

Neighbourhood Planning Officer
Horsham District Council
Parkside, Chart Way, North Street
Horsham RH12 1RL

London
Holmes House
4 Pear Place
London SE1 8BT

nexusplanning.co.uk

06 April 2020

Our Ref: 34369

Dear Sir / Madam,

Draft Cowfold Neighbourhood Plan – Regulation 16 Consultation Response

We write on behalf of our client, Devine Homes, to provide formal representations in respect of the Draft Cowfold Neighbourhood Plan (CNP), which is undergoing statutory consultation in accordance with Regulation 16 of the Neighbourhood Planning (General) Regulations 2012. This representation has been made during the Regulation 16 consultation period, which is open until midnight on 18th May 2020.

At this stage of plan preparation, Horsham District Council (HDC) have invited representation on the:

- Draft Submission Plan;
- Basic Conditions Statement;
- Consultation Statement; and
- Sustainability Appraisal / Strategic Environmental Assessment.

Specifically, this representation relates to Draft Submission Plan and to the Basic Conditions Statement. Our client has an interest in land located south of Station Road in Cowfold, which is known as "Potters" within the CNP. Potters forms one of two sites allocated for residential development within the CNP. As such, alongside observations relating to the Draft Submission Plan as a whole, it also specifically addresses Emerging Policy 8 (Potters Allotments) Policy 12 (Potters) and Site Allocation Reference CNP03 of the Draft CNP.

London

Birmingham

Manchester

Reading

In addition, this representation also considers the Basic Conditions Statement prepared to support the Neighbourhood Plan in accordance with Regulation 15 of the Neighbourhood Planning (General) Regulations 2012.

Draft Cowfold Neighbourhood Plan

The purpose of this representation is to confirm our client's support for both the Draft Neighbourhood Plan when taken as a whole, and specifically for Draft Policy 9 (Potters Allotments), Draft Policy 12 (Potters) and Draft Site Allocation Reference CNP03 which proposes to allocate our client's site for residential development.

We are very pleased that the CNP recognises the sustainable location of site CNP03, and its suitability for delivering new, high-quality housing in Cowfold.

We are supportive of Draft Policy 8, which allows for the relocation of the existing Potters Allotment to enable the development of the CNP03, subject to the provision of replacement allotments (of equal or enhanced quantity and quality) in close proximity.

We are also pleased that Draft Policy 12 has been amended following the Regulation 14 consultation process. As part of the Regulation 14 consultation process, Nexus Planning made representations on behalf of Devine Homes. Whilst our client generally strongly supported the proposed site allocation, one matter of concern was identified as a requirement to provide all weather access to the existing Public Right of Way outside of the site. The updated wording to Draft Policy 12 removes this requirement, and our client is supportive of this revision.

For the avoidance of any doubt, our client wholeheartedly supports the proposed allocation of the site and the CNP as a whole, and looks forward to working closely with the Parish Council and the residents of Cowfold to continue to support the Neighbourhood Plan process and subsequently the delivery of a high quality, locally-responsive development on this site.

Basic Conditions Statement

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

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

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

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

(e) The making of the order is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);

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

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

In accordance with Regulation 15 of the Neighbourhood Planning (General) Regulations 2012, the Parish Council, as the 'qualifying body,' must include a Statement explaining how the proposed Neighbourhood Development Plan meets these Basic Conditions. DowsettMayhew Planning Partnership has prepared the CNP Basic Condition Statement on behalf of the Parish Council.

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

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

To meet the Basic Conditions, the draft CNP must demonstrate that it has regard to national policies contained in guidance issued by the Secretary of State. This is principally provided by in the National Planning Policy Framework (NPPF) and associated Planning Practice Guidance (PPG).

The National Planning Policy Framework was originally published in March 2012. The Government published the updated National Planning Policy Framework ('NPPF') in July 2018, which was then revised in February 2019. The NPPF sets out the Government's planning policies and how these are expected to be applied.

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

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

Within the Basic Conditions Statement prepared by DowsettMayhew Planning Partnership on behalf of Cowfold Parish Council, it is demonstrated that the Draft CNP is consistent with the principles set out above, as well as being in accordance with the most relevant chapters of the NPPF, including –

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

- Chapter 11: Making Effective Use of Land;
- Chapter 12: Achieving Well-Designed Places;
- Chapter 14: Meeting the Challenge of Climate Change, Flooding and Coastal Change;
- Chapter 15: Conserving and Enhancing the Natural Environment; and
- Chapter 16: Conserving and Enhancing the Historic Environment

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

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

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

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

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

It is considered that the vision, objectives, aims and policies of the Submission Version of the CNP incorporate a balanced variety of social, economic and environmental outcomes, examples and extracts of which are provided below.

Social Outcomes

CNP Parish Vision Statement

Maintain the village atmosphere and sense of community that makes Cowfold a desirable place to live. Keep housing integrated within the village and balanced to meet current and future needs, ensuring that development is sustainable, is in balance with the appropriate infrastructure and the needs of the existing Community. Enhance the benefits of our rural location with its services, facilities, amenities and activities. Create an environment that reduces the impact of traffic focusing on the current and long-term health of residents and safety of pedestrians and cyclists.

CNP Community Infrastructure Objectives

(3) Ensure all sections of the community have access to medical facilities, primary education, pub, place of worship, sporting amenities, cultural actives and village shop/post office. Support youth, sport and cultural facilities in order to meet the needs of the community.

CNP Policy 7: Youth Facilities

Proposals to enhance or provide new facilities for the benefit of young people, including but not limited to, children's play areas, sporting facilities and youth club activities will be supported.

CNP Policy 13: Housing Mix

Development proposals, which include a mix of dwellings, types and sizes as indicated in the latest housing needs survey, will be supported.

As evidenced by the Parish Vision statement, and these objectives and policies, the CNP clearly meets the social objective of achieving sustainable development, insofar as it seeks to help building a strong community, with an appropriate range of housing, and adequate provision of social infrastructure.

Economic Outcomes

CNP Parish Vision Statement

*Maintain the village atmosphere and sense of community that makes Cowfold a desirable place to live. Keep housing integrated within the village and balanced to meet current and future needs, ensuring that development is sustainable, is in **balance with the appropriate infrastructure** and the needs of the existing Community. **Enhance the benefits of our rural location with its services, facilities, amenities and activities.** Create an environment that reduces the impact of traffic focusing on the current and long-term health of residents and safety of pedestrians and cyclists.*

CNP Economy and Employment Objectives

(1) Facilitate employment opportunities within the Parish; enabling the necessary infrastructure, including adequate Mobile and Broadband connections, to encourage self-employment, working from home and the associated reduction in commuting to work outside the Parish.

CNP Policy 14: Employment

iii. Development proposals that would result in the loss of any land, currently in business or other employment use, in the Parish will be resisted unless it can be demonstrated that business use is no longer viable

As demonstrated by the Parish Vision statement, and these objectives and policies, the CNP meets the economic objective of achieving sustainable development, by actively supporting employment uses, and the provision of appropriate infrastructure.

Environmental Outcomes

CNP Parish Vision Statement

*Maintain the village atmosphere and sense of community that makes Cowfold a **desirable place to live**. Keep housing integrated within the village and balanced to meet current and future needs, ensuring that development is sustainable, is in balance with the appropriate infrastructure and the needs of the existing Community. Enhance the benefits of our rural location with its services, facilities, amenities and activities. **Create an environment that reduces the impact of traffic** focusing on the current and long-term health of residents and safety of pedestrians and cyclists.*

CNP Environment and Heritage Objectives

(3) Build on the local rural character by: preserving and enhancing access to the surrounding countryside; procuring a net gain in Biodiversity; and ensuring developments are sustainable, in areas of least flood risk, with any flood risk arising from development being fully mitigated.

CNP Policy 2: Green Infrastructure

i. Development proposals, which seek to conserve or enhance existing Green Infrastructure network will be supported.

ii. Proposals that will deliver a net gain in Green Infrastructure will be supported.

CNP Aim 5: Heritage Assets

i. CPC supports the protection of Heritage Assets and their setting in accordance with national and development plan guidance.

As established by the Parish Vision statement, and these objectives, aims and policies, the CNP demonstrably meets the environmental objective of achieving sustainable development, by encouraging the protection of the natural and historic environment.

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

(e) The making of the order is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);

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

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

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

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

To meet the Basic Conditions, the Draft CNP must not breach, and must be compatible with the EU obligations.

For the following reasons, we understand that the Draft Plan is compatible with EU obligations:

- The CNP is supported by a SA, which includes a SEA, as required by European law.
- A Scoping Report of the SA (including the requirements of the SEA) was submitted to the relevant parties (i.e. Historic England, the Environment Agency and Natural England) for assessment against environmental requirements.
- Amendments and additional document / objectives were then considered when the SA was formally prepared.
- HDC have undertaken the necessary habitat regulations assessment screening.

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

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

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

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

Conclusions

In conclusion, our client is very supportive of the Draft Neighbourhood Plan in general, and specifically Draft Policies 8 and 12, as well as the inclusion of Site CNP03 as a site allocation for housing.

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

Please contact [REDACTED] if it would be helpful to discuss any of the points that we have raised in any further detail.

Yours sincerely,

[REDACTED]
Principal Planner