



## **Horsham District Council Local Planning Authority**

### **Shipley Parish Neighbourhood Plan 2019-2031**

#### **FINAL DECISION STATEMENT**

**Date: 4 August 2020**

#### **1.0 INTRODUCTION**

- 1.1 Horsham District Council (“the Council”) has a statutory duty<sup>1</sup> to support Parish Councils and Qualifying Bodies in the preparation of Neighbourhood Development Plans (NDP’s) and Orders and to take NDP’s and Orders through a process of examination and referendum.
- 1.2 This decision statement relates to the Neighbourhood Plan produced by Shipley Parish Council. Under the Town and Country Planning Act 1990 (as amended), (“the 1990 Act”) Horsham District Council (“the Council”) has a statutory duty to support Parish Councils and Qualifying Bodies in the preparation of Neighbourhood Development Plans (NDP’s) and Orders and to take NDP’s and Orders through a process of examination and referendum. The Localism Act 2011 (Part 6, Chapter 3) sets out the responsibilities under Neighbourhood Planning.
- 1.3 Following the Examination of the Shipley Neighbourhood Plan and the receipt of the Examiner’s Report. Horsham District Council is required to make a decision on the next steps. As set out in the Neighbourhood Planning Regulations these are:
  - a) to decline to consider a plan proposal under paragraph 5 of Schedule 4B to the 1990 Act (as applied by section 38A of the 2004 Act) or a modification proposal under paragraph 5 of Schedule A2 to the 2004 Act;
  - b) to refuse a plan proposal under paragraph 6 of Schedule 4B to the 1990 Act (as applied by section 38A of the 2004 Act) or a modification proposal under paragraph 8 of Schedule A2 to the 2004 Act;
  - c) what action to take in response to the recommendations of an Examiner made in a report under paragraph 10 of Schedule 4B to the 1990 Act (as applied by section 38A of the 2004 Act) in relation to a neighbourhood development plan or under paragraph 13 of Schedule A2 to the 2004 Act in relation to a proposed modification of a neighbourhood development plan;

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<sup>1</sup> The Town and Country Planning Act 1990 (as amended)

- d) what modifications, if any, they are to make to the draft plan under paragraph 12(6) of Schedule 4B to the 1990 Act (as applied by section 38A of the 2004 Act) or paragraph 14(6) of Schedule A2 to the 2004 Act;
- e) whether to extend the area to which the referendum is (or referendums are) to take place; or
- f) that they are not satisfied with the plan proposal under paragraph 12(10) of Schedule 4B to the 1990 Act (as applied by section 38A of the 2004 Act) or the draft plan under paragraph 14(4) of Schedule A2 to the 2004 Act.

1.4 In accordance with Regulation 18(2) of the Neighbourhood Planning (General) Regulations 2012 (as amended) Regulations, this report forms the Council's Decision Statement ( ) and sets out the Council's decision and the reasons for this.

## **2.0 BACKGROUND**

2.1 The Shipley Neighbourhood Development Plan relates to the area that was designated by the Council as a neighbourhood area on 17 June 2014 (please refer to Plan A, page 4 of this report).

2.2 In accordance with Regulation 14 of the Neighbourhood Planning (General) Regulations 2012 (as amended), The Pre-Submission Shipley NDP underwent consultation between 2 September 2019 to 21 October 2019.

2.3 Shipley Parish Council then submitted the draft Neighbourhood Plan to the Council under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (as amended). The submission Shipley Neighbourhood Development Plan was publicised and representations were invited for nine weeks between 9 March 2020 until midnight on 11 May 2020.

2.4 John Slater was appointed by Horsham District Council with the consent of Shipley Parish Council, as the Examiner to undertake the examination of the Shipley NDP and to prepare a report of the independent examination.

2.5 The Examiner's report was received on the 18 June 2020. It concludes that the Shipley Neighbourhood Development Plan, subject to a number of recommended changes meets the basic conditions set out in the legislation and can proceed to referendum.

2.6 As has already been indicated in paragraph 1.3 of this report, Regulations 17A and 18 of the Neighbourhood Planning (General) Regulations 2012 (as amended) requires the local planning authority to outline what action to take in response to the recommendations of an Examiner following the formal examination.

## **3.0 DECISION**

3.1 Having considered the recommended modifications made by the Examiner's Report, and the reasons for them, Horsham District Council, with the consent of Shipley Parish Council has considered each of the recommendations and agreed the action to take in response to each recommendation. It was decided to accept all the modifications made to the draft plan by the Examiner under paragraph 12(2)(4) of Schedule 4B to the Town and Country Planning Act 1990. The Examiner's proposed modifications are set out at Appendix A alongside the reason why the modification was accepted.

#### **4.0 THE REFERENDUM AREA**

- 4.1 The Council is in agreement with the Examiner's recommendation that there is no policy or proposal significant enough to have an impact beyond the designated neighbourhood plan area, and that any referendum that takes place in due course be contiguous with the boundary of the designated neighbourhood plan area (Please refer to Plan A).

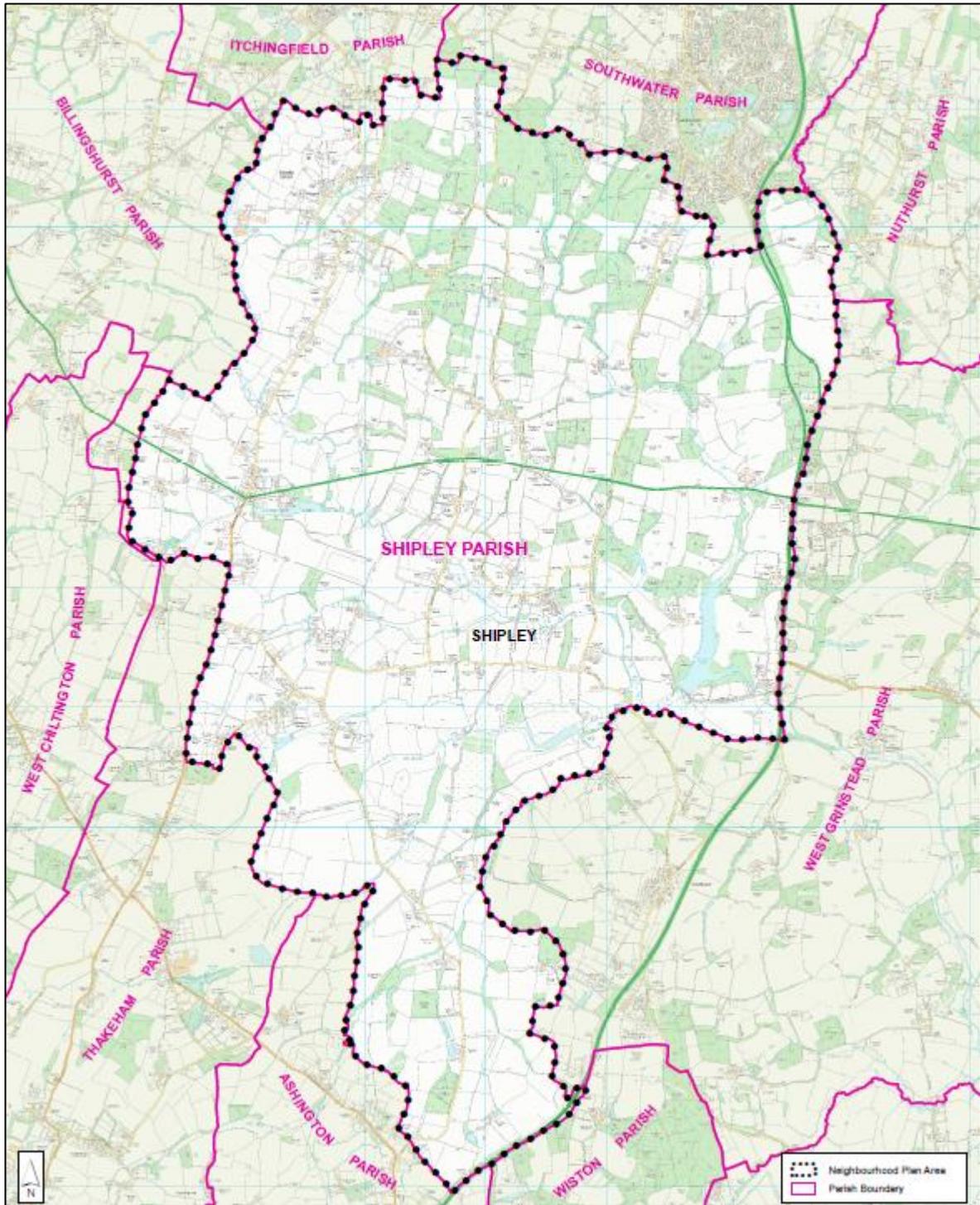
#### **5.0 CONCLUSION**

- 5.1 The Council is of the view that the draft submission Shipley Neighbourhood Plan as modified in Appendix A: Examiner's Proposed Modifications to the Shipley Neighbourhood Plan 2019-2031, complies with the legal requirement and may now proceed to Referendum.
- 5.2 The COVID-19 pandemic has resulted in mandatory restrictions on movement since March 2020 to prevent transmission of the virus and protect vulnerable groups. [The Local Government and Police and Crime Commissioner \(Coronavirus\) \(Postponement of Elections and Referendums\) \(England and Wales\) Regulation 2020](#) prevents any referendum on neighbourhood plans being held until 5 May 2021 at the earliest. It follows that the referendum for the Shipley Neighbourhood Development Plan is suspended until further notice and a referendum can be undertaken safely.

Signed:



**Barbara Childs**  
**Director of Place**  
**Date: 4 August 2020**



**Plan A: Shipley Neighbourhood Plan Area**

**Appendix A: Examiner's Proposed Modifications to the Shipley Neighbourhood Plan**

<b>Policies</b>	<b>Examiner's Modifications (insertion <u>underline</u>, omission as <del>strikethrough</del>)</b>	<b>Decision and Justification</b>	<b>Action Taken and Revised Modification</b>
Policy Ship HD1: New Housing Development	<p><i>Policy Ship HD1: New Housing Development</i></p> <p><i>Applications for housing developments within Shipley and Coolham villages, and Dragons Green and Brooks Green hamlets, will be considered favourably where <u>the proposals meet all of the following criteria:</u></i></p> <ol style="list-style-type: none"> <li><i>1. The proposed development is for an infill gap, or on previously developed land, within the continuity of existing buildings.</i></li> <li><i>2. The proposed development will not result in the outward extension of the villages or hamlets onto greenfield land.</i></li> <li><i>3. The proposed development delivers new affordable housing.</i></li> <li><i>4. The proposed development reflects the scale and density of existing development in the village or hamlet where it is located.</i></li> <li><i>5. The proposed development responds positively to Shipley Parish Design Guidance in Appendix 2 of the Neighbourhood Plan.</i></li> </ol>	HDC agree with the Examiner's recommendation for additional text to provide clarification.	No further action required. Modification to be taken forward to the final plan.
Policy Ship HD2: Housing Mix	<p><i>Policy Ship HD2: Housing Mix</i></p> <p><i>Applications for new housing in Shipley Parish should respond to the most up-to-date local housing need wherever possible, including two and three-bedroom homes as well as new affordable housing, contributing to a balanced mix of housing in the Plan area. Subject to national thresholds for the provision of affordable housing, the scheme must provide the maximum viable amount of affordable housing.</i></p>	HDC agree with the Examiner's recommendation for additional text to provide clarification and ensure consistency with National Planning Policy and will therefore meet the Basic Conditions.	No further action required. Modification to be taken forward to the final plan.

	<p><del>Rural exception sites for affordable housing will be permitted to meet a local need where this need is evidenced and where the development does not have an unacceptable impact on the visual and landscape amenity of the area. This may be acceptable in the case of either new build dwellings or conversion of traditional buildings.</del></p> <p><u>Rural exception sites to provide local needs affordable housing will be permitted where this need is evidenced and where the development is well related to existing settlements and does not have an unacceptable impact on the visual or landscape amenity of the area. Any market housing within such developments must be demonstrated to be the minimum necessary to deliver a viable scheme.</u></p>		
<p>Policy Ship HD3: High-quality design</p>	<p><i>Policy Ship HD3: High-quality design</i></p> <p><i>All proposals for new development in Shipley Parish are expected to respond positively to local design characteristics and features as set out in the Shipley Parish Design Guidance (in Appendix 2 of this Neighbourhood Plan). New development should be of a size and scale which respects and, where possible, enhances the character of the area or locality, using materials typical of the area.</i></p> <p><i>Applicants <del>should</del> are encouraged to demonstrate, through submission documents, how the proposed scheme responds to the Shipley Parish Design Guidance.</i></p> <p><i>Any proposal for new affordable housing should be designed such that it is ‘tenure blind’, i.e. it is of an equal quality in terms of its design and use of materials compared to the market element and it should be integrated into the overall proposal.</i></p>	<p>HDC agree with the Examiner’s recommendation for additional text to provide clarification.</p>	<p>No further action required. Modification to be taken forward to the final plan.</p>

<p>Policy Ship EC1: Local green space designation</p>	<p><i>Policy Ship EC1: Local green space designation</i></p> <p><i>The following areas are designated as Local Green Spaces, as delineated on the maps in Appendix 3 as shown in Figures 16 and 17:</i></p> <ol style="list-style-type: none"> <li>1. Coolham Playing Fields</li> <li>2. Church Close / Red Lane</li> </ol> <p><i>Planning applications for development on the Locally Designated Green Spaces will not be permitted unless they perform a supplementary and supporting function to the Green Space, unless very special circumstances are demonstrated.</i></p> <p><b><i>*Also replacement of map Figure 17 with the plan as stated on page 12 of the examiner's report.</i></b></p>	<p>HDC agree with the Examiner's recommendation to provide clarification and ensure consistency with National Planning Policy and will therefore meet the Basic Conditions.</p>	<p>No further action required. Modification to be taken forward to the final plan.</p>
<p>Policy Ship TT2: Active Travel</p>	<p><i>Policy Ship TT2: Active Travel</i></p> <p><i>Support will be given to proposals for development that incorporate improved and extended footpaths and cycle paths where appropriate. They should be direct, convenient and safe to use.</i></p> <p><i>Wherever possible, and in accordance with the Shipley Parish Design Statement, proposed new development should provide natural surveillance of public spaces and a safe pedestrian environment.</i></p> <p><i>Proposals for non-residential use should support and enable active travel through inclusion of safe, secure and convenient cycle parking as well as changing facilities where appropriate.</i></p> <p><i>Proposals for development that reduce the capacity or safety of existing active travel infrastructure, including footpath or cycle space, will not be considered favourably.</i></p>	<p>No change.</p>	<p>No further action required.</p>

<p>Policy Ship CO1: Retail, Social and community facilities</p>	<p><i>Policy Ship CO1: Retail, Social and community facilities</i></p> <p><i>Applications that would result in the loss of retail or pubs will be resisted unless market evidence is provided demonstrating that:</i></p> <ol style="list-style-type: none"> <li><i>1. The existing use is no longer viable and supported by a twelve-month marketing strategy; and</i></li> <li><i>2. The proposal would not be detriment to the character, amenity and functions of the immediate vicinity.</i></li> </ol> <p><i>Applications to enhance and provide additional community facilities will be supported. Flexible multi-functional buildings that allow for the widest possible use and activity will be supported. All proposed development should demonstrate how it responds to the characteristic design features set out in the Shipley Parish Design Guidance.</i></p>	<p>No change.</p>	<p>No further action required.</p>
<p>Policy Ship CO2: Employment</p>	<p><i>Policy Ship CO2: Employment</i></p> <p><i>Proposals that include units for start-up businesses, small scale employment units and other businesses <del>that meets the needs of the community</del> will be supported.</i></p> <p><i>Applications for such development will be supported where they comprise infill sites <del>or previously developed land within Shipley and Coolham villages, and Dragons Green and Brooks Green hamlets. Outside of these locations, consideration will be given to proposals for such development that involves the reuse or conversion of existing farm and rural buildings and the erection of well-designed new buildings and accord with other relevant policies in the development plan.</del></i></p> <p><i>All proposals should demonstrate how proposed buildings and associated parking arrangements respond to the characteristic design features within the Shipley Parish Design Guidance (in</i></p>	<p>HDC agree with the Examiner’s recommendation and ensure consistency with National Planning Policy and general conformity with the Horsham District Planning Framework and will therefore meet the Basic Conditions.</p>	<p>No further action required. Modification to be taken forward to the final plan.</p>

		<i>Appendix 2 of this Neighbourhood Plan) and maintain the quality and character of the area.</i>		
Policy Ship CO3: Broadband and Mobile Reception		<p><i>Policy Ship CO3: Broadband and Mobile Reception</i></p> <p><i>Proposals to provide access to a super-fast broadband network and improved mobile reception to serve the Parish will be supported.</i></p> <p><i>New developments should provide suitable ducting capable of enabling the provision of up-to-date electronic communications infrastructure.</i></p> <p><i>The location and design of any above-ground network installations shall be sympathetically chosen and designed to not adversely affect the character of the local area.</i></p>	HDC agree with the Examiner’s recommendation to provide clarification and ensure consistency with National Planning Policy and will therefore meet the Basic Condition.	No further action required. Modification to be taken forward to the final plan.
Policy Ship CO4: Community Infrastructure (CIL)	Levy	<p><del><i>Policy Ship CO4: Community Infrastructure Levy (CIL)</i></del></p> <p><del><i>Where development projects trigger the requirement for CIL payments and s106 agreements these will be made in accordance with Horsham District Council’s CIL Charging Schedule.</i></del></p> <p><del><i>Monies payable to Shipley Parish Council will be used to help support delivery of the projects outlined in the Neighbourhood Plan, in the blue Project boxes, which are:</i></del></p> <p><del><i>1. Project Ship ECA: Green routes and links</i></del></p> <p><del><i>2. Project Ship TTA: Traffic management and safety</i></del></p> <p><del><i>3. Project Ship TTB: Bus provision and non-motorised travel</i></del></p>	<p>Policy is to be deleted but content be changed to a ‘Project’ and set out within the plan in a blue box.</p> <p>HDC agree with the Examiner’s recommendation.</p> <p>To bring the policy in line with national policy and will therefore meet the Basic Conditions. Retention of the text within the document will contain helpful guidance on the parishes aims and aspirations.</p>	No further action required. Modification and deletion of policy to be taken forward to the final plan.