

Inspector’s comments on DM policies and the HDS schedule of expected mods (JB01)

Policy or paragraph	Matter of soundness	Suggested modification
Strategic Policy 7: Appropriate Energy Use	The proposed changes appear sound.	Modify the policy as proposed.
Background text to Strategic Policy 7 Paras 5.14 and 5.15	The expectation that developments will push beyond the energy performance standards in the Building Regulations is not in accordance with national policy. WMS 2023 states that that any planning policies that propose local energy efficiency standards for buildings that go beyond current or planned building regulations should be rejected at examination (other than in specific circumstances which are not reflected in the policy). It is also worth noting that the emerging NPPF does not allow for local energy efficiency standards.	In 5.14, delete “There is an expectation that...at the very latest.” Delete paragraph 5.15.
Background text to Strategic Policy 7 Para 5.17	It is not current national policy to prevent gas boilers from being used. The question of the use of gas boilers is not a matter for planning policy. It will be a matter for the Future Homes Standard, and it is premature for the plan to predict what might be in the FHS.	Delete paragraph 5.17. If the Future Homes Standard is published prior to the plan’s adoption it may be appropriate to insert a reference to it.
Strategic Policy 8: Sustainable Design and Construction	The proposed changes appear sound.	
Strategic Policy 9: Water Neutrality, and supporting text	The proposed changes appear sound including the proposed change to the title of the policy.	Modify the policy as proposed.
Strategic Policy 10: Flooding, and para 5.42	Neither the plan nor the suggested wording changes follow the approach of the emerging NPPF. The suggested change to criterion 1 still wrongly applies the sequential	It is suggested that Strategic Policy 10 is re-written and shortened, getting rid of the long list of sub-criteria, and should use the wording of the

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	<p>approach to all development. Criterion 1 therefore confuses the picture and is in any case superfluous, because the appropriate policy framework for DM is set out in criteria 2 and 3.</p> <p>The sub-criteria under criterion 2 are quite confusing and do not follow a logical order, whilst paragraph 5.42 of the explanatory text does not accurately reflect the policy or the Framework.</p> <p>Criterion 2b) is only relevant where the sequential test applies.</p> <p>In criterion 2g), the plan cannot make development comply with a separate non-statutory document, produced by a different body, in this case the SFRAs. The wording should instead reflect the emerging Framework, which explains (in F5.3) that the SFRA should provide the evidential basis for applying the sequential test.</p>	<p>emerging Framework or simply cross reference to it.</p> <p>For example:</p> <p>“Development proposals should not present a risk from flooding to potential occupiers, users, or visitors, and should not increase flood risk elsewhere. All development proposals will be evaluated for flood risk, having regard to the Horsham District Strategic Flood Risk Assessments (SFRAs).</p> <p>“Where sites fall within Flood Zone 1, a site-specific flood risk assessment should inform and accompany all development proposals involving sites of 1 hectare or more; proposals for sites identified by the Environment Agency as having critical drainage problems; proposals for land identified in a strategic flood risk assessment or the Flood Map for Planning as being at increased flood risk in future; or proposals for land subject to a current risk of flooding from any source, where its development would introduce a more vulnerable use than the existing one.</p> <p>“In Flood Risk Zones 2, 3a and 3b, a site-specific flood risk assessment should accompany all development proposals.</p> <p>“A sequential test informed by the Strategic Flood Risk Assessment and the Flood Map for Planning will be applied where development</p>

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		<p>is proposed In areas known to be at risk now or in the future from any form of flooding, other than for the exceptions described in the National Planning Policy Framework.</p> <p>“The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source.</p> <p>“Where the test applies, development proposals should not be located in areas at risk of flooding where alternative sites, appropriate for the development, are reasonably available in areas with a lower risk of flooding.</p> <p>“The Horsham District Strategic Flood Risk Assessment (SFRAs) and the Flood Map for Planning will be used as the evidential basis where the sequential test is required.</p> <p>“Where development is proposed in a location known to be at risk from any form of flooding, now or in the future, it will be refused unless it meets the criteria set out in the National Planning Policy Framework in respect of the location of the most vulnerable development; the safety of the development throughout its lifetime; the management of residual risk and safe access and escape routes; the flood resistance of the development; and the avoidance of increased flood risk elsewhere.</p>

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	<p>Criteria 2h), 2i), 2j) and 2l) are sound but if the policy is worded as above it might be better to set them out as ordinary text rather than sub-criteria.</p> <p>Criterion 2k) is not sound because it relates to a different piece of legislation. It is not necessary and in any case compliance with the objectives of that legislation is an imprecise requirement. Strategic Policy 11 covers the issue satisfactorily.</p> <p>Criterion 3 appears sound apart from the part that refers to “environmental net gain”, a term which is undefined and unclear.</p>	<p>“Where development is proposed in areas at risk of river flooding, decisions will have regard to policy in the National Planning Policy Framework, including that relating to the exception test.”</p> <p>Paragraph 5.42 should be re-written to reflect the policy. Re-structure – see above</p> <p>Remove Criterion 2k) from the policy and make reference to the directive in the supporting text.</p> <p>In criterion 3, clarify what is meant by “environmental net gain”.</p>
Strategic Policy 11: Environmental Protection	The policy and proposed changes appear sound except that criterion 3 should read “maintain and wherever possible improve” to reflect the wording in F8(1) of the draft Framework.	Change the wording of criterion 3 as indicated.
Strategic Policy 12: Air Quality	Appears sound, no changes required	
Strategic Policy 13: The Natural Environment and Landscape Character	The heading of this policy addresses the natural environment and landscape, but the policy itself refers among other things to development pattern and settlement character. The heading therefore needs to include these subjects. In criterion 1, “maintain settlement separation” is too general.	It is suggested that the policy should include a sentence which seeks to protect the qualities of individual settlements and resists settlement coalescence (the actual joining of settlements) where it would erode that character. This would address some of the

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		concerns discussed below under Strategic Policy 15.
Strategic Policy 14: Countryside Protection	Criterion 1 does not adequately reflect the list of Policy S5 items 1a. to 1j. in the National Planning Policy Framework.	<p>This policy should be modified to reflect the wording of Policy S5 of the emerging Framework (as finally adopted) which in effect protects the countryside outside built up areas subject to certain criteria. This together with my suggested changes to Strategic Policy 13 will address the question the Council has raised in relation to Strategic Policy 15.</p> <p>Appropriate development plan allocations should anticipate and thus pre-empt the potential for unplanned development to come forward under S5.1.h of the emerging Framework.</p> <p>Development under S5.1.j. can be avoided if the Council has enough supply headroom above its housing requirement.</p>
Strategic Policy 15: Settlement Coalescence	<p>The Council have sought my view on this policy, which resists “development between settlements”, in the light of the contents of the emerging NPPF, which allows for development on the edge of settlements in certain circumstances.</p> <p>Leaving aside the wording in the emerging NPPF, which is discussed above in relation to Strategic Policy 14, this policy would be unsound anyway because it leaves things much too open to interpretation. For example, what is “between”, and what is a “settlement”? “Development between settlements” could be taken to</p>	<p>Strategic Policy 15 should be deleted.</p> <p>Strategic Policy 13 (see above) should be developed to ensure that development responds to the character of each place and avoids coalescence where it would erode that character.</p> <p>Strategic Policy 14 should be expanded as discussed above.</p> <p>The potential for unplanned new development to come forward under Policy S5.1.h. and S5.1.j. of the emerging Framework can be mitigated,</p>

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	<p>mean almost anything and the policy is therefore ineffective.</p> <p>In any case, “development between settlements” is not the same as “coalescence”, which is where settlement actually join together. Some plans seek to define strategic gaps around very large urban areas, but this is unlikely to be necessary or justified in Horsham District.</p> <p>The issue can be adequately clarified by making changes to Strategic Policies 13 and 14 as discussed above.</p>	as I have discussed under Strategic Policy 14.
Strategic Policy 16: Protected Landscapes	The policy and proposed changes appear sound.	
Strategic Policy 17: Green Infrastructure and Biodiversity, and supporting text	<p>The statutory requirement is for 10% biodiversity net gain and the draft NPPF states that plans should only set local standards for biodiversity net gain which are in excess of the statutory requirement where this is for specific site allocations and is fully justified and deliverable. The blanket approach in criteria 5 and 6 and paragraphs 6.48 is not justified.</p> <p>Apart from this issue, the policy and the proposed changes to it appear sound.</p>	The policy should require 10% BNG. However, there is no reason why it should not encourage developments to take opportunities to provide a higher percentage increase.
Strategic Policy 18: Local Green Space and paragraph 7.3	The policy and proposed changes appear sound. There is a minor equalities point in 7.3.	7.3 should read “girls, boys and teenagers” or just “children and teenagers”.
Strategic Policy 19: Development Quality	The end of the second sentence is ambiguous. Not all the criteria can be met by every development.	In the second sentence, delete “will be supported provided that it meets all the following criteria” and replace it with “where relevant, development should be designed in accordance with the following principles” and the principles should be slightly amended, for example: “1. Provide an attractive...”

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	<p>In criterion 2, “low traffic neighbourhoods” have a particular meaning and connotation. The draft NPPF uses different wording; it talks about safe, attractive and inclusive places and refers to measures to minimise the scope for conflict between pedestrians, cyclists and vehicles.</p> <p>There is a great deal of overlap between Strategic Policy 19 and Strategic Policy 20 and it is not clear why they are two separate policies. They are all development principles. This needs to be reorganised in the interests of clarity.</p>	<p>Replace “low traffic neighbourhoods” with some of the wording from Policy TR4 of the draft NPPF.</p> <p>Combine Strategic Policy 19 and strategic Policy 20 into one policy, with a set of development principles (see above).</p>
Strategic Policy 20: Development Principles	See above.	Combine with Strategic Policy 19 and eliminate duplication.
Strategic Policy 21: Heritage Assets and Managing Change within the Historic Environment	<p>The proposed changes appear sound.</p> <p>However, criteria 3 and 4 should refer to <i>designated</i> heritage assets, to accord with the NPPF. The NPPF has a different policy on non-designated heritage assets and this should be addressed separately.</p>	<p>In criteria 3 and 4, refer to designated heritage assets. Add a new criterion to deal with non-designated heritage assets, with wording which follows the NPPF.</p>
Policy 22: Shop Fronts and Advertisements, and supporting text	The proposed changes appear sound.	
Strategic Policy 23: Infrastructure Provision	The suggested additional text appears sound but the wording of point 1 is not reflective of positive preparation. Under the Planning Acts, land is not “released”, and national policy expresses a presumption in favour of sustainable development.	<p>Re-write the whole policy to say: “Where new development would give rise to the need for new or expanded infrastructure, services, community facilities or mitigation measures, on or off site, these should be put in place at the right time to serve the development and to avoid harmful impacts on the environment or local communities. Necessary infrastructure works relevant</p>

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		and proportionate to the development will be secured through the planning permission by obligation, condition, or through the community infrastructure levy (CIL). Where distinct development phases are expected, a phasing and implementation strategy will be required..." (etc).
Strategic Policy 24: Sustainable Transport	The policy appears sound but the proposed additions to criteria 1(c) and 1(d) are convoluted and reduce clarity. I have suggested alternative wording. Note also the suggested reference to "on or off site" added to Policy 23 (see above), which covers the wider issue of necessary off-site infrastructure.	"c) Walking and cycling routes serving the development, both on and off site, are safe, attractive... (etc)..." "d) Where feasible, provision is made for bus travel and infrastructure to serve the development, to include... (etc)
Policy 25: Parking	Criterion 2 requires parking in accordance with adopted parking standards guidance. However, the standards are not part of the statutory development plan so the policy cannot require development to accord with them.	Re-word to say "2. Adequate parking facilities, which should have regard to adopted parking standards guidance, must be carefully designed.." (etc)
Policy 26: Gatwick Airport	The policy and additional text appear sound.	
Strategic Policy 27: Inclusive Communities, Health and Wellbeing	Criterion 2 seems to presuppose that negative health effects arise from development. But (for example) the provision of decent homes for all may have very positive health benefits. The NPPF does not talk about negative health impacts arising from development other than in the context of concentrations of takeaways and fast food outlets. Furthermore, the criteria in this policy do not relate to all development.	Delete "and seek to minimise the negative health impacts arising from development". Delete "Proposals will be supported providing that they address requirements stemming from" and replace it with "Where relevant, proposals should take into account".
Policy 28: Community Facilities, Leisure and Recreation	The policy and amended text appear sound.	
Policy 29: New Employment	This will be the subject of a hearing session.	

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Policy 30: Enhancing Existing Employment	This will be the subject of a hearing session.	
Policy 31: Rural Economic Development	The policy and proposed changes appear sound.	
Policy 32: Conversion of Agricultural and Rural Buildings (etc)	The policy and proposed changes appear sound.	
Policy 33: Equestrian Development	The policy appears sound.	
Strategic Policy 34: Tourism Facilities and Visitor Accommodation	<p>Criterion 1: since this is about enhancing the visitor economy and providing new facilities, criterion 1b. is redundant.</p> <p>Criterion 3 is not flexible enough. This issue is not just about marketing. There may be circumstances where housing (or another use) is a more appropriate for the site especially given the District's identified housing need. The NPPF seeks the best use of land and seeks flexibility, particularly where it would help to meet identified needs for housing. A criterion needs to be inserted which allows for such circumstances.</p>	<p>Delete criterion 1b.</p> <p>Criterion 3 should be altered to say "...will not be supported unless there is good evidence that the site is unsuitable for continuing tourism accommodation as a result of its size, design, layout, location, its unviability or its impact on its surroundings, or where greater planning benefits will be achieved by change of use or redevelopment." The requirements for marketing and demonstrating unviability should be put ia)n the supporting text.</p>
Strategic Policy 35: Town Centre Hierarchy and Sequential Approach	The policy appears sound.	
Strategic Policy 36: Town Centre Uses	<p>In criterion 4, the purpose of the policy and the revised wording is unclear. Planning permission is not required to move from one Class E unit to another. There is also potentially a conflict with criterion 3.</p> <p>The main purpose of this part of the policy is the retention of Class E and main town centre uses in these areas, not the question of whether a particular unit is viable. (If there are issues of viability within Main Shopping Areas, this implies that</p>	The policy should simply say that the loss of Class E and main town centre uses within Main Shopping Areas will be resisted.

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	the areas need to be re-drawn or the basis of the policy needs to be changed.)	
Strategic Policies 37 to 43: Housing and related issues	These will be the subject of hearings.	
Policy 44: Rural Workers' Accommodation	The policy appears sound.	
Policy 45: Replacement Dwellings in the Countryside	The policy appears sound.	
Policy 46: Ancillary Accommodation	The policy appears sound.	
Strategic Policy HA1: Strategic Site Development Principles, and all site allocations	These will be the subject of hearings and/or my written questions.	
END		