



Response to the Examiner's Clarification Note dated 15th April 2021

We set out below the response of Itchingfield Parish Council to the above Clarification Note, which relates to the Submission Neighbourhood Plan. We set out below comment on the issues raised by the Examiner and, at his invitation, on responses to the Regulation 16 consultation carried out by Horsham District Council.

We will deal with the issues in the order raised by the Examiner.

Policy 1 & 2:

I am minded to recommend a modification to each policy so that they are applied proportionately to take account of the scale, nature and location of proposed developments.

Response. We agree that these policies should be applied proportionately as suggested, and indeed the doctrine of proportionality is enshrined as a principle of law (see R(MAS) v SoS for DEFRA (2019)).

We are happy to accept the modification suggested to each policy.

We invite the Examiner to propose modification(s) which would ensure that development has a positive impact on, and positively contributes to, the green infrastructure and the biodiversity in the parish.

Policy 6:

As I read the policy the third part is a free-standing component rather than following on from the opening element and the first two parts.

Was this the Parish Council's intention?

Response: The third part of the policy is intended as a free-standing component.

The intention of the policy was to make it clear that developments which provided new community facilities, or which expanded existing facilities, would be supported and that any other development proposals would not diminish any existing facilities.

We agree that the existing wording does not make this entirely clear. Provided that the Examiner agrees, we would suggest that the policy be re-worded to place section (c) at the head of the policy with the other two parts following. The policy would therefore read:

Development proposals which provide for new community facilities or which provide for expansion of existing facilities to support the needs of the community will be supported.

Development proposals shall, where possible and consistent with other policies in this Plan, incorporate measures that:

(a) avoid the loss of community facilities (unless the facility in question is no longer viable, in which case the developer will be required to undertake a viability assessment and marketing strategy before a change of use is supported);

(b) avoid the substantial alteration and/or replacement of community facilities except where:

(i) Equivalent (in qualitative and quantitative terms) or enhanced facilities are provided to serve local needs; and

(ii) Proposals for the replacement of a community facility ensure the replacement facility is made available before the closure of the existing facility.

Policy 9:

In the ninth criterion:

- *on what basis has the Parish Council decided to propose very specific details for the height of commercial buildings?*
- *does the reference to a 20-metre distance from any house refer to existing houses or new houses on the site (or both)?*

In general terms has the policy been prepared on the basis that the principal access into the Sumners Ponds site would continue to be in the existing location?

If this is the case, should it refer to the need for a satisfactory arrangement between the new development and the access road?

Response:

In relation to the design specifications for the commercial buildings to be erected on the site, these are intended to support a single-storey design, and to ensure adequate separation between the residential and commercial parts of the site.

The proposed wording was shared with the developer before finalising the Plan. Lee Goosens of the Hunter Group, who are proposing to develop the site on behalf of the landowner, confirmed that the criteria were acceptable to them.

The developer has recently submitted a pre-planning application to HDC. The details of the commercial units reflect the requirements of the proposed Policy, in both design and distancing.

For clarification, the 20-metre distance was intended to refer to any dwellings, existing or new.

In relation to the access road, the existing access from Chapel Road will be used for the new development and for access to the existing facilities of Sumners Ponds.

Should the Examiner feel minded to include an additional criterion to ensure the need for there to be a satisfactory arrangement between the new development and the access road, we would be happy to accept the modification.

Policy 12:

This policy sets out a positive local approach to design.

Nevertheless, I am minded to recommend modifications as follows:

- *to ensure that it is applied proportionately to take account of the scale, nature and location of proposed developments.*
- *to ensure that it is positively-worded (development will be supported which positively addresses the following matters...) rather than presented in the negative tone in the submitted policy.*

Response: We agree that the policy should be applied proportionately and welcome the Examiner's modification in that regard.

We also agree that the policy should be re-worded in a positive fashion. We would welcome modification to update the policy as follows: "Development proposals will be supported where the character and design of the development meets the following criteria..."

Policy 16.

.....in the second part of the policy how would the District Council be able to conclude that any development would benefit the 'well-being' of the parish in a clear and consistent basis? Could this element of the policy be removed from the policy without otherwise affecting its approach and direction?

Are the criteria in the fourth part of the policy intended to be applied to all new employment development in general, and to developments which respond to the first three parts of the policy in particular?

Response: We concede, on reflection, that "well-being" would be a difficult concept for a planning officer to measure and therefore agree that the words can be removed.

The policy is intended to refer only to business development.

The policies are intended to be read that: business development will be supported where either such development is within the BUAB, or contained within existing buildings, or on previously developed land.

Subject to those over-riding criteria, development will be supported if the further criteria (in the fourth part of the policy) are met. We have noticed that those later criteria are wrongly-numbered and need to be corrected.

If the intention of the policy is still thought to be unclear we would welcome the Examiner's modifications.

Representations made during the Regulation 16 consultation.

The Examiner has asked the Parish Council if it wishes to comment on representations made to the Plan. He asks in particular if comment is wished to be made on representations made by:

Horsham District Council
Hunter Group
Miller homes
Historic England
Inspired Villages

Although the Examiner has made reference only to some of the representations, we will make a response to all the representations that have been made.

Horsham District Council

Policy 1: As Policy 1 will apply to all development we do not consider that the requirements of the Policy need to be repeated in Policies 9 and 10.

Policy 5: We agree that the words "where possible" can be removed.

Policy 9: With respect to distances to **play facilities**, the distances from the site (north east corner) to the recreation ground (south west corner at Muntham Drive) is 345m (measured using google maps measuring facility). The play area is a little over 400m at 425m. Pedestrian access is available via a public footpath that links the site directly to the playing fields and facilities. In light of this, it is considered the site provides safe access to nearby facilities which are within reasonable walking distances. On this basis, the Examiner is invited to conclude that an additional criterion is not necessary. However, should the Examiner be minded to agree with HDC's recommendation, the Parish Council would be happy to accept the modification.

For the benefit of the Examiner, we can confirm HDC's recommendation to include an additional criterion has been shared with the site promoter. In response the site promoter has confirmed they consider play facilities can be accessed via a public footpath that links the site directly to the playing fields and facilities. However, in any event, if there is a requirement to provide play facilities within the recommended guidelines, the site promoter has confirmed there is ample space for

these to be accommodated.

A copy of the plan of the development, attached to the pre-application, is shown below.



With respect to the need to require a suitable **pedestrian and cycle link** to the village centre, such a facility has in fact been in place for at least 18 months.

In relation to **Criterion 4**, we are happy to accept their suggested amendment.

In relation to **Criterion 5**, we are happy to accept amendments proposed by Historic England (see below) and propose that those amendments be accepted. We do not accept the recommendation of HDC.

Policy 10. As Policy 1 will apply to all development we do not consider that the requirements of this policy need to be repeated in Policies 9 & 10.

Policy 11. We agree that the reference to development “adjacent” to the BUAB in para 6.6.3 should be removed.

Aim 5. HDC has now clarified its representations on this Aim. We agree that the wording can be changed to:

Aim 5 – Traveller Sites Save as for 10 pitches at Greenfield Farm, West Chiltington Lane, Barns Green, Itchingfield, and 11 pitches at Kingfisher Farm, West Chiltington Lane, Barns Green; any suggested need for further, or fewer, pitches within the parish will be looked at again when needs across the district have been considered in the Horsham Local Plan Review

Historic England

We agree with the suggestions that Historic England have made and, subject to the opinion of the Examiner, are happy to accept their revised wording in Policies 9 and 10.

Southern Water

We agree with the suggestions that Southern Water have made and, subject to the opinion of the Examiner, are happy to accept their revised wording in Policy 3.

Miller Homes and Inspired Villages

We have considered the comments made. We respectfully refer to the Consultation Statement and Housing Needs Methodology Paper submitted with the Submission Plan. This sets out in detail the process used and rationale behind the calculation of housing numbers and the selection of development sites. HDC have supported the housing numbers and the selection of sites. We do not consider that the Plan requires any amendment following the representations by Miller Homes or Inspired Villages.

The housing numbers have been planned to meet local need and have been planned positively.

EDC

We have considered the comments made. We respectfully refer to the Consultation Statement and the housing Needs Methodology Paper submitted with the Submission Plan, which sets out in detail the process used and rationale behind the calculation of housing numbers and the selection of development sites. HDC have supported the housing numbers and the selection of sites. In the policy the term “around” has been used. This term is used by HDC in their own Plan and gives a flexibility of 10% either way.

It is perhaps of note that, in the Pre-application made by the developer of this site, 32 housing units have been planned for.

The housing numbers have been planned to meet local need and have been planned positively.

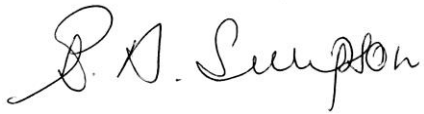
We do not consider that the representations made by EDC require any amendment of the Plan.

Other representations

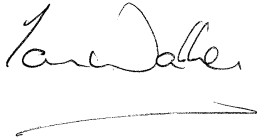
We have noted these. We do not consider that further comment is needed in relation to the other representations.

Conclusion

We hope that we have dealt with all the matters raised in the Clarification Note, but of course will be happy to deal further with any issue that might be unclear.



Penny Simpson
Chair – Itchingfield Parish Council



Ian Walker
Chair – Neighbourhood Plan Steering Group

(signed electronically)