

INDEPENDENT EXAMINATION OF THE RUSPER NEIGHBOURHOOD PLAN

EXAMINER: David Hogger BA MSc MRTPI MCIHT

Leanne Bannister
Clerk to Rusper Parish Council

Norman Kwan
Horsham District Council

Examination Ref: 01/DH/RNP

Via email

29 June 2020

Dear Ms Bannister and Mr Kwan

RUSPER NEIGHBOURHOOD PLAN EXAMINATION

Following the submission of the Rusper Neighbourhood Plan (RNP) for examination, I would like to clarify several initial procedural matters. I also have a number of preliminary questions for the Rusper Parish Council (the Parish Council) as Qualifying Body and a smaller number for Horsham District Council (HDC). These are attached as an Annex to this letter.

1. Examination Documentation

I can confirm that I have electronic access to a complete copy of the submission RNP and accompanying documentation. This includes the Basic Conditions Statement, the Consultation Statement, the Habitats Regulations Assessment Screening Report, the Strategic Environmental Assessment Screening Opinion and the Regulation 16 representations which will enable me to undertake the examination.

Subject to my detailed assessment of the submission RNP, 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 intend to undertake a site visit to the neighbourhood plan area in the week commencing Monday 6th July. This will assist in my assessment of the draft Plan, including the issues identified in the representations.

The site 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 HDC and the Parish Council. 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 RNP (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 to be prepared, 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 any matters relating to my site visit and 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 HDC.

Thank you in advance for your assistance.

Your sincerely

David Hogger

Examiner

ANNEX

From my initial reading of the submission draft Rusper Neighbourhood Plan (RNP) and the supporting evidence, I have 10 questions for Horsham District Council and 20 questions for Rusper Parish Council. I have requested the submission of a response within **three weeks** of receipt of this letter.

Questions for Horsham District Council (10)

- 1.** Under sub-section 2 on the first page of the Council's Regulation 16 response, it is stated that 'Horsham District Council would welcome any further discussions on such matters before the plan proceeds to the next stage'. Have there been any further discussions of which I should be aware?
- 2.** Could the Council clarify the current timetable for the preparation of the Horsham District Local Plan 2019 - 2036?
- 3.** Representation 11 (Bell Cornwell) considers that the Basic Condition in relation to sustainable development has not been met¹. It suggests that HDC take a proactive approach by seeking to identify a housing requirement figure for the Parish and identifies appropriate housing sites through site allocations.

My understanding is that the suggested approach, of identifying a housing requirement figure and allocating appropriate sites, is being followed, through the preparation of the Horsham District Local Plan 2019 - 2036 and that the Council considers that there would be no value in taking an incremental approach, for example, by supporting the identification of housing sites in Rusper in advance of the completion of the Local Plan process. Can the Council confirm (or otherwise) that my understanding is correct? Is the Council satisfied, in this regard, that the Basic Conditions have been met?

- 4.** In the Homes England Regulation 16 response (Ref:6), in annex A under paragraph 2.3 – 2.4, it is suggested that there should be a reference to Land West of Crawley and the expectation that this land will be allocated for housing development in the new Horsham District Local Plan 2019 - 2036.

In the same table, relating to paragraph 3.8, Homes England suggests some amended wording.

From my understanding of the situation, such references and amendments would be premature, pending consideration of the Horsham District Local Plan. What is the Council's opinion on this matter?

- 5.** Is paragraph 3.20 of the RNP, regarding the Strategic Housing and Economic Land Availability Assessment (SHELAA), (and the accompanying SHELAA Map) accurate and up-to-date?
- 6.** In the Homes England Regulation 16 response (Ref:6), in relation to Policy RUS1: Spatial Plan, it states that Character Area SP2 is 'at odds with the Regulation 18 Draft Horsham

¹ See section entitled 'Review of the Basic Conditions Statement'.

District Local Plan 2019 – 2036’ and the Council’s Landscape Capacity Study 2020. What is the Council’s opinion on this matter?

7. In the Homes England Regulation 16 response (under SP1: Comments) it is stated that ‘there is a commitment to undertake further landscape character assessment’ – to build on the 2003 and 2020 Assessments. It is not clear who is undertaking this additional work or when. Could the Council please provide clarity and summarise any implications such work may have on the RNP.

8. It has been suggested that the RNP should include policies, for example relating to waste-water, sewerage infrastructure and surface water drainage. It is also suggested that there should be a policy requiring a Transport Assessment for new housing proposals. Can the Council confirm (or otherwise) that these issues are adequately addressed in the Horsham District Planning Framework (HDPF) and the draft Horsham District Local Plan 2019 - 2036?

9. I ask the Parish Council, in Questions 6 and 13 below, about the justification for the two Landscape Character Areas and the Local Gap. Whilst the objective of ‘protecting’ areas of countryside may be appropriate, I would welcome the views of the District Council as to whether or not there are existing policies in the adopted Horsham District Planning Framework (and the draft Horsham District Local Plan 2019 – 2036) which will satisfactorily achieve that objective in Rusper.

10. Local Green Space (LGS) should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services (NPPF, paragraph 100). Planning Practice Guidance confirms that ‘designating any local green space will need to be consistent with local planning for sustainable development in the area’². It goes on to advise that ‘plans must identify sufficient land in suitable locations to meet identified development needs and the Local Green Space designation should not be used in a way that undermines this aim of plan making’.

In the circumstances at Horsham, where the Horsham District Local Plan 2019-2036 is at an advanced stage of preparation, does the Council consider that it would be appropriate to take a comprehensive approach to sustainable development in this regard – an approach that considers together both development allocations and the protection of suitable local green spaces. I note that the draft Horsham District Local Plan includes policy 32: Local Green Space and that there is a reference to areas being identified on the Policies Map, which I assume could include sites in Rusper.

Whilst I acknowledge that ‘whether to designate land is a matter for local discretion’, the achievement of sustainable development (economic, social and environmental) is a key national objective and it could be argued that the identification of LGS at Rusper, at this stage, could prejudice that objective.

If the evidence leads me to conclude that, in the wider interests of longer-term sustainability, the proposed LGS in Rusper should be deleted, can the Council confirm that the opportunity to make such designations in the Parish would still exist, as part of the current Horsham District Local Plan preparation?

² See PPG Reference ID 37-007-20140306.

Questions for Rusper Parish Council (20)

- 1.** In the Foreword (fifth paragraph) there is a reference to ‘even small scale development’ leading to ‘the two towns becoming one large urban sprawl’. There is also a statement that ‘further development, especially to the West of Ifield, will be harmful to both the communities and the environment’. Where is the evidence on which these statements are based?
- 2.** Paragraph 3.8 refers to major allocations being proposed – by whom and in which document?
- 3.** Paragraph 3.12 refers to Local Plan consultation in April 2018 and in paragraph 6.8 there is another reference to evidence dated April 2018. Is the Parish Council satisfied that these paragraphs accurately reflect the most up-to-date position, particularly in terms of the availability of evidence? If not, could appropriate amendments please be drawn up?
- 4.** Paragraph 3.14 confirms that ‘the Parish Council will commit to an early review’ of the RNP (my underlining). Has that commitment been made in writing and could the Parish Council confirm that it will include a review of the Built Up Area Boundary (BUAB)? See also question 20. below.
- 5.** What is the justification for identifying Millfields Farm, ‘as not developable’ on Plan C (page 11)?
- 6.** Policy RUS1 identifies two areas where the landscape character should be retained – identified as SP1 and SP2. However, neither area correlates to an area identified on the Landscape Character Areas Map in the Landscape Character Assessment (Appendix H). It is not clear to me how the assessment of the 6 landscape character areas, set out in Table A, has resulted in the identification of the two Character sub areas SP1 and SP2. Is there any robust evidence that clearly demonstrates the justification for the identification of Character sub areas SP1 and SP2?
- 7.** Policy RUS2 relates to rural diversification – primarily in terms of employment. How would a proposal for residential development on a brownfield site outside the BUAB be assessed?
- 8.** There is the risk that policies within the RNP will, in effect, only repeat existing policies in the HDPF. Is the Parish Council satisfied that the policies in the RNP are sufficiently distinctive (for example policies RUS1 and RUS8)?
- 9.** Policy RUS3 Design refers to development being of the highest design standards; meeting heat insulation and noise insulation standards; being in accordance with the energy hierarchy; and meeting the National Model Design Code. How would a decision maker know what specific standards are expected, what the energy hierarchy is, and what the status of the National Model Design Code is?
- 10.** In policy RUS5 there is reference to the Green Infrastructure Network. Why is this not shown on the Policies Map?

11. Appendix D provides justification for the LGS proposals. However, the District Council considers that two sites (9: Kilnwood Copse and 10: Friday Street) are not close to the community that they serve. What is the Parish Council's justification for these two sites in terms of meeting test 2, as set out in Appendix D.

12. The District Council refers to Regulation 14 representations opposed to some of the LGS designations and others suggesting the identification of additional sites as LGS. Where is the evidence that these representations were considered, and appropriate conclusions drawn?

13. It is not clear to me how the boundary of the proposed Local Gap has been decided. Section 6 of Appendix H refers to an Assessment of Local Gaps² but only one Gap has been included in Table B of the Appendix. Is there any further robust evidence to justify this proposal?

14. The District Council observes³ that 'several' of the LGS sites are also identified as community facility sites under policy RUS9. From my interpretation of Policy Map Inset 1, however, it appears to me that the only such site is the High Street Recreational Ground. Nevertheless, policy RUS9 advises that the partial redevelopment of community sites may be acceptable in certain circumstances. However, this would appear to be in conflict with the LGS designation which is intended to be 'long-term' in nature. How would a decision maker know what weight to attach to the LGS designation, as opposed to any redevelopment benefits?

15. What is the justification for the identification of LGS:

(a) adjacent to Pucks Croft Cottage, particularly the portion of the site under Title Number WSX287217 (see representations 9 Part 2 and 10 Part 2); and

(b) at Rusper Glebe (see representation 7).

16. What evidence would the Parish Council expect to be provided with, regarding the assessment of the viability of an established community use (see policy RUS9)?

17. Could the Parish Council please explain the purpose of the third paragraph of policy RUS10? Is there any likelihood that the primary school and village hall will cease to operate on their current sites?

18. Paragraph 6.69 states that the Movement Routes have been identified and defined in the policy. I do not consider that to be the case and would expect to see a list of the routes specifically included in the policy. Could the Parish Council please suggest some appropriate revised wording for the policy on that basis?

19. What is the blue boundary included on policy Maps RUS1 (SP1) and RUS1 (SP2)?

20. The monitoring and review of Plans is an important component in the plan-making process, in order to ascertain whether or not the policies are effective. Aside from the brief reference in paragraph 3.14, I could find no further reference in the RNP to the monitoring of the policies or to the future role of the Parish Council in this process. Bearing in mind the

³ Sub-section 6 in response to Policy RUS7.

likelihood that the RNP will be reviewed relatively soon, I would have expected the Plan to include a brief summary of how the process will evolve in the short to medium term. I would welcome the views of the Parish Council as to why these matters have not been addressed in the RNP and some appropriate wording which summarises the situation.