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# **Report on Rusper Neighbourhood Plan 2018 - 2031**

**An Examination undertaken for Horsham District Council with the support of the Rusper Parish Council on the November 2019 submission version of the Plan.**

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## **Main Findings** - Executive Summary

From my examination of the Rusper Neighbourhood Plan (the Plan/RNP) and its supporting documentation including the representations made, I have concluded that subject to the policy modifications set out in this report, the Plan meets the Basic Conditions.

I have also concluded that:

- The Plan has been prepared and submitted for examination by a qualifying body – Rusper Parish Council;
- The Plan has been prepared for an area properly designated – the Designated Rusper Neighbourhood Plan Area as shown on Plan A of the document;
- The Plan specifies the period to which it is to take effect – 2018 - 2031; and
- The policies relate to the development and use of land for a designated neighbourhood area.

I recommend that the Plan, once modified, proceeds to referendum on the basis that it has met all the relevant legal requirements.

I have considered whether the referendum area should extend beyond the designated area to which the Plan relates and have concluded that it should not.

## **1. Introduction and Background**

### *Rusper Neighbourhood Plan 2018-2031*

- 1.1 The Parish of Rusper lies to the north of Horsham and west of Crawley, yet despite the proximity to these towns it retains an attractive rural character – indeed immediately to the south is the High Weald Area of Outstanding Natural Beauty. The village itself, the centre of which is a conservation area, also displays many attractive features and as I saw on my visit, includes several community facilities including a primary school, post office and store, church, two pubs, hotel, village hall and a number of recreational areas. The Parish also includes the small settlements of Lambs Green and Ifield.
- 1.2 At an early stage in the preparation of the RNP residents of the Parish were asked their views about Rusper and it is clear that there have been many opportunities since then for interested parties to contribute to the preparation of the RNP. The approach to consultation and publicity has been thorough and inclusive<sup>1</sup>.

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<sup>1</sup> See Consultation Statement, dated November 2019.

### *The Independent Examiner*

- 1.3 As the Plan has now reached the examination stage, I have been appointed as the examiner of the RNP by Horsham District Council (HDC), with the agreement of Rusper Parish Council (RPC).
- 1.4 I am a chartered town planner and former government Planning Inspector, with extensive experience in the preparation and examination of development plans and other planning policy documents. I am an independent examiner, and do not have an interest in any of the land that may be affected by the draft Plan.

### *The Scope of the Examination*

- 1.5 As the independent examiner I am required to produce this report and recommend either:
- (a) that the neighbourhood plan is submitted to a referendum without changes; or
  - (b) that modifications are made and that the modified neighbourhood plan is submitted to a referendum; or
  - (c) that the neighbourhood plan does not proceed to a referendum on the basis that it does not meet the necessary legal requirements.
- 1.6 The scope of the examination is set out in Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended) ('the 1990 Act'). The examiner must consider:
- Whether the Plan meets the Basic Conditions;
  - Whether the Plan complies with provisions under s.38A and s.38B of the Planning and Compulsory Purchase Act 2004 (as amended) ('the 2004 Act'). These are:
    - it has been prepared and submitted for examination by a qualifying body, for an area that has been properly designated by the local planning authority;
    - it sets out policies in relation to the development and use of land;
    - it specifies the period during which it has effect;
    - it does not include provisions and policies for 'excluded development';
    - it is the only neighbourhood plan for the area and does not relate to land outside the designated neighbourhood area;

- whether the referendum boundary should be extended beyond the designated area, should the Plan proceed to referendum; and
- Such matters as prescribed in the Neighbourhood Planning (General) Regulations 2012 (as amended)('the 2012 Regulations').

1.7 I have considered only matters that fall within Paragraph 8(1) of Schedule 4B to the 1990 Act, with one exception. That is the requirement that the Plan is compatible with the Human Rights Convention.

### *The Basic Conditions*

1.8 The 'Basic Conditions' are set out in Paragraph 8(2) of Schedule 4B to the 1990 Act. In order to meet the Basic Conditions, the neighbourhood plan must:

- Have regard to national policies and advice contained in guidance issued by the Secretary of State;
- Contribute to the achievement of sustainable development;
- Be in general conformity with the strategic policies of the development plan for the area;
- Be compatible with and not breach European Union (EU) obligations; and
- Meet prescribed conditions and comply with prescribed matters.

1.9 Regulation 32 of the 2012 Regulations prescribes a further Basic Condition for a neighbourhood plan. This requires that the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017<sup>2</sup>.

## **2. Approach to the Examination**

### *Planning Policy Context*

2.1 The Development Plan for this part of Horsham District, not including documents relating to excluded minerals and waste development, includes the Horsham District Planning Framework 2031 (adopted in 2015), the West of Bewbush Joint Area Action Plan (2009) and the Site-Specific Allocations of Land (2007).

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<sup>2</sup> This revised Basic Condition came into force on 28 December 2018 through the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018.

- 2.2 The Council has started work on the Horsham District Local Plan (2019-2036)(HDLP)<sup>3</sup>, which when adopted will supersede the Horsham District Planning Framework (HDPF). However, work is at a relatively early stage, with a pre-submission draft anticipated for publication in early 2021 and with submission and examination timetabled for later in 2021.
- 2.3 The planning policy for England is set out principally in the National Planning Policy Framework (NPPF). The Planning Practice Guidance (PPG) offers guidance on how this policy should be implemented. A revised NPPF was published on 19 February 2019, and all references in this report are to the February 2019 NPPF and its accompanying PPG<sup>4</sup>.

### *Submitted Documents*

- 2.4 I have considered all policy, guidance and other reference documents I consider relevant to the examination, including those submitted which comprise:
- the submission Rusper Neighbourhood Plan 2018-2031, November 2019;
  - Plan A of the document which identifies the area to which the proposed Neighbourhood Development Plan relates;
  - the Consultation Statement, November 2019;
  - the Basic Conditions Statement, November 2019;
  - all the representations that have been made in accordance with the Regulation 16 consultation;
  - the Strategic Environmental Assessment Screening Opinion (1 August 2019) and the Habitats Regulations Assessment Screening (1 August 2019), prepared by Horsham District Council; and
  - the requests for additional clarification sought in my letter of 29 June 2020 and the responses dated 20 July from HDC and 17 July from RPC<sup>5</sup>.

### *Site Visit*

- 2.5 I made an unaccompanied site visit to the Neighbourhood Plan Area on 7 July 2020 to familiarise myself with it, and visit relevant sites and areas referenced in the Plan and evidential documents.

### *Written Representations with or without Public Hearing*

- 2.6 This examination has been dealt with by written representations. I considered hearing sessions to be unnecessary as the consultation responses clearly articulated the objections to the Plan and presented

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<sup>3</sup> I have seen a number of variations to the title of this document but for the avoidance of doubt I call it the HDLP throughout this Report.

<sup>4</sup> See paragraph 214 of the NPPF. The Plan was submitted under Regulation 15 to the local planning authority after 24 January 2019.

<sup>5</sup> View at: <https://www.horsham.gov.uk/planning/neighbourhood-planning/rusper>

arguments for and against the Plan's suitability to proceed to a referendum.

#### *Modifications*

- 2.7 Where necessary, I have recommended modifications to the Plan (**PMs**) in this report in order that it meets the Basic Conditions and other legal requirements. For ease of reference, I have listed these modifications separately in the Appendix.

### **3. Procedural Compliance and Human Rights**

#### *Qualifying Body and Neighbourhood Plan Area*

- 3.1 The RNP has been prepared and submitted for examination by RPC, which is a qualifying body for an area that was designated by HDC on 18 February 2016.
- 3.2 It is the only Neighbourhood Plan for the Parish and does not relate to land outside the designated Neighbourhood Plan Area.

#### *Plan Period*

- 3.3 The Plan specifies clearly the period to which it is to take effect, which is from 2018 to 2031.

#### *Neighbourhood Plan Preparation and Consultation*

- 3.4 The Consultation Statement, dated November 2019, clearly summarises the consultation that has taken place. The document includes a 'timeline of events' and sets out, for example, the consultation undertaken with HDC, the public consultation undertaken and the consultation on specific issues, such as the Local Green Space designations. All residents were sent letters, were invited to consultation meetings and were delivered survey forms. Specific focus groups were established. Other interested parties were also invited to contribute to the process and in 2018 Planning consultants were appointed to advise RPC. It is particularly pleasing to note the role that the Rusper May Day event has played in the consultation process.
- 3.5 The consultation process has been sufficiently thorough and I consider that the opportunity to contribute to the Plan preparation process has been available to all interested parties at the relevant stages, including at both the Regulation 14 stage ( 2 September 2019 to 14 October 2019) and the Regulation 16 stage (24 February 2020 to 27 April 2020). I note that the Regulation 16 consultation period was extended to 9 weeks in order to accommodate any difficulties posed by the Covid19 outbreak and I am not aware of any interested party expressing concerns regarding the opportunities to comment on the document.



- 3.6 Overall, I am satisfied that all the relevant requirements in the 2012 Regulations have been met. I also consider that, in all respects, the approach taken towards the preparation of the RNP and the involvement of interested parties in consultation, has been conducted through a transparent, fair and inclusive process. The relevant national advice on plan preparation and community engagement has been heeded and the legal requirements have been met.

#### *Development and Use of Land*

- 3.7 The Plan sets out policies in relation to the development and use of land in accordance with s.38A of the 2004 Act.

#### *Excluded Development*

- 3.8 The Plan does not include provisions and policies for 'excluded development'.

#### *Human Rights*

- 3.9 None of the representations have suggested that the Plan breaches Human Rights (within the meaning of the Human Rights Act 1998) and, from my independent assessment, I see no reason to conclude otherwise.

### **4. Compliance with the Basic Conditions**

#### *EU Obligations*

- 4.1 The Neighbourhood Plan was screened for Strategic Environmental Assessment (SEA) by HDC, which found that it was not necessary to undertake SEA. Having read the Strategic Environmental Assessment Screening Opinion<sup>6</sup>, I support this conclusion.
- 4.2 The RNP was further screened for Habitats Regulations Assessment (HRA), which also was not triggered<sup>7</sup>. The Parish is not in close proximity to a European designated nature site and Natural England raised no objections to the RNP. From my independent assessment of this matter, I have no reason to disagree.

#### *Main Issues*

- 4.3 I have approached the assessment of whether or not the RNP complies with the remaining Basic Conditions under two main headings:
- General issues of compliance of the Plan, as a whole; and
  - Specific issues of compliance of the Plan policies.

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<sup>6</sup> Dated 1 August 2019.

<sup>7</sup> Dated 1 August 2019.

## *General Issues of Compliance of the Plan*

### National Policy, Sustainable Development and the Development Plan

- 4.4 Chapter 6 of the RNP includes the land use policies for the Parish and the accompanying Basic Conditions Statement (November 2019) sets out how the policies align with national and local policies and EU legislation. I am satisfied, with one exception (see paragraph 4.20), that an appropriate approach has been taken by the Parish Council to ensure that national and local planning policies are not unnecessarily repeated<sup>8</sup>. In the very few other examples of where there is repetition, I am satisfied that it is necessary for the benefit of the decision maker.
- 4.5 The Vision and Objectives of RPC are set out in chapter 5 and appear to me to broadly reflect the aspirations of the local community. The emphasis is placed on retaining those aspects of village life that are particularly valued by the residents, for example protecting green spaces, supporting local businesses (including the village shop), promoting community life, retaining the character of the village and supporting educational opportunities, including at the local primary school.
- 4.6 The achievement of sustainable development is a key national objective and I am satisfied that all three dimensions of such development (economic, social and environmental) have been taken into account in the preparation of the RNP. Subject to detailed comments on the individual policies that I set out below, I conclude that the RNP has had proper regard to national policy and guidance.
- 4.7 I also conclude that:
- the RNP is in general conformity with the strategic policies of the HDPF and that overall, the document provides a suitable framework that will facilitate the achievement of the stated Vision and Objectives (subject to the recommended modifications that I set out below); and
  - that the policies (as amended) are supported by appropriate evidence, are sufficiently clear and unambiguous and that they can be applied consistently and with confidence<sup>9</sup>.

## *Specific Issues of Compliance of the Plan's Policies*

### Foreword, Introduction and Background

- 4.8 At the start of the fifth paragraph of the foreword it states that 'as part of this plan' the Parish is 'providing significant areas of land for housing'. However, that is not the role of the RNP, and this should be made clear. There is also a reference to development at Ifield, Kilnwood Vale and North Horsham resulting in the 'physical coalescence' of Horsham and

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<sup>8</sup> NPPF paragraph 16 f).

<sup>9</sup> PPG Reference ID: 41-041-20140306.

Crawley, while at the same time it is also claimed that they will be 'a mere 2,000m apart'. This is confusing and I have seen no conclusive evidence to back this figure up. Therefore I conclude, in the interests of clarity, the reference should be deleted. **PM1** sets out the modifications to the Foreword that I recommend.

- 4.9 Chapter 1 of the RNP identifies the Parish of Rusper and sets out the purpose of the RNP. It is confirmed that the RNP, if made, will become part of the Development Plan for Horsham District. Reference is made to the fact that this Neighbourhood Plan will be subject to early review (starting in 2021), in order that it can be made compatible with the HDLP, which is currently in the course of preparation. There are also references to the Strategic Environmental Assessment and the Habitats Regulations screening.
- 4.10 In terms of the chapter entitled 'Introduction and Background', I consider that it succinctly and correctly introduces the reader to the RNP.

#### The Neighbourhood Area

- 4.11 Chapter 2 provides an appropriate description of the Parish, summarises the facilities and services available, and introduces the reader to the components that contribute to the setting of the village, for example the woodland. There is also reference to the Conservation Area and the listed buildings in the Parish. The history of Rusper is summarised at the end of this chapter and this provides the reader with an understanding of how the Parish has evolved into the community that exists today.

#### Planning Policy Context and Community Views

- 4.12 The planning policy context, at both national and strategic level, is set out, in chapter 3. In particular, there is a helpful summary of the policies in the adopted HDPF. There is also a succinct reference to the pressures for growth at both Horsham and Crawley and a section explaining the current review of the HDPF (i.e. the HDLP). Other relevant plans and programmes are also briefly set out and overall, I am satisfied that sufficient detail is included in this chapter. However, there are two recommended modifications that I set out in **PM2** and **PM3**, which are required to aid clarity and ensure the RNP is up-to-date:
- Paragraph 3.12 refers to consultation undertaken in 2018 on the Local Plan Review Issues and Options. However, that is not of great relevance to this version of the RNP, which is being prepared to align with the adopted HDPF. I therefore recommend, for purposes of clarity, that paragraph 3.12 is deleted.
  - In paragraph 3.19, in the interests of clarity, add a footnote explaining that the 1,000 houses referred to are allocated in the Horsham District Planning Framework.

4.13 In terms of the chapter on community views, this very clearly summarises the processes followed and the consultation undertaken. However, although there is a reference to 'submitted evidence' in paragraph 4.8, it is not clear to me where that evidence can be found and therefore I recommend, in **PM4**, the inclusion of a cross-reference to Appendix J and the Consultation Statement dated November 2019 .

#### Vision and Objectives

4.14 The Vision set out in paragraph 5.1 is clear and the objectives appear to be appropriate. I note that there is no specific objective to ensure that the housing development proposed in the Parish is satisfactorily assimilated into the area, both physically and socially. However, the HDPF includes policies that seek to achieve that goal, for example policy 25 (District Character) and policy 32 (The Quality of New Development) and I consider that it is not necessary to repeat them in the RNP.

4.15 There are two modifications (**PM5**) recommended in the interests of clarity which relate, firstly, to using a correct and consistent description and, secondly, the specific reference to reducing school traffic. I have seen no clear evidence regarding school traffic flows and, in any event, such movements would be considered when assessing the need to encourage sustainable travel.

#### RUS1: Spatial Plan

4.16 The Policies Map identifies the built-up boundary of Rusper and policy RUS1 provides the link between the RNP and the HDPF. However, the policy goes on to address the issue of protecting landscape character – an issue that is currently dealt with later on in the document at Policy RUS 8: Landscape Character and Local Gaps.

4.17 Firstly, there could be confusion caused by addressing the issue of landscape character in two policies of the RNP. Secondly, and more importantly, I consider that the issue is already adequately addressed at national and local level.

4.18 NPPF (paragraph 127) requires new development, for example, to 'add to the overall quality of the area', be sympathetic to local character and history (including landscape setting) and maintain a strong sense of place. Paragraph 170 seeks to protect and enhance valued landscapes and advises that the intrinsic character and beauty of the countryside should be recognised.

4.19 At the more local level, the adopted HDPF includes policies 24 to 27 which can be summarized thus:

- Policy 24 Environmental Protection: affords protection to the high quality of the District's environment;
- Policy 25 The Natural Environment and Landscape Character: development will only be supported if it protects, conserves and

enhances landscape character and seeks to maintain settlement separation;

- Policy 26 Countryside Protection: outside built-up area boundaries the rural character and undeveloped nature of the countryside will be protected against inappropriate development. Development should protect, conserve and/or enhance the key features and characteristics of the landscape character in which it would be located – including in terms of the development pattern of the area; and
- Policy 27 Settlement Coalescence: landscapes will be protected from development which would result in the coalescence of settlements.

4.20 Being mindful that paragraph 16 f) of the NPPF advises that the ‘unnecessary duplication of policies that apply to a particular area’ should be avoided, I am satisfied that the raft of adopted policies in the HDPF is sufficient to ensure that the open and tranquil character of the landscape, including the separation of Kilnwood Vale, Crawley and Lambs Green; and between Ifield and Ifieldwood; will be protected.

4.21 I therefore recommend, in **PM6**, that policy RUS1 be modified to refer only to the link between the RNP and the HDPF and not to issues of landscape character and that paragraphs 6.5, 6.6 and 6.9 be deleted. This will ensure general conformity with the strategic policies of the development plan for the area and meet the other Basic Conditions.

#### RUS2: Rural Diversification

4.22 There may be opportunities in the Parish, outside the built-up area boundary, for schemes that will support the retention of existing employment sites or even provide additional business floorspace. In a rural location such as this, where there is a limited supply of office, industrial and warehouse facilities, then it is appropriate in terms of sustainability that opportunities, for example for small business units, should not be dismissed. Policy RUS2 establishes the approach to be taken outside the built-up area boundary but the policy would benefit from clarifying that all elements of the policy relate to such circumstances. Also, in the second sentence it is not clear what is meant by ‘facilities’ and ‘associated facilities’. I therefore recommend the deletion of these two references, together with the inclusion of the word ‘appropriate’ (for added clarity). The recommended changes to policy RUS2 are set out in **PM7**.

#### RUS3: Design

4.23 The achievement of well-designed places is a national objective<sup>10</sup> and policy RUS3 sets out the expectations of the Parish Council. All the requirements of the policy are appropriate, but I recommend, in **PM8**, a

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<sup>10</sup> NPPF chapter 12.

small number of amendments in the interests of clarity and to strengthen the value of the policy. The modified policy will contribute to achieving sustainable development and meet the other Basic Conditions.

#### RUS4: Local Heritage Assets

4.24 Three rows of cottages are identified as Local Heritage Assets and are afforded a level of protection by policy RUS4. As I saw on my visit, these buildings do contribute significantly to the character and appearance of the village and their categorisation as Local Heritage Assets is justified. The policy, however, lacks clarity and I recommend in **PM9** that it is amended in order that the decision maker can be confident in its interpretation.

#### RUS5: Green Infrastructure and Biodiversity

4.25 Policy RUS5 seeks to protect and enhance the important natural features in the area and such an approach is to be encouraged. However, the policy is not easy to decipher. For example, there are references to the Green Infrastructure Network; maps in the Sussex Biodiversity Record Centre; and to a Biodiversity Opportunity Area. There is also a reference to potential impacts on any Special Protection Area or Special Area of Conservation.

4.26 The decision maker needs to be aware of all the relevant information regarding green infrastructure and biodiversity, in order to be sure that all the requirements of the policy will be met. I therefore recommend in **PM10**, that a new plan (or plans) is included in the RNP, as an Appendix, which clearly identifies all the components of the Green Infrastructure Network. This plan(s) should consequently be referred to in the policy itself, but my recommendation also includes the deletion of a number of references because these are adequately set out in Appendices B and C to the Plan. As this is largely a matter of presentation, I leave it to the Parish Council to decide on the numbering and exact location of the plans within the Appendices.

#### RUS6: Walking, Cycling and Equestrian Routes

4.27 The rural setting around Rusper provides many opportunities for walking, cycling and horse riding. It is important, particularly for the well-being of local residents, that these routes are retained and if possible expanded or improved. Policy RUS6 seeks to protect existing routes but lacks sufficient clarity. It is recommended that the policy be modified in order to ease its interpretation and to remove reference to 'other policies of the development plan'. (**PM11**).

#### RUS7: Local Green Spaces

4.28 There are 10 Local Green Spaces (LGS) identified in policy RUS7 and I saw them all on my visit. Paragraph 100 of the NPPF requires such

designations to be reasonably close to the community it serves; demonstrably special to the local community, holding a particular local significance (for example in terms of beauty, historic significance, recreational value, tranquillity or richness of wildlife); and local in character and not an extensive tract of land. Further advice is given in Planning Policy Guidance<sup>11</sup> which, for example, advises that LGS should be within walking distance of the community it serves and that land could be designated even if there is no public access – for example land that is valued for its wildlife, historic significance and/or beauty.

- 4.29 The RPC has set out in Appendix D to the RNP its approach to the designation of LGS and I have used that evidence; the Parish Council's response to my Initial Questions (dated 17 July 2020); National Policy and Advice; and my site visits, to form the basis of my consideration of this issue.
- 4.30 Site 1: High Street, is the Recreation Ground and as I saw on my visit it is clearly a valued space of significance to the community and it meets the NPPF requirements. However, in terms of sites 2 (Glebe Field) and 3 (Church Field) it is not clear to me how these village centre sites could accurately be described holding a particular local significance. I accept that they provide a setting for the rear of the Parish Church but on my visit, they appeared overgrown and to have little value for the local community. Whilst I note nearly 87% of respondents supported the overall LGS designations made in the Plan (according to the consultation statement), I have seen no substantive evidence that would lead me to conclude that sites 2 and 3 are of particular local significance in terms of their beauty, historic significance, recreational value, tranquillity, or richness of wildlife. Similarly, on my visit I did not observe anything that physically pointed to their particular local significance.
- 4.31 Whilst I accept that whether or not to designate land is a matter for local discretion, I am mindful that designating LGS must be consistent with local planning for sustainable development in the area and not undermine the requirement to meet identified development needs. During my consideration of the representation made by the landowner of the two sites<sup>12</sup>, I have also considered Horsham District Council's consultation document entitled 'Site Assessment Report', dated February 2020. This document identifies sites 2 and 3 as a single site called Rusper Glebe. The assessment concludes that there are no significant constraints to development (suggested to be 12 dwellings) and that although there may be some unfavourable impacts (which are not specifically set out in the document) there is potential for mitigation.
- 4.32 In conclusion on these sites, I consider there are two reasons why this land should not be designated as LGS at this time. Firstly, and most importantly, there is no clear evidence that the land in question

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<sup>11</sup> PPG Reference IDs: 37-005-20140306 to 37-022-20140306.

<sup>12</sup> Rep. 7.

satisfactorily meets the NPPF guidance in paragraph 100 (b) in terms of holding a particular local significance. And secondly, the opportunity to revisit the 'future' of this land will be available shortly when the District Council publishes, and invites comments on, the next version of the HDLP. This will ensure that the approach taken towards these two sites will be consistent with planning for sustainable development in the area.

- 4.33 On my visit I saw that Site 4 (Ghyll Manor Field) was enjoyed by local residents as a recreational area and Site 5 (Cooks Mead Green) is also available for recreational use. I consider both sites meet the NPPF requirements.
- 4.34 Turning now to Site 6: Land adjacent to Pucks Croft Cottage. The two main landowners in the immediate area (see Repls. 8 and 10) do not support the designation of this LGS but I note that the owner of Pucks Croft Cottage (Rep. 8) would consider supporting improvements to the proposed LGS in his ownership, should land to the south of the Cottage be considered favourably for up to 6 dwellings. With regard to Rep. 10, the owner considers that land registered under WSX287217 (see attachment 1 of Rep 10. part 2<sup>13</sup>) should be removed from the proposed LGS and that any LGS designation should be limited to land lying to the east.
- 4.35 I walked along the public footpath that runs through part of the proposed LGS and I saw the land from Horsham Road that runs along the western boundary of the land. I consider the proposed LGS to be close to the community that it serves and local in character. However, I am not satisfied that the proposed LGS meets the requirements of NPPF paragraph 100(b).
- 4.36 Appendix D of the RNP describes the land as 'agricultural' land and 'recreational open space' – having a 'richness of wildlife'. The only public access to the land is along the public footpath, so much of the site is not available for 'public use' and therefore its recreational value is limited. Whilst there are elements of attractiveness (for example some of the trees), it could not accurately be described as beautiful. I am not aware of any historic significance and at the time of my visit I was able to hear road traffic, so I would not consider the area to be tranquil. In terms of 'richness of wildlife', I have seen no evidence that the wildlife of the proposed LGS is sufficiently 'rich'.
- 4.37 In my questions to RPC I asked for further justification for the identification of this land as LGS but do not consider it has been satisfactorily demonstrated in the Parish Council's response (or elsewhere) that the land 'holds a particular local significance'. On that basis I recommend the deletion of site 6: Land adjacent to Pucks Croft Cottage from policy RUS7. Similarly, to sites 2 and 3, there may be the opportunity to give further consideration to the sustainable future of this land as part of the Local Plan preparation.

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<sup>13</sup> View at: <https://www.horsham.gov.uk/planning/neighbourhood-planning/rusper>  
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- 4.38 Site 7 (Gardeners Green) is a recreational area of open space for local residents to enjoy and Site 8 (Behind Star Inn, Rusper Road) are allotments valued for their recreational benefits. I consider they both meet the relevant requirements.
- 4.39 Concern was expressed regarding the distance of Site 9 (Kilwood Copse) from the village. However, I consider that this site serves residents in other parts of the Parish. The site includes elements of sufficient beauty (for example the trees) making it special to the local community.
- 4.40 I turn now to Site 10 (Friday Street). Whilst this land may be valued by passers-by it could not accurately be described as being reasonably close to the community and there is insufficient evidence to enable me to conclude that it is demonstrably special to local residents. I note that the RPC concedes that test 2 (distance to the edge of the settlement) is 'not entirely met'<sup>14</sup>. Therefore site 10 should be deleted from the list of LGS.
- 4.41 I have considered all the concerns that were raised by interested parties but I am satisfied that all the sites, with the exception of sites 2 and 3 (Glebe Field and Church Field), 6 (Land adjacent to Pucks Croft Cottage) and 10 (Friday Street), meet the necessary requirements, including the Basic Conditions.
- 4.42 Consequently it is recommended, in **PM12**, that policy RUS7 (and the policies map) is modified to delete the references to LGS sites 2, 3, 6 and 10. In this way the policy will have proper regard to national policies and advice and meet the other Basic Conditions.

#### RUS8: Landscape Character and Local Gaps

- 4.43 I have already concluded that the issue of landscape character is adequately addressed at national level and in the HDPF (see paragraphs 4.18 and 4.19 above). There is therefore no substantive basis on which to include, within policy RUS8, references to landscape character. This conclusion is strengthened by the fact that Policy RUS8 seeks to protect the character of the Low Weald landscape character area but there is no reference in the policy or supporting text as to where the Low Weald character area is defined, and such knowledge would be required by a decision maker<sup>15</sup>.
- 4.44 Furthermore, the policy goes on to identify a local gap between Rusper Village and Lambs Green. Appendix H of the RNP is entitled 'Landscape Character Assessment and Assessment of Local Gaps in Plan Area', and Section 3 of that Appendix is entitled 'Criteria for Assessing Landscape Areas'. However, it appears to me that this section is in fact considering the designation of local gaps. For example, all five of the 'Tests' that are

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<sup>14</sup> See RPC Response to Examiner's Questions.

<sup>15</sup> In the Landscape Character Assessment of West Sussex, published by West Sussex County Council

set out appear to relate to the identification of such gaps and I have reached my conclusions on that basis.

- 4.45 I have two particular concerns regarding the consideration of local gaps. Firstly, it is not clear to me how the five 'Tests', as set under Section 3 of Appendix H, have been drawn up or on what evidence they are based. For example:
- Test 2: bullet point 3: what is defined as 'open space' – does it include woodland?
  - Test 3: bullet point 1: How would 'an important contribution' be assessed?
  - Test 3: bullet point 3: How would 'rural isolation' be defined?
  - Test 3: bullet point 5: How would it be possible to take into account 'incidental development', which is unlikely to require planning permission?
  - Test 4: where are the 'specific areas with their own special character' that are referred to in the penultimate sentence?
- 4.46 Secondly, and more importantly, the evidence does not lead me to conclude that the identification of the local gap is necessary to prevent coalescence between Rusper Village and Lambs Green. As I set out in paragraphs 4.18 and 4.19 above, there is existing national guidance and Development Plan policies which, if appropriately applied, will go far to achieving the objectives of the Parish Council in this regard.
- 4.47 I appreciate the work that has been undertaken on this issue by RPC, but I consider it to be insufficiently robust and persuasive. For these reasons, I recommend in **PM13** deletion of policy RUS8 and its supporting text. This will ensure that the Basic Conditions are met.

#### RUS9: Community Facilities

- 4.48 A list of community facilities is included in policy RUS9. It is expected that these uses will be retained, except in certain circumstances. However, there is no reference to the loss being as a result of the activity no longer being viable. The policy should be amended to include this proviso. Also, there is no need to refer to other Development Plan policies. Necessary modifications are therefore recommended in **PM14**. It was suggested by HDC that there may be a conflict between the identification of the Recreational Ground as LGS and policy RUS9, which could allow some appropriate community-based redevelopment on the site. However, policy RUS7 on LGS makes it clear that development on areas of LGS may be considered favourably if the proposal would be ancillary to the existing recreational use or other very special circumstances can be demonstrated. I am satisfied that this approach meets the Basic Conditions.

## RUS10: Rusper Primary School

- 4.49 Although the capacity of the Primary School, at 105 children, is comparatively small, it is clearly a valued component of community life. Nevertheless, there may be threats to the future of the School, for example through the provision of new educational facilities not far away at North Horsham. The RNP therefore provides support for the provision of additional classrooms at the School, subject to the promotion of sustainable travel measures and I am satisfied that this is a reasonable approach to take.
- 4.50 Policy RUS10 seeks to ensure that the School is retained in its current use, but the first paragraph lacks clarity and should consequently be amended. There is also reference to Rusper Village Hall in the third paragraph of the policy, but it is not clear to me what is the relationship between the School and the Village Hall. The supporting text, in paragraph 6.54 includes a brief reference to the Village Hall ('greater collaboration with/acquisition of' the Hall) but there is no explanation of the relationship between the School and the Hall or what any future options for the future of the facilities might be. I conclude that the reference in the policy to the Village Hall lacks justification and should be deleted. The policy should be amended as recommended in **PM15**. I am satisfied that, as amended, the policy creates the conditions in which it will be possible for the school to secure its future in the Parish. The policy will contribute to achieving sustainable development and meets the other Basic Conditions.

## RUS11: Dark Skies

- 4.51 Particularly in rural settings, it is important to ensure that light pollution from artificial light does not have a detrimental impact on local amenity, dark landscapes and nature conservation<sup>16</sup>. Policy RUS11 clearly sets out the expectations of the Parish Council and I am satisfied that in this location such a policy is justified and meets the Basic Conditions.

## RUS12: Promoting Sustainable Transport

- 4.52 Rusper is defined as a dispersed rural settlement<sup>17</sup> and most local residents are highly reliant on the use of a car. Nevertheless, it is important that wherever practicable sustainable travel should be supported. To that end, policy RUS12 places emphasis on improving cycle and pedestrian routes and advises that mitigation measures may be required in certain circumstances. There is a reference in the policy to 'Movement Routes' but they are not listed in the policy. However, I note that there are a number of Movement Routes identified on the Main Policy Map (page 33) and on a number of Inset Maps. This is an adequate approach, since there is a cross-reference in policy RUS12 to the Maps on

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<sup>16</sup> NPPF paragraph 180(c).

<sup>17</sup> Policy 40 of HDPF.

which the routes can be found. I am satisfied that policy RUS12 will contribute to the achievement of sustainable development and meet the other Basic Conditions.

### RUS13: Developer Contributions

- 4.53 Policy RUS13 requires, where appropriate, the enhancement of identified 'Movement Routes'. In order to achieve such improvements, the detailed schemes will need to meet the requirements of paragraph 56 of the NPPF, but this is not made sufficiently clear in the policy. I therefore recommend, in **PM16**, that the wording of the policy is amended to more accurately reflect the national requirements.

### Implementation and Monitoring

- 4.54 Chapter 7, entitled 'Implementation', summarises the role of the RNP in the management of development, lists a small number of potential local infrastructure improvements that may be secured through developer's contributions and lists some local aspirations that are unlikely to be achieved through the planning system. There is, however, no reference to the role of the Parish Council in monitoring the implementation of the policies in the RNP. In order to instil confidence that the policies in the RNP will be 'successful' in achieving the desired outcomes, I consider that there should be such a reference and recommend accordingly in **PM17**.

### Presentation

- 4.55 The presentation of the document needs to be consistent and clear and although this is not a matter that has influenced my conclusions, there are a number of examples where it is difficult to decipher the plans, where the key to a plan is not complete or is incorrect (for example several 'entry points' are identified on the Main Policy Map (page 33) and referenced to policy RUS14, but there is no such policy) and where different names have been used (for example the Pucks Croft Cottage site is referred to as Land West of Baldhornes Copse in District Council documentation; the Sports Field is also called the Recreational Ground). Also, the Policy Map is sometimes referred to as the Policies Map. In paragraph 2.9 'materials' should be 'minerals'. These are matters of proof-reading, consistency and presentation for the Parish Council to address.

### Other Matters

- 4.56 A number of respondents suggested that the RNP should be allocating sites for development. However, it must be remembered that this document has been prepared to be in general conformity with the strategic policies of the adopted HDPF. The opportunity to consider 'new' locations for development will be available during the preparation of the HDLP.

4.57 The inclusion of a utility infrastructure policy was proposed by a respondent, but I am satisfied that such matters are adequately covered in the HDPF. Similarly, a requirement for a Transport Assessment in relation to residential proposals is satisfactorily addressed elsewhere<sup>18</sup>.

## 5. Conclusions

### *Summary*

- 5.1 The Rusper Neighbourhood Plan has been duly prepared in compliance with the procedural requirements. My examination has investigated whether the Plan meets the Basic Conditions and other legal requirements for neighbourhood plans. I have had regard for all the responses made following consultation on the Neighbourhood Plan, and the evidence documents submitted with it.
- 5.2 I have made recommendations to modify a number of policies and text to ensure the Plan meets the Basic Conditions and other legal requirements. I recommend that the Plan, once modified, proceeds to referendum.

### *The Referendum and its Area*

- 5.3 I have considered whether or not the referendum area should be extended beyond the designated area to which the Plan relates. However, the Rusper Neighbourhood Plan, as modified, has no policy or proposals which I consider significant enough to have an impact beyond the designated Neighbourhood Plan boundary, requiring the referendum to extend to areas beyond that boundary. I recommend that the boundary for the purposes of any future referendum on the Plan should be the boundary of the designated Neighbourhood Plan Area.

### *Overview*

- 5.4 It is clear that there has been significant community involvement in the preparation of the RNP and the Steering Group has worked hard in the preparation of the document. With the advent of the HDLP and the commitment from the Parish Council to consequently review the RNP, there will be more work to be undertaken. However, RPC can be confident that it has the right mechanisms in place to ensure that any Review is undertaken to a high standard and with the support of the local community. There is no reason to doubt that Rusper will remain 'a vibrant and friendly place to live'.

*David Hogger*

Examiner

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<sup>18</sup> See response from Horsham District Council to Examiner's Questions, dated 20 July 2020.

## Appendix: Modifications (17)

Proposed modification number (PM)	Page no./ other reference	Modification
PM1	Page 1 Foreword	<p>Amend the fifth paragraph of the Foreword to read:</p> <p><del>As part of the plan, you will see that In Ruser</del> <b>Parish</b> <del>parish is providing there are</del> significant areas of land <b>allocated</b> for housing .....</p> <p>However, <b>when</b> these housing developments <b>are completed the gap between the two towns will be significantly reduced.</b> <del>Also lead to the physical coalescence of the two towns, which when all the proposed housing and other development is complete will be a mere 2,000m apart along the A264.</del></p>
PM2	Page 10 Paragraph 3.12	<b>Delete</b> whole of paragraph 3.12.
PM3	Page 11 Paragraph 3.19	Include a footnote at the end of the paragraph to read: <b>as set out in the Horsham District Planning Framework.</b>
PM4	Page 13 Paragraph 4.8	At end of paragraph 4.8 include: <b>(see Appendix J to this document and the Consultation Statement dated November 2019).</b>
PM5	Page 14 Paragraph 5.3 and 5.3 (ii)	<p>Paragraph 5.3:</p> <p>Looking at these <del>principles</del> <b>objectives</b> in more detail ...</p> <p>Paragraph 5.3 (ii):</p> <p>We need to reduce traffic impact <b>and</b> encourage sustainable transport. <del>and reduce the impact of school traffic</del></p>
PM6	Page 16	Amend policy RUS1 to read:

	Policy RUS1	<p>The Neighbourhood Plan defines the built-up area boundary for Rusper, as shown on the Policies Map, for the purpose of applying Policy 4 of the Horsham District <b>Planning</b> Framework. <del>Development proposals should conserve the open and tranquil character of the intervening landscape and its views at the following locations:</del></p> <p><del>SP1: Kilnwood Vale, Crawley and Lambs Green</del></p> <p><del>SP2: Between Ifield and Ifieldwood</del></p> <p><del>Proposals which would either individually or cumulatively, unacceptably harm or detract from the distinct landscape character and separation of these areas, as defined in the Policy Map, will not be supported.</del></p> <p>Delete paragraphs 6.5, 6.6 and 6.9.</p>
PM7	Page 17 Policy RUS2	<p>Modify the second paragraph of the policy to read:</p> <p>Development proposals that enhance the operational effectiveness and appearance of <b>such</b> existing employment sites and facilities or to redevelop those sites to provide <b>appropriate</b> modern commercial units and associated facilities will be supported.</p> <p>Amend the start of the third paragraph to read:</p> <p>Proposals <b>on such sites</b> that will result in the loss .....</p>
PM8	Page 18 Policy RUS3	<p>Modify the policy to read:</p> <p>Proposals for new development, including extensions to existing buildings, must be of the highest design standards, and will be required to reflect the character and scale of surrounding buildings. Proposals should have specific regard to <b>satisfactorily take into account:</b></p>

		<ul style="list-style-type: none"> <li>i. <b>Where appropriate</b>, the significance of the Rusper Conservation Area and its setting in defining the rural character of the Parish and how the scheme <b>proposal</b> will sustain and enhance that significance;</li> <li>ii. The significance of any heritage assets <b>(as shown on the Policy Map)</b> and their settings <del>in the locality</del> and how the scheme <b>proposal</b> will sustain and enhance that significance;</li> <li>iii. <del>Maintaining</del> <b>The retention of</b> key views, particularly of the street scene and key buildings in the Rusper Conservation Area <b>and out to the surrounding countryside;</b></li> <li>iv. <del>Maintaining</del> <b>The retention of</b> key views <del>outside the Rusper Conservation Area</del> out to the countryside, particularly views out from the playground to the east and from the Sports Field <b>(as shown on the Policy Map);</b></li> <li>v. <del>Retaining</del> <b>The retention of</b> the visual and amenity value of mature trees and hedgerows in the Parish, <b>where possible;</b></li> <li>vi. <del>Maximising the standards for</del> <b>The achievement of current</b> heat insulation <b>standards;</b></li> <li>vii. <del>Maximising the standards for</del> <b>The achievement of current</b> noise insulation <b>standards;</b></li> <li>viii. <b>The provision of</b> features (including renewable energy) that lead to low or zero carbon dioxide emissions, such as solar panels and air or ground source heat pumps; <b>and</b></li> <li>ix. <del>Retaining</del> <b>The retention of</b> Rusper's dark skies status, in accordance with</li> </ul>
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		<p>Policy RUS11 of the Neighbourhood <b>this</b> Plan.</p> <p>In the penultimate paragraph of the policy delete: <del>in accordance with the energy hierarchy.</del></p>
PM9	<p>Page 19</p> <p>Policy RUS4</p>	<p>Modify first sentence of the policy as follows:</p> <p>The Neighbourhood Plan identifies the following buildings <del>and structures</del> as Local Heritage Assets by way of their local architectural or historic interest:</p> <p>Modify last sentence of the policy as follows:</p> <p>Proposals affecting <del>the significance of these</del> <b>a</b> locally important buildings <del>and structures</del> will be assessed having regard to the scale of any harm <b>to,</b> or loss <b>of, the architectural or historic interest of that building.</b> <del>and the significance of the locally important building or structure.</del></p>
PM10	<p>Page 21</p> <p>Policy RUS5</p>	<p>Modify first two sentences of the second paragraph to read:</p> <p>Development proposals on land that lies within the broad location of the Green Infrastructure Network <b>(as shown on Plans – and -)*</b> will be required to demonstrate how they enhance habitat connectivity. <del>The Green Infrastructure Network consists of House Copse Site of Special Scientific Interest, Local Wildlife Sites, notable road verges and section 41 habitats as defined on Map 1, 2 and 4 in the Sussex Biodiversity Record Centre Ecological data search for Rusper Parish, attached as Appendix B</del></p> <p>Modify third section of the policy to read:</p> <p>Development proposals on land that lies within a Biodiversity Opportunity Area, Rusper Ridge and Ifield Brook <b>(as shown on Plans – and -)*</b> <del>defined on the maps in the Sussex Biodiversity Partnership</del></p>

		<p>Rusper Ridge and Ifield Brook Biodiversity Opportunity Areas at Appendix C should enhance biodiversity in accordance with the opportunities identified in Appendix C.</p> <p>*Plan numbering to be decided by RPC.</p>
PM11	<p>Page 23</p> <p>Policy RUS6</p>	<p>Modify the policy to read:</p> <p>Development proposals will be supported, provided that, where appropriate to their location, they have regard to the following principles: <del>and they accord with the other policies of the development plan:</del></p> <ul style="list-style-type: none"> <li>i. if they <del>proposal</del> <b>proposal</b> adjoins a public footpath or bridleway <del>the development must</del> <b>the development must</b> have regard to maintaining the functionality and rural character of the footpath or bridleway, unless this is <del>unavoidable</del> <b>cannot satisfactorily be achieved</b>, in which case the route must be diverted in a way that remains safe and convenient for users</li> <li>ii. if they <del>a proposal</del> <b>a proposal</b> lies in a location that enables a new pedestrian, cycle link and/or bridleway to be created to <b>join</b> an existing public footpath or bridleway, that the layout and access arrangements of the scheme allow for such an improvement, provided they <del>development</del> <b>development</b> avoids or minimises the loss of mature trees and hedgerows and uses materials that are consistent with a rural location; <b>and</b></li> <li>iii. Replace the entire sub-section with: <b>access to the Parish by walking, cycling and riding can already be satisfactorily achieved.</b></li> </ul>
PM12	<p>Page 24</p> <p>Policy RUS7</p>	<p>Delete from policy RUS7 (and from the Policy Map):</p> <ul style="list-style-type: none"> <li>ii. <del>Glebe Field</del></li> <li>iii. <del>Church Field</del></li> </ul>

		<p>vi. Land adjacent to Pucks Croft Cottage</p> <p>x. Friday Street (by Friday Street bridge)</p> <p>Make subsequent changes to the numbering of the remaining LGS sites.</p>
PM13	Page 25 Policy RUS8	Delete policy RUS8 and paragraphs 6.41, 6.42, 6.43 and 6.44 in their entirety.
PM14	Page 26 Policy RUS9	<p>Modify the second paragraph of the policy to read:</p> <p><del>In addition to the provisions of relevant development plan policies,</del> Proposals that will result in the loss of a facility and its ancillary land <b>(as shown on the Policy Map)</b> will be resisted unless it can be clearly demonstrated that <b>the existing use is no longer viable</b>, the land is no longer suited to any other D1 community use or that the use can be satisfactorily re-located for the ongoing benefit of the local community.</p> <p>Delete the last part of the policy:</p> <p><del>Provided they are consistent with the relevant policies of the development plan.</del></p>
PM15	Page 26 RUS10	<p>Modify the first paragraph of the policy to read:</p> <p><del>Proposals for the development of permanent extra classrooms at Rusper Primary School, as shown on the Policies Map will be supported.</del> Proposals to create additional classrooms, space for play and/or car parking <del>on the site will also</del> at Rusper Primary School will be supported, provided the proposals do not harm the amenity of residents living near the school or create additional <b>significant</b> highway safety concerns.</p> <p>Modify the third paragraph to read:</p> <p>Proposals for non-school related development on the site, as shown on the Policy Map will not be supported unless Rusper Primary School <del>and Rusper Village</del></p>

		<p>Have <del>have</del> <b>has</b> ceased to operate on their its current sites or <del>have</del> has moved to <b>an</b> alternative sites such that the current site is no longer deemed to be a viable location for these facilities.</p>
PM16	Page 30 Policy RUS13	<p>Delete the first sentence of the policy and replace it to read:</p> <p><b>The enhancement of the identified Movement Routes will be required where such work is necessary to make development acceptable, where it is directly related to the development and it is reasonably related in scale to the development. Such enhancements are to be agreed with the Parish Council.</b></p> <p>Retain the second sentence.</p>
PM17	Page 32	<p>Add a new paragraph under the heading of <b>Monitoring</b> to read:</p> <p><b>Rusper Parish Council will monitor the effectiveness of the policies against planning decisions regularly through its monthly planning meetings and will frequently review the content of the RNP at those meetings. This approach will assist the Parish Council in its formal review of the RNP (working in partnership with Horsham District Council) which is currently programmed to commence in 2021.</b></p>