

# View Response

## Response Details

**From** [REDACTED]

**Agent** [REDACTED]

[REDACTED] [REDACTED] 19 Jul 2019 15:48. Last modified: 19 Jul 2019 15:48

**Status** Complete

**Email Address** [REDACTED]

**Title** [REDACTED]

**First Name** [REDACTED]

**Last Name** [REDACTED]

**Organisation** Wates Developments Ltd

**Are you a Horsham District resident?** [REDACTED]

**Consultee Type** Agent / Developer

**Statutory Consultee** No

**Response ID** #735288

**Visibility** Unknown.

1

**To which part in the plan does your representation relate? Please provide paragraph number and Policy reference.**

You must provide an answer to this question.

Sustainability Appraisal and Policy SNP2 (Allocation For Residential Development)

2

**Do you support, oppose, or wish to comment on this plan? (Please select one answer)**

You must provide an answer to this question.

Support

Support with Modifications

Oppose

Have Comments

3

**Please give details of your reasons for support/opposition, or make other comments.**

You must provide an answer to this question.

See attached statement

4

**What improvements or modifications would you suggest?**

You must provide an answer to this question.

See attached statement

5

**Do you wish to be notified of the local planning authority's decision under Regulation 19 of the Neighbourhood Plan (General) Regulations 2012 in relation to the Southwater Neighbourhood Development Plan?**

You must provide an answer to this question.



Yes



No

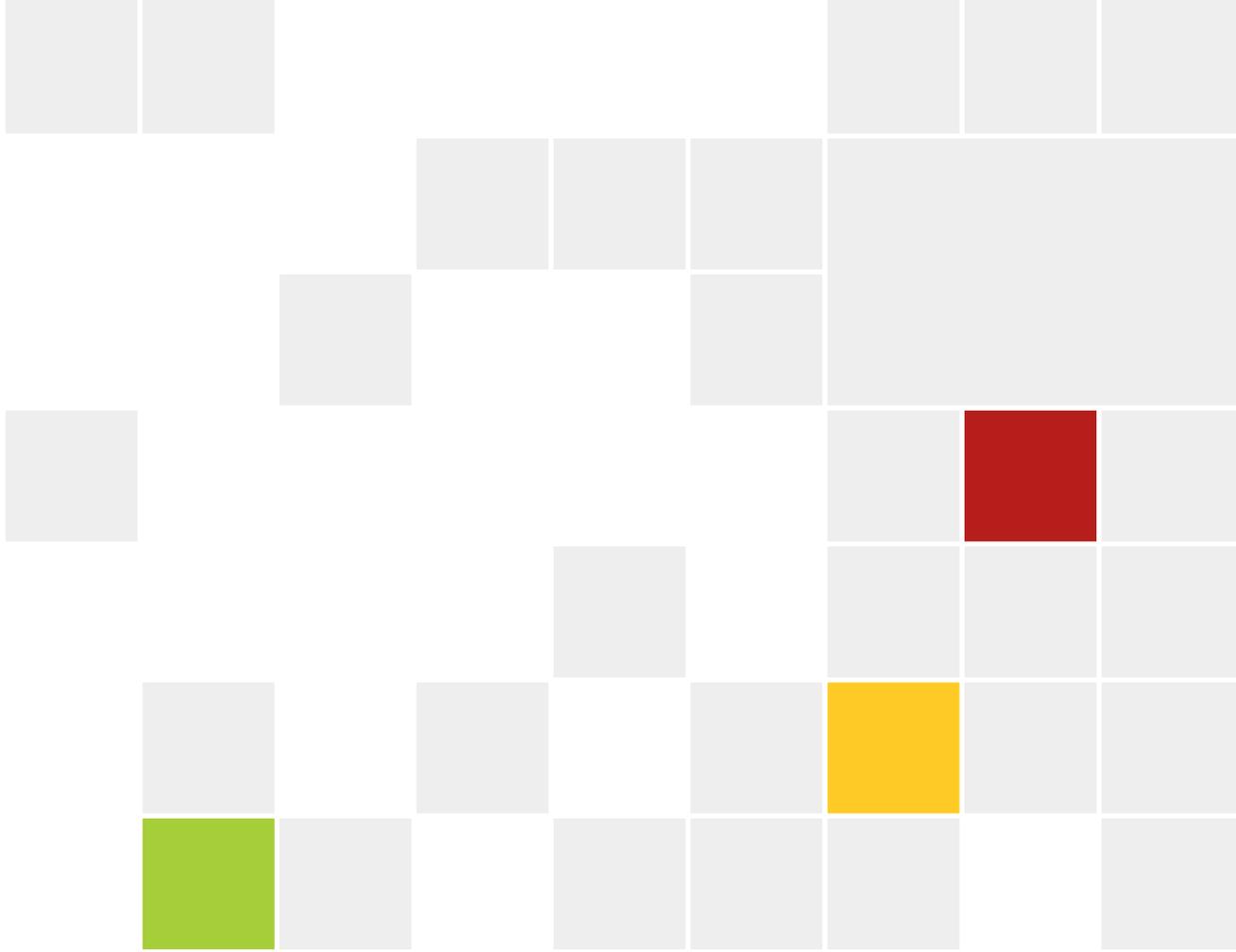
## Attachments

If you have any attachments, please attach them here.

You can upload up to 10 files.

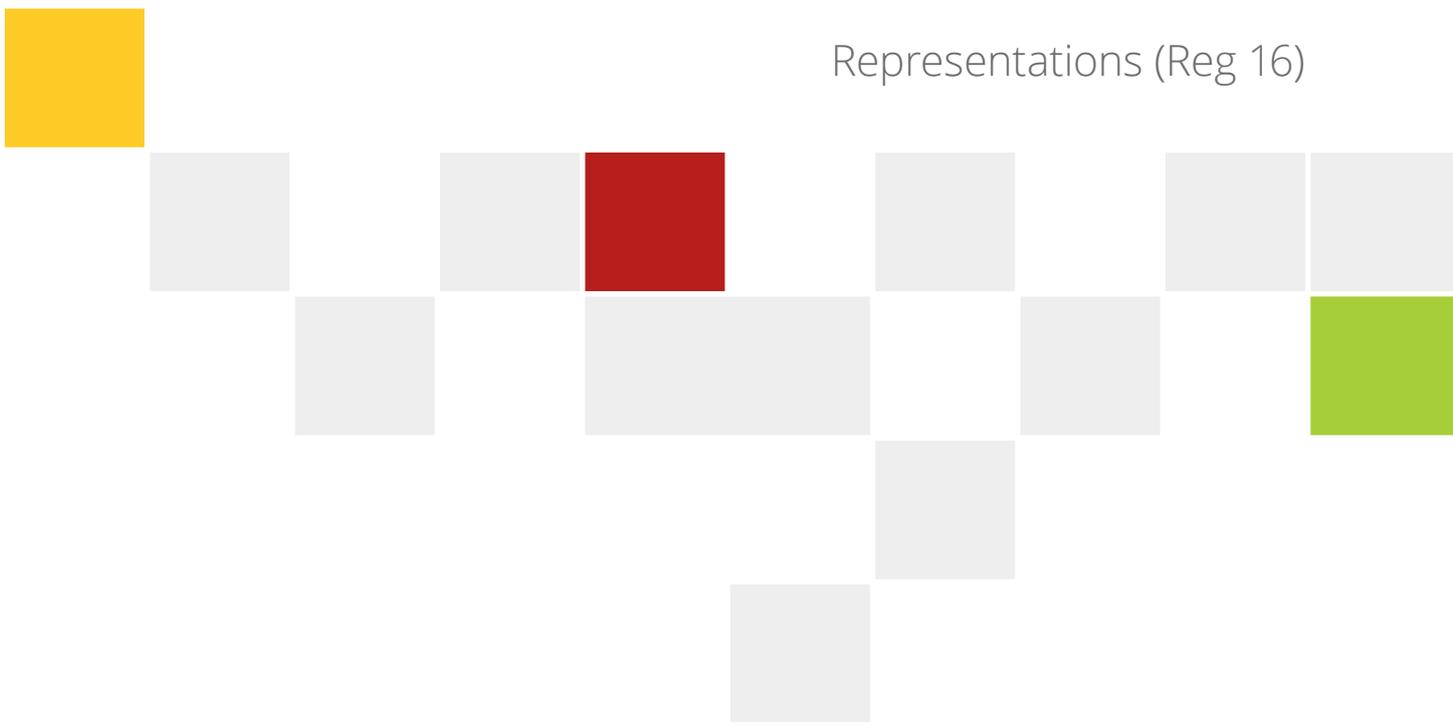


[Regulation 16 Representations.pdf](#)



# Southwater Neighbourhood Plan

Representations (Reg 16)



# Boyer

## Report Control

Project:	Land west of Worthing Road, Tower Hill
Client:	Wates Developments
Reference:	18.5051
File Origin:	
Primary Author	██████████
Checked By:	██████████

<i>Issue</i>	<i>Date</i>	<i>Status</i>	<i>Checked By</i>
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Appendix One – Vision Document

Appendix Two – Reg 14 Representations

Appendix Three – Heritage Appraisal

Appendix Four – Landscape and Visual Appraisal

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## 1. INTRODUCTION

- 1.1 This response to the Draft Neighbourhood Plan (NP) has been prepared on behalf of our clients, Wates Developments.
- 1.2 Wates Developments has an interest in land west of Worthing Road, Tower Hill (Site 15) and so our clients have a particular interest in the emerging spatial strategy and housing policies of the area. This statement should be read alongside the vision document prepared by Omega Partnership which provides further information on the site and outlines the benefits that development on the site can deliver. In addition and in collaboration with promoters of land to the north and south (Sites 1 & 7) the vision document also shows how development of the wider area could come forward, complementing one another and delivering a range of different uses that would bring further benefits to the community of Southwater and Tower Hill. This document is attached at [Appendix 1](#).
- 1.3 These representations following those made to the Regulation 14 version of the NP in November 2018, a copy of which is attached at [Appendix 2](#).
- 1.4 This statement is based on the following structure:
  - Section 2 sets out relevant national guidance that should inform the preparation of the NP;
  - Section 3 charts the evolution of the NP, specifically in terms of the site assessment and selection process;
  - Section 4 contains an assessment of Policy SNP2; and
  - Section 5 sets out our conclusions and recommendations.

## 2. RELEVANT NATIONAL POLICY

### Introduction

- 2.1 The legal and procedural tests that a NP must comply with (it is against these tests that the draft NP must be considered) were set out in our previous NP representations which we do not seek to repeat here. Notwithstanding this, guidance contained within the NPPF (2019) is now relevant to the preparation of the NP.

### The NPPF (2019)

- 2.2 The Government published the revised NPPF in February 2019 which provides updated national policy, superceding the previous version of the NPPF (2012). The following paragraphs summarise the changes that have taken place at a national policy level in respect to Neighbourhood Planning.
- 2.3 The NPPF states at paragraph 214 that policies in the previous NPPF (2012) will apply for the purpose of examining plans where those plans are submitted on or before 24 January 2019. Footnote 69 states that for neighbourhood plan this means where a qualifying body submits a plan proposal to the local planning authority (i.e. Horsham District Council) in accordance with regulation 15 of the Neighbourhood Planning (General) Regulations 2012.
- 2.4 The NP was submitted to Horsham District Council on 14<sup>th</sup> March 2019. This means that the submission of the plan falls outside of the transitional arrangements and so should be assessed against guidance contained within the current NPPF. This is an important distinction as the NP had been prepared on the basis that it would be submitted during the transitional arrangements and so assessed against the 2012 version of the NPPF. We consider the implications of this further within Chapter 4.
- 2.5 Paragraph 11 sets out how the presumption in favour of sustainable development relates to plan making. Part (a) is clear that plans should positively seek opportunities to meet the development needs of their area and be sufficiently flexible to adapt to rapid change.
- 2.6 One of the most relevant changes to the new NPPF is Paragraph 60, which introduces the standard methodology for assessing housing need. It sets out that to determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance.
- 2.7 National policy on neighbourhood planning is contained in paragraphs 13, 14, 29, 30, 37, 65, 66 and 69 of the NPPF (2019).
- 2.8 Paragraph 13 specifies that neighbourhood plans should support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of strategic policies.

- 2.9 Paragraph 14 states that in situations where the presumption in favour of sustainable development applies to applications involving the provision of housing, the adverse impacts of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided all of the following apply:
- a) the neighbourhood plan became part of the development plan two years or less before the date on which the decision is made;
  - b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement;
  - c) the local planning authority has at least a three year supply of deliverable housing sites (against its five year housing supply requirement, including the appropriate buffer as set out in paragraph 73); and
  - d) the local planning authority's housing delivery was at least 45% of that required over the previous three years.
- 2.10 Paragraph 37 specifies that neighbourhood plans must meet certain 'basic conditions' and other legal requirements before they can come into force, which are tested through an independent examination before the neighbourhood plan can proceed to referendum.
- 2.11 Paragraph 65 and 66 relate to housing requirement figures for neighbourhood plans. Paragraph 65 states that strategic policy-making authorities should establish a housing requirement figure for their whole area, which shows the extent to which their identified housing need can be met over the plan period. This should include a housing requirement for designated neighbourhood areas which reflects the overall strategy for the pattern and scale of development and any relevant allocations.
- 2.12 Paragraph 66 states that where it is not possible to provide a requirement figure for a neighbourhood area, the LPA should provide an indicative figure if requested by the neighbourhood planning body. This should take into account factors such as the latest evidence of housing need, the population of the neighbourhood area and the most recently available planning strategy of the LPA.

### **The PPG**

- 2.13 The PPG provides additional guidance on the implementation of the NPPF. Given that the Neighbourhood Plan is now being progressed outside of the transitional arrangements, current guidance within the PPG is applicable.
- 2.14 The PPG provides guidance on the implementation of the 'basic conditions'. It states (paragraph 065) that "*Only a draft Neighbourhood Plan or Order that meets each of a set of basic conditions can be put to a referendum and be made*". Those basic conditions relevant to the NP are:
- a. Having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the order (or neighbourhood plan).

- d. The making of the order (or neighbourhood plan) contributes to the achievement of sustainable development.
- e. The making of the order (or neighbourhood plan) 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 (or neighbourhood plan) does not breach, and is otherwise compatible with, EU obligations.
- g. Prescribed conditions are met in relation to the Order (or plan) and prescribed matters have been complied with in connection with the proposal for the order (or neighbourhood plan).

### 3. EVOLUTION OF THE NEIGHBOURHOOD PLAN AND SITE SELECTION

- 3.1 To assist in the assessment and review of the Neighbourhood Plan process we consider it relevant to understand how the Neighbourhood Plan has reached this stage following the commencement of work on the Plan in 2013. In particular, we feel that it is important to examine the site assessment and selection process.
- 3.2 The Neighbourhood Plan preparation timeline, set out on the Parish website, refers to the fact that preparation of the Plan in earnest began in early 2015 with a call for sites, followed by meetings with the site promoters. This initial stage of work was encapsulated at a public exhibition held in January 2017 which formed a consultation on the sites submitted and the initial assessment work undertaken at this time. Information relating to this Exhibition is contained at Appendices 19-21 of the Parish's Consultation Statement. It should be noted that Appendix 20, which included copies of the information presented at this exhibition, was only added to this document part way through the consultation period of the Regulation 14 version of the Neighbourhood Plan.
- 3.3 The exhibition boards at Appendix 20 are of particular relevance as they included the Parish Council's assessment of the sites promoted at this time. Unfortunately the photographs included at this Appendix are not of sufficient quality to enable the actual assessments to be read. Despite this, it is evident from Appendix 20 that the sites promoted between the A24 and Tower Hill (i.e. Sites 1 & 7) were favourably assessed by the Parish simply based on the amount of 'green' shown on these assessments. We previously raised concerns on the site selection approach and its lack of transparency and having reviewed the supporting Sustainability Appraisal we would comment as follows:

#### **Sustainability Appraisal**

- 3.4 The Sustainability Appraisal (March 2019) provides guidance on the site selection process and the options which were considered. Each of the individual sites has been assessed against the sustainability objectives within the document. From this assessment, 6 different options are considered. Option 5 'Alternative Western Expansion of Southwater' was considered the most favourable option and has been taken forward as the single allocation in Policy SNP2.

#### *Individual Site Assessment – Site 15*

- 3.5 Within the individual site assessment in the Sustainability Appraisal, our client's site (Site 15) has three areas in which it scores poorly. These are in relation to the following sustainability objectives, with the explanation for the poor score presented below each of these.

3. To create a safe, secure and healthy environment.

*Site is not located within any existing settlement and would not contribute towards the any existing sense of place. It is considered that this would in fact considerable harm the existing communities within the Parish.*

- 3.6 As illustrated within our submitted vision document it is considered that development at the site, along with land to the north and south has the opportunity to create a sustainable urban extension to Tower Hill. This extension would adjoin this settlement with the design of new development to create a distinctive character in line with the Parish Design Statement. Furthermore, the proposed new housing and areas of public open space, together with specialist accommodation and employment uses adjoining, would help to create a mixed community contributing to its sense of place. The Sustainability Appraisal claims that the site would considerably harm the existing communities within the Parish, without any clear justification for why this is considered to be the case.

5. Conserve/enhance landscape, character, historical and cultural environment.

*The site is located within an open area of Countryside. Some negative impacts on setting of Listed buildings (Griggs and Gate Cottage) expected. There would be harm to the landscape and countryside character. Greater negative impact on objective.*

- 3.7 In terms of the heritage impacts, a Heritage Appraisal for the site is attached at Appendix 3. This finds that the western boundary of the site is within the setting of the listed Griggs. Therefore, it recommends that an appropriate open space buffer is incorporated along its western end to ensure that the significance of Griggs is not impacted upon. This buffer would be incorporated as part of the proposals. The report finds that there are no other designated heritage assets within the 1km study area that would be impacted upon by the proposed development. On this basis, it concludes that there would be no heritage harm caused by new development at the site.
- 3.8 In regards to the landscape concerns, a Landscape and Visual Impact Appraisal has been undertaken by SLR, attached at Appendix 4. This finds that there is potential to accommodate residential development across the majority of the site without resulting in significant landscape and visual effects, taking account of the suggested mitigation measures. These measures include retaining and reinforcing the site boundaries; a buffer to the eastern edge of the site; and green ways between proposed blocks of housing.
- 3.9 Overall, it is considered that this detailed site assessment work constitutes a more robust assessment which finds that new development at the site would not have a negative impact against this objective.

8. Improve accessibility.

*Despite the sites location on the Worth Road opportunity to promote non-motorised vehicular access is considered slim. The distance to shops, services and facilities would render and development reliant on private vehicles.*

- 3.10 The site is well located to promote sustainable travel as it is immediately adjacent to the Park and Ride which provides frequent, direct bus services to Horsham. This is acknowledged within the Parish Council's Site Assessments which states that the "...site benefits from being adjacent to Horsham Park and Ride, so public transport options are excellent for this location". There are also a number of local amenities within easy walking and cycling distance from the site. The site provides the opportunity to connect into the surrounding pedestrian, cycle and public transport infrastructure, as well as the opportunity to improve pedestrian access ways, particularly between the site and Horsham. Further details on this are provided in the Vision Document at [Appendix 1](#).
- 3.11 On this basis, again it is considered that the Sustainability Appraisal is overly negative in respect to its assessment of the site and whilst it is not immediately adjacent to Southwater, it has good links to Horsham and the services and facilities there and there are opportunities to improve accessibility. In our view, therefore, the site should achieve a positive score against this objective.

*Option 3 – Tower Hill Expansion*

- 3.12 Option 3 of the Sustainability Appraisal assesses the impacts of expanding Tower Hill. This option does not include our client's site, or land to the south, which is a flaw given the positive contribution development at the site could make towards this spatial option. Our clients site has been promoted for development for some time now and had it been included within this option then this option would have formed a more reasonable and comprehensive alternative to the chosen development option.
- 3.13 The Sustainability Appraisal finds that development in this location would have good links to Horsham, which would lead to less pressure on facilities and services in Southwater. The concerns with this option surround the poor highway infrastructure surrounding Tower Hill; the location in the countryside beyond the railway line which provides a boundary for Horsham; and the harm to the landscape in the northern part of the Parish. It notes within Option 3 that the sites around Southwater are less problematic, without any clear explanation for why this is the case.

- 3.14 A Highways Note has been prepared, attached at [Appendix 5](#), which examines the potential impact on the local highway network. This finds that the development would enable improvements to the surrounding road network, including a new scheme to increase the capacity of the Hop Oast roundabout with the A24 which would have wider benefits. This is another example which illustrates that the analysis within the Sustainability Appraisal cannot be relied upon.

*Summary*

- 3.15 In our view, the Sustainability Appraisal cannot be considered robust and therefore there are doubts that the NP would contribute towards the achievement of sustainable development, contrary to basic condition (d).

## 4. COMMENTS ON THE DRAFT SOUTHWATER NEIGHBOURHOOD PLAN

- 4.1 This section sets out our comments in relation to the policies of within the NP. Whilst we welcome the amendments made to the NP since the Reg 14 consultation, in particular amendments to Policies SNP1, SNP9 and SNP14, there are still key points which we believe needs to be addressed in order for the plan to be in line with the basic conditions.
- 4.2 In summary, our main concern relates to the approach the NP takes towards the meeting its housing need and the implications this has on compliance with basic conditions (a), (d) and (e). Furthermore, the short term view being taken will significantly reduce the time period in which the NP would be considered an up-to-date part of the development plan which would be to the detriment of the work undertaken to date. These matters are explored further below.

### **SNP2 – Allocation for Residential Development**

#### *Housing Need*

- 4.3 NP Policy SNP2 seeks to allocate land west of Southwater to provide a total of 422 – 450 new residential units, consisting of a minimum of 350 homes falling in use class C3 and a minimum of 72 homes falling in use class C2.
- 4.4 The Parish Council's evidence base to support the NP includes a Housing Needs Assessment (HNA) prepared by AECOM (2017). This document considers what Southwater's share of the 1500 dwellings, the overall NP target set out in the current Local Plan, should be. The AECOM report tested a scenario based on the standard methodology which calculated that the need for the Parish would be **1,082 homes** over the Plan period. At the time of this report the draft standard methodology figures had only just been published, however since then NPPF/PPG guidance has been updated with the standard methodology now forming the basis of calculating housing requirements.
- 4.5 In the case of Horsham District as a whole, the standard methodology (using the 2014 household projections) identifies that the need for new housing will increase from 650 new homes per annum to 974 new homes per annum (which excludes any contribution to unmet need from adjacent neighbouring authorities). On this basis, it is evident therefore that likewise the housing need for Southwater is also likely to significantly increase. Whilst the NP had been prepared on the basis that it would be submitted within the transitional arrangements this did not occur and so therefore the housing requirement for the Parish should be based upon the standard methodology.
- 4.6 We appreciate that the District Council are responsible for providing a housing figure to the Parish and we understand the District Council may not be in a position in which to provide this however given that the emerging Local Plan is scheduled for consultation in the Autumn must mean that this figure is imminent.

- 4.7 We consider that the NP should be seeking to deliver a housing requirement derived from the most recent housing evidence in line with national policy however we acknowledge that the NP has reached an advanced stage and so in light of this there should be a commitment to undertake an early review within 2 years of the Plan being 'made'. We understand that this has been the advice of the District Council.
- 4.8 In order that this early review is undertaken we consider it necessary that this commitment is included within Policy SNP2. At present there is no reference or commitment to an early review within the NP which means that the Plan would fail to comply with the basic conditions. Furthermore, the absence of this early review mechanism would render the Parish susceptible to speculative planning applications as it would not benefit from the added protection afforded by paragraph 14 of the NPPF.
- 4.9 In conclusion, we consider that in order for the NP to be consistent with the forthcoming draft Local Plan, compliant with basic condition (e) and be capable of enduring beyond the immediate short term means that the NP should be seeking to meet the level of housing need identified through the standard methodology or if not, as a minimum, commit in policy to an early review.

*The Proposed Allocation*

- 4.10 The NP proposes a single allocation, to the west of Southwater.
- 4.11 The development plan for an area can comprise a number of documents, including Local Plans which as defined by the NPPF can consist of either strategic or non-strategic policies, or a combination of the two whereas NPs are described as only including non-strategic policies.
- 4.12 The current Local Plan, within the glossary, states that neighbourhood development plans "*should not cover broader local concerns or strategic issues such as major development or major public transport infrastructure.*"
- 4.13 Policy 2 of the Local Plan outlines the spatial strategy for accommodating strategic development across the District. The policy identifies four sites where strategic development is to be focused, the smallest of which will provide around 200 dwellings. The glossary to the Local Plan defines strategic sites as being "*a location for development of around 200 homes or more.*"
- 4.14 Consequently, the allocation proposed in the NP, which will provide between 422 and 450 dwellings, would, in the context of the Horsham Local Plan, be a strategic site and therefore it would have been part of the strategic policy framework provided by Policy 2 of the Local Plan.

- 4.15 The scale of development proposed from draft policy SNP2 is therefore incompatible with the role of a Neighbourhood Plan. The provision of such a significant quantum of development from one site, which is in the control of one developer, together with other infrastructure improvements, such as the provision of land for a new school, are clearly strategic matters, that in the context of Government policy and guidance and the current Local Plan, should be considered at the Local Plan level. It is inappropriate for a neighbourhood plan to be considering such a strategic scale of development.
- 4.16 In addition to the above, to understand whether the proposed allocation is appropriate in landscape terms a Landscape and Visual Impact Appraisal has been undertaken by SLR, attached at [Appendix 4](#). This appraisal examines the Southwater Landscape Sensitivity and Capacity Study and finds that the scoring is inconsistent. SLR's LVIA concludes that if the scoring was applied consistently, it is likely that part of the proposed allocation (LCA 6a) would be assessed as having a medium landscape sensitivity to development with a very limited capacity to accept development. Therefore, the Landscape Sensitivity and Capacity Study should be reviewed / reconsidered to ensure that a consistent approach is taken in the assessment of each of the sites.
- 4.17 SLR's assessment of the landscape and visual effects of the allocation finds that there are likely to be significant localised landscape effects and aesthetic and perceptual effects on the wider rural landscape to the west. The report recommends that to avoid the potentially significant landscape and visual effects of the proposed allocation, the development should be limited to the eastern part of the proposed allocation. This would equate to a capacity of approximately 225 new homes.
- 4.18 In light of both the scale of proposed development and its landscape impact it is considered that the proposals would fail basic conditions (a), (d) and (e) for the following reasons:
- a) as currently drafted the NP includes a strategic policy (Policy SNP2). It is contrary to government policy and advice issued by the Secretary of State (including para. 18 of the NPPF and its glossary) for a Neighbourhood Plan to include strategic policies;
  - d) The proposals would have a significant landscape impact, failing the environmental objective of securing sustainable development as set out within the NPPF; and
  - e) Policy SNP2 proposes to allocate a level of development in excess of 200 dwellings from one site. In the context of the Horsham Local Plan (Policy 2 and its glossary), this is a strategic scale of development. The nature and scale of development proposed is incompatible and inconsistent with the role envisaged for neighbourhood development plans outlined in the Local Plan.
- 4.19 We consider therefore that the allocation should be limited to the eastern portion of the site, nearest the settlement boundary. This means that the site selection work needs to be reconsidered to find appropriate sites to deliver the remainder of the housing.

*Summary*

- 4.20 In summary, there will be a significant increase in housing need in Horsham under the standard methodology which emerging Policy SNP2 fails to take account of or plan positively for. Furthermore, the single housing allocation to the west of Southwater is considered to fail to meet the basic conditions. For these reasons, it is necessary for the proposed housing allocations to be reviewed and that a number of sites, which fall below the threshold of a strategic site, be allocated to meet the housing requirements of the Parish.

## 5. SUMMARY AND RECOMMENDATIONS

- 5.1 A review of the NP has identified a number of areas where the NP is considered not to comply with the basic conditions.
- 5.2 Our main concern surrounds the fact that the NP has been submitted to HDC after the transitional arrangements which means that it should be assessed against the current NPPF. This includes the standard methodology for assessing housing need which will increase housing targets in Horsham. The NP does not acknowledge or plan positively for this increasing housing need. This means that the NP does not meet basic condition (a) as it fails to take account of national policies and advice fails to contribute to sustainable development.
- 5.3 We also have concerns with the approach the Parish have taken to the site selection process of the NP as the scale of development proposed at the single allocation should be considered a strategic development, beyond the scope of a Neighbourhood Plan. Furthermore, landscape analysis considers that the extent of the allocation should be limited to the eastern, less sensitive portion of the site. This means that alternative sites need to be considered to meet the remaining housing need.
- 5.4 We consider that the Sustainability Appraisal cannot be considered robust and therefore there are doubts that the NP would contribute towards the achievement of sustainable development, contrary to the basic conditions.
- 5.5 In light of the issues above, and for the NP to be consistent with the basic conditions, we would make the following recommendations:
- Policy SNP2 should be seeking to meet the level of housing need identified through the Government's standard methodology (1,082 new homes) or as a minimum commit, within policy, to an early review within 2 years;
  - It is necessary for the proposed housing allocations to be reviewed and that a number of sites, which fall below the threshold of a strategic site, be allocated to meet the housing requirements of the Parish;
  - The supporting Sustainability Appraisal should be reviewed with the scope of Option 3 being reconsidered in order to provide a more fair and balanced view of the implications of this spatial option with the outcomes of the individual site assessments being based upon more robust findings.

## **APPENDIX ONE – VISION DOCUMENT**