



23 August 2021

Our Ref: NM/13.103

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

Dear Sir/Madam,

Pulborough Neighbourhood Plan – Initial Comments of the Independent Examiner

I write on behalf of W.T. Lamb Holdings Ltd (WTL), in relation to the Initial Comments of the independent Examiner. As you are aware, WTL own both Broomers Hill Industrial Estate (Phases 1 and 2) and land immediately to the south of Broomers Hill Industrial Estate (Phase 3) on a freehold basis. Land to the south of Broomers Hill Industrial Estate continues to be proposed for allocation within the Pulborough Neighbourhood Plan at Policy 7 (site PPNP24). The site is also proposed for allocation in the emerging Horsham District Local Plan.

From reviewing the Initial Comments from the Independent Examiner, we note that he is seeking further comments on a number of matters. Relevant to the promotion of WTL's interests identified above, this response:

- Considers whether the alterations to the National Planning Policy Framework (hereafter Framework) (July 2021) have a material impact on comments raised previously by WTL;
- Confirms that WTL, as landowner, have made Site PPNP24 available for development over the lifetime of the Plan; and
- Confirms the land ownership status of land to the west of Site PPNP24.

Each is addressed in turn below.

2021 Framework

On 20th July 2021, Government published its latest version of the Framework. As the Examiner has rightfully highlighted, the alterations contained within the Framework could have an impact on whether the emerging Neighbourhood Plan satisfies the Basic Conditions.

To assist, we have, in the table appended to this letter: (1) set out a summary of WTL's previous concerns and areas of support to the emerging Neighbourhood Plan; and (2) provided an analysis of whether those concerns or areas of support remain as a result of the revised Framework.

Summarily, there are no amendments to the Framework that would alter WTL's views on the emerging Neighbourhood Plan. Their objections and areas of support to the Plan as set out in their Representation 16 response remain valid.

PPNP24

WTL remain committed to bringing forward Phase 3 of Broomers Hill Industrial Estate over the lifetime of the Neighbourhood Plan. The significant technical work commissioned by WTL demonstrates their commitment to bringing the site forward. They will shortly be submitting a revised application for Phase 2.

Land Ownership

Land to the west of Broomers Hill Industrial Estate (and to the east of A29) is in third party ownership. The extent of WTL's land ownership is identified in Appendix 2 of this letter.

If you require any further information, please do not hesitate to contact me.

Your sincerely,

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Director



Appendix 1 – NPPF Analysis



Policy	Summary of Previous Concerns	The Revised Framework	Implications
Policy 7(i)	<p>The Policy Test states that support will be given to the development of site PPNP24 for commercial uses. Particular support is given to providing premises suitable for business start-ups.</p> <p>The Regulation 16 response highlighted that the allocation of the site for the uses identified above would provide a strong fit with the Framework's economic objective. It also identified that the scheme would provide flexible office accommodation, which could accommodate varying scales of business, from small start-up units, through to expansion space, including for existing and important employers within the Parish and the surrounding area. The 2019 version of the Framework confirmed that a significant weight should be placed on this benefit.</p>	<p>Para. 8 of the Framework continues to confirm that the planning system has three overarching objectives to achieve sustainable development. The economic objective remains unchanged within the Plan.</p> <p>Para. 81 of the Framework continues to state that <i>"significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development."</i></p>	<p>None.</p> <p>Minor changes were made to para. 8 of the Framework, but they do not undermine the Policy Test.</p> <p>No changes have been made to para. 81 of the Framework (formally para. 80).</p>
Policy 7(ii)	<p>The Policy Test requires that safe access is achieved off either the A29 or Broomers Hill Lane.</p> <p>WTL were supportive of this change.</p>	<p>Para. 110(b) of the Framework states that when assessing sites that could be allocated for development in Plans, it should be ensured that <i>inter alia</i>, a safe and suitable access can be achieved for all users.</p>	<p>None.</p> <p>No changes were made to para. 110(b) of the Framework (previously para. 108(b)).</p>
Policy 7(iii)	<p>The Policy Test was not precise as to whether the requirement was to deliver a pedestrian/cycle link onto Cray Lane only, or for the scheme to link to the proposed footway/cycleway between Pulborough and Billingshurst. The landowner is supportive of the former, but objects to the latter. As the Neighbourhood Plan acknowledges, the delivery of the link, which requires land in third party control, is not certain. Accordingly, any requirement to intertwine the delivery of the link with Broomers Hill Industrial Estate, may undermine the development envisaged under Policy 7 of the Plan.</p> <p>The Planning Practice Guidance (PPG) is clear that whilst neighbourhood plans can contain policies regarding the contributions required from development, such contributions, and any other requirements, should <i>inter alia</i> <i>"not undermine the deliverability of the neighbourhood plan, local plan or the spatial development strategy."</i></p>	<p>The paragraph in the Planning Practice Guidance referred to is unaffected by the 2021 Framework.</p>	<p>None.</p>

Policy 7 (iv)	The Policy Test states that existing field boundaries will be retained and enhanced with native species to ensure a green transition to the wider open countryside and to minimise the visual impact of the development.	The Policy Test is consistent with Section 15 of the Framework. In addition, para. 130 of the Framework sets out that planning policies and proposals should ensure that amongst other things, they are sympathetic to local character, including its landscaping setting,	None. Para. 130 (previously 127) is unaltered.
Policy 7(v)	The Policy Test seeks to ensure that a biodiversity assessment is submitted with an application and that net gains in biodiversity are delivered. .	Para. 174 of the Framework requires planning policies and decisions to <i>inter alia</i> minimise impacts on and provide net gains for biodiversity.	The Policy Test Remains consistent with national planning policy. No changes have been made to para. 174 of the Framework (previously para. 170).
Policy 7(vi)	The Policy Test states that development proposals should not lead to a net increase in surface water run-off, taking climate change into account. It encourages the use of SuDS. WTL were supportive of this Policy Test.	Para. 153 states that Plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk. Para. 167 states that proposals should not increase flood risk elsewhere. Para. 169 of the Framework states that major developments should incorporate SuDS unless there is clear evidence that this would be inappropriate.	None. No changes were made to paras. 153 (previously 149) or 169 of the Framework (previously para. 165). Whilst changes were made to para. 167, the Framework still states that development should not increase flooding elsewhere.
Policy 7(vii)	The Policy Test requires development of site PPNP24 to provide good broadband infrastructure. Whilst are supportive of the provision of broadband infrastructure at the site, they are aware that Building Regulations already requires the provision of in-building physical infrastructure, which enables copper or fibre-optic cables, or wireless devices capable of delivering broadband speeds of greater than 30Mbps. Accordingly, Building Regulations already require the provisions of this Policy Test, to be met. The NPPF is clear that Plans should, amongst other things, avoid “ unnecessary duplication of policies ” ¹ and therefore this test should be removed from future versions of the Plan.	Para. 16 of the Framework states that Plans should “ serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant). ”	The concern remains. The NPPF continues to state that Plans should avoid unnecessary duplication (para. 16).

¹ MHCLG, NPPF, para. 16, February 2019.

Policy 7(viii)	<p>The Policy Test requires any development proposals over 1,000 square metres to meet BREEAM Excellent standards.</p> <p>The requirement for BREEAM excellent will add to the complexity of any development that exceeds the threshold. WTL's sustainability consultant has indicated that in comparison to Building Regulations, constructing to BREEAM excellent standards will add to the costs of construction. This could have significant viability consequences, possibly rendering the development of site PPNP24 unviable and undeliverable, particularly as Pulborough does not command the highest commercial values; the Industrial Estate's success in attracting and obtaining occupiers has in part been fuelled by the lower prices quoted by WTL in comparison to other areas of the District.</p> <p>The PPG states that whilst Neighbourhood Plans may also contain policies on the contributions expected from development, <i>"these and any other requirements placed on development should accord with relevant strategic policies and not undermine the deliverability of the neighbourhood plan or spatial development strategy."</i>²</p> <p>Land to the south of Broomers Hill Industrial Estate is a strategic site within the emerging Horsham District Plan, and therefore given this status at a District level, it follows that the site's allocation within the emerging Neighbourhood Plan must also be central to its delivery.</p> <p>Without a proportionate viability assessment to consider the implications of such standards (which is a requirement in national planning guidance), there is a genuine concern that the requested standards could render the scheme undeliverable and therefore, given its status, the Plan as a whole. As currently evidenced, the policy test is therefore too aspirational, at the expense of being deliverable. It therefore fails to meet Basic Condition (a), for it conflicts with national planning guidance.</p>	<p>The PPG continues to state that whilst Neighbourhood Plans can contain contributions expected from development, they should accord with relevant strategic policies and not undermine the deliverability of a Neighbourhood Plan or a spatial development strategy.</p> <p>In addition, para. 34 of the Framework states that Plans should set out the contributions expected from development and that such policies should not undermine the deliverability of the Plan.</p>	<p>None.</p> <p>The PPG still references the same point.</p> <p>No changes have been made to para. 34 of the Framework.</p>
Policy 7(ix)	<p>The Policy Test states that proposals should be appropriate to its context. Particular regard should be given to design, height, massing and use of materials, which are to be appropriate to the local context, in line with the Pulborough Design Statement.</p>	<p>WTL's objection, which is still valid and relates to the proposal to afford statutory weight to a document that does not form part of the Development Plan, is unaffected by the new Framework.</p>	<p>None.</p>
Policy 7(x)	<p>The Policy Test requires that all external lighting shall be designed and laid out to minimise light pollution and support the Dark Skies Policy set out in a Technical Advice Note published by the South Downs National Park Authority.</p>	<p>WTL's objection, which is still valid, relates to the proposal to afford statutory weight to a Policy in an Adjacent Authority, as well as to a Technical Advice Note, which was produced to support a Development Plan policy that does not concern the subject site and does not constitute a Development Plan document even within the areas that it applies to.</p> <p>Accordingly, it is unaffected by the new Framework.</p>	<p>None.</p>

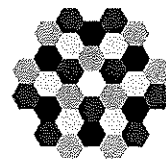
² MHCLG, Para. 005 Ref ID: 41-005-20190509, PPG, Neighbourhood Planning, Updated May 2020.

Policy 7(xi)	<p>The Policy Test requires development proposals at Site PPNP24 to conserve and enhance the setting of listed buildings.</p> <p>WTL objected on the basis that:</p> <ul style="list-style-type: none"> • The legislative framework requires that when considering whether to grant planning permission for development which affects a listed building, special regard should be given to preserving the building. It does not require a development proposal to enhance a setting. • National planning policy states that there is a desirability to sustain and enhance the significance of a historic asset, although it only applies to proposals that have an effect on the historic environment (para. 185 and 192 of the 2019 Framework). This requires an assessment of the significance of a setting, including any contribution made by its setting, followed by an assessment of the development proposals impacts on those features (not just the setting). • No assessment had been undertaken to support the Neighbourhood Plan to justify the Policy Test. • In addition, whilst national planning policy does refer to the desirability of sustaining and enhancing the significance of a historic asset, it does not preclude developments that harm it. In such a scenario, a 'planning balance' assessment needs to be undertaken. As written, a scheme that yielded a marginally less than a substantial harm to the historic environment would not be able to proceed, even if the benefits outweighed this harm, for it would conflict with the Policy Test. 	<p>Para. 190 of the Framework states that Plans should set out a positive strategy for the conservation and enjoyment of the historic environment. The strategy should <i>inter alia</i>, take account the desirability of preserving and enhancing the significance of historic assets.</p> <p>This is repeated, but for the development management process at para. 197 of the Framework.</p> <p>Para. 199 to 202 of the Framework sets out the process a decision-maker should undertake to arrive at, and form, the decision, that a proposal is acceptable, even if it has an adverse effect on the historic environment.</p>	<p>No changes have been made to the following paras:</p> <ul style="list-style-type: none"> • 190 (previously 185); • 197 (previously 192); and • Paras. 199 to 202 (previously 193 to 296).
Policy 7(xii)	<p>The Policy Test requires development proposals to identify and retain those features on site that are particularly important for bats, as well as any impacts that could cause disturbance to important routes used by bats for foraging and commuting. Proposals should also show how and where external lighting will be installed, so that it can be clearly demonstrated that the lighting scheme will not disturb or prevent bats using their territory.</p> <p>WTL were supportive of this Policy Test.</p>	<p>The Framework's environmental objective seeks to ensure that the planning system protects and enhances the natural, built and historic environment, including minimising waste and pollution.</p> <p>Para. 185(c) of the Framework sets out that planning policies and decisions should, amongst other things, limit the impact of light pollution from artificial light, particularly in intrinsically dark landscapes, for nature conservation reasons.</p>	<p>None.</p> <p>The changes to para. 8(c) of the Framework reinforce that the Policy Test is appropriate.</p> <p>No changes have been made to paragraph 185(c) from the 2019 Version of the Framework (it was previously para. 180 of the Framework).</p>

Policy 7(xiii)	<p>The Policy Test requires external lighting at the proposed development to be installed with the specifications and locations set out, and for it to be maintained as such thereafter. No other external lighting should be installed without the prior approval of the Local Planning Authority.</p> <p>As set out in their Regulation 14 Response to the Neighbourhood Plan, WTL were supportive of this Policy Test.</p>	<p>The Framework's environmental objective seeks to ensure that the planning system protects and enhances the natural, built and historic environment, including minimising waste and pollution.</p> <p>Para. 185(c) of the Framework sets out that planning policies and decisions should, amongst other things, limit the impact of light pollution from artificial light, particularly in intrinsically dark landscapes, for nature conservation reasons.</p>	<p>None.</p> <p>The changes to para. 8(c) of the Framework reinforce that the Policy Test is appropriate.</p> <p>No changes have been made to paragraph 185(c) from the 2019 Version of the Framework (it was previously para. 180 of the Framework).</p>
Policy 7(xiv)	<p>The Policy Test requires any planning application to be supported by a Construction Environment Management Plan, showing how during the construction phase damage to the local water quality will be prevented from run-off.</p> <p>As outlined in their Regulation 16 consultation Response, WTL were supportive of this Policy Test.</p>	<p>The Framework's environmental objective seeks to ensure that the planning system protects and enhances the natural, built and historic environment, including minimising waste and pollution.</p> <p>Para. 174(e) states that planning policies and decisions should contribute to and enhance the natural and built environment by, amongst other things, preventing new and existing development being put at risk from or being adversely affected by various types of pollution and land instability. Development should also help to improve environmental conditions.</p>	<p>None.</p> <p>The changes to para. 8(c) of the Framework reinforce that the Policy Test is appropriate.</p> <p>Other than the paragraph reference, no changes have been made to the now para. 174 of the Framework.</p>
Assessment of the Proposal against the objectives of Sustainable Development	<p>The Regulation 16 response submitted by WTL considered the proposed allocation against the Framework's three overarching objectives of sustainable development. The assessment confirmed that the proposed allocation has a good fit with national planning policy.</p>	<p>The assessment work referred to the following paras. of the 2019 Framework:</p> <ul style="list-style-type: none"> • Para. 80 (now para. 81); • Paras. 91(a) and 91(c); • Para. 92; • Para. 102(c); • Para. 103; • Para. 117; • Para. 127; and • Para. 174. 	<p>No changes have been made to the following paragraphs in the 2021 Framework:</p> <ul style="list-style-type: none"> • Para. 80 (now 81); • Paras. 91(a) and 91(c) (now paras. 92(a) and (c)); • Para. 92 (now para. 93); • Para. 102(c) (now 104(c)); • Para. 103 (now para. 105); • Para. 117 (now para. 119); • Para. 127 (now para. 130); and • Para. 174 (now para. 179).

Appendix 2 –Land Ownership





Official copy of register of title

Title number WSX292399 Edition date 15.03.2010

- This official copy shows the entries in the register of title on 16 March 2010 at 14:35:48.
- This date must be quoted as the "search from date" in any official search application based on this copy.
- The date at the beginning of an entry is the date on which the entry was made in the register.
- Issued on 16 March 2010.
- Under s.67 of the Land Registration Act 2002, this copy is admissible in evidence to the same extent as the original.
- For information about the register of title see Land Registry website www.landregistry.gov.uk or Land Registry Public Guide 1 - *A guide to the information we keep and how you can obtain it*.
- This title is dealt with by Land Registry Portsmouth Office.

A: Property register

This register describes the land and estate comprised in the title.

WEST SUSSEX : HORSHAM

- 1 (13.09.2005) The Freehold land shown edged with red on the plan of the above title filed at the Registry and being Broomers Hill Industrial Estate, Broomers Hill Lane, Codmore Hill, Pulborough (RH20 2HZ).

B: Proprietorship register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

Title absolute

- 1 (13.09.2005) PROPRIETOR: W T LAMB PROPERTIES LIMITED (Co. Regn. No. 00823592) of Nyewood Court, Brookers Road, Billingshurst, West Sussex RH14 9RZ.
- 2 (13.09.2005) The value stated as at 13 September 2005 was £2,000,000.

C: Charges register

This register contains any charges and other matters that affect the land.

- 1 (13.09.2005) An Agreement dated 15 July 1996 made between (1) W T Lamb Properties Limited and (2) Horsham District Council pursuant to section 106 of the Town and Country Planning Act 1990 contains provisions relating to the development of the land in this title.

NOTE: Copy filed. No copy of the plan to the Agreement is held by Land Registry.

C: Charges register continued

- 2 (18.05.2006) The parts of the land affected thereby are subject to the leases set out in the schedule of leases hereto.
The leases grant and reserve easements as therein mentioned.

NOTE: In addition, certain leases grant the exclusive use of car parking areas as more particularly described in the schedule of leases.

Schedule of notices of leases

	Registration date and plan ref.	Property description	Date of lease and term	Lessee's title
1	03.05.2006 Edged & no'd 1 in blue	Unit 9	03.05.2006 8 years from 1.5.2005	
2	15.06.2006 Edged & no'd 2 in blue (NSE)	Unit 10	18.04.2006 8 years from 22.7.2005	WSX300255
3	02.03.2009 Edged & no'd 3 in blue (NSE) NOTE: This lease grants the exclusive use of the car parking area edged and numbered 8 in blue on the title plan.	Unit 12	19.01.2009 10 years from 1.12.2008	WSX326429
4	14.04.2009 Edged & no'd 4 in blue (NSE) NOTE: This lease grants the exclusive use of the car parking area edged and numbered 7 in blue on the title plan.	Units 1 and 2	07.04.2009 10 years from 2.04.09	WSX327290
5	09.12.2009 Tinted blue (NSE)	Unit 14	30.09.2009 12 years from 28.4.2009	WSX332057
6	12.03.2010 Edged & no'd 5 in blue (NSE) NOTE: This lease grants the exclusive use of the car parking area edged and numbered 6 in blue on the title plan.	Unit 13	04.12.2009 10 years from 1.12.2009	WSX333886

End of register

