

DEVINE HOMES PLC

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[REDACTED]
Neighbourhood Planning
Horsham District Council
Parkside, Chartway
Horsham
RH12 1RL

Our Reference: LE/DC/00246/REG16

DATE: 20 January 2021

Dear [REDACTED]

DRAFT LOWER BEEDING NEIGHBOURHOOD PLAN – REGULATION 16 CONSULTATION

We write to you today to provide formal representations in respect of the Draft Lower Beeding Neighbourhood Plan (2019 – 2031) that is undergoing statutory consultation in accordance with Regulation 16 consultation. The consultation is open from 5pm 17th December 2020 to midnight on 11th February 2021.

Horsham District Council have invited representations on the Draft Neighbourhood Plan, including:

- Basic Conditions Statement;
- Consultation Statement; and
- Sustainability Appraisal.

This representation focusses on “Draft Policy 8 – Land North of Sandygate Lane”, as well as making representations based on the Sustainability Appraisal, including the Strategic Environmental Assessment.

The primary purpose of this representation is to demonstrate clearly to the Parish Council that there is strong support for both the Draft Neighbourhood Plan as a whole, and Draft Policy 8.

We, Devine Homes PLC, are pleased that the Draft Plan recognises the sustainable location of “Land North of Sandygate Lane” and the sites suitability for delivering new, high quality

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housing in Lower Beeding. For the avoidance of doubt, Devine Homes wholeheartedly supports the proposed allocation of the site and the changes that have been made to Policy 8 of the NP since the Regulation 14 consultation. These changes ensure that the most efficient use of land is being realised within Lower Beeding Parish.

Basic Conditions Statement

In order to be considered sound, neighbourhood plans must meet the Basic Conditions as specified in Paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to Neighbourhood Plans by section 38A of the Planning and Compulsory Purchase Act 2004.

There are five Basic Conditions relevant to this Neighbourhood Plan that it must meet. These are set out below:

(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; and

(g) Prescribed conditions are met in relation to the order and prescribed matters have been complied with in connection with the proposal for the order.

In accordance with Regulation 15 of the Neighbourhood Planning (General) Regulations 2012, the Parish Council, as the 'qualifying body,' must include a Statement explaining how the proposed Neighbourhood Development Plan meets these

Basic Conditions. Dowsett Mayhew Planning has prepared the LBNP Basic Condition Statement on behalf of the Parish Council (report dated April 2020).

Devine Homes has carefully reviewed and considered the Basic Condition Statement and we support both the approach taken to assessing compliance with the Basic Conditions and the overall conclusions drawn. We agree that the LBNP accords with Paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to Neighbourhood Plans by section 38A of the Planning and Compulsory Purchase Act 2004. We have considered each of the relevant Basic Conditions and whether or not the NP complies with it in turn below.

(a) Having regard to National policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the order;

Paragraph 18 of the NPPF states that neighbourhood plans should not contain strategic policies. Meanwhile, paragraph 21 stipulates that strategic policies contained within the Development provide a “clear starting point for non-strategic policies”, as well as stating that strategic policies “should not extend to detailed matters that are more appropriately dealt with through neighbourhood plans or other non-strategic policies”.

At paragraph 30, the NPPF describes the power of a neighbourhood plan, stating that “once a neighbourhood plan has been brought into force, the policies it contains take precedence over existing non-strategic policies in a local plan covering the neighbourhood area”.

Within the Basic Conditions Statement prepared by Dowsett Mayhew Planning on behalf of Lower Beeding Parish Council, it is demonstrated that the Draft LBNP is consistent with the principles set out above, as well as being in accordance with the most relevant chapters of the NPPF, including:

- *Chapter 5: Delivering a Sufficient Supply of Homes;*
- *Chapter 6: Building a Strong Competitive Economy;*
- *Chapter 8: Promoting Healthy and Safe Communities;*
- *Chapter 9: Promoting Sustainable Transport;*
- *Chapter 10: Supporting High-Quality Communications;*
- *Chapter 11: Making Effective Use of Land;*

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- *Chapter 12: Achieving Well-Designed Places;*
- *Chapter 14: Meeting the Challenge of Climate Change, Flooding and Coastal Change;*
- *Chapter 15: Conserving and Enhancing the Natural Environment; and*
- *Chapter 16: Conserving and Enhancing the Historic Environment*

We agree with the conclusions drawn in the Basic Conditions Statement, and consider the Draft LBNP to have regard for the NPPF and PPG, and consider that the Plan is consistent with Section 4B 8(2)(a) in this regard.

(d) The making of the order contributes to the achievement of sustainable development;

To meet the Basic Conditions, the draft LBNP must demonstrate that it positively constitutes to the achievement of sustainable development.

In accordance with the NPPF, the purpose of the planning system is to contribute to the achievement of sustainable development, which has three overarching objectives (economic, social and environmental).

The draft LBNP is supported by a Sustainability Appraisal (SA) incorporating a Strategic Environmental Assessment (SEA). The SA process ensured that social, economic and environmental impacts, and the interrelationship of these matters, has been carefully considered in the drafting of the Neighbourhood Plan.

It is considered that the vision, objectives, aims and policies of the Submission Version of the LBNP incorporate a balanced variety of social, economic and environmental outcomes.

The three elements of sustainable development are demonstrated by the vision statement within the LBNP, as well as the LBNP objectives and policies. The LBNP meets the economic objective of achieving sustainable development, by actively supporting employment uses, and the provision of appropriate infrastructure. Accordingly, it is considered that the

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Draft LBNP, when taken as a whole, positively contributes to the achievement of sustainable development, and is consistent with Section 4B 8(2)(d) in this regard.

(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);

To meet the Basic Conditions, the draft LBNP must demonstrate that it has regard to strategic policies contained in the local planning authority's development plan.

The relevant Development Plan for Lower Beeding is the Horsham District Planning Framework (HDPF). HDC adopted the HDPF in November 2015.

As detailed within the Basic Conditions Statement, prepared by DowsettMayhew Planning on behalf of Lower Beeding Parish Council, the Draft LBNP reflects and positively supports the strategic policies and plans of the HDPF. Having reviewed the Basic Condition Statement, we support the conclusions drawn by DowsettMayhew in the HDPF Policy Conformity Table provided at section 7.3 and 7.5 and consider that the Draft LBNP is consistent with Section 4B 8(2)(e) in that regard.

(f) The making of the order does not breach, and is otherwise compatible with EU obligations;

To meet the Basic Conditions, the Draft LBNP must not breach, and must be compatible with the EU obligations. For the following reasons, we understand that the Draft Plan is compatible with EU obligations:

- LBNP is supported by a SA, which includes a SEA, as required by European law.
- A Scoping Report of the SA (including the requirements of the SEA) was submitted to the relevant parties (i.e. Historic England, the Environment Agency and Natural England) for assessment against environmental requirements.

- Amendments and additional document / objectives were then considered when the SA was formally prepared.
- HDC have undertaken the necessary habitat regulations assessment screening.

On this basis, we consider that that the Draft LBNP is consistent with Section 4B 8(2)(f) in this regard.

(g) Prescribed conditions are met in relation to the order and prescribed matters have been complied with in connection with the proposal for the order

To meet the Basic Conditions, the Draft LBNP must meet the prescribed conditions, and comply with the prescribed matters. The Basic Conditions as set out in Schedule 4B to the Town and Country Planning Act 1990, and the prescribed conditions and matters are considered to be met by the LBNP for the reasons described in this representation.

For the reasons set out above, Devine Homes agrees with the conclusions drawn within the DowsettMayhew's Basic Conditions Statement, and considers that the Draft LBNP meets the Basic Conditions as prescribed by Paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to Neighbourhood Plans by section 38A of the Planning and Compulsory Purchase Act 2004.

Conclusions

In conclusion, Devine Homes is very supportive of the Draft Neighbourhood Plan in general, and specifically "Draft Policy 8 – Land North of Sandygate Lane",

Furthermore, Devine Homes would like to confirm our support for the Basic Conditions Statement, and confirm our agreement that the Draft LBNP meets the Basic Conditions prescribed by Paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to Neighbourhood Plans by section 38A of the Planning and Compulsory Purchase Act 2004.

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To discuss any of the above in greater detail, please do not hesitate to contact me on the details below.

Yours sincerely,

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