

Henfield Neighbourhood Plan 2017-2031

Regulation 16 Consultation

Representations on behalf of Seaward Properties Ltd and Horsham District Council Property and Facilities Department

December 2019



1. Introduction

- 1.1 Henry Adams LLP act on behalf of Seaward Properties and Horsham District Council Property and Facilities Department in respect of Land South of Hollands Lane, Henfield which comprises Site D2 and the northern part of Site U, as defined in the '*Neighbourhood Plan Site Assessment Amended for Reg 15 (Oct 2019)*' document. This representation makes objection to the draft Neighbourhood Plan due to its process in terms of its preparation and that it does not include our clients land for development purposes.
- 1.2 Representations were submitted under the Regulation 14 Consultation process and some of the points raised still appear to be an issue moving forward.
- 1.3 The site is considered suitable to ensure that the Neighbourhood Plan can be found sound, by ensuring the delivery of a mixed-use scheme, with the provision of replacement high quality employment land, along with an appropriate distribution of housing across the village.

2. Site details

- 2.1 The site is approximately 2.6 ha in size, located to the south of Hollands Lane, Henfield. Due to the ownership, the site currently comprises two distinct parcels; existing commercial development on the Hollands Lane frontage (Site D2), with greenfield agricultural land to the rear (northern part of Site U). It is relatively flat, with strong treed and hedged boundaries to the east and south. A Site Location Plan has been attached at Appendix A.
- 2.2 The Downs Link bridleway runs along the entirety of the eastern boundary, Footpath 2562 runs along the western boundary, whilst Hollands Lane adjoins the site to the north-east. Footpath 2560 also dissects the site in the southern corner.

3. Benefits of the site's inclusion

- 3.1 The redevelopment of Hollands Lane Industrial Site and the inclusion of the northern part of Site U, south of Hollands Lane, will provide a number of benefits to the local community;
 - The development will include a mix of high-quality homes, including 35% affordable to meet the varying needs of the community;
 - The inclusion of additional land for residential development will facilitate the delivery of high-quality replacement employment floorspace;

- Replacement floorspace would include a mix of unit sizes, including additional employment units for small economical workspaces designed to target start-ups/sole traders alongside larger floorspace to accommodate existing employment uses and allowing smaller businesses to expand;
- The provision of new industrial units will allow for improved energy efficiency;
- Redevelopment of Hollands Lane Industrial Site will significantly improve the approach into the village when entered from the west. Landscaping along the frontage will also enhance the rural edge to the village;
- The site is well-connected to local retail and services on the High Street, minimising use of the private car. The Downs Link provides pedestrian and cycle links to the centre of the village whilst also providing connectivity to the wider countryside;
- A natural landscape and open space buffer to the edges of the site will improve local biodiversity and minimise any impact on the surrounding landscape;
- The site does not rely on significant infrastructure improvements and is not heavily constrained by issues such as flood risk, heritage assets, ancient woodland or tree preservation orders unlike other sites put forward for consideration; and
- The site is not constrained in respect of delivery and the allocation of the site would ensure that development would be more evenly spread around the village.

4. Legal and Policy Context

- 4.1 It must be demonstrated that a Neighbourhood Plan conforms to the ‘basic conditions’ as identified in Paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990 (TCPA 1990) and is legal in every other respect.
- 4.2 Only a draft neighbourhood Plan or Order that meets each of a set of basic conditions can be put to a referendum and be made. The basic conditions are set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004. The basic conditions are:
- a) having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the order (or neighbourhood plan).
 - b) having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the order. This applies only to Orders.
 - c) having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the order. This applies only to Orders.
 - d) the making of the order (or neighbourhood plan) contributes to the achievement of sustainable development.

- e) the making of the order (or neighbourhood plan) is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).
- f) the making of the order (or neighbourhood plan) does not breach, and is otherwise compatible with, EU obligations.
- g) prescribed conditions are met in relation to the Order (or plan) and prescribed matters have been complied with in connection with the proposal for the order (or neighbourhood plan).

National Planning Policies and Guidance:

4.3 National Planning Policy Framework (Feb 2019) sets out the Government planning policies for England and how these are applied. The NPPF sets out the standards for neighbourhood plan steering groups when residents are preparing the plan. On examining the NPPF there are specific paragraphs relating to Neighbourhood and Sustainable Planning. Paragraphs 7, 8, 9, 10, 11, 15, 16, 18 and 29 for reference are copied below

4.4 A neighbourhood plan or Order must not constrain the delivery of important national policy objectives. So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11). Paragraph 11 states that plans and decisions should apply a presumption in favour of sustainable development.

For plan-making this means that:

- a) plans should positively seek opportunities to meet the development needs of the area, and be sufficiently flexible to adapt to rapid change;
- b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting overall scale, type or distribution of development in the plan area; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole

4.5 Paragraph 13 of the National Planning Policy Framework is clear that neighbourhood plans should support the delivery of strategic policies contained in local plans and spatial development strategies. Qualifying bodies should plan positively to support local

development, shaping and directing development in their area that is outside these strategic policies. More specifically paragraph 29 of the National Planning Policy Framework states that neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies.

4.6 Paragraph 16 goes on to confirm that Plans should:

- a) be prepared with the objective of contributing to the achievement of sustainable development;
- b) be prepared positively, in a way that is aspirational but deliverable;
- c) be shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees
- d) contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals;
- e) be accessible through the use of digital tools to assist public involvement and policy presentation; and
- f) serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant).

4.7 Paragraph 29 states that Neighbourhood Plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies.

4.8 These objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account to reflect the character, needs and opportunities of each area.

5. **Draft Policies**

Policy 2: Housing Site Allocations – Oppose

5.1 Policy 2 seeks to make 4 site allocations to accommodate 270 new dwellings over the plan period. All allocations are located to the north or east of the village. There are no allocations to the south or west of the village.

5.2 The amended Site Assessment Document (Oct 19) and the SEA/SA Addendum (Oct 19) state that Site U adjoins the settlement boundary, has good connectivity in respect of

sustainable transport due to connections with PROWs and the Downs Link, it is located within Flood Zone 1 and thus at low risk of flooding.

- 5.3 The SEA/SA and the associated Addendum rule out a number of sites, including Site U, on the basis that it assesses the likely impacts of each development site against the Sustainability Objectives of the Neighbourhood Plan assuming that the development proposed by the promoters would be delivered on each site in isolation. It does not take into account any mitigation that may be required. However, Policy H2 allocates sites with negative assessments on certain sustainability objectives but then mitigates these through the associated policies via for example, landscaping, open space, buffer zones, and SUDs for water management in flood zones 2 and 3. There is no clear justification why other sites, such as Site U cannot be considered as being suitable for development if there were to be additional landscaping to screen development proposals from the wider countryside, as is the same with other proposed allocations. The site is not constrained by listed buildings or flood zones and thus the main constraints are landscape related, many of which can be mitigated appropriately.
- 5.4 In addition, the SEA/SA para 3.10 states that it is broadly considered that there is a lack of employment land and space for small businesses to expand within the district. Section 5 notes that promoting a sustainable economy and sustaining Henfield as a village hub is a key driver. Ensuring a cohesive approach to redevelopment of Site D2 and the northern portion of Site U, allow for an improved redesign to provide new employment opportunities via smaller more economical work spaces designed for smaller/start up enterprises alongside a mix of residential development.
- 5.5 Considering the above factors, Site U should be considered to deliver more strongly on certain Sustainability Objectives and we are of the opinion that the objectives have not been suitably balanced in each case.

Policy 2.1: Land at Parsonage Farm - Oppose

- 5.6 The policy allocates 205 dwellings at Parsonage Farm, north of the settlement. This allocation comprises the majority of the parish requirement (minimum 260 dwellings). There are concerns that it could take 12-24 months to receive detailed consent for the allocation with at least another 6 months to sign off conditions. The build process would then take at least another 4-5 years in order to deliver the total numbers and associated infrastructure. If this is the case, then the majority of the units will be delivered within the next plan period.
- 5.7 In addition, the policy requires the delivery of the access and landscaping to be provided in advance of the building works. We would question whether this is realistically a viable requirement.

- 5.8 There are obvious concerns that if the site were to fall behind for any reason then Henfield would not be contributing significantly to the District land supply, which is already failing to meet its necessary requirement.
- 5.9 Our suggestion would be that other sites that could be delivered within one phase should be allocated around Henfield, resulting in a 'dispersal strategy' in order to ensure delivery.

Policy 3.1: Employment Development Site Allocations – Support

- 5.10 Policy 3.1 confirms the site being a current employment site with potential for further development. We support that the site should be redeveloped to provide better opportunities for small and existing local businesses which could only be delivered alongside a new housing development.

Policy 3.2: Development of New and Existing Employment Uses - Oppose

- 5.11 The policy supports the extension or intensification of existing employment sites, which we support.
- 5.12 However, the policy also lists a number of requirements for this to be supported. Within this list includes the requirement to be within the built-up area boundary or when outside the boundary, development to be accommodated within the existing curtilage. We do not support Policy 3.2 criteria a).
- 5.13 We do not support criteria a) in this instance as extending the site to include land within Site U would provide a number of benefits including, but not limited to;
- Re-organisation of the units to facilitate an improved access point;
 - Allow for improved landscaping along the frontage to improve the approach into the village reducing the industrial feel to the site; and
 - Allow the proposal to create an improved mix of employment space to meet the growing needs of existing businesses whilst enticing new employers and new start-ups into the area.

6. Evidence Base

Transport and Travel Focus Group Report (May 2019) - Oppose

- 6.1 Section four of the report lists the data used to support the policies within the Plan. These sources included WSCC traffic flows, Sussex Police accident data, bus timetables, and Hands off Henfield traffic count data.
- 6.2 The report lists the data but does not make mention of WSCC having been consulted, nor are the Highway Authority listed within the 'Stakeholder Communications Strategy Grid'.

6.3 Without having consulted directly with the Highways Authority post assessing the relevant data, we are of the opinion that this report cannot be used to justify development north and east of the village as opposed to the south and west. Ultimately, the Highway Authority will make the final decision when an application is submitted and thus should be consulted at allocation stage.

6.4 In addition to the above, the northern allocation in excess of 200 dwellings should be supported by a Traffic Impact Assessment as the proposal will result in a significant number of movements. We are unable to locate such document and thus are of the opinion that the site should not be allocated without a qualified consultant having considered the cumulative impacts of such a development.

SEA/SA Report (June 19) - Oppose

6.5 We do not wish to repeat matters in respect of the SEA/SA that have already been addressed and thus in addition to the comments raised in paras. 5.2-5.4 above, we would also like to draw your attention to the following matters.

6.6 Site U is considered to have a negative impact on the Character and Heritage of the Area whereas Site R, the other side of the Downs Link, does not and thus we would question where the differences lie here. This site is not located within, or in close proximity to the Henfield Conservation Area nor is it located near any listed buildings to have any impacts on local heritage. It also scores negatively in terms of Infrastructure Provision and with no explanation to this, we would question why this is the case.

6.7 Traffic impacts and transport related matters do not appear to have been considered within the Sustainability Appraisal to justify the conclusion that development to the west is too far from the village centre when sites to the west are well connected to existing facilities with sustainable modes of transport being an option.

6.8 Land south of Hollands Lane for example, is very accessible, 0.8 miles from the High Street means that it is within walking and cycling distance of local services. Whilst sites to the east may be considered 'closer' to the village facilities, it does not stop people driving and thus if sites to the west are well connected and within reach by sustainable modes of transport, they should not be disregarded on the basis that they are located slightly further away.

6.9 A robust evidence base and further consideration should be given within the report to determine whether there will in fact be any cumulative impact on the highway network to warrant dismissal of sites to the west of the village.

- 6.10 In addition, there does not appear to have been any flooding sequential tests that have been undertaken/listed with the submission documents. Flooding is a key issue that can affect the delivery of sites and thus should be undertaken for any site located within Flood Zones 2/3 or subject to groundwater flooding.

SA Addendum (Oct 19) – Oppose

- 6.11 The Addendum addresses Site U within ‘Option 10’. It still makes reference to the exclusion of Site U until the access has been resolved. Whilst it briefly references the potential for Site U and Site D2 to be developed in combination, it does not re-assess the two sites together.
- 6.12 Representations submitted under Regulation 14 clearly demonstrate that the access has been resolved and that the development of both sites in-combination would provide a number of benefits including the provision of affordable housing alongside new and improved employment floorspace, both elements should act in the sites favour within the SEA/SA. We would therefore question whether the site has been given due consideration.
- 6.13 The addendum lists a further 5 Options for development. Neither the SEA/SA or the Addendum appear to assess the cumulative impacts of each Option. It is also unclear as to why each site has been included within their respective Option.

Site Assessment Amended Report (Oct 19) - Oppose

- 6.14 Again, we do not wish to repeat matters already addressed and thus we would add the following comment.
- 6.15 The Amended Report considers both sites in isolation as well as in-combination for delivery as one cohesive scheme. The in-combination assessment does not provide anything within the ‘*Summary of Sustainability Assessment*’ and thus we would question whether the benefits of any development have been given due consideration.
- 6.16 Other discrepancies include the conclusion that our client has not proposed any open space. Open Space is a District Policy requirement and thus open space will be provided in line with relevant Local Plan Policies.
- 6.17 The Regulation 14 response submitted by our client also makes reference to the northern portion of Site U being suitable for development as it was felt that the northern parcel would be more aligned with District Policies, as referenced within the Addendum under ‘*Conformity with Local Plan strategic policies*’. The site does not appear to have been assessed on this basis and if clearly noted within this section of the assessment itself, we would question why this has not been considered as an option.

- 6.18 The main constraints listed include; affects on habitats and ecology, potential contamination and potential risk from surface water flooding. All of these potential constraints can be addressed through necessary reporting, layout and design and also via conditions associated with any future application consent. They are not overriding impacts that should prevent development.

7. Timing - Comments

- 7.1 Horsham District Council are currently in the process of preparing the Local Plan Review which will cover the period to 2036. The most recent Local Development Scheme (2019) proposes the Regulation 18 consultation to take place in March 2020 with the final period of consultation expected in September 2020. These dates may well be subject to change however we would suggest that progressing with a Neighbourhood Plan Review prior to at least the Regulation 18 consultation of the Local Plan Review could be detrimental to the overall effectiveness of the Neighbourhood Plan.

- 7.2 We feel that it is important to note that as the evidence base for the Local Plan Review has not yet been finalised, the numbers that need to be allocated through Neighbourhood Plans are not set in stone. We would also note that the most recently adopted policy document will take precedent. So, for example, should the final Local Plan Review evidence base determine that Henfield be required to deliver in excess of 270 dwellings, the Neighbourhood Plan Review would be considered to be out of date and the Local Plan Review would take precedent. If this is to be the case, it may result in the Local Plan Review making additional allocations beyond those allocated within the Neighbourhood Plan Review.

- 7.3 This situation is relatively common throughout the south and Home Counties and we are aware of other Districts whereby Neighbourhood Plans are given 6 months to proceed to referendum post adoption of Local Plan Reviews. We would suggest that this is a sensible approach in order to ensure that there would not be abortive time and costs associated with work on the Neighbourhood Plan Review that could potentially become immediately out of date and result in additional allocations of speculative applications.

8. Summary

- 8.1 In summary, whilst there are policies that can be supported by our clients, we do not feel that the plan as a whole reflects the character, needs and opportunities within the area.
- 8.2 We have raised a number of issues relating to the evidence base. There are a number of discrepancies within the Site Assessment Amendment Document and the SA Addendum and thus we would question whether the site has been accurately assessed. Other

concerns relate to transport considerations and the justification/evidence base that has been used to disregard sites to the west of the village.

- 8.3 We are currently opposed to Policy 2 and do not feel that there is suitable evidence to suggest that development to the north and east of the village is the most appropriate and most sustainable, especially through a significantly large allocation to the north of the village. We are of the opinion that a number of sites have been disregarded without full consideration of the benefits of development or potential mitigation strategies to address any identified potential constraints.
- 8.4 Whilst we support the redevelopment of employment sites, such as Hollands Lane Industrial Site, we do not feel that they should be restricted to the existing curtilage and there should be the possibility to expand should this be necessary, especially when the redevelopment is to facilitate an improvement of the space available for a range of businesses and employment opportunities.
- 8.5 We would also question whether the current review of the Neighbourhood Plan has been timed appropriately considering the Local Plan Review has not yet reached Regulation 18 stage and thus may require an increase in housing numbers. The Neighbourhood Plan should not progress with such uncertainty at district policy level.