway station. The policy has three related parts as follows:

- establishing a presumption against the loss of public car parks unless alternative provision is made for the lost spaces;
- offering specific support to proposals that would increase parking at the railway station; and
- identifying specific requirements for any new proposed car parks.

7.64 In general terms I am satisfied that the policy meets the basic conditions. It addresses a very specific issue of importance to the community. I recommend that Part A of the policy is simplified and replaced with a form of words more appropriate for a neighbourhood plan. I also recommend that the opening element of Part C of the policy is modified. Otherwise the policy meets the basic conditions.

Replace Part A with ‘Development proposals which would result in the loss of publicly-accessible car parking will not be supported unless they include alternative and equivalent provision in an accessible location’

Replace the initial element of Part C with ‘Any new or replacement car parks should incorporate the following facilities:’

Policy BILL14 Residential Parking Provision

7.65 This policy comments about the need for appropriate levels of residential car parking provision. Its different sections address general car parking requirements, any additional needs which may arise as a result of extensions to dwellings and the need for cycle parking. It seeks to provide a local interpretation of West Sussex County Council’s (WSCC) parking standards.

7.66 In general terms the policy meets the basic conditions. However, I recommend a series of modifications to the wording of elements of the policy so that it would have the clarity required by the NPPF. In their different ways the representations from WSCC and Bellway Homes/Crest Strategic Projects highlight that the footnote to the policy is out of date. I recommend accordingly.

In Part A replace ‘must’ with ‘should’

In Part B (first sentence) replace ‘will’ with ‘should’

In Part B insert an appropriate link to the footnote on parking standards after ‘Calculator’

In Part C replace ‘shall’ with ‘should’

Replace the footnote to read: 'West Sussex County Council Guidance on Parking at New Developments (September 2020)'

Policy BILL15 Local Green Spaces

- 7.67 This policy proposes the designation of a series of local green spaces (LGSs). They are shown on Figure 9.1 (in general) and in Appendix B (in detail). The proposed LGSs reflect the character and the nature of Billingshurst village. In most cases they are traditional open recreation areas.
- 7.68 The supporting text comments about the tests in the NPPF for the designation of LGSs. It also indicates that the proposed LGSs came forward as a result of a detail audit of green spaces. The Local Green Spaces assessment provides detailed commentary on the way in which the Parish Council considers that the various proposed LGSs meet the criteria for such designation in the NPPF. I looked carefully at the proposed LGSs when I visited the neighbourhood area.
- 7.69 On the basis of all the information available to me, including my own observations, I am satisfied that the proposed LGSs 2-16 comfortably comply with the three tests in the NPPF and therefore meet the basic conditions. In several cases they are precisely the types of green spaces which the authors of the NPPF would have had in mind in preparing national policy. Cleveland Gardens (LGS8) and Station Road Gardens (LGS15) are particularly good examples of informal and formal LGSs respectively
- 7.70 In addition, I am satisfied that their proposed designation would accord with the more general elements of paragraph 99 of the NPPF. Firstly, I am satisfied that their designation is consistent with the local planning of sustainable development. They do not otherwise prevent sustainable development coming forward in the neighbourhood area and no such development has been promoted or suggested. Secondly, I am satisfied that the LGSs are capable of enduring beyond the end of the Plan period. Indeed, they are an established element of the local environment and, in most cases, have existed in their current format for many years. In addition, no evidence was brought forward during the examination that would suggest that the proposed local green spaces would not endure beyond the end of the Plan period.
- 7.71 The proposed designation of LGS1 (Bypass path) has attracted representations from WSCC (as the landowner), HDC and some developers. In general, it is contended that the proposed area does not meet the criteria in the NPPF. In particular WSCC argue that the land is safeguarded for any potential future highway improvements that may be required to the A29.
- 7.72 I looked at the proposed LGS carefully during my visit to the neighbourhood area. I saw that it consisted of the landscape area and earth bunding to the immediate west and the east of the A29 as it forms the western boundary of the village. I saw the footpath on the village side of the linear area. I also saw the way in which the proposed LGS connected with other more discrete LGSs (LGS 2- Manor Fields. LGS3 – Cherry

Tree Close Play Space, LGS4 – Wood at the Bypass). I also saw the way in which the linear path connected into the play area to the south of Berrall Way.

7.73 I am satisfied that the proposed LGS is in close proximity to the community that it serves. It is immediately to the west of Billingshurst and is readily accessible to several of the adjacent residential developments to the immediate east of the road

7.74 I am also satisfied that the proposed LGS is demonstrably special to the community and holds a particular local significance. It is an attractive landscaped area adjoining the A29 which includes bunded areas, tree and shrub planting and a linear walkway. The submitted LGS assessment comments about the use of the LGS as follows:

'It provides a highly attractive route for walkers, joggers and cyclists from the community. In this regard it is well used as a route for exercise and dog walking, being seen as a one of the most attractive routes in Billingshurst'

I saw this activity within the proposed LGS during my visit. I also saw that it provided an attractive and accessible green area on the edge of the village, and which created an effective separation between the A29 and the built form of the village.

7.75 In its response to the clarification note the Parish Council advised that the proposed LGS is 7.05 hectares in size. I have considered this matter very carefully given that there are very different views about the extent to which the proposed LGS is 'local in scale' and that there is no definitive national guidance on the issue. On balance I have concluded that the proposed LGS is capable of being considered as 'local in scale'. I have reached this conclusion for two related reasons. The first is that it is a self-contained green space on the edge the built-up part of Billingshurst. The second is that there is no practical way in which a smaller part of the proposed space could have been promoted as LGS. The landscaping area associated with the A29 bypass provides a consistent and coherent green space based on the various access points and the network for formal and informal footpaths within the space. I am also satisfied that the three adjacent LGSs are sufficiently distinct and separated from the proposed bypass LGS and should not be included within its calculated area.

7.76 As I commented in paragraph 7.70 with regard to the other proposed LGSs their proposed designation needs to accord with the more general elements of paragraph 99 of the NPPF. In this regard there are two key tests. The first is that the proposed designation is consistent with the local planning of sustainable development and complements investment in sufficient homes, jobs and other essential services. The second is that it is capable of enduring beyond the end of the Plan period.

7.77 On the first point the village has seen significant expansion in recent years, and Policy BILL 1 has positively proposed the geographic expansion of the BUAB. In addition, the submitted Plan is very transparent about its need for an early review once the emerging Horsham District Local Plan has been adopted. No specific developments have been promoted that would directly affect the proposed LGS.

7.78 Nevertheless the emerging Local Plan will determine the level of strategic development required in Billingshurst and whether any associated additional highways capacity and/or improvements to the alignment of the A29 are required. In this context there is

no current certainty that the proposed LGS will be consistent with the wider ambitions of that Plan and will not undermine its wider aims. This is the requirement set out in Planning Practice Guidance (37-007-20140306).

- 7.79 On the basis of all the information available to me I conclude that the proposed LGS is not consistent with the local planning of sustainable development. This primarily relates to the lack of any certainty on the scale, nature and the location of future development that will arise in the neighbourhood area as a result of the eventual adoption of the emerging Local Plan. I coming to this conclusion I am nevertheless satisfied that the proposed LGS has been promoted by the Parish Council purely on its merits as an attractive green space
- 7.80 These considerations overlap with the assessment of the extent to which the proposed LGS is capable of enduring beyond the end of the Plan period. I saw that it is sensitively-managed and is an established part of the local environment. In addition, WSCC in its capacity as a landowner comments that the affected land:
- 'is held and owned by West Sussex County Council on behalf of our highways department and are therefore unavailable for an alternative allocation. The land is required to ensure that the road remains safe and can be well maintained. Future highways requirements are as yet unknown. However, we would be concerned if the land became unavailable for any necessary future improvements to take place due to the proposed designations as Local Green Space'*
- 7.81 In its response to a specific question in the clarification note on information on the nature and the timing of any potential highway improvements to the A29 which may affect the proposed LGS, WSCC commented:
- 'there are no programmes of Highways work planned in the short term for the areas of the Bypass Path (15), Jubilee Fields (1) or Adversane Green (14). However, there is a legal requirement under the Highways Act 1980 and WSCCs duty of care as the highway authority to maintain the safety and usability of roads, including that they are is maintained effectively for the volume of traffic use. There is potential development in the area and within the draft Horsham Local Plan and this may impact on future highways requirements'*
- 7.82 This issue reinforces the first issue on sustainable development. Whilst there is a degree of assurance that no works are required in the short term there is no certainty over the longer term.
- 7.83 In all the circumstances I recommend that the proposed bypass LGS is deleted from the Plan. However, given my findings on its performance against the three criteria in paragraph 100 of the NPPF I suggest that its designation as LGS is reconsidered in the eventual review of the neighbourhood plan. At that time the scale, nature and the location of future development that will arise in the neighbourhood area will be much clearer once the emerging Local Plan has been adopted. It will also provide information on any associated implications for the extent of a proposed A29 bypass LGS.
- 7.84 The policy itself has two related parts. The first lists the proposed LGSs. The second sets out the implications for LGS designation. The second part seeks to follows the Billingshurst Neighbourhood Plan – Examiner's Report

approach as set out in paragraph 101 of the NPPF. However, it goes beyond that approach in two respects. The first is that it indicates that development will not be permitted unless it is required to 'enhance the role and function of that local green space' The second is that it seeks to identify examples of the very special circumstances where development would be supported on identified LGSs.

- 7.85 Given the number and diversity of proposed LGSs I can understand the circumstances which have caused the Parish Council to design the policy in this way. Nevertheless, I recommend a modification so that the policy takes the matter of fact approach in the NPPF. The recommended modification also takes account of the recent case in the Court of Appeal on the designation of local green spaces and the policy relationship with areas designated as Green Belts (2020 EWCA Civ 1259).
- 7.86 In the event that development proposals affecting designated LGSs come forward within the Plan period, they can be assessed on a case-by-case basis by HDC. In particular HDC will be able to make an informed judgement on the extent to which the proposal concerned demonstrates the 'very special circumstances' required by the policy. I recommend that the supporting text clarifies this matter.
- 7.87 I also correct a factual error in the numbering of Figure 9.1

In part A of the policy delete '1 Bypass path'

**Replace the second part of the policy with:
'Development proposals within the designated local green spaces will only be supported in very special circumstances'**

At the end of paragraph 9.3 add: 'Policy BILL 15 follows the matter-of-fact approach in the NPPF. In the event that development proposals come forward on the local green spaces within the Plan period, they can be assessed on a case-by-case basis by the District Council. In particular it will be able to make an informed judgement on the extent to which the proposal concerned demonstrates the 'very special circumstances' required by the policy'

Replace the numbering of 'Figure 8.1' with 'Figure 9.1'

In Figure 9.1 and on the Policies Map remove 1 Bypass Path

Policy BILL16 Multi-Value Sustainable Drainage Systems

- 7.88 This policy sets out the Plan's requirements for sensitive and imaginative arrangements for sustainable drainage. The supporting text sets out local concerns about flooding both in its own right and in relation to the levels of recent growth which have been experienced in the neighbourhood area. The policy has three related elements as follows:

- that any required sustainable urban drainage (SuDs) is provided within the development site itself;
- that drainage should enhance wildlife and biodiversity; and
- the need for drainage scheme maintenance plan arrangements.

7.89 The policy is well-considered and will assist in the development of sustainable and attractive new developments in the village. Such arrangements are now readily provided by housing developers.

7.90 I recommend a series of modifications to the policy so that it would have the clarity required by the NPPF as follows:

- to use wording appropriate for a development plan policy;
- to ensure that the requirement for SuDs to enhance wildlife and biodiversity is applied only where such an approach is practicable. Plainly this will vary on a site-by-site basis; and
- to ensure that Part C of the policy is underpinned by supporting text which highlights that drainage maintenance systems can be delivered by a variety of mechanisms.

In Part A of the policy replace the first sentence with:

‘Where the development of a site requires the application of Sustainable Drainage Systems (SuDS) such systems should be delivered within the development site unless technical reasons make this approach impracticable’.

In Part A of the policy (second sentence) replace ‘Such development is encouraged’ with ‘SuDs should’

In Part A of the policy (third sentence) replace ‘permissible’ with ‘supported’

In Part B replace ‘SuDs.... demonstrate’ with ‘Where it is practicable to do so SuDs provision should demonstrate’

At the end of paragraph 9.8 add:

Part C of Policy BILL 16 comments about the long-term maintenance of drainage facilities. Long-term maintenance strategies of this type can be delivered in a variety of ways. In some cases, they are secured either by way of a planning condition or through a S106 obligation. This degree of flexibility is anticipated by the policy’

Policy BILL17 Views to St Mary’s Church

7.91 This policy sets out to ensure that the setting of St Mary’s Church is safeguarded. It also requires that views of its spire are considered as part of the design and layout of development proposals.

7.92 As paragraph 9.10 of the Plan comments ‘The Broach Spire of the church can be viewed from most parts of the village. These views are very precious and are worthy

of protection by preventing new buildings obscuring the line of sight to the church spire wherever possible. The Design Statement for the Parish of Billingshurst sets out that protecting these views is the most important aspect of the whole Design Statement’.

- 7.93 The policy has been well-considered. St Mary’s Church is a key element of the history and the character of the neighbourhood area. In additions its spire is a clear and dominant feature in both the village and the wider neighbourhood area.
- 7.94 I recommend detailed modifications to the policy so that it uses language appropriate for a development plan policy, makes a closer relationship with the development management process and clearly distinguishes the two related parts of the policy. Otherwise its approach meets the basic conditions.

Replace the policy with: ‘Development proposals should preserve the setting of St Mary’s Church, Billingshurst. In addition, development proposals should consider their potential impact on the view to the church spire and through appropriate design and layout arrangements ensure that the proposal concerned does not have an unacceptable impact on the wider appreciation and significance of the Church spire in the village.’

Monitoring and Implementation

- 7.95 The issue of an eventual review is addressed in a professional way in Section 10 of the Plan. It is encouraging that the Parish Council has acknowledged the need for an ‘early review’ of the Plan once the emerging Horsham Local Plan has been adopted.
- 7.96 I sought the views of the Parish Council on the timing the review of a ‘made’ neighbourhood plan (either in specific date terms or within a specified time period following the adoption of the emerging Horsham District Local Plan). I was advised that that the Parish Council would anticipate commencing a review of the neighbourhood plan within six months of the adoption of the Local Plan Review. It advised that this will help to ensure that the Neighbourhood Plan is not left for a long period with potentially out-of-date policies, whilst at the same time ensuring that there is certainty regarding the policies and requirements of the development plan.
- 7.97 I am satisfied that this is a positive response to this issue. I recommend accordingly. In particular the approach reflects the options set out by HDC in 2019 for parish councils preparing neighbourhood plans whilst the emerging Local Plan is being prepared. I also recommend an addition to paragraph 1.16 of the Plan so that there is full consistency between its Introduction and the section on Monitoring and Review.

At the end of the fifth bullet point in paragraph 10.2 add: ‘A review of the neighbourhood plan will commence within six months of the adoption of the emerging Horsham District Local Plan.’

At the end of paragraph 1.16 add: ‘This matter is considered in detail in Section 10 (paragraph 10.2) of the Plan.’

Non-Policy Actions

- 7.98 The development of the Plan has generated a series of non-policy actions. They have arisen from the wider community debate and engagement which has taken place.
- 7.99 As recommended by Planning Practice Guidance the Actions are set out in a separate part of the Plan (Section 11). This is best practice.
- 7.100 In addition the Actions are presented in a very practical fashion. An issue is identified, followed by a series of Actions and potential lead agencies/partners to secure implementation.
- 7.101 The quality of the approach taken is underpinned by the following related matters:
- the overlap between the Actions and the land use policies in the Plan;
 - the distinctiveness of the Actions to the neighbourhood area; and
 - the depth and integrity of the various lead agencies and proposed partnerships associated with the Actions.
- 7.102 I am satisfied that the Actions are appropriate for inclusion in the Plan. The following are particularly noteworthy:
- the modernisation of the Jubilee Field pavilion (3);
 - railway station car park options (8);
 - to address the lack of short stay car parking in the High Street (9);
 - improvements to footpaths and cycleways (11); and
 - promoting Billingshurst as a tourist attraction (20).

Other matters – General

- 7.103 This report has recommended a series of modifications both to the policies and to the supporting text in the submitted Plan. Where consequential changes to the text are required directly as a result of my recommended modification to the policy concerned, I have highlighted them in this report. However, other changes to the general text may be required elsewhere in the Plan as a result of the recommended modifications to the policies. It will be appropriate for HDC and the Parish Council to have the flexibility to make any necessary consequential changes to the general text. I recommend accordingly.

Modification of general text (where necessary) to achieve consistency with the modified policies.

8 Summary and Conclusions

Summary

- 8.1 The Plan sets out a range of policies to guide and direct development proposals in the period up to 2031. It is distinctive in addressing a specific set of issues that have been identified and refined by the wider community.
- 8.2 Following my independent examination of the Plan I have concluded that the Billingshurst Neighbourhood Development Plan meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications.

Conclusion

- 8.3 On the basis of the findings in this report I recommend to Horsham District Council that, subject to the incorporation of the modifications set out in this report, the Billingshurst Neighbourhood Development Plan should proceed to referendum.

Referendum Area

- 8.4 I am required to consider whether the referendum area should be extended beyond the Plan area. In my view, the neighbourhood area is entirely appropriate for this purpose and no evidence has been submitted to suggest that this is not the case. I therefore recommend that the Plan should proceed to referendum based on the neighbourhood area as approved by Horsham District Council on 30 December 2015.
- 8.5 I am grateful to everyone who has helped in any way to ensure that this examination has run in an efficient manner. The responses to the clarification note were both comprehensive and helpful.

Andrew Ashcroft
Independent Examiner
11 November 2020