

Thakeham Parish Neighbourhood Plan to 2031

Submission Plan

September 2015

Report to Horsham District Council on the Independent Examination of the draft Thakeham Parish Neighbourhood Plan to 2031

November 2016

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Summary of main findings

0.1 It is a requirement of the Town and Country Planning Act 1990, as amended by the Localism Act 2011 ('the 1990 Act') that this report should contain a summary of its main findings. The reasons for each of the recommendations are given in the following sections of the report.

0.2 The principal findings in this report are that the draft plan, subject to the modifications recommended in this report, meets the basic conditions as set out in the 1990 Act, does not breach and is otherwise compatible with EU obligations and is compatible with Convention Rights.

0.3 My main recommendations for modifications to the individual policies are:-

- The Built-Up Area Boundary (BUAB) at Storrington should be redrawn to include the housing development recently completed or under construction as within the BUAB;
- Green Gaps A, C and D should be deleted with Green Gap B being more clearly defined on the Policies Map;
- The reference to the development at Thakeham Tiles (policy 2) meeting local needs should be deleted;
- The first part of policy 3 relating to the continuation of the existing use at the mushroom site should be deleted;
- Policy 4 and accompanying text should be updated;
- The second part of policy 7 relating to non-designated heritage assets should be deleted;
- The references to the making of Article 4 directions should be removed from policy 8;
- In policy 11, the Local Green Spaces at Thakeham Sports Field, Laybrook Lakes fishing ponds and Harborough/High Bar Copse should be deleted;
- Policy 14 should apply only for significant development not 'any form'.

Introduction

Appointment

1.1 I have been appointed by the Horsham District Council (HDC), acting as the Local Planning Authority (LPA), under the provisions of the 1990 Act, to carry out an independent examination of the Thakeham Parish Neighbourhood Plan to 2031 (TPNP). The proposed plan was submitted to the LPA on 25 September 2015. The HDC carried out publicity for the proposed plan for 6 weeks between 11 March and 22 April 2016 giving details of how representations might be made, in accordance with Regulation 16 of the Neighbourhood Plans (General) Regulations 2012 ('the 2012 Regulations'). I was sent the documentation required under Regulation 17 on 30 August 2016 including copies of all of the representations received under Regulation 16. I have taken that documentation into account in carrying out the examination.

1.2 I am a Chartered Town Planner (Member of the Royal Town Planning Institute) with over 40 years post-qualification professional experience in local and central government. I am independent of the Thakeham Parish Council and of the Local Planning Authority. I have no land interests in any part of the plan area.

My role as an examiner

1.3 The terms of reference for the independent examination of a Neighbourhood Development Plan are statutory. They are set out in the 1990 Act¹ and in the 2012 Regulations². As an examiner I must consider whether the plan, as submitted, meets what are called 'the basic conditions'³ or whether any modifications to the plan should be made in order that it meets the basic conditions and whether the plan should be submitted to a referendum. In summary, the basic conditions are met if the making of the plan would:-

- have regard to national policies and to advice contained in guidance issued by the Secretary of State;

¹ Specifically Schedule 4B as inserted by Schedule 10 of the Localism Act 2011

² SI 2012/637, partially amended by the 2015 Regulations, SI 2015/20

³ These are set out in paragraph 8(2) of Schedule 4B

- contribute to the achievement of sustainable development;
- be in general conformity with the strategic policies contained in the development plan for the area;
- not breach, and otherwise be compatible with EU obligations relating to Strategic Environmental and Habitats Assessment and be compatible with Convention rights, within the meaning of the Human Rights Act 1998.
- meet 'prescribed conditions' and 'prescribed matters' have been complied with in plan preparation and submission.

1.4 Legislation requires that my report on the draft plan should contain one of the following recommendations:-

- a) that the draft plan is submitted to a referendum, or
- b) that modifications are made to the draft plan and the modified plan is submitted to a referendum, or
- c) that the proposal for the plan is refused.

1.5 I may also consider whether the area in which any referendum might take place should be limited to the designated plan area (the parish) or widened to include adjacent areas. I may make recommendations for modifications which I consider need to be made to secure that the plan meets the basic conditions or for compatibility with EU obligations and (Human Rights) Convention Rights. The only other modifications which I may recommend are those to correct errors. The recommended modifications are numbered and indicated in bold text with the full wording of the recommendations listed in tables (Tables 1 and 2) at the end of this report.

Procedural matters

1.6 Horsham District Council formally designated the parish of Thakeham as a Neighbourhood Area on 19 December 2013. The plan relates solely to the designated area and has been submitted by the Thakeham Parish Council (TPC) as the 'qualifying body'. The full title of the plan is given on the front cover as the

‘Thakeham Parish Neighbourhood Plan to 2031’. Section 38B(1)(a) of the 1990 Act requires that the plan ‘must specify the period for which it is to have effect’. Although the end date is clearly stated in the title the start date is not specified. Only in paragraph 1.2 of the Basic Conditions statement is it stated that the plan period is from 1 April 2011 to 31 March 2031 to match that of the Horsham District Planning Framework (‘the HDPF’). That statement needs to be included in the plan itself to satisfy the statutory requirement. I recommend it be included in section 1 of the plan. **(Recommendation 1)** The plan does not relate to mineral extraction or waste development or to nationally significant infrastructure and, therefore, those statutory provisions are satisfied.

1.7 The legislation states that the ‘general rule’ is that the examination of the issues by the examiner should take the form of the consideration of written representations. However, an examiner must hold a hearing ‘for the purpose of receiving oral representations about an issue’ where he or she considers a hearing ‘is necessary to ensure adequate examination of the issue or a person has a fair chance to put a case’⁴.

1.8 From my initial appraisal of the plan and the representations made, I came to the view that some additional written clarification was required on a number of matters. I put some questions to the HDC in a series of e-mails between 20 and 26 September and submitted a number of questions to the TPC by e-mail sent to the HDC for onward transmission on 27 September. I received responses from the HDC on 27 September and the TPC on 10 October. After considering those responses I decided that I had sufficient information on the subject and that a hearing would not be required. During the course of the examination I sought clarification in writing of a few other points, including the definition of ‘green gaps’.

1.9 Although I did not consider that a hearing was necessary I nevertheless felt it important that I should visit Thakeham, including the fringes of Storrington and other adjacent parishes, so that I might fully appreciate the character of the village in its setting and to look at the developments taking place in the southern part of the parish, sites suggested for development in the representations as well as the areas

⁴ Paragraph 9 of Schedule 4B to the 1990 Act (as in reference 1 above)

proposed in the plan to be local green spaces. I did this during the afternoon of 27 September 2016.

1.10 The TPC have submitted a Basic Conditions Statement in accordance with the Regulations. It provides a detailed assessment, including commentary in tabular form in relation to each of the policies in the plan, of the extent to which the plan meets the basic conditions, as summarised in paragraph 1.3 above. I have taken that assessment into account in my examination.

1.11 I have taken into account all of the written representations made on the submitted draft plan.

Preparation of the plan and the pre-submission consultation process

2.1 As required by legislation⁵, the TPC have submitted a Consultation Statement. It sets out clearly the process of plan preparation and public engagement right from the initial decision of the TPC in December 2012 to produce a Neighbourhood Plan as an update to the 2007 Parish Action Plan. The first public meeting, after designation, was held on 30 January 2014 to 'launch' the plan preparation process.

2.2 I do not intend to repeat the information about the various stages of plan preparation in this report. The consultation statement is comprehensive and ably demonstrates the very considerable effort put into community engagement and to consult statutory bodies, business interests and landowners. An important point, however, is that the consultation statement summarises, in Appendix Q, the representations made on the pre-submission consultation draft of the plan published on 9 January 2015 and made available for comment until 6 March 2015. Appendix P sets out the main issues identified and the amendments made as a result of consideration of the representations. Appendix O includes a list of those consulted, thus demonstrating that the statutory requirements under Regulation 14 were met.

2.3 The scope of the preparatory work undertaken is impressive and the TPC is to be congratulated on the thoroughness of the consultation exercises.

⁵The Neighbourhood Planning (General) Regulations 2012, Regulations 15(1)(b) and 15(2)

The Plan

3.1 In paragraph 1.3 above I have set out the terms of reference for my examination of the plan in accordance with the relevant Act and Regulations. In doing so I will first consider the consistency of the plan with the Human Rights Act and then whether EU Regulations have been complied with. I will then consider the extent to which the plan meets the basic conditions.

The Human Rights Act and EU Obligations

3.2 There is no specific analysis of the compatibility of the plan and its policies with the European Convention of Human Rights within the meaning of the Human Rights Act 1998. There is simply a statement in paragraph 6.3 of the Basic Conditions Statement that the plan 'has had regard' to the fundamental rights and freedoms guaranteed under the European Convention and that it complies with the Human Rights Act. However, no representations have been made concerning this aspect and from my own assessment I have no reason to conclude other than that the approach taken in the plan is fully compatible with Convention Rights.

3.3 Thakeham lies within the 5 km. zone of influence of the Arun Valley Special Protection Area/Special Area of Conservation and RAMSAR site. HDC undertook initial screening under the Habitats Regulations⁶ in combination with other Neighbourhood Plans being prepared taking account of the scale of development in relation to that allowed for and assessed as part of the HDPF process. Natural England were also consulted and a formal screening opinion issued in October 2015, based on the pre-submission draft, that the plan, either alone or in combination with other plans, would be unlikely to have a significant effect on the European site and that an Appropriate Assessment would not be required. No significant changes were subsequently made in the submission draft.

3.4 As stated in paragraph 6.1 of the Basic Conditions Statement the HDC advised by way of a 'screening opinion' that the TPNP contains policies which may have significant environmental effects and that a Strategic Environmental

⁶The Conservation of Habitats and Species Regulations 2010 giving effect to Council Directive 92/43/EEC as amended by 97/62/EC

Assessment (SEA) would be required⁷. Consultation on a scoping report was undertaken in October-November 2014. The Parish Council decided to incorporate an 'Environmental Report'⁸ in a wider Sustainability Appraisal, which is one of the documents submitted under Regulation 15.

3.5 Representation has been made that the submitted SA/SEA is inadequate and does not accord with the Regulations. This is on the basis that there is no evaluation of environmental effects against several of the criteria listed in Schedule 1, paragraph 2 of the Regulations and that, in the Environmental Report (SA) there is an inadequate assessment of the implications of TPNP Spatial Policy 1 on the scope for the peripheral expansion of Storrington, including additional sites for housing, and other criteria listed in paragraph 6 in Schedule 2 have not been taken into account.

3.6 The fact that the environmental effects of the plan may not have been evaluated against some of the criteria in Schedule 1 to the Regulations does not invalidate the process because, even if there were shortcomings, it was concluded that an SEA would be required and it has been undertaken. The scoping report for the SEA/SA⁹ made clear that there would be limited options available for evaluation given the nature of the parish and, as stated in paragraph 7.23 of the SA itself, the only 'reasonable alternative' was an option for further peripheral development adjacent to settlement boundaries. There is an assessment of 16 sites. Cumulative impacts are also mentioned in paragraph 7.21. I consider that adequate account has been taken of the 'objectives and geographical scope'¹⁰ of the plan and the criteria chosen for evaluation take account of the 'contents and level of detail' of the plan.¹¹ It is not appropriate in a Neighbourhood Plan to re-run or test the higher level strategic objectives and options for urban expansion which have already been examined as part of the SA/SEA for the HDPF. The guidance in the National Planning Policy Guidance ('the NPPG')¹² on the subject is also relevant, to quote:

⁷ In accordance with Regulation 9 in the Environmental Assessment of Plans and Programmes Regulations 2004 which give effect to Council Directive 2001/42/EC

⁸ Subject to Regulation 12 in the 2004 Regulations (as above)

⁹ In the form of a letter from Thakeham PC to consultees dated 10 September 2014

¹⁰ Regulation 12(2)(b) of the 2004 Regulations

¹¹ Regulation 12(3)(b)

¹² Ref ID 11-030 20150209

(The SEA) should focus on the environmental impacts which are likely to be significant. It does not need to be done in any more detail, or using more resources, than is considered to be appropriate for the content and level of detail in the neighbourhood plan.

That is the approach taken in the SEA for this plan. It meets the regulatory requirements.

3.7 Taking all of the above into account, I am satisfied that the submitted plan is compatible with EU environmental obligations and does not breach Convention Rights.

The strategic policies of the development plan

3.8 One of the basic conditions refers to general conformity with the strategic policies of the development plan. Therefore, it is helpful to summarise the current position. The 'development plan' as referred to in the legislation is the statutory plan, that is as currently adopted and having effect in the plan area. The adopted local plan when the TPNP was being prepared was the Core Strategy adopted in 2007. A replacement plan, the Horsham District Planning Framework (HDPF) was at an advanced stage but not yet adopted and so the TPNP refers to both. However, the HDPF was adopted in November 2015, after the TPNP had been submitted. All of the references to the Core Strategy should, therefore, be deleted if the plan is to be as up-to-date as possible as the National Planning Policy Framework ('the NPPF') requires. **Recommendation 2** is that references to the development plan throughout the TPNP should now be to the HDPF. The necessary textural modifications are included in Table 2 of this report along with other updates¹³. For completeness, there are other parts of the statutory development plan, including the Site Allocations Plan 2007 and Minerals and Waste Plans but they do not have a direct bearing on the TPNP.

3.9 Table C in the Basic Conditions Statement usefully sets out those policies in the Core Strategy and the then emerging HDPF which were considered most relevant to each of the policies in the TPNP. It is clearly indicated in the title of each policy in the HDPF which is considered to be strategic. It needs to be borne in mind, however, that the basic condition relates to general conformity with the development plan taken a whole rather than specific conformity with individual strategic policies in that plan.

¹³ See recommendation 8

3.10 As discussed in the next section, a key issue in this plan, not only in relation to its general conformity as discussed above, but to the other basic conditions, is the approach taken to the provision of land for housing development. It is an issue raised in a number of representations.

3.11 The HDPF, as a recently adopted document, might be expected to fully reflect national policy guidance and, in turn, that the spatial strategy within it may be regarded as representing sustainable development. The strategic context is in chapter 3 of the HDPF and the approach to sustainable growth outlined in chapter 4. No part of Thakeham parish lies within an area where significant strategic development is expected to take place, but the south of the TPNP area lies within the defined 'Built-Up Area Boundary' (BUAB) of Storrington as shown on Inset Map No. 18 of the adopted Policies Map. Storrington is listed in HDPF strategic policy 3 as a 'small town or large village'. Thakeham is listed in that policy as a smaller village but, somewhat unusually, as shown on Inset Map No. 19 of the adopted Policies Map, it is divided into two quite distinct areas both shown with BUABs. In HDPF Policy 3 these are described as 'The Street', which is the old village, mostly within a conservation area, although the conservation area boundary does not coincide with the BUAB. A separate area is called 'High Bar Lane' which forms an island of pre- and post-war housing estate development. The policy provides that development will be permitted within the BUABs 'of an appropriate nature and scale to maintain (the) characteristics and function of the settlement.'

3.12 Strategic Policy 4 in the HDPF is supportive of the growth of settlements beyond the BUABs 'in order to meet identified local housing, employment and community needs' subject to a number of criteria. The policy envisages that sites will either be allocated 'in the local plan', through a review of the Site Allocations DPD, or in a Neighbourhood Plan on land which 'adjoins an existing settlement edge'. Strategic Policy 15 is specific to housing and gives the overall quantum of new housing in the plan period. It does not give figures below the strategic sites but indicates that the overall figure will be achieved in part by 'the provision of at least 1500 dwellings throughout the district, in accordance with the settlement hierarchy, allocated through Neighbourhood Planning'.

Issue 1: Whether it is necessary for additional provision be made in the TPNP for housing development over and above existing commitments and the one allocation at Thakeham Tiles (TPNP Policy 2) for the plan to meet the basic conditions.

3.13 The NPPF includes several statements which emphasise the positive role the Government envisages for Neighbourhood Planning in contributing to sustainable development. It is stated in paragraph 16 of the NPPF that the presumption in favour of such development means ‘that neighbourhoods should develop plans that support the strategic development needs set out in Local Plans, including policies for housing and economic development’, and ‘plan positively to support local development...’ A similar point is made in paragraph 184 where it is stated: ‘Neighbourhood plans should reflect these policies ... (the strategic policies of the development plan) ... and neighbourhoods should plan positively to support them. Neighbourhood plans and orders should not promote less development than set out in the Local Plan or undermine its strategic policies.’

3.14 The first objective set out in paragraph 4.3 of the TPNP is ‘to ensure the scale of development is in keeping with the parish’. There is then an explanatory referring to recent large-scale housing approvals being ‘beyond Thakeham’s local needs for the plan period’ and new housing development being limited to ‘appropriate windfall sites’ within the built-up area. The approach to additional development is expanded upon in paragraphs 4.11-16 in support of Policy 1: ‘A Spatial Plan for the Parish’. In particular, paragraph 4.14 lists permissions granted in the 2011-14 period, totalling 221 dwellings. In paragraph 4.15 there is reference to the 2014 parish survey in which 85% of respondents wanted either no further housing or only small infill development. That has been followed through in the consultation processes for the emerging TPNP.

3.15 The clear impression is that the community has set its face against further housing development. That is explicitly stated in paragraph 4.15: ‘the local community wishes to see the Abingworth scheme implemented before considering any further housing development.’ Nevertheless, a comparative assessment¹⁴ was undertaken of 18 sites in total (one for employment) over and above those already with permission, following a ‘call for sites’ exercise. All were rejected except for the

¹⁴ Site Assessment Report, December 2014

one (Thakeham Tiles) which lies within the BUAB for Storrington and those for fewer than 5 dwellings which are too small for allocation and considered under criteria-based policies. This is discussed in paragraph 3.21 below.

3.16 On the face of it, it is difficult to reconcile the plan's approach with Government policy as quoted in paragraph 3.12 above. Does the TPNP plan positively to support the strategic policies of the development plan? There are those who, in representation, say that it does not. It is argued that the plan fails to take account of the wider needs of the area, including those of the nearby higher order centres, including Storrington, which the parish abuts. There has been a degree of co-operation with adjoining parishes with the identification of a joint consultation area and a signed memorandum but this does not appear to have included what might be termed cross-boundary strategic issues. Indeed, neighbourhood planning is not well equipped to deal with wider area housing needs, nor is it required to do so either in statute or in Government policy. Consequently, in practice, there is a natural tendency for rural parishes to consider 'needs' only in the context of the existing (rural parish) population and not make any provision for the expansion of adjoining towns, unless there is specific provision for it in the adopted Local Plan. It is only the Local Plan process which can take proper account of wider housing needs examining such matters as 'objectively assessed (housing) need' and whether there is a five-year supply of land for housing. That leads to the question 'what do the strategic policies of the development plan, in this case the HDPF, require?'

3.17 I have summarised the strategic policies in the HDPF which are relevant to this issue in paragraphs 3.10 and 3.11 above. Of particular significance is Policy 15 with its provision for at least 1500 dwellings to be provided in Neighbourhood Plans 'in accordance with the settlement hierarchy'. As part of this examination I have sought clarification from the HDC as to exactly how they envisage this part of the policy will be implemented. In their response they have stated¹⁵:-

"The HDPF strategy meets housing needs for the District and beyond. It is not possible to allocate growth to meet the exact needs to each settlement for a number of reasons, including environmental and infrastructure constraints. The overall locational strategy in the HDPF was therefore found to be the most sustainable way of meeting this need. It includes 1500 homes to allow for organic growth of settlements through the Neighbourhood Planning process.

¹⁵ In an e-mailed response dated 27 September 2016

The Council set out its reasons for taking this approach to the Inspector during the local plan Examination Hearings – the Council felt that it would not be in the spirit of the Localism Act to determine the exact number or location of developments, providing that the overall level of development met the categorisation of the settlement in question. The Inspector was happy with this approach and consequently no overall numbers are identified in the strategy for individual parishes.

In terms of how the distribution of the 1500 homes works on a day to day basis, the Council works closely with Parishes to ensure that numbers proposed are in general accordance with the settlement hierarchy. Were a parish to propose a level of development that is either too low or high this is something that we would discuss with them and if needed would set out in a more formal representation at a draft stage of the plan.

The 1500 homes must therefore come from new allocations. In responding to Parishes undertaking the preparation of Parish plans, HDC has been mindful that some settlements have experienced high levels of growth during the period where we could not demonstrate a 5 year hls. When viewed as a whole across the HDPF plan period, the permitted and allocated development meets both district and parish needs and is a level of development that is in accordance with the settlement hierarchy.”

3.18 The important point arising from this response is that the overall scale of development to take place in any parish should be appropriate to its position within the settlement hierarchy. The adopted plan does not, specifically, ‘require’ any particular amount of development in individual parishes. It has to be a matter of monitoring over time whether the overall provision of ‘at least 1500 homes’ from Neighbourhood Plans is likely to be achieved.

3.19 I am aware that the Neighbourhood Plan for the adjacent parish of Storrington, Sullington and Washington has been found by an examiner not to satisfy the basic conditions, with questions raised about the sustainability of several of the sites allocated for housing development in that plan. In view of that, there must be some doubt about the capacity of that neighbourhood area to accommodate as many as the 300 dwellings identified in a paper¹⁶ submitted by the HDC to the examiner of the HDPF in July 2015. However, it does not necessarily follow that the only, and most sustainable, option for meeting the housing needs of that parish is to allow further development to the north of that now taking place on the urban edge in the southern part of Thakeham parish. Consequently, the fact that the TPNP does not provide an allocation to cater for any cross-boundary needs does not mean that the basic conditions are not satisfied. The TPNP cannot be held to promote less

¹⁶ HDC40

development than provided for in the strategic policies of the local plan (HDPF) because that plan does not quantify what the provision should be at parish level.

3.20 I do not consider it would be appropriate to hold back the further progression of this neighbourhood plan because of any uncertainty surrounding the options that might be available to meet the housing needs of Storrington. It is understood that Storrington, Sullington and Washington are continuing to prepare a Neighbourhood Plan, but in the event that this does not proceed, the most appropriate course of action would be the consideration of additional allocations in the forthcoming review of the Site Allocations DPD, on which preliminary work has commenced. Also, the Council's LDS provides for a review of the HDPF itself in accordance with the views of the examining Inspector who concluded the review should commence within three years of adoption.

3.21 The HDC have not suggested that the overall scale of housing development proposed through allocation in the plan (approximately 50 on the Thakeham Tiles site) is inappropriate taking account of the position of the village in the hierarchy. Indeed, they have indicated that the development of 75 dwellings off Water Lane, Storrington, allowed on appeal in the absence, at that time, of an identified 5 year supply of land for housing, would in other circumstances have been a reasonable allocation in the neighbourhood plan, in accordance with HDPF Policies 4 and 15. Furthermore, taken together with the 146 dwelling Abingworth Nurseries site, the provision of affordable housing will be significantly greater than the local need identified in the parish housing needs survey¹⁷. However, it is to be noted that the survey identified a five year need only at that point in time. It cannot be assumed that there will not be on-going needs beyond five years. The statement in paragraph 4.16 that such needs can be satisfied for the whole plan period is not, therefore, justified and should be deleted. **(Recommendation 3)**

3.22 In the context of the significant housing development permitted within the parish within the last 5 years or so, the parish council's decision not to allocate any site for housing in the plan other than that at Thakeham Tiles under Policy 2 is not an unreasonable one. It is possible to criticise the relative coarseness of the 0/1 scoring matrix and the lack of weighting between the various criteria, but the 11 criteria used

¹⁷ Action in Rural Sussex, 2009

for site assessment are reasonably comprehensive and I am not convinced that the process has been so flawed as to invalidate the outcome, especially as the one site chosen is the only one actually within a BUAB. Others are green field, including those on the edge of the High Bar Lane part of Thakeham village.

3.23 Questions are raised in representations as to the deliverability of the Thakeham Tiles site bearing in mind that it is currently in use, as the name suggests, for a manufacturing (employment use). Under HDPF Policy 9 the development of an existing employment site for an alternative use, such as housing, might only be permitted if certain criteria are met, including that it should be demonstrated that the premises are no longer needed and/or viable and that a sequential approach has been followed in finding suitable alternative site which would resolve 'existing issues arising from badly-sited uses'. The existing site operators have written in support of the plan and furnished additional information about the constraints of operating from the existing site. It is also evident that the search for an alternative site within the local area, if not within the parish of Thakeham, is at an advanced stage. An alternative within an easy travelling distance for employees is sufficient, in my view. My understanding is that the site is unlikely to be available for development before 2018. Nevertheless, from the information supplied I am satisfied that the proposal to allocate the site for housing is reasonable and adequately justified and thus meets the basic conditions.

3.24 My conclusion on this issue is that it is not necessary for the plan to identify additional sites for housing development for it to meet the basic conditions. However, in taking that stance there is a need for a note of caution. The plan period is intended to align with that of the HDPF extending until 2031. That is still 15 years ahead. The plan very much focuses on the current situation with regard to the amount of housing development which is taking place. The Local Housing Needs Survey has already passed its 2014 'use by' date. There is no analysis at all in the plan as to what local housing needs might be extending through until 2031, nor is there any indication as to when it might be expected that the development now under way might be completed. In reality, even including the Thakeham Tiles site, the TPNP appears likely to provide for housing development only until around 2021, that is for the next 5 years or so. Once those houses are completed and occupied the

new residents will become part of the local population and will have their own views on how the parish might be shaped to the future.

3.25 As indicated in paragraph 3.20 above, the HDC intend to review the Site Allocations DPD which if necessary could result in the allocation of additional sites in Thakeham to meet wider area needs. Also, a review of the HDPF will include a re-assessment of the OAHN which might give rise to further land requirements. My conclusion that the plan meets the basic conditions in respect of the overall provision of housing is, therefore, conditional upon there needing to be a review of the plan before 2021 to ensure that it remains in general conformity with evolving strategic requirements. That is covered by the reference to a future review in paragraph 4.7 of the plan.

Issue 2: Whether the Built-Up Area Boundaries should be revised to take account of recent development.

3.26 The built-up area boundaries shown on the TPNP policies map are as shown on the adopted policies map which accompanies the statutory development plan. There is no requirement in regulations, unlike for local plans, for a policies map to accompany a neighbourhood plan to show the geographical extent to which a policy in the plan should apply. However, it is clearly helpful to the plan user that there should be such a map. It is also useful for the decision-taker and is part of the clarity of policy application required under NPPF paragraphs 17 and 154.

3.27 The TPNP Policies Map does not show the recent developments on the northern fringe of Storrington. As stated in paragraph 4.19 of the plan, an option was considered to move the BUAB 'to allocate the green field sites submitted in the Horsham SHLAA'. However, moving the BUAB is not the same as allocating the sites. The fact of the matter is that permission has been granted and development is well advanced but the BUAB has not been moved to encompass the new development areas. Under the wording of TPNP Policy 1, any area outside the BUAB is to be subject development plan countryside policies, which includes HDPF policies 26 and 28 as well as TPNP Policy 9. The policy refers generally to 'development' and thus would cover everything which required planning permission.

It would mean that house extensions within the new housing areas would be subject to HDPF Policy 28 and the last part of TPNP Policy 9.

3.28 The Parish Council's response to my question on this was that the development is not yet complete and that the boundary could be reviewed for the next plan, after completion. However, any review is likely to be some 5 years away. National policy is that plans should be up-to-date. For the plan to meet the basic conditions in the sense of having regard to national policy the BUAB at Storrington should be re-drawn to include the new development areas. Paragraph 4.19 is superfluous and should be deleted. **(Recommendation 4)** On the other hand, the Abingworth Nurseries development has only recently commenced and only for phase 1 with further details to follow. The area is also subject to a separate policy which is delineated on the Policies Map. For those reasons I accept that the Thakeham BUAB need not be amended in this plan.

3.29 It is to be noted that HDPF Policy 4 is not a 'countryside' policy in the conventional sense but it applies to the expansion of settlements outside built-up area boundaries and sets criteria for the consideration of proposals, referring to the 'existing settlement edge'. By definition, that would include the newly developed areas whether or not the BUAB was altered.

Issue 3: Whether the inclusion of four 'green gaps' in Policy 1 is adequately justified and whether the areas (marked A-D) on the Policies Map sufficiently clearly defined.

3.30 TPNP Policy 1 states that 'proposals must not undermine the visual and physical integrity of the gaps between the built-up areas of ...' and then names the adjacent parishes. The text in paragraph 4.17 does little more to expand or justify this policy approach except that it clarifies that one of the areas is 'between the two halves of the village.' (of Thakeham). There is no robust evidence to support the policy which would impose a significant constraint on development, contrary to national policy. It is also not clear what account has been taken of HDPF Policy 27 which provides a clear criteria-based policy for the consideration of development proposals which would lead to 'settlement coalescence'.

3.31 As pointed out in a representation, the HDPF policy is about the coalescence of *settlements* not parishes. As worded, the TPNP policy refers to the built-up areas of the named parishes, which are not contiguous with the parish boundaries. Obviously, the policy cannot apply beyond the plan (parish) boundary. If such a policy is to be effective it could only be introduced at neighbourhood plan level by joint cross-boundary working.

3.32 The Parish Council have submitted a detailed response to questions I put to them on this issue. In so doing, they have provided a good deal more information on the background and justification for two of the green gaps: area A between the High Bar Lane area of Thakeham and West Chiltington (parish boundary) and area B which represents the gap, to the east of the B2139, between 'The Street' part of Thakeham and the new development at Abingworth Nursery. No further evidence is submitted in support of areas C and D and the TPC have accepted that these may be deleted, partially on an acceptance that HDPF Policy 27 will apply. They are inadequately justified in the face of Government policy and I recommend that the plan be modified accordingly. **(Recommendation 5)**

3.33 Although the two parts of Thakeham are linked in HDPF Policy 3 as being at the same level within the settlement hierarchy they are clearly very different in character. The development taking place at Abingworth Nursery will significantly alter the appearance of that area and reduce the openness of the area to the east of the B2139. I accept that there are local circumstances which justify a policy which seeks to prevent any coalescence between the new development and the old Thakeham village 'The Street' BUAB to the north. It is a local priority over and above the more strategic approach taken through HDPF Policy 27. The approach taken remains in general conformity with the HDPF. On the Policies Map, for the area to which the policy applies to clearly relate to features on the ground, the yellow colouring should extend to the field boundaries in the south-east corner.

(Recommendation 6)

3.34 The TPC have also provided a further description of the nature and function of the strip of countryside to the west of High Bar Lane to the boundary with West Chiltington parish (West Chiltington Common). On the western (West Chiltington) side there is a relatively wide area of woodland which extends over the parish

boundary at the southern end, east of Threal's Lane, known as High Bar Copse, which is shown on the Thakeham Policies Map as a Local Green Space area x. (See paragraph 3.68 below). To the east of the woodland, between there and the housing at High Bar Lane, is a large open field currently in arable use. The parish boundary forms an 'L' shape across that field and does not follow any identifiable feature on the ground. A site for housing has been evaluated in the site assessment report¹⁸ but it is confined to the frontage to Threal's Lane with the woodland of High Bar Copse to the east so that, even if developed it would not lead to the coalescence of High Bar Lane with West Chiltoning. For these reasons, I consider that the designation of a 'green gap' in this location serves little practicable value in preventing the two settlements from merging and that the application of normal countryside policies would suffice, including the application of the criteria in HDPF Policy 27. The introduction of an additional restrictive policy without clear justification is contrary to national policy and would not contribute to sustainable development. Furthermore, because the parish boundary is not identifiable within the arable field, there would be uncertainty in implementation. I am aware that the policy has the support of the West Chiltoning Parish Council who may seek to complement the designation on their own side of 'the line', but there is no mechanism by which that could be secured at present. The inclusion of green gap A does not meet the basic conditions and should be deleted. **(Recommendation 7)**

Issue 4: Whether the plan is sufficiently up-to-date and whether the policies are adequately justified calling upon a robust, proportionate evidence base and worded clearly and unambiguously in order to provide a practical framework for decisions on planning applications

3.35 This is a widely based issue which covers detailed aspects of the way in which policy formulation has been approached, starting with the plan vision and working through each of the policies in turn. The plan is examined in terms of whether sufficient regard has been had to national policy bearing in mind that the NPPF, taken as a whole, represents the Government's view of what constitutes sustainable development.

¹⁸ SA339 in the SHELAA 2016

3.36 It is stated in paragraph 17 of the NPPF that plans need to be kept up-to-date. That is not always an easy thing to do, especially when there are higher level policy changes. In the case of the TPNP it is no fault of the plan-makers that the HDPF was adopted only shortly after the plan was submitted for examination making all references to the previously adopted Core Strategy redundant. There is also some introductory text describing the processes followed which requires amendment. A full schedule of textual amendments required to ensure that the plan is as up-to-date as possible is included at Table 2 to this report. **(Recommendation 8)**

3.37 The plan vision¹⁹ should make clear what kind of place Thakeham might be by the end of the plan period if the policies in the plan are implemented, that is to show what difference the plan will make. It should convey the positive approach to plan making expected by the Government and stated in the NPPF. I have drawn attention in writing to the unnecessary and somewhat negative statement ‘The Parish accepts the significant development at the start of the plan period ...’ An alternative, more positive wording, has been suggested which I recommend. **(Recommendation 9)**

3.38 Although the neighbourhood plan has been prepared on behalf of the Parish Council and reflects the views of the people who have been involved in the process and made their views known through the consultation processes, it is a statutory land-use plan the main purpose of which is to provide a context for decisions on planning applications by the Local Planning Authority, as recognised in TPNP paragraph 5.1. While it may be used by the Parish Council to frame representations when consulted on planning applications that is not the main purpose of the plan.

3.39 It is with the above in mind that I have questioned the use of the words ‘support’ or ‘resist’ (development proposals) which is not an explicit statement as to what action the decision-taker might be expected to take. There would be no doubt if the direct terms ‘grant permission’ and ‘allow’ or ‘refuse’ were used. Nevertheless, in most cases it is likely to be sufficiently clear to the local planning authority or to the Secretary of State on appeal that ‘support’ is synonymous with ‘permit’ and ‘resist’ means ‘refuse’. I have decided, therefore, that the plan does not fail to meet any

¹⁹ Given in the Foreword as well as in paragraph 4.1

basic condition on that ground alone but where I recommend that a policy be significantly re-cast I use more precise wording.

3.40 *Policy 1: A Spatial Plan for the Parish.* It is stated in paragraph TPNP 4.11 that this policy establishes the key spatial priority for the plan. In actual fact, as stated in paragraph 4.12, that strategy is simply to focus development within the BUABs. I have accepted that approach but on the basis that the Storrington BUAB should be re-drawn to encompass the recent developments. The policy itself does not actually add very much to those of the HDPF, particularly policy 3 which says that development will be permitted within BUABs. The amended policy suggested by the TPC, with the reference to green gaps moved to Policy 10, would be but a statement that the BUABs are shown on the Policies Map and that other policies apply. In fact, it is paragraph 4.11 which is closer to a strategic land-use policy and, for clarity of purpose, I recommend a revised wording based upon it.

3.41. It seems to me that the identification of green gaps is, at least in part, an element of spatial policy for retaining local distinction between the different parts of Thakeham. That element of policy, or what remains of it, is properly included in Policy 1 and I do not consider it contravenes any basic condition. I have no reason to recommend that it be moved to Policy 10 as suggested by the TPC. However, a modification to the policy wording is needed to reflect recommendations 5 and 7 for the deletion of the green gaps all but for the separation of the two parts of Thakeham village. Paragraph 4.17 requires an amendment to reflect that change.

(Recommendation 10)

3.42 *Policy 2: Thakeham Tiles.* I have already concluded, in paragraph 3.23 above, that the one allocation for housing in the plan is developable, if not immediately deliverable, and meets the basic conditions. However, I have raised some questions on the detailed wording of the policy in terms of its precision, whether it will provide a sufficiently clear basis for the determination of planning applications as required by paragraphs 17 and 154 of the NNPF. The policy refers only to an 'appropriate' number of dwellings. The indication in the text, paragraph 4.20, that the site 'may deliver approximately 50 new homes' is but an estimate and is not policy. The policy also requires that any development should reflect 'the needs of local residents', a term which is not defined.

3.43 The TPC suggest the substitution of 'a quantum' for 'an appropriate number' with clarification that the type and size mix should sustain the character and density of the local area as well as the needs of local residents. There is a good deal of overlap with policy 6 which requires good design but I accept that in the context of this policy the number will be a product of further design work. I am informed that a master plan is being prepared and the eventual number of dwellings proposed may be significantly higher than 50. On reflection, I consider that the original wording would provide sufficient guidance for the local planning authority to determine an application and need not be changed.

3.44 However, I consider that 'the needs of local residents' will be very difficult to determine and might well conflict with design considerations. For example, if the local population is reflective of the national situation, there might well be a need for smaller dwellings perhaps at a higher density than surrounding housing. Apart for a requirement for affordable housing in accordance with HDPF Policy 16 there would need to be very convincing evidence of a 'local' need for a particular type and size of dwelling for a local planning authority to be able to require such a mix if the market indicates otherwise. Need is very often not the same as market demand and a mismatch would have viability implications. Also, the TPC suggest that the term 'local' should mean Thakeham first and then adjacent areas, such as Storrington. Such a sequential approach might well be appropriate for affordable housing allocation but it would, in my opinion, be unworkable in the private market. There is reference to meeting community needs for housing in paragraph 50 of the NPPF but the approach should be to determine housing mix based upon evidence of need. TPNP Policy 2 is not based upon such evidence and, for all of these reasons, the reference to meeting local needs should be deleted in order that the policy meets the basic conditions. Also, the reference to the 'existing' woodland in the third criterion is unduly restrictive; it is an effective buffer which is required whilst retaining as many trees as possible. **(Recommendation 11)**

3.45 *Policies 3 and 4: Land off Storrington Road, the 'Mushroom Site' and Abingworth Nursery.* These two policies are inextricably linked because planning permission, ref. DC/10/1314, for the erection of 146 dwellings on the Abingworth Nurseries site, was granted as an exception to development plan policies. It is described as an 'enabling development' achieved through a s106 agreement to support the mushroom farm business at Chesswood Nurseries which is on the opposite (western) side of the Storrington Road. A revised proposal has since been approved, ref. DC/15/1242, and it is that permission that has been implemented.

3.46 At the time the plan was being prepared development had not started and there was an understandable concern that, should the permission lapse, plan policies would be required to cover any alternative proposals which might be put forward including for use of the 'mushroom site' should the business still prove not to be viable.

3.47 TPNP Policy 3 is in two parts. The first part is intended to apply to 'redevelopment' but within the existing use for agriculture or horticulture when control over the nature and intensity of the use and the height of any buildings is sought. I agree with the HDC that this is a highly prescriptive policy especially as much development might occur within the existing use class without the need for planning permission, even though that might result in increased traffic movements, for example. The policy may, as stated in paragraph 4.24 'define what would be acceptable ...' which is then expanded upon in paragraph 4.25, but for such a policy to be included in the plan it should be based on proportionate, robust evidence.²⁰ No evidence has been put forward as to why such controls are justified. Other general development management policies are available including HDPF Policy 24. For these reasons, the first part of Policy 3 fails to meet the basic conditions and should be deleted.

3.48 As the purpose of allowing the enabling development was to secure the future viability of the mushroom business it might be hoped that the second part of the policy, which envisages possible alternative uses, would not be required. However, I consider that with some re-structuring to clarify what uses might be approved, even though it is somewhat detailed, the policy would not contravene any basic conditions provided that the specific preclusion of housing development was omitted. A revised policy is recommended avoiding duplicate wording.

(Recommendation 12).

²⁰ Planning Policy Guidance ID Ref. 41-040-20140306

3.49 In normal circumstances it would not be expected that a policy, such as TPNP Policy 4, would be necessary given that development has commenced. It is confirmed in a representation that the enabling element of the scheme, through the s106 agreement, has been agreed and 'signed off' by the HDC. It is not, therefore, reasonable to continue to seek further financial contribution towards the mushroom business, even if there is 'increased development'. The first policy requirement should be deleted for that reason. The current site owners have also stated that they plan to submit a further application for a 'phase 2' development and that 'the owners will look to increase the overall scheme by additional square footage in order to optimise the use of the land available within the defined development boundary'. They have suggested an amended policy which would permit 'up to 200 houses' on the site, but that option has not been evaluated or consulted upon.

3.50 Any requirement for extra care dwellings or other dwellings suitable for older households, identified as desirable by the local community, might only be required if application is made outside the terms of the permission(s) granted. That needs to be clear. The transfer of land or financial arrangements for ongoing arrangements cannot be secured through land-use policy. Specification of particular community benefits is already covered by planning obligation and repetition in policy serves no useful purpose. In those respects the policy fails to meet planning guidance on the effectiveness of the plan. The above references need to be deleted for the plan to meet the basic conditions. **(Recommendation 13)**

3.51 *Policy 5: Employment sites.* I consider this policy, in principle, to be well founded. It reflects HDPF Policy 9 and accords with Government policy with regard to encouraging employment in rural areas. However, there is a need for some re-wording to ensure that the scope and requirements of the policy are clear. For example, the retention of an existing use, or user/occupier, is not something that can be 'supported' directly through the exercise of land-use planning powers. The 're-use' of an existing building, within the same use class, is not development and does not require planning permission. The policy can only apply should development, including redevelopment, be proposed.

3.52 There is a slight contradiction between the wording of the policy and paragraph 4.35 in the plan text. Whereas the policy refers only to housing

development, the text refers generally to 'other uses', that is other than B1-8, being acceptable for sites within a BUAB should no new business occupier be found within 12 months. The policy should provide the maximum possible flexibility. There is no clear basis for restricting re-development within a BUAB to the existing developed (hardstanding) area. **(Recommendation 14)**

3.53 *Policy 6: Design.* This policy, in seeking to ensure that high standards of design are achieved, is in line with paragraph 58 of the NPPF. However, there are representations that it is overly-prescriptive. Certainly, a development plan policy should not require compliance with detailed standards set elsewhere, such as in the design statements which have not been subject to independent examination. However, 'having regard' to the principles contained therein would provide the necessary flexibility. Having seen the area I am not sure that it is necessarily the intention that the 'architectural character' of the housing development in the High Bar Lane area is one which justifies adherence or 'reflection'; there needs to be particular merit in nearby buildings to justify such an approach.

3.54 The Ministerial Statement of March 2015 makes it clear that policies setting energy efficiency and other standards should not be included in Neighbourhood Plans. The last paragraph in the policy should be deleted for that reason.

(Recommendation 15)

3.55 *Policy 7: Heritage Assets.* There is no doubt that the submitted TNDP Policy, in seeking to treat non-designated heritage assets 'in a similar manner' to designated (listed) ones, has not had adequate regard to the distinction drawn between paragraphs 134 and 135 in the NPPF. The Parish Council have accepted that the policy be amended accordingly. However, that is not the only difficulty with this policy. With some re-wording for clarity in application the first part of the policy dealing with development within the Thakeham Conservation Area is a reasonable reflection of national policy although landscape features, hedgerows trees and woodlands are protected by conservation area controls and the effect of development on such features would be part of the assessment of any harm. Similar factors are also covered by policy 10 and duplication in policy is unnecessary. However, the statement in paragraph 4.41 assists in expanding on the factors to be assessed in the absence of a recent conservation area appraisal. Also, the 'setting' of the conservation area is not defined on a geographical basis but is a matter of interpretation on the ground.

3.56 The second part of the policy commences ‘The Neighbourhood Plan defines the following buildings and structures as non-designated heritage assets ...’ but it does not do that. Paragraph 135 of the NPPF refers to the assessment of harm to individual assets whereas, importantly, to quote from the PPG²¹ ‘... in the case of buildings, their significance should be judged against published criteria, which may be generated as part of the process of producing a local list.’ The revised Historic England guidance²², particularly paragraph 27, makes it clear that the criteria in the table on page 9 are ‘some examples of selection criteria commonly used’. Age is one of them but they are not ranked in priority order.

3.57 I have taken account of the supplementary justification produced by the TPC as evidence to support the approach taken in the policy. The main point made is that the number of houses in the parish remained relatively constant through the 19th century until sometime prior to 1931. However, that is not the same thing as establishing that any building more than 100 years old warrants non-designated heritage status. It is too much of a blanket approach and the HDC are right to raise reservations about it. I note the TPC’s latest suggestion that they would notify the HDC should a development proposal ‘trigger’ the policy. That is untenable; the property owner has the right to know in advance whether or not the policy would be applied. At the very least, it would be necessary for the plan to include a list of the selection criteria which would be used, on an individual basis, to assess whether a building is of such importance as to warrant local listing. Work needs to be done to undertake an assessment of all non-listed buildings in the parish and for them to be included in a true local list which might be appended to the Neighbourhood Plan. Without such a list, the second part of TDNP Policy 7 does not meet the basic condition of having had adequate regard to national policy. It would not be right to hold up the progression of the plan towards a referendum awaiting such work to be completed. It is a matter which will need to be progressed by way of plan review. For these reasons, I recommend deletion of the whole of the second part of policy 7 and the text relating to it. **(Recommendation 16)**

3.58 I also draw attention to paragraph 15 in the Historic England guidance. Criterion vi. of TPNP Policy 7 suggests a blanket approach to all non-listed buildings within the Thakeham Conservation Area. Not only do conservation area controls

²¹ Reference ID: 18a-041-20140306

²² Historic England Advice Note 7 : Local Heritage Listing, May 2016

apply to such buildings in any event but the Historic England advice is that there needs to be assessment as to whether the building makes 'a positive contribution' to the character of a conservation area.

3.59 *Policy 8: Subdivision of agricultural land.* This is somewhat of an unusual policy for inclusion in a plan but I recognise that it is a reflection of a particular and individual issue which has arisen in this parish. It is very much in the spirit of localism that this should be identified. Nevertheless, the policy must provide a clear context for decision-making in circumstances where planning permission is required for the kinds of minor agricultural development which are described. Article 4 directions can only be imposed by the Local Planning Authority against the background that the removal of permitted development rights, conveyed by parliament through secondary legislation, should only take place exceptionally.

3.60 With the recognition that the policy can only be effective when planning permission is required, the submitted plan policy is relatively simply worded. On the other hand, a supplement to the basic condition statement includes a much more detailed and prescriptive policy with no justification given, for example, for the particular dimensions for 'small structures' or why stock fencing might be permitted on plots of 3 hectares or more, rather than any other size.

3.61 Given the localised nature of the identified problems I do not consider that the submitted policy is contrary to any basic condition except in terms of clarity of wording and the need to remove from policy any reference to seeking Article 4 directions. The final paragraph of the policy should be inserted as text at the start of paragraph 4.51. **(Recommendation 17)**

3.62 *Policy 9: Development in the Countryside.* This policy is generally in line with HDPF Strategic Policy 26 and in supporting small scale businesses and equestrian development has regard to national policy and represents sustainable development. I do not see the need for any reference to the possibility that housing development may be required on the urban edge; any such need would be weighed against this policy should such a situation arise in future.

3.63 *Policy 10: Green Infrastructure and valued landscapes.* This policy reflects paragraph 109 in the NPPF and HDPF Policy 31 in listing those features which are especially valued locally. Where development is proposed any loss will need to be measured against the various factors listed.

3.64 *Policy 11: Local Green Spaces.* Paragraph 77 of the NPPF is very specific about the circumstances under which it may be appropriate to consider the identification in a plan of Local Green Spaces. All three of the bullet points in that paragraph must apply and they are written in the present tense, in other words, the green space must already exist. Such designation is not appropriate for most areas of green or open space. The policy which should apply in such areas is also clearly spelt out: new development is ruled out except in very special circumstances (paragraph 76). The submitted TDNP policy would permit development related to public recreational use or for utility infrastructure with no justification given for such a stance. The TPC have accepted this should be replaced with the national policy 'very special circumstances' requirement.

3.65 The HDC made representation that the areas shown on the Policies Map for LGS area (i), the Thakeham Sports Field, do not currently exist, at least in the form shown. The approved masterplan shows different areas. TPC have accepted that the area be deleted from the policy and the Policies Map.

3.66 I visited all of the areas proposed on 27th September. The TPC have produced what is called an 'appendix' to support policy 11 and that was helpful in providing photographs of the areas involved. No real information is given to substantiate claims of wildlife or biodiversity value but, nevertheless, I am satisfied that the majority of them meet the criteria of paragraph 77 in the NPPF although there are significant differences in size, form and function. There are two exceptions.

3.67 LGS area (v), the Laybrook Lakes fishing ponds are just that; they are ponds used by a private fishing club with a car park and small area of woodland around. The ponds are also a significant distance from the main settlements in the parish. I suspect that the 'community' it serves is very much wider than just that of Thakeham. I do not consider it to be 'demonstrably special'.

3.68 LGS area (x) Hardborough/High Bar Copse is located right on the edge of the parish closer to West Chiltington than Thakeham. It is part of a much larger wooded area which is outside the Thakeham boundary which, in itself, is not that easily identifiable on the ground. Although the area is woodland there is no clear indication that it is of special wildlife or biodiversity value; indeed much of the area is overgrown and with pine plantations. Access appears to be limited apart from the bridle way leading eastwards from Threals Lane. There are some dilapidated farm buildings on the frontage with Threals Lane and, more significantly, there are dwellings situated within the area shown on the Policies Map. Although not explicitly stated in the NPPF it is difficult to reconcile the inclusion of existing development with the 'very special circumstances' policy. For all of these reasons, I consider that area (x) fails to satisfy the criteria for designation as LGS and hence fails the basic condition of having regard to national policy. **(Recommendation 18)**

3.69 Some of the areas of Local Green Space are located outside the two larger scale inset policies maps. The scale is too small for the precise areas to which the policy relates to be identified by the plan user. Large scale insets for those areas need to be included in the plan.

3.70 *Policy 12: Community Facilities.* For the sake of completeness I confirm that the plan, with this policy remaining unmodified, meets the basic conditions.

3.71 *Policy 13: Broadband and Mobile Communications.* The difficulty with a policy of this kind is that most proposals to improve the 'speed and quality', especially of broadband services, is not a planning matter in that even 'above ground network installations' are permitted development and in some cases do not require even prior approval. I accept, however, that the improvement of mobile communications, that is cellular radio, might require the installation of additional transmitting masts. I am concerned, however, that requiring such installations to 'reflect the character of the local area' is something which cannot be achieved and runs somewhat counter to the positive support to the expansion of such networks given in section 5 of the NPPF. The most that can be required is that any installations are sited in such a way as to minimise any visual intrusion in so far as that is consistent with the efficient operation of the network. The policy should be modified accordingly. **(Recommendation 19).**

3.72 *Policy 14: Soils.* This is a very firmly worded policy. In applying to ‘any form’ of development it could relate to some very minor forms of development whereas paragraph 112 in the NPPF indicates that such sequential approach may only be justified when ‘significant development’ is considered necessary and then it is primarily in a plan-making context when options may be considered for major housing or employment allocations. To have adequate regard to the NPPF the words ‘any form’ should be replaced by ‘significant’.

3.73 The second part of the policy is a recognition of the circumstances under which the use of grades 2 or 3a land may be justified. An amendment to the next is needed to explain that the distinction between grade 3a and 3b would require research. It is not publicly available information. In particular, the second criterion is a recognition that what amounts to the environmental strand of sustainability might be outweighed by social or economic considerations. The third criterion of the policy is unnecessary because other plan policies apply in any event. It is also unclear whether the ‘countryside policies’ of the plan are anything other than policy 9 which is narrow in its application and would not appear to involve the use of agricultural land, certainly not to any significant extent. **(Recommendation 20)**

3.74 *Policy omission.* Southern Water have made representation seeking the addition of policies to support the provision of utility infrastructure and to ensure that new dwellings are connected to the sewer network where it has adequate capacity. Such considerations are general ones which apply everywhere, not specifically in Thakeham parish. As such it is more appropriate for such policy provision to be included in the Local Plan rather than be repeated in every neighbourhood plan. It is adequately covered by HDPF Policy 39.

3.75 *Chapter 5. Implementation.* This is an important chapter which contains no policies. Indeed, there are some advocative statements therein where actions go beyond those that can be achieved directly through the planning process. The comments of West Sussex County Council with regard to the absence of any mechanism for deciding the allocation of CIL monies to particular projects is to be noted. A distinction needs to be drawn between those schemes, such as improvements to community services, which fall within the ambit of the parish council’s powers and responsibilities and on which the parish share of CIL revenue may be spent, and those over which the parish council has no direct say, such as improvements to bus services.

3.76 *Correction of errors.* The Parish Council is to be congratulated in having undertaken some quite thorough proof checking. To a degree the updating of the plan, in accordance with recommendations 2 and 8 amounts to a correction of errors. By far the most extensive correction is to remove all references to the Horsham District Core Strategy 2007 and replace them by references to the now adopted Horsham District Planning Framework. I have been supplied with corrected and additional text for inclusion at the end of chapter 1 to update on the latest procedural position. I also have revised text for paragraphs 3.5 to 3.7 inclusive. They are set out in full in Table 2. However there are many other outdated references in the text of the policy section in the plan, chapter 4. In accordance with recommendation 2 they will all need to be deleted. In Table 2 only the paragraph numbers are listed in which such corrections will be needed. To set them out in full would be a time-consuming exercise.

Table 1 – Recommendations for modifications to policies and explanatory text

The numbered recommendations listed below are that the plan be modified as shown in the table, deleted text is indicated by ~~strikethrough~~ and additional text by underlining. *Italicised text is used as location note and as cross-reference*

No(s).	Modification
1	<i>1.4 2nd. para.</i> <u>The plan period is 1st April 2011 to 31st March 2031</u>
2	<i>See Table 2 and recommendation 8</i>
3	<i>4.16 Line 9.</i> over the remainder of the plan period
4	<i>Policies Map. Re-draw Built Up Area Boundary at Storrington</i>
5, 6, 7	<i>Policies Map. Delete green gaps A, C & D and extend yellow colouring for</i>

	<i>green gap B to the south-east to clearly relate to field boundaries.</i>
8	<i>See Table 2: textual corrections to ensure the plan is up-to-date</i>
9	<p><i>Plan Vision: page 3 and para. 4.1</i></p> <p>The Parish accepts the significant development at the start of the plan period, but wishes to see this development maintains <u>Future development during the plan period should maintain</u> the character of the Parish ...</p>
10	<p><i>Policy 1: The Neighbourhood Plan defines built up area boundaries at Thakeham and at Storrington on the Policies Map <u>into which new development is steered. Development plan policies for development in the countryside apply outside the built-up area boundaries.</u> Development proposals located inside a built up area boundary will be supported, provided they accord with the other provisions of the Neighbourhood Plan and the Horsham District Development Plan and provided they have sufficient existing infrastructure, access and utilities.</i></p> <p>Unless specific provision has been made by the Neighbourhood Plan, development proposals outside of a built up area boundary will be required to conform to Development Plan policies in respect of the control of development in the countryside. In doing so, proposals must not undermine the visual and physical integrity of the gaps between the built-up areas of Thakeham ('The Street') and the new development at Abingworth Nurseries West Chiltington, Storrington/Sullington, Washington and Ashington parishes as identified on the Policies Map.</p> <p><i>Paragraph 4.17</i> In addition, the policy identifies <u>an</u> important green gaps between Thakeham village (<u>'The Street'</u>) and the new development at Abingworth Nurseries. and its neighbouring settlements of the Storrington area, West Chiltington, Washington and Ashington, as well as the gaps between the two halves of the village. These <u>This gaps are</u> is indicated on the Policies Map.</p>
11	<i>Policy 2: criterion (i) ... housing density of the local residential area and</i>

	<p>the needs of local residents;</p> <p>criterion (iii) the landscape scheme provides for the retention of <u>as much of the existing woodland</u> around the edges of the site <u>as possible in order to provide an effective buffer ...</u></p>
12	<p>Policy 3, first part, deleted: Proposals for the continuation of the established horticultural use of land off Storrington Road, as shown on the Policies Map, will be supported. In the event that it can be demonstrated the established use is no longer viable, proposals for the reuse and/or redevelopment of the site will be supported, provided that:</p> <ul style="list-style-type: none"> i. they are for an agricultural or horticultural use (beyond any permitted development rights); ii. they do not result in a larger number of traffic movements than the existing use of the site or have an unacceptable impact on local amenity in respect of hours of operations, noise or fumes (beyond any permitted development rights); and iii. the buildings and structures are no greater in height than the tallest of the existing buildings on the site, excluding the chimney stack. <p>Re-ordered wording for second part: Provided that it can be demonstrated that all reasonable efforts have been made to secure an agricultural and horticultural use of the site, redevelopment reuse of the site for one or more of the following uses will be permitted:-</p> <ul style="list-style-type: none"> a. a D2 recreational use compatible with the countryside location; b. a solar array use; c. a B1 light industrial/commercial use and/or tourism use <u>within the existing developed area of the site</u> with the remainder returned to an open agricultural use; <p>Proposals for housing development on all or part of the site will be resisted.</p>

<p>13</p>	<p><u>Policy 4 and accompanying text: Any future proposals for increased development</u> Proposals for the redevelopment of the Abingworth Nursery site off Storrington Road, as shown on the Policies Map, will be supported, provided <u>that</u>:</p> <ul style="list-style-type: none"> i. they provide for the minimum quantum of dwellings required to allow for additional reinvestment in the ongoing commercial operations of the adjoining horticultural business; ii. they are contained within the net developable area established in the consented planning applications (DC/10/1314 and DC/15/1242); iii. <u>any additional housing they includes</u> provision for extra care dwellings and other dwellings suited to occupation by older households; iv. <u>they deliver appropriate as a minimum the following</u> community benefits, <u>including affordable housing</u>, and any buildings and land arising therefrom under planning obligations, including transferring them is transferred to the District Council, or Parish Council or their nominee with a reasonable endowment sum for their ongoing management.: <ul style="list-style-type: none"> a. a village hall; b. allotments; c. playing fields and ancillary facilities for football, cricket and other — compatible sports; d. a minimum of 32 12 affordable dwellings to meet local needs in perpetuity; and e. a pre-school; and f. a small A1 convenience shop. <p>Proposals to convert the land to agricultural or horticultural use will be supported.</p> <p>4.29 This policy seeks to ensure that any future proposals and planning applications for this consented site, which was exceptional in that it was acknowledged to be in an unsustainable location, will continue to adhere to the key development principles of the planning consent (Ref DC/10/1314 and DC/15/1242) for a major housing development.</p> <p>4.30 That eConsent for 146 houses (126 houses on the former nursery site plus 20 worker’s houses adjoining the Mushroom site) on the edge of Thakeham village depended is dependent on an enabling application which provided provides for the minimum quantum of dwellings required to allow for reinvestment in the ongoing</p>
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commercial operations of the adjoining horticultural business which provides investment ("enabling development") in the Mushroom business. That ~~The consent defines defined~~ a net developable area and requires ~~required~~ the provision of a range of new community facilities to ensure that a housing scheme of this scale would be acceptable in this isolated rural location. ~~At the present time it is uncertain if that consented scheme will be implemented. This policy is designed to deal with this possible eventuality.~~

4.31 In response to the ~~Pre-Submission~~ TPNP, the ~~new-land~~ promoter made a representation indicating that new proposals would ~~will be made in due course to deliver a more viable scheme.~~ Should future ~~alternative~~ proposals be made for a scheme of a similar scale then this policy requires the net developable area to be the same as that of the consented scheme. This could ~~will~~ allow for a change in the mix of dwellings that may lead to a modest increase in the total number of dwellings but not to the extent that the scheme will have any greater impacts on the landscape, local infrastructure and traffic movements than the consented scheme. ~~Any new proposals for housing on the consented site will therefore be considered as a separate application from the mushroom site in Storrington Road and be considered on its own merits, in accordance with Policy GP13 of the Core Strategy (and Policy 39 of the HDPF) on infrastructure provision.~~

~~4.31 In the event that the consent lapses then the policy encourages the reuse of the site for agricultural and/or horticultural purposes, both of which are more suited to this location than major housing development.~~

<p>14</p>	<p>Policy 5. First part: Proposals that enable the retention of an existing B1-B8 commercial and industrial use on its current site will be supported. Should an existing employment site be vacated by an occupier, <u>The demolition of buildings and redevelopment of an existing employment site</u> for continued commercial and industrial B1-B8 class use will be permitted provided that:</p> <p>Last part, line 2 and text, ... proposals for other uses, including housing development, on the existing hard standing area will be supported, provided they are consistent with other policies of the Development Plan.</p> <p>4.35 In accordance with Policy CP11 (and Policy 9) of the HDPF on employment development, if their retention is not viable, and the site is located within the built up area boundary, then the policy supports in principle the beneficial re-use of the site for other uses provided it is confined to the previously used land footprint. This same principle expressly does not apply to sites located outside the built up boundary.</p>
<p>15</p>	<p>Policy 6, first paragraph, lines 2 and 3: ... existing buildings will be required to <u>should</u> reflect <u>any</u> the architectural or historic <u>characteristics of particular merit in</u>, and <u>the</u> scale of, the surrounding buildings and <u>in</u> the wider area.</p> <p>Second paragraph: Development proposals will be expected to demonstrate they have had regard to the accord with the provisions Thakeham Parish Design Statement ...</p> <p>Final paragraph deleted. New buildings and extensions should be built to high levels standards of energy efficiency and, for new buildings where possible, to accessible "Lifetime Homes standards" standards in line with Government guidance of March 2015 (https://www.gov.uk/government/speeches/planning-update-march-2015).</p>

<p>16</p>	<p><i>Policy 7, first part:</i> Development proposals located within the setting of the designated Thakeham Conservation Area, as shown on the Policies Map, or affecting its setting, will be supported provided that they can clearly demonstrate that:</p> <ul style="list-style-type: none"> i. Any harm to the historic significance of the Conservation Area and its setting will be less than substantial; and that <u>That any remaining such</u> harm is outweighed by the provision of a clear and sustained community benefit; ii. In any event, landscape features such as roadside banks, existing hedgerows, areas of woodland and individual trees are retained; and iii. they shall preserve the special contribution of the rural character of heritage assets to their special interest, including the green setting of the Conservation Area and historic farmsteads. <p><i>Second part:</i> The Neighbourhood Plan defines the following buildings and structures as non-designated heritage assets for the purpose of ensuring development proposals that affect them and/or their setting identify and respond to their local architectural, cultural and/or historic significance in a similar manner to listed buildings:</p> <ul style="list-style-type: none"> iv. Any building or structure outside the defined built up area boundary more than one hundred years old; v. Any building or structure within the designated Thakeham Conservation Area that is not already listed; and vi. Any building within the built up area alongside the B2139 more than one hundred years old. <p>4.40 <i>(Second sentence deleted)</i> It also defines ...on heritage assets.</p> <p>4.41 <i>(End)</i> ...and should not be permitted. <u>Policy 10 applies.</u></p> <p>4.43 to 4.45 inclusive. <i>(All three paragraphs deleted)</i></p>
<p>17</p>	<p><i>Policy 8:</i> <u>Where planning permission is required</u> Proposals for development on agricultural land sub divided into small <u>holdings</u> will be resisted. On such land of less than 0.4 hectare with an Article 4 direction proposals for and involving enclosure and/or the erection of small structures (temporary or permanent) will be resisted. Development on land with an Article 4 direction ...will generally be subject to t <u>The same requirements will apply to proposals for development on holdings of</u> between 0.4 and 5 hectares unless it can be demonstrated that such</p>

	<p>development is solely for agricultural or horticultural purposes.</p> <p>Where open countryside is under threat of being sub divided into small plots we will seek an Article 4 direction to remove permitted development rights so that the requirements of the paragraphs above shall apply.</p> <p><u>4.51 Where open countryside is under threat of being sub divided into small plots we will seek an Article 4 direction to remove permitted development rights so that the requirements of the paragraphs above shall apply.</u> Some of these plots ...</p>
<p>18</p>	<p><i>Policy 11:</i> The Neighbourhood Plan designates Local Green Spaces in the following locations, as shown on the Policies Map:</p> <ul style="list-style-type: none"> i Thakeham sports field (Football and Cricket pitches on the Abingworth Development); i ii Glebe Field; ii iii High Bar Lane children’s playground; iii iv Rydon Community College playing field; iv Laybrook Lakes fishing ponds; iv vi Abingworth Pond; v vii Davis Estate green space behind Southdown Way and Rother Close; vi viii Linfield Copse Children’s play area; vii ix The strip of land on Storrington Road (in front of The Kingdom Hall); ix Hardborough/High Bar Copse; viii xi Storrington Road (outside the current Village Hall); ix xii Strawberry Lane; and x xiii Linfield Copse green space. <p><u>On land designated as a Local Green Space, new development will not be permitted unless there are very special circumstances.</u></p> <p>Proposals for development in a Local Green Space will be resisted, unless they are ancillary to the use of the land for a public recreational purpose or are required for a</p>

	<p>statutory utility infrastructure purpose.</p> <p>4.62 The football and cricket pitches on the Abingworth development, at the time of still under creation, will be considered for inclusion as Local Green Spaces in the rev of the Neighbourhood Plan.</p> <p>(Subsequent paragraphs re-numbered accordingly).</p> <p><i>Policies Map: Include larger scale insets to clearly show extent of LGSs</i></p>
19	<p>Policy 13: the location and design of any above-ground network installations reflect the character of the local area. <u>are sited and designed in such a way as to minimise any visual intrusion taking account of the need for efficient operation of the network.</u></p>
20	<p>Policy 14: Second line. ...Agricultural Land Classification for any form of significant development...</p> <p>Criterion iii. The proposed development meets the requirements of the countryside policies in this Plan.</p>

Table 2 – Recommendations 2 and 8. Update and corrections.

See report paragraph 3.77. Deletions shown by ~~striketrough~~, additions by underlining.

Chapter No.	Modification
1	<p>1.6 The process of preparing and seeking final adoption of the TPNP is in accordance with the Neighbourhood Plan Regulations 2012 and has been agreed by Thakeham Parish Council. <u>The Parish Council submitted the TPNP to HDC for approval in March 2016 and independent examination began in autumn 2016.</u> The intention of the Parish Council is to submit the TPNP to HDC for approval and then for independent examination in autumn 2015.</p> <p>1.7 The process up to submission comprised comprises three main stages:</p> <ul style="list-style-type: none"> • State of the Parish Report – the report of August 2014 summarising all the evidence on which the TPNP is based • Pre-Submission TPNP – the draft document comprising the vision, objectives, policies and the Policies Map for a statutory six week public consultation period during January to March 2015 • Submission TPNP – this document, which has taken into account the representations received on the draft plan during the public consultation period, amended as necessary for submission to the local planning authority, together with the Basic Conditions and Consultation Statements. <p>1.8 Thereafter the TPNP is will be subject to independent examination and, if successful, will be put to a local referendum. A majority vote will lead to the TPNP becoming part of the Development Plan for the Parish to manage future development decisions alongside the Horsham Local Plan and National Planning Policy Framework.</p>

3	<p>3.4 The Development Plan for Horsham currently comprises the policies of the <u>Horsham District Planning Framework (HDPF)</u> policies of the adopted 2007 Horsham District Core Strategy Development Plan Document along with some General Development policies and site-specific policies. The TPNP must be in general conformity with the strategic policies of the Development Plan as required by the 2012 Regulations. However, the <u>Horsham District Planning Framework (HDPF)</u> will replace many of the current policies. The Proposed Submission version was published by HDC in May 2014 and its examination is likely to conclude shortly. Its expected formal adoption in Autumn 2015 will mean that the examination and making of the TPNP will take place shortly before the HDPF is adopted. In which case, the TPNP has to be in general conformity with the relevant strategic policies of the Core Strategy but can also follow the reasoning and evidence of the HDPF. <u>The HDPF was adopted in November 2015 and covers the twenty year plan period of 2011 to 2031.</u></p> <p>3.5 <u>The HDPF contains a wide range of strategic and development management policies. Of most relevance to the Plan are the following policies:</u></p> <ul style="list-style-type: none">• <u>Policy 2 Strategic Policy: Strategic Development - maintaining the district's unique rural character</u>• <u>Policy 3 Strategic Policy: Development Hierarchy – defining Thakeham (The Street and High Bar Lane) as Smaller Villages and Storrington/Sullington as Small Towns and Larger Villages for the purpose of locating new development of a scale appropriate to this settlement type and within its defined built up area boundaries</u>• <u>Policy 4: Strategic Policy: Settlement Expansion – allowing for small scale extensions to the smaller towns and villages to meet identified local needs</u>• <u>Policy 10: Rural Economic Development – encouraging rural economic development in the defined settlements of Policy 3 and supporting in principle appropriate development in the countryside</u>• <u>Policy 15: Strategic Policy: Housing Provision - allowing for housing allocated through Neighbourhood Planning</u>• <u>Policy 16: Strategic Policy: Meeting Local Housing Needs – setting affordable housing provision on sites of 15 dwellings or more at 35%</u>• <u>Policy 25 Strategic Policy: The Natural Environment and Landscape Character – protecting, conserving and enhancing landscape and townscape character and biodiversity</u>• <u>Policy 26: Strategic Policy: Countryside Protection - protecting land outside the built up areas from inappropriate</u>
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	<p><u>development</u></p> <ul style="list-style-type: none">• <u>Policy 27: Strategic Policy: Settlement Coalescence - avoiding the coalescence of nearby settlements</u>• <u>Policy 43: Community Facilities, Leisure and Recreation – encouraging proposals for new facilities and protecting existing facilities including open spaces.</u> <p>3.5 The 2007 Core Strategy contains a range of strategic policies, although it could not have anticipated the advent of neighbourhood planning. Of most relevance to the Plan are the following policies:</p> <ul style="list-style-type: none">☐ Policy CP1: Landscape & Townscape Character – protecting, conserving and enhancing landscape and townscape character and biodiversity☐ Policy CP5: Built Up Areas & Previously Developed Land – defining Thakeham (The Street and High Bar Lane) and West Chiltonington as Category 2 Settlements and Storrington/Sullington as a Category 1 Settlement for the purpose of locating new development of a scale appropriate to this settlement type and within its defined built up area boundaries☐ Policy CP8: Small Scale Greenfield Sites – allowing for small scale extensions to the smaller towns and villages to meet identified local needs☐ Policy CP9: Managing the Release of Housing Land – managing the release of land for housing for delivery over the whole plan period☐ Policy CP12: Meeting Housing Needs – setting affordable housing provision on sites of 15 dwellings or more at 40%☐ Policy CP14: Protection & Enhancement of Community Facilities & Services – encouraging proposals for new facilities and protecting existing facilities including open spaces☐ Policy CP15: Rural Strategy – encouraging rural economic development in the defined settlements of Policy CP5 <p>3.6 The Proposed Submission version of the HDPF contains a wide range of strategic and development management policies covering the twenty year plan period of 2011 to 2031. The HDPF Plan acknowledges the important, complementary role of neighbourhood plans in forming the Development Plan for the District. It states that “many local needs and objectives will be identified and met through Neighbourhood Plans, and will include the identification of locally specific issues and requirements (including) the allocation of sites ...” (para 2.12 2:14, p7).</p>
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4	Delete paragraph 4.19
5	Updates are required to the following paragraphs deleting references to Core Strategy policies and replacing them by reference to HDPF policies: 4.13; 4.21; 4.27; 4.30; 4.34; 4.37; 4.40; 4.47; 4.49; 4.56; 4.64.

FORMAL CONCLUSION, RECOMMENDATIONS AND CONSIDERATION OF REFERENDUM AREA

Conclusion

4.1 I conclude that the draft plan, subject to the modifications recommended in this report, meets the basic conditions as set out in Schedule 4B to the Town and Country Act 1990 (as amended), does not breach and is otherwise compatible with EU obligations and is compatible with Convention Rights. Subject to those modifications it would be appropriate to make the plan subject to a successful referendum.

Overall Recommendation 1.

I recommend that the modifications specified in section 3 of this report be made to the draft Thakeham Parish Neighbourhood Plan to 2031 and that the draft plan as modified be submitted to a referendum.

4.2 As I have recommended that the draft plan as modified be submitted to a referendum I am also required under s10(5)(a) of Schedule 4B to the Town and Country Planning Act 1990 to recommend as to whether the area for the referendum should extend beyond the neighbourhood area.

4.3 Although there have been no representations seeking an extension of the referendum area, the built-up area in the southern part of the parish is contiguous with built-up areas in both Storrington and Sullington parish and Washington parish. The parishes concerned have also signed a memorandum agreeing to mutually consult on any proposals within a 'joint consultation area' which is shown on the Policies Map. The plan also makes an allocation of land for development close to the parish boundary and within the consultation area which might affect the residents of the adjoining parishes. In the circumstances, I consider it necessary to extend the referendum area to include the 'joint consultation area'.

Overall Recommendation 2.

The area for the referendum should be extended to include the 'joint consultation area' as shown on Plan A in the plan by a red dotted line covering adjoining parts of the parishes of Washington and Storrington and Sullington.

Signed:

John R Mattocks

JOHN R MATTOCKS BSc DipTP MRTPI FRGS

23 November 2016

APPENDIX A.

Abbreviations used in this report.

Act (The)	The Town and Country Planning Act 1990 (as amended)
BUAB	Built-Up Area Boundary
CIL	Community Infrastructure Levy
HDPF	Horsham District Planning Framework
DPD	Development Plan Document
EU	European Union
HDC	Horsham District Council
LDS	Local Development Scheme
LGS	Local Green Space
LPA	Local Planning Authority
NP	Neighbourhood Plan (generic term)
NPPF ('the Framework')	The National Planning Policy Framework
NPPG	National Planning Policy Guidance
OAHN	Objectively Assessed Housing Need
RAMSAR site	Identified in accordance with the International Convention on Wetlands, 1971
SA	Sustainability Appraisal
SEA	Strategic Environmental Assessment
SHLAA	Strategic Housing Land Availability Assessment
TPC	Thakeham Parish Council ('the Parish Council')
TPNP	Thakeham Parish Neighbourhood Plan to 2031 ('the Plan')
2012 Regulations (The)	The Neighbourhood Plans (General) Regulations 2012 and as amended 2015