

INDEPENDENT EXAMINATION OF ASHINGTON NEIGHBOURHOOD PLAN

EXAMINER: David Hogger BA MSc MRTPI MCIHT

Karen Dare
Clerk to Ashington Parish Council

Norman Kwan
Horsham District Council

Examination Ref: 01/DH/ANP

Via email:

14 January 2021

Dear Ms Dare and Mr Kwan

ASHINGTON NEIGHBOURHOOD PLAN EXAMINATION

Following the submission of the Ashington Neighbourhood Plan (ANP) for examination, I would like to clarify several initial procedural matters. I also have a number of preliminary questions for Ashington Parish Council (APC), as the Qualifying Body, and a smaller number for Horsham District Council (HDC) – one in conjunction with West Sussex County Council (as Highways Authority). These are attached as an Annex to this letter.

1. Examination Documentation

I can confirm that I have access to a complete copy of the submission ANP and accompanying documentation, including the Basic Conditions Statement (April 2020), the Consultation Statement (May 2020), the SEA Report (April 2020), the HRA Screening Report (June 2019), the Housing Needs Assessment (July 2017) and the Regulation 16 representations. I also have a copy of the Statement of Common Ground between APC, HDC, West Sussex County Council and the Lower family dated December 2020. This is with regard to modifications to the allocation ASH11 and in particular land safeguarded for school expansion. I am satisfied that I have the relevant evidence to enable me to undertake the examination.

Subject to my detailed assessment of the submission ANP, I have not identified any very significant and obvious flaws that might lead me to advise that the examination should not proceed.

2. Site Visit

I will aim to carry out a site visit to the neighbourhood plan area in the week beginning 18 January 2021, subject to the prevailing Government COVID-19 advice at that time. The site visit will assist in my assessment of the draft Plan, including the issues identified in the representations.

The visit will be undertaken unaccompanied. It is very important that I am not approached to discuss any aspects of the Plan or the neighbourhood area, as this may be perceived to prejudice my independence and risk compromising the fairness of the examination process (and further respecting the current COVID-19 distancing arrangements).

3. Written Representations

At this stage, I consider the examination can be conducted solely by the written representations procedure, without the need for a hearing. However, I will reserve the option to convene a hearing should a matter(s) come to light where I consider that a hearing is necessary to ensure the adequate examination of an issue, or to ensure that a person has a fair chance to put a case.

4. Further Clarification

I have a number of initial questions seeking further clarification from both APC and HDC. I have set these questions out in the Annex to this letter. I would be grateful if a written response could be provided within **three weeks** of receipt of this letter.

5. Examination Timetable

As you will be aware, the intention is to examine the ANP (including conduct of the site visit) with a view to providing a draft report (for 'fact checking') within 4-6 weeks of submission of the draft Plan. However, in the current circumstances, and bearing in mind I have raised a number of questions to which I must provide the opportunity for the preparation of an appropriate response, the examination timetable will be extended. Please be assured that I will seek to mitigate any delay as far as is practicable. The IPe office team will seek to keep you updated on the anticipated delivery date of the draft report.

If you have any questions related to the conduct of the examination, which you would like me to address, please do not hesitate to contact the office team in the first instance.

In the interests of transparency, may I prevail upon you to ensure a copy of this letter and any subsequent response, are placed on the websites of the Parish Council and the District Council.

Thank you in advance for your assistance.

Your sincerely

David Hogger

Examiner

ANNEX

From my initial reading of the submission draft Ashington Neighbourhood Plan (ANP) and the supporting evidence, I have 4 questions for Horsham District Council (HDC), 15 questions for Ashington Parish Council (APC) and one question where, if possible, a joint response between the District and West Sussex County Council (as Highway Authority) should be provided. I have requested the submission of a response within **three weeks** of receipt of this letter.

Question for both Horsham District Council and West Sussex County Council (1)

1. In the response from West Sussex County Council (Ref:51) it states:

It is considered that due to the scale and location of the proposed site allocation in the Ashington Neighbourhood Plan, the level of growth proposed is not in accordance with the background level growth assumptions in the Strategic Transport Assessment. However, it is considered that further work is not required at this stage, as the impacts on the local highways and transport network would be unlikely to be severe. A full transport assessment will continue to be required to support any planning application.

The Strategic Transport Assessment indicates that over the plan period, traffic conditions in some locations are likely to worsen due to the effects of traffic growth. If not addressed through improvements to the highway network and to sustainable travel choices, this could exacerbate existing congestion issues, or lead to congestion in previously uncongested locations. Therefore, as development takes place there will be a need for improvements and / or financial contributions to be secured towards the delivery of these improvements. We recommend that any Transport Assessment submitted as part of a planning application for the proposed allocations within the Plan includes a sustainable transport section that sets out solutions that are deliverable and commercially viable to reduce dependency on car travel.

Firstly, on what basis is the assumption made that ‘the impacts on the local highways and transport network would be unlikely to be severe’ (see first paragraph above)?

Secondly, it is acknowledged that ‘as development takes place there will be a need for improvements and/or financial contributions to be secured towards the delivery of these improvements’ (i.e. highway improvements). How would an interested party know exactly what improvements would be needed, particularly with regard to the development of allocation ASH11?

Thirdly, I turn to paragraph 108 of the NPPF which states that ‘In assessing sites that may be allocated for development in plans it should be ensured that: (a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location; (b) safe and suitable access to the site can be achieved for all users; and (c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.’

Can it be clearly demonstrated that clauses (a), (b) and (c) have been satisfactorily addressed?

Questions for Horsham District Council - (4)

1. Bearing in mind that a number of respondents have stated a preference for development to the north of the village (rather than land west of Ashington School – ASH11), can the Council confirm that it is satisfied with the site selection process undertaken, primarily as summarised in the Reports entitled ‘Call for Sites and Site Selection Process’ and ‘Final Site Selection’?
2. One of the Basic Conditions¹ relates to development contributing to the achievement of sustainable development. Is the Council satisfied that the policies in the ANP will appropriately achieve that objective?
3. Strategic policy 4 of the Horsham Development Planning Framework provides support for the expansion of settlements provided such development ‘does not prejudice comprehensive long-term development’. Can the District Council confirm that the policies in the ANP would not hinder meeting that objective?
4. Paragraph 009 ID: 41-009-20190509 of the Planning Practice Guidance, advises that ‘where a neighbourhood plan is brought forward before an up-to-date local plan (i.e. the Local Plan Review) is in place the qualifying body and the local planning authority should discuss and aim to agree the relationship between policies in the emerging neighbourhood plan, the emerging local plan and the adopted development plan’. Could the Council confirm that such discussions have taken place and summarise any conclusions that were drawn?

Questions for Ashington Parish Council - (15)

1. Among the challenges to be tackled, as identified in paragraph 3.1 of the ANP, are:
 - Reliance on the private car and a lack of adequate parking provision; and
 - The need for improvement and integration of existing community infrastructure such as sports and youth facilities.

How does the ANP assist in addressing these challenges in particular?

2. How does the ANP contribute towards meeting the objectives on ‘Transport and Movement’ and ‘Community and Economy’ as set out in paragraph 3.2 of the ANP?
3. Policy ASH1 (A) refers to the built-up area boundary of Ashington. The only proposed amendment to the boundary is to accommodate the proposed development (as shown on the Inset Map on page 43). Is the Parish Council satisfied that there are no other amendments to the boundary that would be justified?
4. Policy ASH1 (C) refers to focussing community facilities in the ‘Community Cluster’. Paragraph 4.5 states that community facilities are to be (my underlining) located and paragraph 5.3 says ‘will be ... ‘. Table 7.1 attached to policy ASH8 (page 32) is entitled ‘Provision of Community Facilities’ and it includes ‘a community building providing for the following needs: (a) hall and meeting facilities and (b) Parish Council office. However, it is not clear to me exactly what those ‘new’ community facilities will be or how they will be provided. Is the new building in

¹ Para 8 (2) of Schedule 4B to the 1990 Act.

addition to the existing community centre, scout hall and youth club. If it is, what will become of the existing buildings? Could the Parish Council provide greater clarity with regard to its aspirations in this regard – which facilities will be retained, which improved and what facilities will be ‘new’? It is not clear to me how, or by whom, the evolution of the Community Cluster will be managed and taken forward. In order that the decision-maker can have confidence, greater clarity is required and therefore I ask the Parish Council to provide appropriately amended text that explains the way forward.

5. Is there any reason why a plan identifying the various existing community facilities referred to in chapter 7 has not been included in the document?

6. On page 22 there is a spending priority, set out in a green box. It is not clear to me what the status of the green box is, or how the priority fits in with other spending aspirations. Could the Parish Council explain the thinking behind this inclusion in the ANP?

7. Why is there a reference in Policy ASH2 (A) to ‘particularly within the Neighbourhood Plan area’?

8. Policy ASH9 (A) refers, in the title, to small-scale and ‘move-on’ employment development, which would be focussed on (among other areas) the Ashington Community Cluster. Why is there no reference to this situation in Table 7.1 that accompanies policy ASH8 (under Ashington Community Cluster)?

9. What is meant by ‘flexible terms’ in policies ASH9 (A) and ASH11(xii)?

10. Sub-section (ii) of both ASH10 and ASH11 refer to the requirement for at least 25% of the dwellings proposed being designed to meet the needs of older people. It is not clear to me, however, whether this is in addition to the 35% requirement for affordable housing or is it part of the 35%. Could the Parish Council provide amended wording that clarifies the position?

11. In policy ASH11 (as set out in the submitted ANP):

- In (vi) how would a decision-maker know what is ‘suitable’ in terms of the Management Plan?
- Would commercial floorspace (clause xii) be acceptable anywhere within the area shaded brown on Figure 8.2 (page 39)? And if commercial floorspace were proposed ‘at the Ashington Community Cluster’ how would that be achieved within the parameters of policy ASH11?
- How would a decision-maker know what constitutes ‘the south of the site’ as referred to in (xx)? Why is the area not identified on the plan?
- Is the Parish Council satisfied that clause (xix) provides sufficient protection to the listed Church, churchyard and churchyard wall? Have issues of traffic noise, lighting and pollution been considered?
- Is the Parish Council confident that 150 dwellings on the site can be successfully accommodated?
- What evidence is there that all the requirements of policy ASH11 can be delivered in a viable way?

12. Representation 75 relates to a site off Rectory Lane for about 70 dwellings (to the east of Penn Gardens) that has not been allocated in the submission ANP. The site does not appear

to be identified on the 'Evidence Base – Sites Map'. Has this site been considered by the Parish Council and if so, what conclusions were drawn?

13. Chapter 14 of the NPPF relates to meeting the challenge of climate change and paragraph 150 (b) refers to the sustainability of buildings. Sustainable development is referred to in policy ASH2 in relation to walking but no further guidance appears to be given in the ANP. Is the Parish Council satisfied that this issue is adequately addressed in the Horsham District Planning Framework?

14. The response from the Woodland Trust (Representation 78) refers to ancient woodland within the Parish. The protection of such an asset does not appear to be a matter that has been addressed in the ANP. Is the Parish Council satisfied that such woodland is afforded sufficient protection elsewhere, for example in the Horsham District Planning Framework?

15. The monitoring and review of Plans (in conjunction with HDC) is an important component in the plan-making process, in order to ascertain whether or not the policies are effective and to clarify the future role of the Parish Council in this process. I would welcome the provision of some suitable wording from the Parish Council that satisfactorily summarises the monitoring and review process.