

Itchingfield Neighbourhood Development Plan 2015-2031

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

**Andrew Ashcroft
Independent Examiner
BA (Hons) M.A. DMS M.R.T.P.I.**

Director – Andrew Ashcroft Planning Limited

Executive Summary

- 1 I was appointed by Horsham District Council in March 2021 to carry out the independent examination of the Itchingfield Neighbourhood Development Plan.
- 2 The examination was undertaken by written representations. I visited the neighbourhood area on 14 April 2021.
- 3 The Plan includes a range of policies and seeks to bring forward positive and sustainable development in the neighbourhood area. There is a very clear focus on allocating two sites for residential development and safeguarding its local character. In this context it includes a series of design and environmental policies.
- 4 The Plan has been underpinned by community support and engagement. It is clear that all sections of the community have been actively engaged in its preparation.
- 5 Subject to a series of recommended modifications set out in this report I have concluded that the Itchingfield Neighbourhood Plan meets all the necessary legal requirements and should proceed to referendum.
- 6 I recommend that the referendum should be held within the neighbourhood area.

Andrew Ashcroft
Independent Examiner
16 June 2021

1 Introduction

- 1.1 This report sets out the findings of the independent examination of the Itchingfield Neighbourhood Development Plan 2015-2031 (the 'Plan').
- 1.2 The Plan has been submitted to Horsham District Council (HDC) by Itchingfield Parish Council in its capacity as the qualifying body responsible for preparing the neighbourhood plan.
- 1.3 Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently embedded in the National Planning Policy Framework (NPPF) 2012 and its updates in 2018 and 2019. The NPPF continues to be the principal element of national planning policy.
- 1.4 The role of an independent examiner is clearly defined in the legislation. I have been appointed to examine whether or not the submitted Plan meets the basic conditions and Convention Rights and other statutory requirements. It is not within my remit to examine or to propose an alternative plan, or a potentially more sustainable plan except where this arises as a result of my recommended modifications to ensure that the plan meets the basic conditions and the other relevant requirements.
- 1.5 A neighbourhood plan can be narrow or broad in scope. Any plan can include whatever range of policies it sees as appropriate to its designated neighbourhood area. The submitted plan has been designed to be distinctive in general terms, and to be complementary to the development plan in particular. It has a clear focus on allocating sites for development whilst safeguarding the local environment and ensuring good design standards.
- 1.6 Within the context set out above this report assesses whether the Plan is legally compliant and meets the basic conditions that apply to neighbourhood plans. It also considers the content of the Plan and, where necessary, recommends changes to its policies and supporting text.
- 1.7 This report also provides a recommendation as to whether the Plan should proceed to referendum. If this is the case and that referendum results in a positive outcome the Plan would then be used to determine planning applications within the Plan area and will sit as part of the wider development plan.

2 The Role of the Independent Examiner

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

Examination Outcomes

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

Other examination matters

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

3 Procedural Matters

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

- the Submission Plan;
- the Basic Conditions Statement;
- the Consultation Statement;
- the Sustainability Appraisal;
- the Habitats Regulations Assessment and the Appropriate Assessment;
- the Biodiversity Report;
- the Housing Needs Assessment;
- the Landscape Character Assessment;
- the representations made to the Plan;
- the Parish Council's responses to the Clarification Note;
- the adopted Horsham District Planning Framework 2015;
- the National Planning Policy Framework (2019);
- Planning Practice Guidance (March 2014 and subsequent updates); and
- relevant Ministerial Statements.

3.2 I visited the neighbourhood area on 14 April 2021. I looked at its overall character and appearance and at those areas affected by the Plan in particular. I maintained the social distancing requirements that were in place at that time during the day in the neighbourhood area. The visit is covered in more detail in paragraphs 5.9 to 5.16 of this report.

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

4 Consultation

Consultation Process

- 4.1 Policies in made neighbourhood plans become the basis for local planning and development control decisions. As such the regulations require neighbourhood plans to be supported and underpinned by public consultation.
- 4.2 In accordance with the Neighbourhood Planning (General) Regulations 2012 the Parish Council has prepared a Consultation Statement. This Statement sets out the mechanisms that were used to engage the community and statutory bodies in the plan-making process. It also provides specific details about the consultation process that took place on the pre-submission version of the Plan (November to December 2019).
- 4.3 The Statement is particularly helpful in the way in which it captures the key issues in a proportionate way and which is then underpinned by more detailed appendices. Section 5 of the Statement is particularly effective in the way in which it identifies the main issues which were raised and assessed during the initial stages of the Plan's preparation. In the round it is a very thorough, comprehensive and well-considered statement of this type.
- 4.4 The Statement sets out details about range of consultation events that were carried out in relation to the initial stages of the Plan. They included:
- the household questionnaire (June 2016);
 - the call for sites (November 2016);
 - the public meetings (February 2017 and June 2017);
 - the developer presentations (July 2017);
 - the public exhibition of sites (January 2018);
 - the public meeting (June 2018);
 - the development of a dedicated section on the Parish Council's web-page (September 2018); and
 - the village meeting (July 2019).
- 4.5 I am satisfied that the engagement process was both proportionate and robust. It sought to engage with local residents, statutory bodies, local businesses and potential developers in a balanced way.
- 4.6 Table 2 and appendices 19 and 20 of the Statement provides a summary of the comments received on the pre-submission version of the Plan and the Parish Council's responses to the comments. This helps to identify the principal changes that worked their way through into the submission version of the Plan.
- 4.7 It is clear that consultation has been an important element of the Plan's production. Advice on the neighbourhood planning process has been made available to the community in a positive and direct way by those responsible for the Plan's preparation.

- 4.8 From all the evidence provided to me as part of the examination, I can see that the Plan has promoted an inclusive approach to seeking the opinions of all concerned throughout the process. HDC has carried out its own assessment that the consultation process has complied with the requirements of the Regulations.

Representations Received

- 4.9 Consultation on the submitted plan was undertaken by HDC that ended on 11 February 2021. This exercise generated comments from a range of organisations as follows:

- The Hunter Group
- Miller Homes
- Inspired Villages
- Slingfield Parish Council
- Sport England
- Natural England
- Waverley Borough Council
- Surrey County Council
- Southern Water
- Environment Agency
- West Sussex County Council
- Horsham District Council
- Historic England

- 4.10 I have taken account of all the representations received. Where it is appropriate to do so, I refer to particular representations in my assessment of the policies in Section 7 of this report.

5 The Neighbourhood Area and the Development Plan Context

The Neighbourhood Area

- 5.1 The neighbourhood area is the parish of Itchingfield. It has an irregular shape and includes the settlements of Barns Green and Itchingfield. There are other homes scattered throughout the neighbourhood area and particularly in Bashurst Hill. The wider parish is located in open countryside to the south-west of Horsham. In 2011 its population was 1565 persons living in 578 homes. It was designated as a neighbourhood area on 1 September 2015.
- 5.2 The principal settlement in the neighbourhood area is Barns Green. It is an open and spacious village based around the cross-roads of Chapel Road and Two Miles Ash Road. It includes services such as a primary school, shops, the village hall and the wider facilities of Sumners Pond Fishery and Campsite. Itchingfield is a small hamlet. Its historic core is a designated conservation area.
- 5.3 The remainder of the neighbourhood area is predominantly rural in character and much of its area is in agricultural use.

Development Plan

- 5.4 The development plan covering the neighbourhood plan area is the Horsham District Planning Framework (HDPF). The HDPF was adopted in 2015 and covers the period up to 2031. It sets out to bring forward new growth that is proportionate to the size of the various settlements in the District. Policy 2 (Strategic Development) focuses development in and around Horsham itself together with other strategic development in Southwater and Billingshurst. Elsewhere it proposes an appropriate scale of development which would retain the overall settlement pattern in the District. Policy 3 establishes a settlement hierarchy. Within this context Barns Green is identified as a 'medium village' (the third category in the hierarchy). Itchingfield is in the 'unclassified settlements' category in the hierarchy.
- 5.5 Policy 4 of the HDPF supports the expansion of settlements subject to various criteria being met. Policy 15 (Housing Provision) sets the scene for the strategic delivery of new housing. Beyond Horsham, Southwater and Billingshurst it identifies that 1500 homes should be delivered collectively across the District through neighbourhood development plans in accordance with the settlement hierarchy.
- 5.6 In addition to the policies set out above the following policies in the HDPF have been particularly important in influencing and underpinning the various policies in the submitted Plan:

Policy 7	Economic Development
Policy 9	Employment Development
Policy 16	Meeting Local Housing Needs
Policy 26	Countryside Protection
Policy 27	Settlement Coalescence

Policy 32 Quality of New Development
 Policy 43 Community Facilities, Leisure and Recreation

- 5.7 HDC is now well-advanced in terms of its preparation of a new Local Plan. A draft Regulation 18 Local Plan was published for consultation between February and March 2020. It is anticipated that the Plan will be submitted for examination in the Autumn of 2021 and with adoption in Autumn 2022. In process terms this Plan is not at a stage at which it can have any significance in the examination of the submitted neighbourhood plan. Nevertheless, HDC has helpfully provided advice to qualifying bodies on how it anticipates that the emerging Plan will have a bearing on the well-developed neighbourhood planning agenda in the District. In this case the Parish Council has prepared its neighbourhood plan to address the indicative housing target for the parish provided by HDC.
- 5.8 The submitted Plan has been prepared correctly and properly within this current adopted development plan context. In doing so it has relied on up-to-date information and research that has underpinned existing planning policy documents in the District. This is good practice and reflects key elements in Planning Practice Guidance on this matter. It is also clear that the submitted Plan adds value to the different components of the development plan and to give a local dimension to the delivery of its policies. This is captured in the Basic Conditions Statement.

Unaccompanied Visit

- 5.9 I visited the neighbourhood area on 14 April 2021. I maintained the social distancing measures in force at that time. I drove into the neighbourhood area along the A24/A264 from the north. This gave me an initial impression of its setting and character in general terms. It also highlighted its connection to the strategic road system and to Horsham to the north.
- 5.10 I looked initially at Itchingfield. I saw St. Nicholas Church and the surrounding conservation area. There was much to see and appreciate in a small area. The wooden tower of the Church and the Priest's House were remarkable in their own right. They were very well complemented by the range of vernacular domestic buildings to their east. I saw that the Churchyard was the focus of a series of footpaths.
- 5.11 I then looked at the former Itchingfield School as proposed in the Plan as a housing allocation. I saw its significance in the wider environment and the way in which the playing fields to the east of the buildings adjoined the group of domestic properties to the east. I then walked up to those domestic properties and saw their various designs and characters.
- 5.12 I then drove to Barns Green. I saw that it had a different character to that of Itchingfield. I parked in the village hall car park. It was a popular location for local walkers. I looked at the adjacent recreation area. I saw that it was very well-maintained and was being well used in the Spring sunshine. Its character was defined by the surrounding rustic post and rail fences.

- 5.13 Thereafter I walked into the village. In doing so I saw the way in which the countryside to the west was always clear. I saw a range of commercial and domestic buildings. The Queens Head PH and the Village Store and Post Office were clearly at the heart of the community. Both were adopting well to the Covid situation – the Queens Head had erected a covered outdoor seating area by its front door. I saw the range of domestic buildings including the very impressive Little Slaughterhouse, Bennetts and the Blacksmith's Cottage.
- 5.14 I then looked at the Sumners Ponds complex. I saw the cattle on the left-hand side of the entrance drive and then looked at the wider site. I saw that caravans and mobile homes had stated to return to the site. I took a few moments to enjoy the sunshine at the Café by the Lake.
- 5.15 I then walked down to the railway line. I saw the extensive vehicular use of Valewood Lane. I then walked along The Hordens to Two Mile Ash Road. I saw the School and its obvious significance in the wider community.
- 5.16 I finished my visit by driving to the south-west to Billingshurst. This helped to understand the way in which the neighbourhood area related to the wider landscape.

6 The Neighbourhood Plan and the Basic Conditions

6.1 This section of the report deals with the submitted neighbourhood plan as a whole and the extent to which it meets the basic conditions. The submitted Basic Conditions Statement has helped considerably in the preparation of this section of the report. It is a well-presented, comprehensive and informative document. The wider Statement is also proportionate to the Plan itself.

6.2 As part of this process I must consider whether the submitted Plan meets the Basic Conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. To comply with the basic conditions, the Plan must:

- have regard to national policies and advice contained in guidance issued by the Secretary of State;
- contribute to the achievement of sustainable development;
- be in general conformity with the strategic policies of the development plan in the area;
- be compatible with European Union (EU) obligations and European Convention on Human Rights (ECHR); and
- not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017 (7).

6.3 I assess the Plan against the basic conditions under the following headings.

National Planning Policies and Guidance

6.4 For the purposes of this examination the key elements of national policy relating to planning matters are set out in the National Planning Policy Framework (NPPF) issued in 2019. This approach is reflected in the submitted Basic Conditions Statement.

6.5 The NPPF sets out a range of core land-use planning issues to underpin both plan-making and decision-taking. The following are of particular relevance to the Itchingfield Neighbourhood Plan:

- a plan-led system– in this case the relationship between the neighbourhood plan and the adopted Horsham District Planning Framework;
- delivering a sufficient supply of homes;
- building a strong, competitive economy;
- recognising the intrinsic character and beauty of the countryside and supporting thriving local communities;
- taking account of the different roles and characters of different areas;
- highlighting the importance of high-quality design and good standards of amenity for all future occupants of land and buildings; and
- conserving heritage assets in a manner appropriate to their significance.

6.6 Neighbourhood plans sit within this wider context both generally, and within the more specific presumption in favour of sustainable development, which is identified as a

golden thread running through the planning system. Paragraph 16 of the NPPF indicates that neighbourhoods should both develop plans that support the strategic needs set out in local plans and plan positively to support local development that is outside the strategic elements of the development plan.

- 6.7 In addition to the NPPF I have also taken account of other elements of national planning policy including Planning Practice Guidance and ministerial statements.
- 6.8 Having considered all the evidence and representations available as part of the examination I am satisfied that the submitted Plan has had regard to national planning policies and guidance in general terms. It sets out a vision for the future of the neighbourhood area. In particular, it sets out to deliver new housing growth whilst crafting a series of policies to safeguard and enhance its character. The Basic Conditions Statement maps the policies in the Plan against the appropriate sections of the NPPF.
- 6.9 At a more practical level the NPPF indicates that plans should provide a clear framework within which decisions on planning applications can be made and that they should give a clear indication of how a decision-maker should react to a development proposal (paragraphs 17 and 154). This was reinforced with the publication of Planning Practice Guidance in March 2014. Its paragraph 41 (41-041-20140306) indicates that policies in neighbourhood plans should be drafted with sufficient clarity so that a decision-maker can apply them consistently and with confidence when determining planning applications. Policies should also be concise, precise and supported by appropriate evidence.
- 6.10 As submitted the Plan does not fully accord with this range of practical issues. The majority of my recommended modifications in Section 7 relate to matters of clarity and precision. They are designed to ensure that the Plan fully accords with national policy.

Contributing to sustainable development

- 6.11 There are clear overlaps between national policy and the contribution that the submitted Plan makes to achieving sustainable development. Sustainable development has three principal dimensions – economic, social and environmental. It is clear that the submitted Plan has set out to achieve sustainable development in the neighbourhood area. In the economic dimension the Plan includes policies for residential and employment development (Policies 9/10/11/16). In the social role, it includes policies on open spaces (Policy 4) and safeguarding community facilities (Policy 6). In the environmental dimension the Plan positively seeks to protect its natural, built and historic environment. It has specific policies on green infrastructure and biodiversity (Policies 1 and 2), design (Policy 12) and on sustainable design (Policy 13). The Parish Council has undertaken its own assessment of this matter in the submitted Basic Conditions Statement.

General conformity with the strategic policies in the development plan

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

European Legislation and Habitat Regulations - Sustainability Appraisal/SEA

- 6.14 The Neighbourhood Plan General Regulations 2015 require a qualifying body either to submit an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 or a statement of reasons why an environmental report is not required.
- 6.15 In order to comply with this requirement HDC issued a 'standard' screening for all neighbourhood plans within the District. It comments that if a neighbourhood plan is allocating sites for development, then it could have a significant environmental impact and a strategic environmental assessment (SEA) would be required.
- 6.16 In this wider context the Parish Council commissioned a Sustainability Appraisal (SA). The work undertaken incorporates Strategic Environmental Assessment. The Plan comments that the purpose of the Appraisal is to determine the sustainability criteria against which the Itchingfield Neighbourhood Plan should be assessed, to ensure that it contributes to the achievement of sustainable development. The SA also includes an appraisal of the policy options against the sustainability framework and a very comprehensive appraisal of the potential housing sites. It has underpinned the production of the Plan in a very practical and effective fashion.
- 6.17 As part of the plan preparation process HDC provided the Parish Council with an 'indicative' housing target of 61 dwellings over the plan period. The submitted neighbourhood plan promotes two allocations which would deliver 52 dwellings over the plan period with the remaining shortfall of nine dwellings to come from windfall allowance for the parish during the plan period. In this context there are policies in the Plan to support such an approach.
- 6.18 Policies 9 and 10 of the Plan propose the allocation of land for residential development at Sumners Ponds, Barns Green and on the Old School site, Itchingfield respectively. In their different and complementary ways, these locations are sustainable sites which address the bulk of the strategic housing requirement for the parish.

European Legislation and Habitat Regulations - Habitats Regulations Assessment

- 6.19 The District Council commissioned a Habitats Regulations Assessment (HRA) of the Plan (November 2020). Due to potential impact of the proposals in the Plan on protected sites the assessment process proceeded to the Appropriate Assessment stage.

- 6.20 The wider report is both thorough and comprehensive. It takes appropriate account of the significance of European sites. In particular, it assesses the extent to which the policies in the submitted Plan would have any direct or indirect impacts on the Arun Valley SAC/SPA/RAMSAR, the Mens SAC or the Ashdown Forest SAC. It provides details about the impact of the Plan's policies and proposals on the following matters:
- Recreational Pressure;
 - Bird Disturbance;
 - Non-breeding birds;
 - Bat Disturbance;
 - Trampling/mechanical damage;
 - Water Quality;
 - Water Quantity, Level and Flow; and
 - Atmospheric Pollution;
- 6.21 Subject to the incorporation of additional text into the Plan the report concludes that the Plan is not likely to have significant environmental effects on a European nature conservation site or undermine their conservation objectives alone or in combination taking account of the precautionary principle. The Parish Council has carefully incorporated the additional text and policies into the submitted Plan as recommended by the report.
- 6.22 Having reviewed the information provided to me as part of the examination, I am satisfied that a proportionate process has been undertaken in accordance with the various regulations. The HRA report and the Appropriate Assessment provide assurance to all concerned that the submitted Plan takes appropriate account of important ecological and biodiversity matters. In the absence of any evidence to the contrary, I am entirely satisfied that the submitted Plan is compatible with this aspect of European obligations.

European Legislation – the Convention on Human Rights

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

Summary

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

7 The Neighbourhood Plan policies

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

The initial three chapters of the Plan

- 7.8 These initial parts of the Plan set the scene for the range of policies. They do so in a proportionate way. The Plan highlights the links between its objectives and the resultant policies.
- 7.9 The Introduction provides helpful information about the context of the Plan. It identifies the Plan period, when the neighbourhood area was designated and the neighbourhood area itself. It provides an introduction to the basic conditions and the local planning policy context. Paragraphs 1.2.10 and 1.2.11 provide a very helpful and succinct summary of the remit of the Plan.
- 7.10 The Introduction also comments about the evidence base of the Plan and the way in which the local community was engaged in its production. The commentary on engagement and consultation is underpinned by the more detailed Consultation Statement.
- 7.11 Chapter 2 comments about the Parish profile and the range of matters which have influenced the preparation of the Plan. In particular, it addresses the following matters:

- the history of the neighbourhood area;
- its current settlement pattern;
- its local demography; and
- the availability and importance of local infrastructure

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

- 7.12 Chapter 3 comments about the Plan's Vision and Objectives. It is well-constructed. The Vision is supported by eight distinctive objectives Plan.
- 7.13 The remainder of this section of the report addresses each policy in turn in the context set out in paragraphs 7.5 to 7.7 of this report.

Policy 1: Green Infrastructure conservation

- 7.14 This policy addresses green infrastructure. Its approach is underpinned by the details about the rural character of the parish in Chapter 2 and in the Landscape Character Assessment, the Biodiversity Survey and the Ecological Data Search report. It takes a positive approach towards this matter and seeks to add value to national and local planning policies. In general terms it supports proposals which would conserve and/or enhance green infrastructure in the neighbourhood area. Similarly, it does not support proposals which would result in the loss of green infrastructure unless certain mitigations/replacement habitats are proposed.
- 7.15 I recommend detailed modifications to the policy so that it has the clarity required by the NPPF. In particular they draw attention to the need for the policy to be applied in a proportionate fashion. This approach was supported by the Parish Council in its helpful response to the clarification note. Otherwise, the approach meets the basic conditions.

Replace the opening element of the first part of the policy with: 'As appropriate to their scale, nature and location development proposals shall, where practicable and consistent with other policies in this Plan, incorporate:'

In the second part of the policy replace 'will be rejected' with 'will not be supported'

Replace the final sentence of the second part of the policy with: 'In these circumstances the proposal concerned should demonstrate how it would achieve a net gain in biodiversity'

Policy 2: Biodiversity conservation

- 7.16 This policy continues the approach taken in Policy 1. In this case its specific focus is on biodiversity conservation. Its general approach is one which requires proposals to incorporate measures that seek to ensure and enable the protection, conservation and enhancement of the parish's biodiversity and ecology. Thereafter, the policy includes a series of details about how these matters could be addressed.

- 7.17 In general terms the policy's approach meets the basic conditions. Nevertheless, I recommend that it is applied proportionately in a similar way to the recommended modifications to Policy 1. I also recommend that the final element of the policy (and which reflects the outcome of the Appropriate Assessment process as described in Section 6 of this report) is refined so that it takes on a policy format. Its overall effect and purpose remain unchanged.
- 7.18 I also recommend that the secondary details in the policy are relocated to the supporting text. In effect they describe the way in which the policy can be achieved rather than set out a policy approach in their own right.

Replace the policy with:

'As appropriate to their scale, nature and location development proposals shall, where practicable and consistent with other policies in this Plan, incorporate measures that seek to ensure and enable the protection, conservation and enhancement of the parish's biodiversity and ecology including its hedgerows, ponds, orchards, roadside verges and woodland, including shaws and ancient and veteran trees.'

Development proposals on greenfield sites, including any windfall development, should be accompanied by a project-level Habitats Regulation Assessment that is supported by up-to-date data from bat surveys'

At the end of paragraph 4.6.3 add: 'These issues are addressed in Policy 2. The ambitions of the policy can be shown to be achieved by any or all of the following matters:

- *informed and up-to-date ecological and biodiversity information, including the site surveys;*
- *the identification and explanation of the impact that the proposed schemes would have on the biodiversity and ecology of the site and its environs;*
- *the identification and explanation of cumulative impacts;*
- *avoiding harm, and where unavoidable, mitigating harm;*
- *maximise opportunities to enhance, manage and restore habitats, so that there is a net gain to biodiversity on the site, where practicable; where this is not practicable on site, then off-site within the parish;*
- *following best practice in sustainable drainage techniques'*

Policy 3: Heritage Assets and Itchingfield Conservation Area

- 7.19 This policy addresses the heritage assets in the parish. It has two related parts. The first has general effect. The second comments about the Itchingfield Conservation Area. I looked at the conservation area carefully (and with great interest) during the visit the neighbourhood plan.
- 7.20 The policy provides a distinctive approach which complements that in both national and local planning policies. Subject to a detailed modification to its wording to bring the clarity required by the NPPF the policy meets the basic conditions.

In the first part of the policy replace ‘possible’ with ‘practicable’

Policy 4: Protection of Open Spaces

- 7.21 This policy comments about the importance of the open spaces to the character of the parish and its wider well-being. I saw their significance during the visit.
- 7.22 The policy identifies important open spaces and has several related parts. It requires new development to provide open spaces and identifies mechanisms to safeguard existing open spaces. It provides a degree of flexibility for proposals which would bring about replacement open spaces.
- 7.23 I recommend modifications to ensure that the policy has the clarity required by the NPPF. In particular I recommend that the third part of the policy takes a more robust approach towards proposals which would result in the loss of existing open spaces as submitted the wording implies that such proposals would be supported.

In the first part of the policy replace ‘possible’ with ‘practicable’

In the third part of the policy replace ‘shall comply with the following conditions’ with ‘will only be supported where’

Policy 5: Protection of green infrastructure

- 7.24 This policy comments that development proposals should safeguard green infrastructure. It identifies important elements of green infrastructure in the parish.
- 7.25 I recommend modifications to ensure that the policy has the clarity required by the NPPF. I also correct an error in the policy’s title. Otherwise, it meets the basic conditions.

Replace ‘possible’ with ‘practicable’

Replace ‘such as’ with ‘and which include’

In the policy title replace ‘protection’ with ‘Protection’

Policy 6: Community Facilities Protection

- 7.26 As the Plan comments the Parish benefits from a range of community facilities. These include the Village Hall, Village Club, Queen’s Head public house, the Village Shop, Sumners Ponds (including the Café by the Lake), schools, allotments and places of religious worship. Individually and collectively, these facilities contribute to the well-being of the local community. I saw their importance first hand during the visit.
- 7.27 Whilst the order of the policy is slightly confusing its effect is clear that proposals which would provide new or expanded facilities would be supported and that proposals which resulted in the loss of existing community facilities would only be supported in certain circumstances. I recommend modifications to bring the clarity required by the NPPF. They take account of the Parish Council’s very helpful and positive responses to the clarification note.

Replace the policy with:

‘Development proposals which provide new community facilities or which provide for the expansion of existing facilities to support the needs of the community will be supported.

Development proposals shall, where practicable and consistent with other policies in this Plan, incorporate measures that:

1.avoid the loss of community facilities (unless the facility in question is no longer viable, in which case the developer will be required to undertake a viability assessment and marketing strategy before a change of use is supported); and

2.avoid the substantial alteration and/or replacement of community facilities except where equivalent (in qualitative and quantitative terms) or enhanced facilities are provided to serve local needs; and

3. ensure that proposals for the replacement of a community facility make the replacement facility available before the closure of the existing facility’

Policy 7: Education Facilities development

- 7.28 This policy comments about the Primary School in Barns Green. It was built in 2014 and was designed to provide a school on one site, as the school was formerly split over two sites (one in Itchingfield and one in Barns Green). The policy seeks to provide a context for any future expansion of the School which may arise from the planned growth in the number of houses in the parish.
- 7.29 The policy sets a positive and balanced approach to this important matter. I recommend detailed modifications to its wording in general, and to the criteria in particular to bring the clarity required by the NPPF. The effect of these modifications is that the policy would become a criteria-based policy. Otherwise, its wider approach is unaffected. It will provide a positive content for the delivery of the social dimension of sustainable development in the parish.

In the first part of the policy replace ‘possible’ with ‘practicable’

Replace the part of the policy from ‘incorporate’ onwards with:

‘will be supported subject to the following criteria:

a) their built form is contained within the current built up area boundary of Barns Green;

b) they take account of the significance of heritage assets and their setting in the immediate locality; and

c) they do not have an unacceptable impact on the character of the immediate locality in general, and the amenity of residential properties in particular’

Policy 8: Broadband and mobile phone provision

- 7.30 This policy offers support to the roll-out of super-fast broadband in the parish. It also seeks to ensure that the environmental implications of any above ground networks are sensitively controlled.
- 7.31 The initial part of the policy is potentially confusing as it both sets standards and then requires that service suppliers demonstrate the way in which they have sought to achieve such standards. I recommend a modification to address the matter. I also recommend that the reference to the technical information in the policy is relocated into the supporting text given that the pace of change is such that the Parish's current technological expectations may be overtaken during the Plan period. Otherwise, the policy meets the basic conditions. It will assist significantly in the delivery of the economic and the social dimensions of sustainable development in the parish.

Replace the policy with:

'Proposals to provide access to a super-fast broadband network and improved mobile phone connectivity to serve the Parish will be supported.'

'The location and design of any above-ground network installations should be sympathetically chosen and designed and positioned in a way which would not have an unacceptable impact on the character and appearance of the local area, on heritage assets or the amenity of local residents'

Replace paragraph 5.9 with:

'The Parish Council recognises the economic and social benefits of high-speed broadband and the provision of mobile telephone connectivity. In this context Policy 8 of the Plan offers support to technology improvements which would provide the parish with better access to such communications networks and speeds. At the time of preparing the Plan the Parish has an aspiration to achieve broadband speed of 30Mbps and the provision of 5G mobile connectivity. Plainly advances in technology may make enhanced access possible during the Plan period. Such provision would be of great benefit both to businesses in the parish, and to residents. This broader support is subject to protecting the character and visual amenity of the area'

Policy 9 & 9A: Sumners Ponds development site

- 7.32 Policy 9 comments about the proposed allocation of part of the Sumners Pond site in Barns Green for residential and commercial use. I looked at the site carefully during the visit. I also looked at the wider Sumners Pond site which, at that point, was beginning to welcome visitors as the Covid restrictions were relaxing at that time.
- 7.33 As the Plan describes Sumners Ponds is a large commercial site. The land is used for fishing purposes in various lakes, around which are camping plots. There is a popular café/restaurant which is used by those staying on the site and by local residents. Public rights of way cross the site in various locations. The land is also farmed with cattle and sheep in fields and barns. Part of the land is used for small light industrial purposes. The proposed development site is a part of the wider site complex. In particular, it

consists of a field, currently used for storage, a car park, farm buildings used for cattle accommodation and storage, and light industrial units. The site is within walking distance of the central amenities of Barns Green village.

- 7.34 I am satisfied that the development of the site will meet the basic conditions. It is part of the built form of Barns Green and will represent the development of a previously-developed site. I am also satisfied that the mixed development proposed is appropriate both to the site and to the wider context of Barns Green.
- 7.35 Similarly I am satisfied that the environmental and design issues included in the supporting text are properly incorporated into the policy. However, in a broader context I recommend modifications to the policy so that it both allocates the site for development and provides a criteria-based approach to determine planning applications.
- 7.36 Most of the criteria within the policy are of a general nature. However, the ninth criterion is very specific about the overall extent of the commercial space, the heights of the commercial buildings and their distances from Chapel Lane and any other dwelling. I sought advice from the Parish Council on the extent to which the approach could be too prescriptive. I was advised that the approach had been discussed and agreed with the owners/proposed developers. This overlaps with the representation from the Hunter Group. In these circumstances I am satisfied that the approach is both appropriate and agreed. It is now being pursued through pre-application discussions with HDC.
- 7.37 I recommend detailed modifications to the criteria to address the specific comments raised by HDC and to bring the clarity required by the NPPF. In particular, I recommend that the fifth criterion is broken into its two component parts, the second part of that criterion is simplified and that the supporting text within the eighth criterion is deleted from the policy. The wider effect of these modification will bring the clarity required by the NPPF.
- 7.38 Policy 9A has been included in the Plan as a direct outcome of the Appropriate Assessment that was undertaken in the Plan (and as detailed in Section 6 of this report). It meets the basic conditions.

Replace the opening element of Policy 9 with:

‘The Plan allocates land at Sumners Ponds, Barns Green for residential and commercial purposes.

Proposals for the development of the site will be supported subject to the following criteria:’

Replace the first criterion with: ‘Proposals provide for around 32 dwellings incorporating a mix of dwelling type and size to meet the needs of current and future households’

Replace the third criterion with: ‘Proposals for the residential component of the site incorporate affordable housing to development plan standards’

Replace the fourth criterion with: ‘Proposals should avoid the loss or damage of existing mature trees and hedgerows, and if demonstrated as unavoidable, appropriate replacement or compensation should be incorporated into their designs and layouts’

Replace the fifth criterion with: ‘Proposals should demonstrate special regard for Little Slaughterford (on the northern boundary of the site) and its setting and/or any features or special architectural or historic interest which it possesses through sensitive design and boundary treatment’

After the fifth criterion add an additional criterion to read: ‘Proposals should incorporate measures to ensure that there is no contamination from the commercial element of the new development on neighbouring properties’

Replace the eighth criterion with: ‘Proposals provide car parking within the site to West Sussex County Council standards’

In the ninth criterion replace ‘Any’ with ‘The’

Update the criteria numbering accordingly.

Policy 10 & 10A: Old School, Itchingfield, development site

- 7.39 Policy 10 comments about the proposed allocation of the former School site in Itchingfield for residential use. I looked at the site carefully during the visit.
- 7.40 As the Plan describes the Old School site is situated in the hamlet of Itchingfield. The site comprises the former school buildings, the playgrounds and grounds of the school, and the school playing field. The site is bordered on its southern edge by agricultural land and a small light industrial complex (screened by mature trees) and the land opposite its northern boundary is also agricultural. On the east lie some houses of Itchingfield hamlet and to the west are fields and woods, and the remaining houses of the hamlet. There is a public bridleway passing the western edge of the site, leading to Barns Green.
- 7.41 The Plan anticipates that the site will bring forward around 20 houses (including affordable homes). It also acknowledges that any development on this site should take account of the rural location of the site and the design, character and heritage significance of surrounding houses. It concludes that the site lends itself to houses of high-quality design and construction with larger plots.
- 7.42 I am satisfied that the development of the site will meet the basic conditions. It is adjacent to built development and will represent the development of a previously-developed site. In a more general sense, it will connect the two separate elements of built development in the Itchingfield part of the parish.
- 7.43 Similarly I am satisfied that the environmental and design issues included in the supporting text are properly incorporated into the policy in general, and on the layout of the houses, the retention of trees and vehicular access in particular. As with Policy 9, I recommend modifications so that the policy both allocates the site for development

and provides a criteria-based policy to assist in determining planning applications. In particular I recommend that the supporting text within the seventh criterion is deleted.

- 7.44 Policy 10A has been included in the Plan as a direct outcome of the Appropriate Assessment that was undertaken in the Plan (and as detailed in Section 6 of this report). It meets the basic conditions.

Replace the opening element of Policy 10 with:

‘The Plan allocates land at the site of the old School, Itchingfield Road, Itchingfield for residential purposes.

Development proposals for the residential development of the site will be supported subject to the following criteria:’

Replace the first criterion with: ‘Proposals provide for around 20 dwellings incorporating a mix of dwelling type and size to meet the needs of current and future households’

Replace the third criterion with: ‘Proposals incorporate affordable housing to development plan standards’

Replace the seventh criterion with: ‘Proposals provide car parking within the site to West Sussex County Council standards’

Policy 11: Windfall Development

- 7.45 This policy comments about windfall development within the Barns Green built up area boundary. It is an important policy in its own right and in terms of delivering the residual amount of the strategic housing target for the parish.
- 7.46 The policy takes both a balanced and an appropriate approach to this matter. In particular its three criteria will ensure that development proposals properly take account of their site-specific circumstances. I recommend a detailed modification to the wording of the policy to bring the clarity required by the NPPF. Otherwise, it meets the basic conditions
- 7.47 The policy correctly applies its approach to windfall development with the built-up area boundary as identified in the HDPF. I recommend a modification to the supporting text to ensure that it properly expresses the strategic approach in the District and is consistent with the policy itself. I address the issue of windfall development in paragraphs 7.65 to 7.67 of this report in the broader context of the monitoring and review of the neighbourhood plan.

Replace ‘proposals’ with ‘they’ at the end of the first sentence.

In paragraph 6.6.3 delete ‘or adjacent to’

Policy 12: Design of housing

- 7.48 This policy provides a distinctive approach to this increasingly important matter. The extensive supporting text comments about local building traditions and styles. At its

heart is the principle that any development within the parish should sit comfortably within the rural character of the parish. It includes ten design principles.

- 7.49 I recommend that the policy is modified to address two related matters. The first is that the principles should be applied in a proportionate way – clearly all may apply to a larger development whereas only some will apply to smaller developments. The second is that the wording of the policy is negative rather than positive.
- 7.50 I also recommend several detailed modifications to the wording used in the various design principles. In most cases they are of a grammatical nature to take account of the structural modifications to the policy. I recommend that the policy is designed in such a way that any proposal would need to comply with all the criteria which would apply to the development concerned.
- 7.51 The wider package of modifications reflects the Parish Council’s helpful response to the clarification note. The wider policy will assist significantly in securing high quality development in the plan period and in delivering the environmental dimension of sustainable development in the parish.

Replace the opening element of the policy with: ‘As appropriate to their scale, nature and location development proposals will be supported where their character and design meets the following criteria:’

In criterion 1 replace ‘Be’ with ‘Are’

In criterion 6 replace ‘Does’ with ‘Do’

In criterion 8 replace ‘contributes’ with ‘contribute’

At the end of criterion 9 add ‘and’

Policy 13: Sustainable Design

- 7.52 This policy sets out a positive context for the promotion of sustainable design in the Plan period. In particular, it offers a positive approach towards electric car charging points, solar panels and sustainable heating systems.
- 7.53 I recommend detailed modifications to the wording of the policy to bring the clarity required by the NPPF. Otherwise, the policy meets the basic conditions.

In the first part of the policy replace ‘shall’ with ‘should’

In the second part of the policy replace ‘will’ with ‘should’ and ‘possible’ with ‘practicable’

Policy 14: Housing mix

- 7.54 This policy comments about the broader housing needs in the parish and the implications of these needs on the delivery of houses of a particular type and size.
- 7.55 The approach has a focus on the delivery of smaller dwellings. However, its language is confused. In addition, it loosely refers to specific sites and other policies without

providing any details which would be required for the delivery of an effective development management approach. I recommend modifications to the policy to remedy this matter. In addition, I recommend that the supporting text is expanded to make the link with the Summers pond site and the Old School, Itchingfield site as allocated in Policies 9 and 10 of the Plan respectively.

Replace the policy with:

‘Development proposals should provide a mix of predominantly one, two and three, bedroom houses subject to any particular development needs of the site concerned’

At the end of paragraph 6.9.0 add: ‘Policy 14 takes a general approach to this matter. The two principal development sites in the parish are identified in policies 9 and 10 of this Plan. In the case of those sites the wider delivery of houses and their sizes will also need to address the criteria in the relevant policy’

Policy 15: Off-street parking

- 7.56 This policy requires that new developments include off street parking provision to the County Council’s standards.
- 7.57 The policy meets the basic conditions.

Policy 16: Small-scale businesses

- 7.58 This policy comments about small scale business developments. It provides a positive context within which appropriate business development can come forward in the Parish.
- 7.59 I recommend the deletion of the reference to the well-being of the Parish in the second part of the policy. It would be difficult to interpret with any certainty in the development management process. I also recommend a technical modification. Otherwise, the policy meets the basic conditions. It will assist significantly in delivering the economic dimension of sustainable development.

In the first part of the policy replace ‘BUAB’ with ‘built up area boundary’

In the second part of the policy delete ‘and/or the well-being of the parish’

Aims

- 7.60 The Plan includes a series of Aims. They are issues where the residents of the parish have expressed strong views, but where the issues are not land use based. The Aims are included in the main body of the Plan.
- 7.61 National policy comments that Aims should be incorporated into a separate section of the Plan to distinguish them from the land use policies. However, on balance I am satisfied that the approach in the Plan is appropriate. I have reached this view for three related reasons. The first is that the Aims add value to the land use policies on a topic-by-topic basis. The second is that they are distinguished from the land use policies by

the use of colour. The third is that the Plan properly comments about their distinction from the policies in Section 3.

- 7.62 Nevertheless to bring the necessary clarity I recommend modifications to the text in Chapter 3 of the Plan. They highlight the key differences between a planning policy and an Aim and the extent to which they will or will not become part of the wider development plan in the event that the neighbourhood plan is successful at public referendum in due course.

Replace the two relevant paragraphs at the top of page 24 of the Plan with:

'Policies are land use issues and which will form part of the development plan in the event that the Plan is made after a public referendum. Policies are highlighted in blue.

Aims are issues where the residents of the parish have expressed a strong view about the issue concerned but which are not land use-based matters. They will not form part of the development plan in the event that the Plan is made. However, they may form the basis of actions which the Parish Council will pursue within the Plan period. Aims are highlighted in pink'.

- 7.63 In general terms I am satisfied that the various Aims are appropriate and distinctive to the parish. The following Aims are particularly noteworthy:

- Managing Surface Water (Aim 2);
- Infrastructure Provision (Aim 3); and
- Public Rights of Way (Aim 6).

Other matters – General

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

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

Monitoring and Review of the Plan

- 7.65 Section 9 of the Plan comments about the need for its effectiveness to be addressed. It highlights the way in which the neighbourhood plan has been prepared whilst the emerging Local Plan for the wider District is progressing.
- 7.66 Paragraphs 11.1.2 and 11.1.3 provide details of the collaborative working arrangements which have been established between HDC and the Parish Council. The

latter paragraph confirms the Parish Council's intention to review any made neighbourhood plan to take account of any revised housing numbers for the Parish which emerge from the local plan process. The emerging Horsham District Local Plan has considered the potential for the development of additional housing sites beyond the Sumners Pond site (as captured in Policy 9 of the submitted neighbourhood plan).

- 7.67 I recommend that Paragraph 11.1.3 is modified so that it provides a clearer set of arrangements for this process and which would relate directly to the timescale of the adoption of the emerging Local Plan. The recommended modification also draws particular attention to the delivery of the two sites allocated in the Plan, the delivery of windfall sites and the way in which windfall sites are assessed in terms of their contribution towards the strategic housing target for the District in the emerging Local Plan.

At the end of paragraph 11.1.3 add: 'As part of this process the Parish Council will monitor the delivery of the two sites allocated in the Plan and the delivery of windfall sites. The Parish Council will assess the need for a review of the neighbourhood plan within six months of the adoption of the emerging Horsham District Local Plan. As part of this process, it will consider the way in which windfall sites are assessed in terms of their contribution towards the strategic housing target for the District in the emerging Local Plan'

8 Summary and Conclusions

Summary

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

Conclusion

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

Referendum Area

- 8.4 I am required to consider whether the referendum area should be extended beyond the Plan area. In my view, the neighbourhood area is entirely appropriate for this purpose and no evidence has been submitted to suggest that this is not the case. I therefore recommend that the Plan should proceed to referendum based on the neighbourhood area as approved by Horsham District Council on 1 September 2015.
- 8.5 I am grateful to everyone who has helped in any way to ensure that this examination has run in an efficient manner. The Parish Council's response to the clarification note was particularly comprehensive and helpful.

Andrew Ashcroft
Independent Examiner
16 June 2021