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Re: Southwater Neighbourhood Plan Submission (Reg 16) Consultation

Dear Sir/Madam,

This letter provides Gladman Developments Ltd (Gladman) representations in response to the draft version of the Southwater Neighbourhood Development Plan (SNP) under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012. This letter seeks to highlight the issues with the plan as currently presented and its relationship with national and local planning policy. Gladman has considerable experience in neighbourhood planning, having been involved in the process during the preparation and examination of numerous plans across the country, it is from this experience that these representations are prepared.

Legal Requirements

Before a neighbourhood plan can proceed to referendum it must be tested against a set of basic conditions set out in §8(2) of Schedule 4b of the Town and Country Planning Act 1990 (as amended). The basic conditions that the SNP must meet are as follows:

- (a) Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the order.
- (d) The making of the order contributes to the achievement of sustainable development.
- (e) The making of the order is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).
- (f) The making of the order does not breach, and is otherwise compatible with, EU obligations.
- (g) The making of the neighbourhood plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

Revised National Planning Policy Framework

On the 24th July 2018, the Ministry of Housing, Communities and Local Government (MHCLG) published the revised National Planning Policy Framework. The first revision since 2012, it implements 85 reforms announced previously

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through the Housing White Paper. On 19th February 2019, MHCLG published a further revision to the NPPF (2019) and implements further changes to national policy.

§214 of the revised Framework makes clear that the policies of the previous Framework will apply for the purpose of examining plans where they are submitted on or before 24th January 2019. Submission of the SNP ultimately occurred after this date, and the comments below reflect the relationship between Neighbourhood Plans and the National Planning Policy Framework adopted in 2018 and corrected in February 2019.

National Planning Policy Framework and Planning Practice Guidance

On 24th July 2018, the Ministry of Housing, Communities and Local Government (MHCLG) published the Revised National Planning Policy Framework (NPPF2018). This publication forms the first revision of the Framework since 2012 and implements changes that have been informed through the Housing White Paper, The Planning for the Right Homes in the Right Places consultation and the draft NPPF2018 consultation. On 19th February 2019, MHCLG published a further revision to the NPPF (2019) and implements further changes to national policy.

The Revised Framework sets out the Government's planning policies for England and how these are expected to be applied. In doing so it sets out the requirements of the preparation of neighbourhood plans within which locally-prepared plans for housing and other development can be produced. Crucially, the changes to national policy reaffirm the Government's commitment to ensuring up to date plans are in place which provide a positive vision for the areas which they are responsible for to address the housing, economic, social and environmental priorities to help shape future local communities for future generations. In particular, paragraph 13 states that:

“The application of the presumption has implications for the way communities engage in neighbourhood planning. Neighbourhood plans should support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies.”

Paragraph 14 further states that:

“In situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided all of the following apply:

- a. The neighbourhood plan became part of the development plan two years or less before the date on which the decision is made;**
- b. The neighbourhood plan contains policies and allocations to meet its identified housing requirement;**
- c. The local planning authority has at least a three-year supply of deliverable housing sites (against its five-year supply requirement, including the appropriate buffer as set out in paragraph 73); and**
- d. The local planning authority's housing delivery was at least 45% of that required over the previous three years.”**

The Revised Framework also sets out how neighbourhood planning provides local communities with the power to develop a shared vision for their area in order to shape, direct and help deliver sustainable development needed to meet identified housing needs. Neighbourhood plans should not promote less development than set out in Local Plans and should not seek to undermine those strategic policies. Where the strategic policy making authority identifies a housing requirement for a neighbourhood area, the neighbourhood plan should seek to meet this figure in full as a minimum. Where it is not possible for a housing requirement figure to be provided i.e. where a neighbourhood plan has progressed following the adoption of a Local Plan, then the neighbourhood planning body should request an indicative figure to plan taking into account the latest evidence of housing need, population of the neighbourhood area and the most recently available planning strategy of the local planning authority.

In order to proceed to referendum, the neighbourhood plan will need to be tested through independent examination in order to demonstrate that they are compliant with the basic conditions and other legal requirements before they can come into force. If the Examiner identifies that the neighbourhood plan does not meet the basic conditions as submitted, the plan may not be able to proceed to referendum.

Planning Practice Guidance

Following the publication of the NPPF2018, the Government published updates to its Planning Practice Guidance (PPG) on 13th September 2018 with further updates being made in the intervening period. The updated PPG provides further clarity on how specific elements of the Framework should be interpreted when preparing neighbourhood plans.

Although a draft neighbourhood plan must be in general conformity with the strategic policies of the adopted development plan, it is important for the neighbourhood plan to provide flexibility and give consideration to the reasoning and evidence informing the emerging Local Plan which will be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested against. For example, the neighbourhood planning body should take into consideration up-to-date housing needs evidence as this will be relevant to the question of whether a housing supply policy in a neighbourhood plan contributes to the achievement of sustainable development. Where a neighbourhood plan is being brought forward before an up-to-date Local Plan is in place, the qualifying body and local planning authority should discuss and aim to agree the relationship between the policies in the emerging Neighbourhood Plan, the emerging Local Plan and the adopted Development Plan¹. This should be undertaken through a positive and proactive approach working collaboratively and based on shared evidence in order to minimise any potential conflicts which can arise and ensure that policies contained in the neighbourhood plan are not ultimately overridden by a new Local Plan.

It is important the neighbourhood plan sets out a positive approach to development in their area by working in partnership with local planning authorities, landowners and developers to identify their housing need figure and identifying sufficient land to meet this requirement as a minimum. Furthermore, it is important that policies contained in

¹ PPG Reference ID: 41-009-20160211

the neighbourhood plan do not seek to prevent or stifle the ability of sustainable growth opportunities from coming forward. Indeed, the PPG emphasises that;

“... All settlements can play a role in delivering sustainable development in rural areas – and so blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless their use can be supported by robust evidence.”²

Relationship to Local Plan

To meet the requirements of the Neighbourhood Plan Basic Conditions, neighbourhood plans should be prepared to conform to the strategic policy requirements set out in the adopted Development Plan. The adopted development plan relevant to the preparation of the Southwater Neighbourhood Plan area, and the development plan which the SNP will be tested against is the Horsham District Planning Framework. This document was adopted in November 2015 and set out the visions, objectives, spatial strategy and overarching policies to guide development in the District from 2011 to 2031.

The Core Strategy sets a housing requirement of 16,000 dwellings between 2011 and 2031 (800 dpa). Horsham are working on a review of their District Planning Framework, which will cover the period from 2018 to 2036. With this in mind, Gladman suggest sufficient flexibility is provided in the policies of the plan to safeguard the SNP from conflicting with future development proposals should they be required.

In this context, section 38(5) of the Planning and Compulsory Purchase Act 2004 states:

‘if to any extent, a policy contained in a development plan for an area conflicts with another policy in the development plan the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approached, or published (as the case may be).’

Southwater Neighbourhood Development Plan

This section highlights the key issue that Gladman would like to raise with regards to the content of the SNP as currently proposed. It is considered the requirements of national policy and guidance are not always reflected in the plan. Gladman have sought to recommend a modification to ensure compliance with basic conditions.

Policy SNP1 – Core Principles

Whilst on the whole, this policy appears to be in accordance with the basic conditions, the final provision introduces a standard aimed at preventing coalescence. The final paragraph states:

² Paragraph: 001 Reference ID: 50-001-20160519

“SNP1.3. The unique and separate identities of Southwater Village, Christs Hospital and Tower Hill will be maintained. To this end development must not individually or cumulatively result in the coalescence of these settlements with each other or Horsham Town.”

Whilst Gladman acknowledge that preventing coalescence can assist in maintaining unique and separate identities of existing settlements, the policy is ambiguous and appears to be an attempt to preclude any development whatsoever from coming forward in the gap between the three built up areas. In this regard there appears to be no supporting evidence to support this element of the policy, nor a description/map of the extent of land proposed to be protected, nor the limits on the scale of development therein.

There is no justification within the SNP for the additional protection of land between the neighbouring settlements of Southwater Village, Christs Hospital and Tower Hill, and equally no matching policy in the Horsham District Planning Framework. Furthermore, Policy SNP3 conflicts directly with Policy SNP1.3 in safeguarding land within the area described for a secondary school.

There is also no evidence base to inform the extent of the Green Gap proposed and no assessment of land parcels between Southwater, Christs Hospital and Tower Hill, nor an evaluation of their relative performance in preventing coalescence. Furthermore, the areas described contain existing farmsteads with significant levels of built development, such as a park and ride, household waste recycling centre and business premises such as a petrol station, health club as well as outlying hamlets, collections of dwellings and individual households. Tower Hill, meanwhile, is separated from the other two settlements by the A24 and substantial tracts of woodland (some of it ancient).

The existence of this intervening built-form serves to undermine the justification for policy SNP1.3, the implementation of which could prevent the inherent economic growth and development potential of these farms, businesses and hamlets.

Any development proposed within these areas should be assessed on its own merits, depending on landscape impact. The imposition of Policy SNP1.3 would effectively create a lesser form of Green Belt by the back door. Horsham found no justification for protecting the gaps between the settlements which are proposed in the SNP and therefore, this component of SNP1 is in conflict with basic condition (e).

Policy SNP5 – Local Green Spaces

This policy seeks to designate thirteen parcels of land as Local Green Space (LGS). In order to designate land as LGS the Parish Council must ensure that it is able to demonstrate robust evidence to meet national policy requirements as set out in the Framework. The Framework makes clear at §99 that the role of local communities seeking to designate land as LGS should be consistent with the local planning of sustainable development. §99 states that:

‘The designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them. Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or updated, and be capable of enduring beyond the end of the plan period.’

Further guidance is provided at §100 which sets out three tests that must be met for the designation of LGS and states that:

‘The Local Green Space designation should only be used where the green space is:

- a) in reasonably close proximity to the community it serves;**
- b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and**
- c) local in character and is not an extensive tract of land.’**

The requirements of the Framework are supplemented by the advice and guidance contained in the PPG. Gladman note §007 of the PPG8 which states,

‘Designating any Local Green Space will need to be consistent with local planning for sustainable development in the area. In particular, plans must identify sufficient land in suitable locations to meet identified development needs and the Local Green Space designation should not be used in a way that undermines this aim of plan making.’

Gladman further note §015 of the PPG (ID37-015) which states, *‘§100 of the National Planning Policy Framework is clear that Local Green Space designation should only be used where the green area concerned is not an extensive tract of land. Consequently, blanket designation of open countryside adjacent to settlements will not be appropriate. In particular, designation should not be proposed as a ‘back door’ way to try to achieve what would amount to a new area of Green Belt by another name.’* This is especially pertinent, given the wording of Policy BT6, *“Development of these sites will only be permitted in accordance with national Green Belt policy”*.

Designation of LGS should not be used as a mechanism to designate new areas of Green Belt (or similar), as the designation of Green Belt is inherently different and must meet a set of stringent tests for its allocation (§135 to 139 of the Framework).

The issue of whether LGS meets the criteria for designation has been explored in a number of Examiner's Reports across the country and we highlight the following decisions:

- The Sedlescombe Neighbourhood Plan Examiner's Report recommended the deletion of an LGS measuring approximately 4.5ha as it was found to be an extensive tract of land.
- The Oakley and Deane Neighbourhood Plan Examiners Report recommended the deletion of an LGS measuring approximately 5ha and also found this area to be not local in character. Thereby failing to meet 2 of the 3 tests for LGS designation.
- The Alrewas Neighbourhood Plan Examiner's Report identifies both proposed LGS sites 'in relation to the overall size of the Alrewas Village' to be extensive tracts of land. The Examiner in this instance recommended the deletion of the proposed LGSs which measured approximately 2.4ha and 3.7ha.

Highlighted through a number of Examiner's Reports set out above and other 'made' neighbourhood plans, it is considered that the *'Informal Nature Reserve adjacent to Chesworth House'* has not been designated in accordance with national policy and guidance and subsequently is not in accordance with the basic conditions.

Whilst the Parish Council have sought to undertake some form of evidence base it does not overcome the failure to meet the specific policy requirements set out above with regards to the scale of land to be designated and therefore the proposed designation of LGS site b). In terms of meeting the second test there is no evidence base to support that this field is 'demonstrably special to a local community.' In relation to its beauty, it is not of any particular scenic quality. The designation of *'Informal Nature Reserve adjacent to Chesworth House'* has not been made in accordance with basic conditions (a) and (d). Gladman therefore recommend that it be deleted as an LGS in its entirety.

Conclusions

Gladman recognises the role of neighbourhood plans as a tool for local people to shape the development of their local community. However, it is clear from national guidance that these must be consistent with national planning policy and the strategic requirements for the wider authority area. Through this consultation response, Gladman has sought to clarify the relation of the SNP as currently proposed with the requirements of national planning policy and the strategic policies for the wider area.

Gladman is concerned that the plan in its current form does not comply with basic condition (a) in its conformity with national policy and guidance and is contrary to (d) the making of the order contributes to the achievement of sustainable development for the reasons set out above.

Gladman hopes you have found these representations helpful and constructive. If you have any questions do not hesitate to contact me or one of the Gladman team.

Yours faithfully,