

# **Cowfold Neighbourhood Development Plan 2019-2031**

**A report to Horsham District Council on the Cowfold  
Neighbourhood Development Plan**

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## **Executive Summary**

- 1 I was appointed by Horsham District Council in December 2020 to carry out the independent examination of the Cowfold Neighbourhood Development Plan.
- 2 The examination was undertaken by written representations. I visited the neighbourhood area on 24 February 2021.
- 3 The Plan includes a range of policies and seeks to bring forward positive and sustainable development in the neighbourhood area. There is a very clear focus on allocating two housing sites whilst safeguarding local character. It also proposes a series of local green spaces. In the round the Plan has identified a range of issues where it can add value to the strategic context already provided by the wider development plan.
- 4 The Plan has been underpinned by community support and engagement. It is clear that all sections of the community have been actively engaged in its preparation.
- 5 Subject to a series of recommended modifications set out in this report I have concluded that the Cowfold Neighbourhood Plan meets all the necessary legal requirements and should proceed to referendum.
- 6 I recommend that the referendum should be held within the neighbourhood area.

**Andrew Ashcroft**  
**Independent Examiner**  
**19 April 2021**

## **1 Introduction**

- 1.1 This report sets out the findings of the independent examination of the Cowfold Neighbourhood Development Plan 2019-2031 (the 'Plan').
- 1.2 The Plan has been submitted to Horsham District Council (HDC) by Cowfold Parish Council in its capacity as the qualifying body responsible for preparing the neighbourhood plan.
- 1.3 Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently embedded in the National Planning Policy Framework (NPPF) 2012 and its updates in 2018 and 2019. The NPPF continues to be the principal element of national planning policy.
- 1.4 The role of an independent examiner is clearly defined in the legislation. I have been appointed to examine whether or not the submitted Plan meets the basic conditions and Convention Rights and other statutory requirements. It is not within my remit to examine or to propose an alternative plan, or a potentially more sustainable plan except where this arises as a result of my recommended modifications to ensure that the plan meets the basic conditions and the other relevant requirements.
- 1.5 A neighbourhood plan can be narrow or broad in scope. Any plan can include whatever range of policies it sees as appropriate to its designated neighbourhood area. The submitted plan has been designed to be distinctive in general terms, and to be complementary to the development plan in particular. It has a clear focus on allocating sites for development whilst safeguarding its attractive rural setting. It proposes the designation of a package of local green spaces.
- 1.6 Within the context set out above this report assesses whether the Plan is legally compliant and meets the basic conditions that apply to neighbourhood plans. It also considers the content of the Plan and, where necessary, recommends changes to its policies and supporting text.
- 1.7 This report also provides a recommendation as to whether the Plan should proceed to referendum. If this is the case and that referendum results in a positive outcome the Plan would then be used to determine planning applications within the Plan area and will sit as part of the wider development plan.

## **2 The Role of the Independent Examiner**

- 2.1 The examiner's role is to ensure that any submitted neighbourhood plan meets the relevant legislative and procedural requirements.
- 2.2 I was appointed by HDC, with the consent of the Parish Council, to conduct the examination of the Plan and to prepare this report. I am independent of both HDC and the Parish Council. I do not have any interest in any land that may be affected by the Plan.
- 2.3 I possess the appropriate qualifications and experience to undertake this role. I am a Director of Andrew Ashcroft Planning Limited. In previous roles, I have over 35 years' experience in various local authorities at either Head of Planning or Service Director level. I am a chartered town planner and have significant experience of undertaking other neighbourhood plan examinations and health checks. I am a member of the Royal Town Planning Institute and the Neighbourhood Planning Independent Examiner Referral Service.

### *Examination Outcomes*

- 2.4 In my role as the independent examiner of the Plan I am required to recommend one of the following outcomes of the examination:
- (a) that the Plan is submitted to a referendum; or
  - (b) that the Plan should proceed to referendum as modified (based on my recommendations); or
  - (c) that the Plan does not proceed to referendum on the basis that it does not meet the necessary legal requirements.
- 2.5 The outcome of the examination is set out in Sections 7 and 8 of this report.

### *Other examination matters*

- 2.6 In examining the Plan I am required to check whether:
- the policies relate to the development and use of land for a designated neighbourhood plan area; and
  - the Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one neighbourhood area); and
  - the Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.
- 2.7 I have addressed the matters identified in paragraph 2.6 of this report. I am satisfied that the submitted Plan complies with the three requirements.

### 3 Procedural Matters

3.1 In undertaking this examination I have considered the following documents:

- the Submission Plan;
- the Basic Conditions Statement;
- the Consultation Statement and its various appendices;
- the Sustainability Assessment (including SEA);
- the non-technical summary of the Sustainability Assessment;
- the Housing Needs Consideration Report;
- the Local Green Space Report;
- Background Paper 1: Site Assessment (December 2020);
- Background Paper 2: SEA (December 2020);
- Background Paper 3: Policy 3 (December 2020);
- Background Paper 4: Other Sites (December 2020);
- the Parish Council's responses to the Clarification Note;
- the representations made to the Plan as originally submitted;
- the representations made to the Plan as revised;
- the adopted Horsham District Planning Framework 2015;
- the National Planning Policy Framework (2019);
- The Queen (on behalf of Lochailort Investments Ltd) and Mendip District Council [2020] EWCA Civ 1259;
- Office of the Deputy Prime Minister – 'A Practical Guide to the Strategic Environmental Assessment Directive' (September 2005).
- Planning Practice Guidance (March 2014 and subsequent updates); and
- relevant Ministerial Statements.

3.2 I visited the neighbourhood area on 24 February 2021. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular. I maintained the social distancing requirements that were in place at that time during the day in the neighbourhood area. The visit is covered in more detail in paragraphs 5.9 to 5.16 of this report.

3.3 Two rounds of Regulation 16 consultation have been undertaken on the Plan. This is reflected in the documents listed in paragraph 3.1 above. The particular circumstances which generated the need for the second consultation period are set out in paragraph 4.10 of this report.

3.4 It is a general rule that neighbourhood plan examinations should be held by written representations only. Having considered all the information before me, including the representations made to the submitted plan, I was satisfied that the Plan could be examined without the need for a public hearing. I advised HDC of this decision once I had received the Parish Council's responses to the Clarification Note.

## 4 Consultation

### *Consultation Process*

- 4.1 Policies in made neighbourhood plans become the basis for local planning and development control decisions. As such the regulations require neighbourhood plans to be supported and underpinned by public consultation.
- 4.2 In accordance with the Neighbourhood Planning (General) Regulations 2012 the Parish Council has prepared a Consultation Statement. This Statement sets out the mechanisms that were used to engage the community and statutory bodies in the plan-making process. It also provides specific details about the consultation process that took place on the pre-submission version of the Plan (August to October 2020).
- 4.3 The Statement is very detailed and is an excellent example of its type. It is particularly helpful in the way in which it captures the key issues in a proportionate way and is then underpinned by more detailed appendices
- 4.4 The Statement sets out details of the comprehensive range of consultation events that were carried out in relation to the initial stages of the Plan. The principal events were as follows:
- the presentation of information about the emerging Plan at village fetes (July 2016 and July 2017);
  - the use of the parish magazine and social media to raise awareness;
  - the household questionnaire (October 2017);
  - the Call for Sites (November 2017);
  - the Parking Survey (March 2018);
  - the public exhibition (March 2018);
  - the meetings with the Cowfold medical practice (May 2018 and March 2019);
  - the public meeting (July 2018); and
  - the public exhibition (March 2019).
- 4.5 I am satisfied that the engagement process was detailed, proportionate and robust. It sought to engage in a balanced way with local residents, statutory bodies, local businesses and potential developers.
- 4.6 Section 5 of the Statement provides a helpful summary of the main issues which arose from the initial consultation exercises. The summary is well-presented around a series of topics. Section 6 of the Statement provides general information on the key comments received on the pre-submission version of the Plan. This section is also presented on a thematic basis. In addition, it is supported by a series of detailed appendices. In the round it identifies the principal changes that worked their way through into the submission version. This process is particularly addressed in appendices 19 and 20. In general terms this comprehensive process helps to describe the evolution of the Plan.

- 4.7 It is clear that consultation has been an important element of the Plan's production. Advice on the neighbourhood planning process has been made available to the community in a positive and direct way by those responsible for the Plan's preparation.
- 4.8 From all the evidence provided to me as part of the examination, I can see that the Plan has promoted an inclusive approach to seeking the opinions of all concerned throughout the process. HDC has carried out its own assessment that the consultation process has complied with the requirements of the Regulations.

*Representations Received*

- 4.9 Consultation on the submitted plan was undertaken by HDC which ended on 12 August 2020. This exercise generated comments from a range of organisations as follows:

- Abingworth Developments Limited
- Surrey County Council
- Devine Homes
- Surrey County Council (Minerals and Waste)
- Highways England
- Southern Water
- NHS Property Services
- Gladman Development Limited
- West Sussex County Council
- Horsham District Council
- The Hunter Group
- Historic England
- Natural England
- National Grid

- 4.10 Thereafter additional consultation took place between December 2020 and February 2021 on refinements/updates to the housing allocations and the Sustainability Appraisal based on new heritage-related information. This exercise generated comments from the following organisations:

- Devine Homes
- The Hunter Group
- Southern Water
- Natural England
- Surrey County Council
- Environment Agency
- West Sussex County Council
- Highways England
- Historic England
- Horsham District Council

- 4.11 I have taken account of all the representations received. Plainly there were overlaps between the comments received to the two consultation processes. Where it is appropriate to do so, I refer to particular representations in my assessment of the policies in Section 7 of this report.



## 5 The Neighbourhood Area and the Development Plan

### *The Neighbourhood Area*

- 5.1 The neighbourhood area consists of the parish of Cowfold. Its population in 2011 was 1904 persons living in 771 houses. It was designated as a neighbourhood area on 16 May 2016. The neighbourhood area is largely regular in shape and with Cowfold village at its centre. The parish lies in the Sussex Weald and is located between Billingshurst and Haywards Heath. It is 8.5 miles to the south-east of Horsham.
- 5.2 The principal settlement in the neighbourhood area is Cowfold. It is an attractive village based on the intersection of the A272 (running east to west) and the A281 (running north to south). This concentration of traffic has resulted in the designation of an AQMA in the middle of the village. The village centre has strong historical importance and is based on St Peters Church. It is a designated conservation area. At first glance the layout of the village appears to take on a traditional format facing onto the main roads. A more detailed observation highlights the very attractive concentration of buildings facing onto the Church both from the north and from the east. This results in key elements of the historic core having a more secluded and quieter environment. The village enjoys a range of retail, commercial and community facilities proportionate to its size.
- 5.3 The remainder of the neighbourhood area consists of a very attractive agricultural hinterland. It provides an attractive backcloth to the elements of built development. The A272 provides good access to the strategic highway network both to the west (A24) and to the east (A23). In turn these roads provide excellent access both to the north and to the south.

### *Development Plan Context*

- 5.4 The development plan covering the neighbourhood plan area is the Horsham District Planning Framework (HDPF) and the South Downs Local Plan. The HDPF was adopted in 2015 and covers the period up to 2031. It sets out to bring forward new growth that is proportionate to the size of the various settlements in the District. Policy 2 (Strategic Development) focuses development in and around Horsham itself together with other strategic development in Southwater and Billingshurst.
- 5.5 Elsewhere it proposes an appropriate scale of development which would retain the overall settlement pattern in the District. Policy 3 establishes a settlement hierarchy. Within this context Cowfold is identified as a medium Village (the second category in the hierarchy). Policy 4 supports the expansion of settlements subject to various criteria being met. Policy 15 (Housing Provision) sets the scene for the strategic delivery of new housing. Beyond Horsham, Southwater and Billingshurst it identifies that 1500 homes should be delivered collectively across the District through neighbourhood plans in accordance with the settlement hierarchy.

5.6 In addition to the policies set out above the following policies in the HDPF have been particularly important in influencing and underpinning the various policies in the submitted Plan:

Policy 7	Economic Development
Policy 9	Employment Development
Policy 16	Meeting Local Housing Needs
Policy 26	Countryside Protection
Policy 32	Quality of New Development
Policy 43	Community Facilities, Leisure and Recreation

5.7 HDC is now well-advanced in terms of its preparation of a new Local Plan. A draft Regulation 18 Local Plan was published for consultation between February and March 2020. It is anticipated that the Plan will be submitted for examination in the Autumn of 2021 and with adoption in Autumn 2022. In process terms this Plan is not at a stage at which it can have any significance in the examination of the submitted neighbourhood plan. Nevertheless, HDC has helpfully provided advice to qualifying bodies on how it anticipates that the emerging Plan will have a bearing on the well-developed neighbourhood planning agenda in the District. The two councils have agreed that the Parish Council will address strategic housing matters in the parish within the context of the emerging neighbourhood plan. The submitted Plan has been prepared within this context and has assessed a range of potential housing allocations.

5.8 The submitted Plan has been prepared correctly and properly within this current adopted development plan context. In doing so it has relied on up-to-date information and research that has underpinned existing planning policy documents in the District and in the National Park. This is good practice and reflects key elements in Planning Practice Guidance on this matter. It is also clear that the submitted Plan seeks to add value to the different components of the development plan and to give a local dimension to the delivery of its policies. This is captured in the Basic Conditions Statement.

#### *Unaccompanied Visit*

5.9 I visited the neighbourhood area on 24 February 2021. I maintained appropriate social distancing measures in force at that time.

5.10 I drove into the neighbourhood area along the A272 from the west and from its junction with the A24. This gave me an initial impression of its setting and character in general terms. It also highlighted its connection to the strategic road system and to Horsham to the north.

5.11 Given the compact nature of the village I was able to undertake the majority of the visit on foot. I looked initially at the northern part of the village. I walked to the north along Brook Hill and to the crest of the hill. I saw the proposed development site to the west of Brook Hill (CNP01) and the way in which it would relate to the properties on either side of Brook Hill. I saw the traffic levels along Brook Hill and the importance of securing

a safe access into the proposed site both in general terms, and given the wider topography of the village.

- 5.12 I then walked back to Station Road. I saw the Co-op foodstore and its car park. I saw its importance to the sustainability of the village. I saw the very attractive way in which several vernacular buildings looked towards St Peter's Church in the very attractive historic core of the village. I walked through the Church grounds to look at the proposed development site to the west of Potters Green. I looked carefully at its proposed relationship with the A272, and to its relationship both with Potters Green and the Primary School.
- 5.13 I then walked to the south of the village along the Henfield Road (A281). I saw several fine Edwardian dwellings on the western side of the road. I walked down to the Volkswagen commercial garage. I then retraced my steps and walked along the footpath into the Acorn Avenue development. I then looked at the four proposed local green spaces in this part of the village.
- 5.14 I then walked back along Oakfield Road into the village centre. I looked at the Village Hall and the pavilion at the recreation ground. I saw the general traffic movements and the spells of congestion as identified in the Plan.
- 5.15 I then walked along Fairfield Cottages and Alley Groves. I saw the changing nature of the properties. I found my way to the proposed local green space at the end of Alley Groves. Thereafter I followed the footpath towards the wooded areas to the north east (and as proposed variously as Local Green Spaces 6/7/8/9)
- 5.16 I finished my visit by driving through the outlying parts of the parish to the north and to the south along the A281. In doing so I saw the various watercourses which eventually feed into the River Adur. I left the neighbourhood area to the east along the A272. This highlighted into relationship with the strategic A23.

## 6 The Neighbourhood Plan and the Basic Conditions

- 6.1 This section of the report deals with the submitted neighbourhood plan as a whole and the extent to which it meets the basic conditions. The submitted Basic Conditions Statement has helped considerably in the preparation of this section of the report. It is a well-presented and informative document. Its relevant tables are exemplary in the way in which they relate the policies in the Plan to national and local planning policies respectively. The wider Statement is also proportionate to the Plan itself.
- 6.2 As part of this process I must consider whether the submitted Plan meets the Basic Conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. To comply with the basic conditions, the 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 in the area;
  - be compatible with European Union (EU) obligations and the European Convention on Human Rights (ECHR); and
  - not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017 (7).
- 6.3 I assess the Plan against the basic conditions under the following headings.
- National Planning Policies and Guidance*
- 6.4 For the purposes of this examination the key elements of national policy relating to planning matters are set out in the National Planning Policy Framework (NPPF) issued in 2019. This approach is reflected in the submitted Basic Conditions Statement.
- 6.5 The NPPF sets out a range of core land-use planning issues to underpin both plan-making and decision-taking. The following are of particular relevance to the Cowfold Neighbourhood Plan:
- a plan-led system– in this case the relationship between the neighbourhood plan and the adopted Horsham District Planning Framework;
  - delivering a sufficient supply of homes;
  - building a strong, competitive economy;
  - recognising the intrinsic character and beauty of the countryside and supporting thriving local communities;
  - taking account of the different roles and characters of different areas;
  - highlighting the importance of high-quality design and good standards of amenity for all future occupants of land and buildings; and
  - conserving heritage assets in a manner appropriate to their significance.

- 6.6 Neighbourhood plans sit within this wider context both generally, and within the more specific presumption in favour of sustainable development, which is identified as a golden thread running through the planning system. Paragraph 16 of the NPPF indicates that neighbourhoods should both develop plans that support the strategic needs set out in local plans and plan positively to support local development that is outside the strategic elements of the development plan.
- 6.7 In addition to the NPPF I have also taken account of other elements of national planning policy including Planning Practice Guidance and ministerial statements.
- 6.8 Having considered all the evidence and representations available as part of the examination I am satisfied that the submitted Plan has had regard to national planning policies and guidance in general terms. It sets out a vision for the future of the neighbourhood area. It includes a series of policies to safeguard and enhance its character and appearance whilst proposing the allocation of two housing sites. In addition, it proposes a series of local green spaces. The Basic Conditions Statement maps the policies in the Plan against the appropriate sections of the NPPF.
- 6.9 At a more practical level the NPPF indicates that plans should provide a clear framework within which decisions on planning applications can be made and that they should give a clear indication of how a decision-maker should react to a development proposal (paragraphs 17 and 154). This was reinforced with the publication of Planning Practice Guidance in March 2014. Its paragraph 41 (41-041-20140306) indicates that policies in neighbourhood plans should be drafted with sufficient clarity so that a decision-maker can apply them consistently and with confidence when determining planning applications. Policies should also be concise, precise and supported by appropriate evidence.
- 6.10 As submitted the Plan does not fully accord with this range of practical issues. The majority of my recommended modifications in Section 7 relate to matters of clarity and precision. They are designed to ensure that the Plan fully accords with national policy.

*Contributing to sustainable development*

- 6.11 There are clear overlaps between national policy and the contribution that the submitted Plan makes to achieving sustainable development. Sustainable development has three principal dimensions – economic, social and environmental. It is clear that the submitted Plan has set out to achieve sustainable development in the neighbourhood area. In the economic dimension the Plan includes policies general housing, for two proposed housing allocations and for employment development (Policies 9-12 and 14-15 respectively). In the social role, it includes policies on community and youth facilities (Policies 6 and 7 respectively) and local green spaces (Policy 3). In the environmental dimension the Plan positively seeks to protect its natural, built and historic environment. It has specific policies on water and flooding (Policy 1), on green infrastructure (Policy 2), and on the conservation area (Policy 4). The Parish Council has undertaken its own assessment of this matter in the submitted Basic Conditions Statement.

*General conformity with the strategic policies in the development plan*

- 6.12 I have already commented in detail on the development plan context in Horsham District in paragraphs 5.4 to 5.8 of this report.
- 6.13 I consider that the submitted Plan delivers a local dimension to this strategic context. The Basic Conditions Statement helpfully relates the Plan's policies to policies in the development plan. Subject to the incorporation of the recommended modifications in this report I am satisfied that the submitted Plan is in general conformity with the strategic policies in the two development plans.

*European Legislation- Sustainability Appraisal (including Strategic Environmental Assessment)*

- 6.14 The Neighbourhood Plan General Regulations 2015 require a qualifying body either to submit an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 or a statement of reasons why an environmental report is not required.
- 6.15 In order to comply with this requirement HDC issued a 'standard' screening for all neighbourhood plans within the District. It comments that if a neighbourhood plan is allocating sites for development, then it could have a significant environmental impact and a Strategic Environmental Assessment (SEA) is required.
- 6.16 In this wider context the Parish Council commissioned a Sustainability Appraisal (SA). The work undertaken incorporates Strategic Environmental Assessment. The Plan comments that the purpose of the Appraisal is to determine the sustainability criteria against which the Cowfold Neighbourhood Plan should be assessed, to ensure that it contributes to the achievement of sustainable development.
- 6.17 The SA also includes an appraisal of the policy options against the sustainability framework and a very comprehensive appraisal of the potential housing sites. The work and assessments were further consolidated with the production of four background papers. They formed part of the updated package of information which was the subject of the second round of consultation.

*European Legislation - Habitat Regulations*

- 6.18 HDC has produced a Habitats Regulations Assessment (HRA) of the Plan. It builds on the equivalent work undertaken on the HDPF. It concludes that the Plan is not likely to have significant environmental effects on a European nature conservation site or undermine their conservation objectives alone or in combination taking account of the precautionary principle. As such Appropriate Assessment is not required.
- 6.19 The Assessment takes appropriate account of the significance of the following sites within close proximity of the neighbourhood area:
- Arun Valley Special Protection Area (SPA);
  - Arun Valley Special Area of Conservation (SAC);
  - The Mens Special Area of Conservation (SAC); and

- The Ashdown Forest Special Area of Conservation (SAC).

6.20 Having reviewed the information provided to me as part of the examination, I am satisfied that a proportionate process has been undertaken in accordance with the various regulations. In the absence of any evidence to the contrary, I am entirely satisfied that the submitted Plan is compatible with this aspect of European obligations.

6.21 In a similar fashion I am satisfied that the submitted Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights (ECHR) and that it complies with the Human Rights Act. There is no evidence that has been submitted to me to suggest otherwise. In addition, there has been full and adequate opportunity for all interested parties to take part in the preparation of the Plan and to make their comments known. On the basis of all the evidence available to me, I conclude that the submitted Plan does not breach, nor is in any way incompatible with the ECHR.

#### *Summary*

6.22 On the basis of my assessment of the Plan in this section of my report I am satisfied that it meets the basic conditions subject to the incorporation of the recommended modifications contained in this report.

## 7 The Neighbourhood Plan policies

- 7.1 This section of the report comments on the policies in the Plan. In particular, it makes a series of recommended modifications to ensure that they have the necessary precision to meet the basic conditions.
- 7.2 My recommendations focus on the policies themselves given that the basic conditions relate primarily to this aspect of neighbourhood plans. In some cases, I have also recommended changes to the associated supporting text.
- 7.3 I am satisfied that the content and the form of the Plan is fit for purpose. It is distinctive and proportionate to the Plan area. The wider community and the Parish Council have spent time and energy in identifying the issues and objectives that they wish to be included in their Plan. This sits at the heart of the localism agenda.
- 7.4 The Plan has been designed to reflect Planning Practice Guidance (Section 41-004-20190509) which indicates that neighbourhood plans must address the development and use of land. It also includes a series of non-land use Aims.
- 7.5 I have addressed the policies in the order that they appear in the submitted plan. Where necessary I have identified the inter-relationships between the policies. The Aims are addressed after the policies.
- 7.6 For clarity this section of the report comments on all policies whether or not I have recommended modifications in order to ensure that the Plan meets the basic conditions.
- 7.7 Where modifications are recommended to policies they are highlighted in bold print. Any associated or free-standing changes to the text of the Plan are set out in italic print.

### *The initial section of the Plan (Sections 1-3)*

- 7.8 These initial parts of the Plan set the scene for the range of policies. They do so in a proportionate way. The Plan highlights the links between the Plan's objectives and its resultant policies.
- 7.9 The Introduction provides helpful information about the context of the Plan. It correctly identifies the Plan period, when the neighbourhood area was designated and the neighbourhood area itself. It goes on to describe both the national and the local planning policy context within which the Plan has been prepared. It also comments about the way that the Plan has been prepared and the stages through which it has progressed. Overall, it is a particularly effective introduction to a neighbourhood plan.
- 7.10 Section 2 sets out a Parish Profile and a range of matters which have influenced the preparation of the Plan. In particular it addresses the following matters:
- Environment and Heritage;
  - Community Infrastructure;
  - Health;
  - Education;



- Housing;
- Economy and Employment; and
- Transport

A key strength of the Plan is the way in which the issues in Sections 2 and 3 filter into the Plan's policies.

- 7.11 Section 3 comments about the Parish Vision Statement and the associated objectives. It is well-constructed.
- 7.12 The remainder of this section of the report addresses each policy in turn in the context set out in paragraphs 7.5 to 7.7 of this report.

#### Policy 1: Groundwater and Surface-water Flood Risk

- 7.13 This policy takes a general approach to this important matter. As the Plan helpfully describes, Cowfold sits predominantly on clay with poor natural drainage. Some natural watercourses have been lost, increasing the risk of groundwater flooding to residential areas, the village centre and areas of open countryside being considered for development. Two watercourses run in the vicinity of Cowfold village - the Cowfold Stream and the River Adur. In turn they are fed by a network of drains and ditches.
- 7.14 The policy sets out to develop a local iteration of the approach in the NPPF on this matter. In particular it seeks to concentrate any new development in areas of lowest risk and to support sustainable drainage techniques. It does so to good effect.
- 7.15 I recommend a detailed modification to the third part of the policy to avoid the potential unintended consequences which might otherwise arise from the wording used in the submitted policy. Otherwise, the wider policy meets the basic conditions.

**In the third part of the policy replace 'that are' with 'should be' and 'standards will be supported' with 'policies'**

#### Policy 2: Green Infrastructure

- 7.16 This policy takes a general approach to green infrastructure. It sets out to safeguard existing green infrastructure and the support proposals for new green infrastructure.
- 7.17 The third part of the policy sets out a flexible approach towards proposals which may involve the loss of existing green infrastructure. In its response to the clarification note the Parish Council acknowledged that the policy does not identify any specific elements of green infrastructure. As such the consistent application of the policy by HDC may be challenging to achieve. On balance I am satisfied that the policy will be capable of being delivered throughout the Plan period. However, I recommend that the supporting text is expanded to provide a further degree of clarity. Otherwise, the policy meets the basic conditions.

At the end of paragraph 4.7.6 add:

*'The third part of the policy comments about proposals which would result in the loss of existing green infrastructure. In coming to judgement on any such proposals it is acknowledged that the District Council will need to reach a balanced decision based on the matters identified in this part of the policy. As part of this process, it will need to assess the existing value of the element of green infrastructure which would be lost if permission is granted for the development proposal'*

### Policy 3: Local Green Space

- 7.18 This policy proposes the designation of a series of local green spaces (LGSs). They are listed in the policy and shown on the Policies Map. The proposed LGSs reflect the character and the nature of Cowfold. In many cases they are traditional open recreation areas. The supporting text comments about the tests in the NPPF for the designation of LGSs.
- 7.19 The proposed LGSs came forward as a result of a detail audit of green spaces. The Local Green Spaces report provides detailed commentary on the way in which the Parish Council considers that the various proposed LGSs meet the criteria for such designation in the NPPF. It is an excellent document of its type and provides a local interpretation about the way the various spaces meet the criteria in the NPPF. I looked carefully at the proposed LGSs when I visited the neighbourhood area.
- 7.20 On the basis of all the information available to me, including my own observations, I am satisfied that the proposed LGSs comfortably comply with the three tests in the NPPF and therefore meet the basic conditions. In several cases they are precisely the types of green spaces which the authors of the NPPF would have had in mind in preparing national policy. The Village Green (LGS03) and the Acorn Avenue Green and Kicking Field (LGSs10/11) are particularly good examples of formal and local amenity LGSs respectively.
- 7.21 In addition, I am satisfied that their proposed designation would accord with the more general elements of paragraph 99 of the NPPF. Firstly, I am satisfied that their designation is consistent with the local planning of sustainable development. They do not otherwise prevent sustainable development coming forward in the neighbourhood area and no such development has been promoted or suggested. Secondly, I am satisfied that the LGSs are capable of enduring beyond the end of the Plan period. Indeed, they are an established element of the local environment and, in most cases, have existed in their current format for many years. In addition, no evidence was brought forward during the examination that would suggest that the proposed local green spaces would not endure beyond the end of the Plan period.
- 7.22 The policy itself has two related parts. The first sets out the implications for LGS designation and seeks to follow the approach as set out in paragraph 101 of the NPPF. However, it goes beyond that approach to the extent that it seeks to identify examples of the very special circumstances where development would be supported on identified LGSs.

- 7.23 Given the number and diversity of proposed LGSs I can understand the circumstances which have caused the Parish Council to design the policy in this way. Nevertheless, I recommend a modification so that the policy takes the matter-of-fact approach in the NPPF. The recommended modification also takes account of the recent case in the Court of Appeal on the designation of local green spaces and the policy relationship with areas designated as Green Belts (2020 EWCA Civ 1259).
- 7.24 In the event that development proposals affecting designated LGSs come forward within the Plan period, they can be assessed on a case-by-case basis by HDC. In particular HDC will be able to make an informed judgement on the extent to which the proposal concerned demonstrates the ‘very special circumstances’ required by the policy. I recommend that the supporting text clarifies this matter.
- 7.25 The second part of the policy lists the proposed LGS. This part of the policy is very clear. Nevertheless, in terms of the overall clarity of the policy I recommend that the order of the two parts is reversed.

**Reverse the order of the two parts of the policy. At the beginning of the schedule of the proposed LGSs insert the first sentence of the submitted policy.**

**Replace the first part of the policy (as submitted) with:**

**‘Development proposals within the designated local green spaces will only be supported in very special circumstances’**

*At the end of paragraph 4.8.3 add: ‘Policy 4 follows the matter-of-fact approach in the NPPF. In the event that development proposals come forward on the local green spaces within the Plan period, they can be assessed on a case-by-case basis by the District Council. In particular it will be able to make an informed judgement on the extent to which the proposal concerned demonstrates the ‘very special circumstances’ required by the policy’*

Policy 4: Conservation Area

- 7.26 This policy addresses the Cowfold Conservation Area. The first part of the policy responds in a general sense to its architectural and historic importance in the village. It meets the basic conditions.
- 7.27 The second part identifies a series of buildings and wider features where development proposals for their conservation and enhancement would be supported. In its response to the clarification note the Parish Council commented that:

*‘the features listed are of local and historical interest as they link directly to the formation of the village even if they might not otherwise have particular architectural or heritage value. We recognise that the Conservation status provides protection but included the list to inform and clarify. We appreciate that it could be felt that this list is inappropriate as part of this policy and would be better included as part of an Aim’*

- 7.28 I have considered this matter carefully. The ambition in the policy is land-use rather than non-land use as incorporated within the other Aims in the Plan. As such I

recommend that the specific buildings as listed in the second part of the policy are removed from the policy and repositioned into the supporting text. This would identify them as particular buildings within the wider context of the policy.

### **Delete the second part of the policy**

*At the end of paragraph 4.9.9 add the deleted second part of the policy*

#### Policy 5: Open Space

7.29 This policy addresses open spaces within the parish. As the Plan comments ‘the rural nature of its surroundings and the open spaces within the village form part of its character. Open spaces within the Parish are important to the general health and wellbeing of the residents as well as forming part of the village character’

7.30 The policy has three related parts as follows:

- the need for development proposals to provide high quality formal and informal open space;
- a policy context for development proposals involving the loss of open space; and
- a context for development proposals involving the replacement of open space.

7.31 I recommend a modification to the first part of the policy so that its effect is clear. As submitted, it would have an unintentional effect of supporting development in inappropriate locations which otherwise provided open space.

7.32 I also recommend a modification to the second part of the policy so that it relates existing open spaces more closely to development proposals. As submitted its effect would be to apply a LGS approach to unspecified open spaces and which themselves do not meet the criteria to be designated as LGSs.

**In the first part of the policy replace ‘that’ with ‘should’ and delete ‘will be supported’**

**Replace the second part of the policy with: ‘Development proposals should be designed and arranged to respect, and where practicable connect to, existing open spaces in their immediate locality’**

#### Policy 6: Community Services & Facilities

7.33 This policy celebrates the importance of community facilities within the parish. It has three related parts as follows:

- resisting the loss of existing community facilities;
- a context for development proposals which involve the alteration or replacement of existing community facilities; and
- a context for development proposals involving the reuse of redundant buildings for community use.

- 7.34 In its response to the clarification note the Parish Council advised that it had deliberately kept the policy general rather than attempting to identify specific facilities to which the policy would apply. It also advised that this approach reflects the small size of the village and the informal structures of several of the established community facilities.
- 7.35 The first part of the policy on the loss of community facilities is written in an absolute fashion. I recommend that it is modified so that it takes account of potential viability issues. In this wider context the development of replacement facilities is already addressed in the second part of the policy.
- 7.36 I also recommend a modification to the third part of the policy to ensure its broader relationship to the development plan and to avoid unintentional consequences. Otherwise, the policy meets the basic conditions. The wider approach has the ability to assist in the delivery of the social dimension of sustainable development in the Plan period.

**At the end of the first part of the policy add: ‘unless it can be demonstrated that the premises are not viable for community use’**

**At the end of the first part of the policy add: ‘subject to conformity with other development plan policies’**

#### Policy 7: Youth Facilities

- 7.37 The policy offers support to proposals to enhance or provide new facilities for the benefit of young people, including children’s play areas, sporting facilities and youth club activities. By way of context the Plan comments about the playground facilities, the skate park, the youth club based in the Allmond Centre and the Beaver scouts. Similarly, it comments that whilst there are a number of clubs based in the village any new facilities are welcomed and have been traditionally supported by the Parish Council.
- 7.38 The policy takes a positive approach to this important matter. It meets the basic conditions. The wider approach has the ability to assist in the delivery of the social dimension of sustainable development in the Plan period.

#### Policy 8: Potters Allotments

- 7.39 Development proposals for the allocated site at Potters (Policy 12) include the option to move the allotments to an adjacent area. The policy sets out a broader context within which this can take place. In general terms, Cowfold is well served with two allotment areas, one near the school at Potters and the other to the south of the village accessed by Eastlands lane.
- 7.40 The policy is balanced and well-considered. It meets the basic conditions.

### Policy 9: Residential Development Principles

- 7.41 This policy sets out a series of general development principles for new residential development. The criteria relate well to the character and appearance of the neighbourhood area.
- 7.42 As submitted the policy could inadvertently support the development of new homes which met the criteria in the policy but which conflict with the wider spatial policy approach in the development plan. I recommend the inclusion of an additional element within the policy to remedy this issue. Otherwise, the policy meets the basic conditions. In particular it will provide clarity to developers and landowners and will contribute towards the delivery of the environmental dimension of sustainable development.

**At the end of the opening element of the policy add: ‘are within the built-up area of Cowfold and:’**

### Policy 10: Windfall Housing

- 7.43 This policy comments about windfall housing. As the Parish Council comments in its response to the clarification note the policy has been designed to add value to the approach already taken in Policy 15 of the HDPF.
- 7.44 On balance I am satisfied that the policy adds value to Policy 15 of the HDPF. In addition, it provides a wider context to potential development opportunities which may arise in the village in the Plan period. This broader issue is addressed in the supporting text of the Plan. On this basis the policy meets the basic conditions.

### Housing Allocations

- 7.45 Policies 11 and 12 of the Plan allocate land at Brook Hill and Potters respectively for residential development. I comment on each policy in turn in the following sections of this report. This section deals with common issues to both sites on the site selection process, the wider sustainability appraisal (SA) process and the additional information which was the subject of the second round of consultation on the submitted Plan.
- 7.46 The two sites are included in the Plan as a result of an extensive process to assess the suitability of a range of potential development options. Nine potential development sites were assessed in the SA. In order to respond to detailed matters raised by Historic England during the initial submission plan consultation phase four additional background papers were prepared. This work refined the assessment of the two selected sites in general terms and in relation to heritage matters in particular. This work resulted in Historic England confirming its support to the amendments proposed in the additional documents, and in particular to Background Paper 3. It also confirmed its view that the amendments are necessary to ensure the plan meets the basic requirements and confirm that they would address earlier concerns with regard to the plan's potential impacts for heritage assets, the need for appropriate assessment and, where necessary, mitigation of potential for harm.
- 7.47 As I have already commented in paragraphs 6.16 and 6.17 of this report the assessment of the development options sits within the wider context of the SA of the

Plan. The broader SA process has attracted representations from both Gladman Developments Limited (as part of its promotion of site CNP08) and the Hunter Group (as part of its promotion of sites CNP06/07/09). The representations variously comment on the overall housing needs for Cowfold and the site selection process incorporated in the Plan and its accompanying SA. I address these points in turn.

- 7.48 The overall work and approach of the Plan on this matter is underpinned by the Housing Needs Consideration (May 2019) which was commissioned by the Parish Council. That study looked at the baseline data and the policy requirements of the adopted HDPF. It looked at seven methodologies for assessing housing needs and compared their requirements with existing completions and commitments in the parish.
- 7.49 The study also took account of the changing basis of how housing provision is calculated nationally. Paragraphs 5.4 and 5.5 comment that:

*‘However, the application of market signals has been superseded in national planning guidance. In particular see National Planning Policy Guidance Paragraph: 019 Reference ID: 2a-019- 20140306. This was archived in national planning guidance following the revisions to the National Planning Policy Framework published in July 2018. The use of the application of the standard methodology to calculate housing need has been discussed with HDC. They have advised that, at this stage, they are not able to provide a housing requirement figure for the district, and so therefore they are also not able to provide a figure for designated neighbourhood areas, in accordance with the approach set out in paragraph 65 of the NPPF. This figure has yet to be calculated and the District have advised that Parishes do not wait for this information, but instead progress the preparation of neighbourhood plans based on a proportionate housing needs assessment, that reflects the requirements and spatial strategy of the Development Plan’*

- 7.50 The study looked in detail at the outcomes of the different methodologies. In paragraphs 5.12 to 5.16 it concludes that:

*‘... the minimum number of houses that should be allocated in the Plan is 29 - 44 homes. This would comply with the minimum requirements of Policy 15 of the HDPF. In the interests of being robust it is considered prudent to plan for the upper end of this range, (i.e., 44 homes). However, other methodologies, that should also carry significant weight, indicate that residual housing need is up to 70 dwellings. This can be met by a mix of allocations and policy support for certain windfall development. On this basis, it is recommended that the housing need for Cowfold Parish, to be facilitated in the Cowfold Neighbourhood Plan should be 44 - 70 dwellings. Given that no allowance has been made for market signals or the standard methodology, noting the first has been superseded, and the latter is not yet available, it is considered prudent to seek to plan for the upper end of the range’*

- 7.51 Gladman Developments Limited suggest that a different approach is taken to this matter. Gladman commissioned Savills a consultant to provide a technical note on the housing needs of Cowfold. The resulting representation comments as follows:

*'The report considers various scenarios for housing needs in Cowfold over the 20- year period 2011-2031, indicating an average requirement of 215 dwellings across the scenarios. Once completions and consents since 2011 have been discounted (55 dwellings) this results in a residual requirement to deliver 158 dwellings. As is indicated in the report, the introduction of the standard methodology in Horsham will mean that these needs will almost certainly be higher and as such Gladman suggest that the CNP should be planning for a minimum of 160 new dwellings through the neighbourhood plan'*

7.52 The representation from The Hunter Group takes a similar approach. It comments that:

*'the two housing allocations proposed within the CNDP at sites known as Brook Hill and Potters would fail to deliver the necessary housing required for the Parish and District and that this approach to housing delivery was short-sighted. This short-sighted approach comes into more focus, in particular light of the emerging evidence base in respect of the review of the HDPF. This evidence, based on Government guidance on housing delivery, is considering a substantially higher amount of housing across the district, as a whole, than currently set out within the existing HDPF and upon which the CNDP has been based. We have separately made written representations to HDC in respect of the Regulation 18 consultation on the HDPF Review'*

7.53 I have considered these different approaches very carefully. On the balance of the evidence, I am satisfied that the approach taken in the submitted Plan is both evidence-based and robust. In particular it is underpinned by a professionally-prepared assessment of housing needs. In addition, it takes account of the local arrangements which HDC has put in place with local councils to assist in bringing forward neighbourhood plans whilst it is preparing the emerging Horsham Local Plan.

7.54 These arrangements are reflected in the proposed monitoring and review arrangements for the Plan (Section 9). They acknowledge the changing nature of the development plan context in the District and the need for the Plan to be reviewed once the Local Plan has been adopted. Whilst I recommend modifications to the timing of the review process later in this report, I am satisfied that the overall approach taken is appropriate and meets the basic conditions. In addition, I am satisfied that the approach taken, including the two sites selected as allocations, would not prevent other sites coming forward in the future if the need for further residential development in the parish is identified in the emerging Local Plan.

7.55 The representation from the Hunter Group sets out details about the way in which the three sites concerned perform well on the sustainability assessment criteria.

7.56 The representation from Gladman Developments provides commentary about the site assessment process in general, and in particular the way in which the Bolney Road proposal (CNP08) has been considered and then not pursued in the Plan. It comments that:

*'It would appear that site under promotion from Gladman was discounted at an early stage, for poor conformance with HDPF policies, yet in the Sustainability Assessment the site scores just as well, if not better, than the sites selected for allocation. Further,*



*Gladman raises concerns about some of the scoring of the Bolney Road site, as detailed in response to the Sustainability Appraisal. Minimal reasoning is provided to justify Land at Bolney Road's poor conformance with HDPF policy. It is not clear how this conclusion has been derived, and precisely which policies the site would not conform with. The HDPF supports expansion of settlements where the site is allocated in a Neighbourhood Plan and adjoins the settlement edge, is appropriate to the scale and function of the settlement, meets housing needs and is contained within a defensible boundary'*

- 7.57 Taking account of all the information I am satisfied that the Parish Council has made an appropriate and balanced judgement on this matter. It has selected modest sites which can be sensitively incorporated into the fabric of the village in general, and respect its heritage assets in particular. In both cases the development of the sites would be accompanied by broader community benefits (and which are detailed on a policy-by-policy basis in the sections of this report which comment on Policies 11 and 12).
- 7.58 In general terms the approach taken has had regard to the Office of the Deputy Prime Minister - A Practical Guide to the Strategic Environmental Assessment Directive (September 2005). In particular the sustainability appraisal work undertaken has been used to assist the Parish Council in its wider plan-making process and the site selection in particular. In this context it relates well to the Practical Guidance which comments:
- 'It is not the purpose of the SEA to decide the alternative to be chosen for the plan or programme. This is the role of the decision-makers who have to make choices on the plan or programme to be adopted. The SEA simply provides information on the relative environmental performance of alternatives, and can make the decision-making process more transparent' (Paragraph 5.B.7)*
- 7.59 In addition paragraph 6.7.4 of the submitted Plan comments about the wider community engagement that was associated with the site selection process. This demonstrates the iterative approach taken and which was underpinned with a balance of technical evidence and community engagement.
- 7.60 In summary I am satisfied that the allocated sites represent a very positive local response to the delivery of new housing in the parish. The development of the two sites will assist significantly in the delivery of the economic dimension of sustainable development in the neighbourhood area. They are sensitively-located on the edge of the village. In both cases they have active developer engagement which supports the policy context set out for their development in the submitted Plan and provides assurance on their availability for development and eventual delivery.

Policy 11: CNP01, Brook Hill

- 7.61 This policy proposes the allocation of land for up to 35 homes on land to the west of Brook Road (A281). The site is located on the northern edge of the village. The Policies Map identifies that the site is associated with the development of open space to its immediate north.

- 7.62 I looked carefully at the site when I visited the neighbourhood area. I saw the rising nature of the land to the north of the village and the sylvan nature of Brook Road.
- 7.63 The allocation of the site in the Plan is supported by Abingworth Developments Limited, the intended developer of the site. The representation advises that the proposed entrance to the site would provide an opportunity for traffic calming measures for vehicles approach the village centre from the north. This will not only act as a means to slow traffic but could improve the flow of traffic to the benefit of the air quality within the village.
- 7.64 I am satisfied that the allocation of the site would constitute sustainable development. In particular it is within walking distance of the principal community and commercial facilities in the village. The policy itself includes a series of factors which will result in the sensitive and high-quality development of the site. In this context the following matters are particularly noteworthy:
- that the vehicular access of Brook Hill provides traffic calming measures (criterion c);
  - the site respects the ridgeline to the north of the proposed built development (criterion d);
  - the package of measures to retain existing planting, to introduce new landscaping and to retain the trees in the proposed Bakers Shaw LGS to the immediate north and west (criteria e/f/g); and
  - the provision of associated open space to the immediate north of the development part of the site (criterion i).
- 7.65 In general terms the overall package of criteria in the policy is both appropriate and distinctive to the development of the site. However, the final two criteria on mineral assessment and transport assessment are procedural matters rather than land use criteria which directly relate to the site's development. In these circumstances I recommend that they are deleted from the policy and repositioned into the supporting text.
- 7.66 I also recommend that the supporting text in relation to the access into the site is modified so that it takes on a more neutral approach. In any event criteria b and c in the policy provide the necessary assurances on vehicular access.

#### **Delete criteria k and l**

#### **Insert 'and' at the end of criteria i**

*Replace the second sentence of paragraph 6.7.6 with: 'Careful consideration needs to be given to the site's access to the A281 to reflect the topography of Brook Hill and to ensure safe access and egress for all modes of transport'*

*At the end of paragraph 6.7.7 add: 'As part of the planning application process a mineral resource assessment should be undertaken to ascertain whether economically viable mineral resources are present and whether extraction is practicable, as required by Policy M9 of the West Sussex Joint Minerals Local Plan. Similarly, a Transport*

*assessment should be prepared to assess any specific impacts of the development of the site and any mitigation required'*

Policy 12: CNP03, Potters

- 7.67 This policy proposes the allocation of land for up to 35 homes on land to the south west of Station Road (A272). The site is located on the western edge of the village. The Policies Map identifies that the site is associated with the development of open space to its immediate south.
- 7.68 I looked carefully at the site when I visited the neighbourhood area. I saw its open and level access and its relationship with built development to its west and the wider countryside to the east. I paid particular attention to the site's relationship with the conservation area and other heritage assets to the west.
- 7.69 The allocation of the site in the Plan is supported by Devine Homes, the intended developer of the site.
- 7.70 I am satisfied that the allocation of the site would constitute sustainable development. In particular it is within walking distance of the principal community and commercial facilities in the village. The policy itself includes a series of factors which will result in the sensitive and high-quality development of the site. In this context the following matters are particularly noteworthy:
- that the vehicular access to Station Road provides traffic calming measures (criterion c);
  - the provision of a safe and accessible 'drop-off' point to serve the adjacent school and children's nursery including an associated high-quality, illuminated, all-weather non-vehicular access from the drop off point to the school and nursery (criterion d);
  - the provision of associated open space to the immediate south of the development part of the site (criterion i); and
  - ensuring that the design, layout and form of the development preserves or enhances the character of the Conservation Area and the contribution made by its setting (criterion n).
- 7.71 In general terms the overall package of criteria in the policy is both appropriate and distinctive to the development of the site. However, criteria k and l on mineral assessment and transport assessment are procedural matters rather than land use criteria which directly relate to the site's development. In these circumstances I recommend that they are deleted from the policy and repositioned into the supporting text.

#### **Delete criteria k and l**

*At the end of paragraph 6.7.12 add: 'As part of the planning application process a mineral resource assessment should be undertaken to ascertain whether economically viable mineral resources are present and whether extraction is practicable, as required by Policy M9 of the West Sussex Joint Minerals Local Plan. Similarly, a Transport*

*assessment should be prepared to assess any specific impacts of the development of the site and any mitigation required'*

#### Policy 13: Housing Mix

- 7.72 This policy reflects the work which has been carried out on housing needs in the parish. It comments that development proposals which include a mix of dwellings, types and sizes as indicated in the latest housing needs survey will be supported.
- 7.73 The policy is both evidence-based (the Cowfold Housing Needs Report) and non-prescriptive. As such it meets the basic conditions.

#### Policy 14: Employment

- 7.74 This policy addresses a series of employment issues in the parish. In particular it comments about its needs as a rural parish and the importance of sustaining existing businesses.
- 7.75 The policy has three related parts as follows:
- identifying the types and locations of new businesses which would be supported;
  - identifying a series of general matters which business development should meet; and
  - setting out an approach towards proposals which would result in the loss of existing business accommodation.

- 7.76 In general terms the policy meets the basic conditions. It will make a significant contribution to the delivery of the economic dimension of sustainable development in the Plan period. However, to bring the clarity required by the NPPF I recommend a detailed modification to the first part of the policy and to the wording used in third part of the policy.

**In the first part of the policy add 'or' after criteria a. and b.**

**In the third part of the policy replace 'be resisted' with 'not be supported'**

#### Policy 15: Communication

- 7.77 The supporting text to the policy provides an interesting context to the policy. It comments that the level of mobile/cellular infrastructure is generally of an insufficient quality throughout the Parish and that this does not support modern working methods. In order to consolidate the Parish Council's approach to facilitating employment within the Parish, in particular working from home, the Parish Council considers that all dwellings and business premises within the Parish would benefit from super-fast broadband and a high level of mobile/cellular connectivity.

- 7.78 The policy offers support for a wider range of telecommunication equipment in a balanced way which takes account of appropriate environmental matters. I recommend that the supporting text identifies that some of the works captured in the policy may benefit from permitted development rights. Otherwise, the policy meets the basic conditions.

*At the end of paragraph 7.3.3. add: 'Policy 15 offers support offers support for a wide range of telecommunication equipment in a balanced way which takes account of appropriate environmental matters. Some of the works captured in the policy may benefit from permitted development rights'*

#### Policy 16: Car Parking Provision

- 7.79 The policy comments about car parking provision. The first part is general in effect. The second part provides detailed guidance on residential parking standards.
- 7.80 The Parish Council provided helpful guidance in its response to the clarification note on its thinking on the order of the policy and the way in which the two elements of the policy overlapped. Taking account of all the information I recommend that the order of the two parts of the policy is reversed to bring the clarity required by the NPPF.
- 7.81 West Sussex County Council (WSSCC) makes technical comments on the accuracy of the parking standards in paragraph 8.10.3 of the policy. I recommend modifications to ensure that the standards quoted in the Plan properly reflect those in the WSSCC Parking Guidance Document (2019).
- 7.82 WSSCC also comment that it is not satisfied that the higher standards proposed in the Plan are evidence-based. In this context I have looked carefully at Appendix 24 of the Consultation Statement which responds to early comments from WSSCC and Gladman Developments on this matter. It provides detailed information on car ownership, access to other forms of public transport in general, and the distances between the parish and railway stations in Horsham, Haywards Heath and Burgess Hill. On the balance of the information available to me, I am satisfied that the policy approach is evidence-based and meets the basic conditions. I recommend that the detailed wording of this part of the policy is modified so that it more clearly sets out its requirements.

#### **Replace the order of the two elements of the policy**

**Replace the opening element of the second part of the policy (as submitted) with: 'Residential development proposals should provide off-street parking in accordance with the following minimum standards:'**

*In paragraph 8.10.3 replace the bullet points with the following:*

- *1-bedroom dwellings 1.5 spaces*
- *2-bedroom dwellings 1.7 spaces*
- *3-bedroom dwellings 2.2 spaces*

- 4-bedroom dwellings 2.7 spaces

*After the bullet points add: 'These figures are based on the West Sussex County Council Guidance on Parking at New Developments (August 2019) as applied to locations identified within Zone 1'*

#### The Plan Aims

7.83 The Plan includes a series of Aims as follows:

- Aim 1: Air Quality Management
- Aim 2: Sustainable Development
- Aim 3: Village Amenities
- Aim 4: Light Pollution
- Aim 5: Heritage Assets
- Aim 6: Medical Facilities
- Aim 7: School Provision
- Aim 8: Electric Vehicle Charging
- Aim 9: Community Infrastructure Levy
- Aim 10: Affordable Housing
- Aim 11: Retirement Accommodation
- Aim 12: Traffic Management
- Aim 13 Road Safety
- Aim 14 Sustainable Transport
- Aim 15: Pedestrian and Cycling Environment
- Aim 16: Quiet Lanes

7.84 Paragraph 1.1.5 correctly identifies that they are matters which have arisen during the preparation of the Plan but which cannot be incorporated as land use planning policies. The Aims are weaved into the relevant topic areas in the Plan rather than being captured in a separate section as advised by national policy. However, on balance I am satisfied that the approach is appropriate. I have reached this conclusion for two reasons. The first is that the Aims are distinguished from the policies by the use of different colours. The second is that the arrangements in the Plan ensure that the overlaps between the policies and the Aims are immediately clear on a topic-by-topic basis.

7.85 I am satisfied that the Aims take an appropriate and balanced approach to the various matters which have arisen as the Plan has been prepared. They are distinctive to the neighbourhood area and, in some cases, complement the approach in the related land use policies in the Plan.

#### Monitoring and Review of the Plan

7.86 Section 9 of the Plan comments about how a 'made' Plan would be monitored and eventually reviewed. In particular it acknowledges that the planning policy context in the District is fluid (paragraphs 9.2/9.3) and that there would be merit in reviewing a 'made' neighbourhood plan once the emerging local plan has been adopted

(paragraph 9.4). In this context the Plan comments that it is proposed to commence a review of the Plan within three years of it being 'made' or following the adoption of the Local Plan, whichever is the later.

7.87 In paragraphs 7.45 to 7.60 of this report I have commented about the way in which the neighbourhood plan addresses housing needs in the parish. In this context the eventual review of a 'made' neighbourhood plan is particularly important. As such I recommend that the review period is modified so that it becomes more closely-aligned with the adoption of the Local Plan. Whilst I accept that the approach in the submitted Plan was designed to be flexible it could result in a significant gap between the adoption of the emerging Local Plan and a review of the neighbourhood plan starting.

7.88 Section 1.5 of the Plan largely overlaps with Section 9. A wider commentary about monitoring and review would sit better at the end rather than at the beginning of the Plan. As such I recommend modifications to Section 1.5 of the Plan so that it simply signposts the reader to the details contained in Section 9.

*Replace the final sentence of paragraph 9.4 with: 'In this context, the Parish Council will commence a review of the neighbourhood plan within twelve months of the adoption of the Horsham Local Plan'*

*Replace paragraph 1.5.1 with: 'The CNP is prepared within the context of the overall development strategy set by Horsham District Council. At the current time, this is set out in the HDPF. A review of this plan is underway. It is due to be completed by 2022. Section 9 of this Plan sets out the way in which a made neighbourhood plan will be monitored and then reviewed once the emerging Local Plan has been adopted'*

*Delete paragraphs 1.5.2 and 1.5.3.*

Other matters – General

7.89 This report has recommended a series of modifications both to the policies and to the supporting text in the submitted Plan. Where consequential changes to the text are required directly as a result of my recommended modification to the policy concerned, I have highlighted them in this report. However, other changes to the general text may be required elsewhere in the Plan as a result of the recommended modifications to the policies. It will be appropriate for HDC and the Parish Council to have the flexibility to make any necessary consequential changes to the general text. I recommend accordingly.

*Modification of general text (where necessary) to achieve consistency with the modified policies.*

Other matters – Specific

7.90 HDC has suggested a series of specific amendments to the Plan. They are very helpful within the wider context of the examination process. I recommend a series of modifications to the Plan insofar as they are necessary to ensure that it meets the basic conditions.

*In the Foreword – third paragraph – insert ‘2011’ after ‘Localism Act’*

*In the Foreword – seventh paragraph – after ‘Biodiversity’ add: ‘unless adequate mitigation is secured through the planning process to compensate for such impacts’*

*In paragraph 1.1.3 replace ‘Pre-submission Plan’ with ‘Submission Plan’*

*At the end of paragraph 1.1.5 add: The Aims within the Plan will not become part of the development plan. Nevertheless, they will form the basis for the Parish Council to work with other bodies to secure their ambitions within the Plan period. The various land use policies and the associated Aims are included within each of the themed chapters of the plan. They are distinguished by the use of separate colours*

*At the end of paragraph 1.2.4 add: ‘The District Council is now preparing a new Local Plan which will eventually replace the HDPF’*

*At the end of paragraph 1.3.10 add: ‘These various matters are captured in the submitted Consultation Statement’*

*In paragraph 2.2.6 delete ‘the data gathered.... Nitrogen Dioxide’*

*In paragraph 4.2.1 replace ‘are not.... Deadlines’ with ‘do not comply with national air quality objectives’*

- 7.91 The Plan includes several policies maps in Section 10. In general terms they are helpful and self-explanatory. However, they do not include keys. I recommend that appropriate keys are added to each map to bring the clarity required by the NPPF for a development plan document.

*Introduce an appropriate key to each of the Policies Maps.*



## 8 Summary and Conclusions

### *Summary*

- 8.1 The Plan sets out a range of policies to guide and direct development proposals in the period up to 2031. It is distinctive in addressing a specific set of issues that have been identified and refined by the wider community.
- 8.2 Following my independent examination of the Plan I have concluded that the Cowfold Neighbourhood Development Plan meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications.

### *Conclusion*

- 8.3 On the basis of the findings in this report I recommend to Horsham District Council that, subject to the incorporation of the modifications set out in this report, the Cowfold Neighbourhood Development Plan should proceed to referendum.

### *Referendum Area*

- 8.4 I am required to consider whether the referendum area should be extended beyond the Plan area. In my view, the neighbourhood area is entirely appropriate for this purpose and no evidence has been submitted to suggest that this is not the case. I therefore recommend that the Plan should proceed to referendum based on the neighbourhood area as approved by Horsham District Council on 16 May 2016.
- 8.5 I am grateful to everyone who has helped in any way to ensure that this examination has run in an efficient manner.

**Andrew Ashcroft**  
**Independent Examiner**  
**19 April 2021**