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Horsham District Council,
Parkside,
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North Street,
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RH12 1RL

By email only to: neighbourhood.planning@horsham.gov.uk

Re: Henfield Neighbourhood Plan Regulation 16 Consultation

Dear Sir/Madam,

This letter provides Gladman's representations in response to the draft version of the Henfield Neighbourhood Plan (HNP) under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012. This letter seeks to highlight the issues with the plan as currently presented and its relationship with national and local planning policy. Gladman has considerable experience in neighbourhood planning, having been involved in the process during the preparation of numerous plans across the country, it is from this experience that these representations are prepared.

Legal Requirements

Before a neighbourhood plan can proceed to referendum it must be tested against a set of basic conditions set out in paragraph 8(2) of Schedule 4b of the Town and Country Planning Act 1990 (as amended). The basic conditions that the HNP must meet are as follows:

- (a) Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the order.*
- (d) The making of the order contributes to the achievement of sustainable development.*
- (e) The making of the order 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 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 Policy Framework and Guidance

On the 24th July 2018, the Ministry of Housing, Communities and Local Government published the revised National Planning Policy Framework. The first revision since 2012, it implements 85 reforms announced previously through the Housing White Paper. This version was itself superseded on the 19th February 2019, with the latest version, largely only making alterations to the Government's approach for the Appropriate Assessment as set out in Paragraph 177, clarification to footnote 37 and amendments to the definition of 'deliverable' in Annex 2.

The National Planning Policy Framework (the Framework) sets out the Government's planning policies for England and how these are expected to be applied. In doing so it sets out the requirements for the preparation of neighbourhood plans to be in conformity with the strategic priorities for the wider area and the role they play in delivering sustainable development to meet development needs.

At the heart of the Framework is a presumption in favour of sustainable development, which should be seen as a golden thread through plan-making and decision-taking. This means that plan makers should positively seek opportunities to meet the development needs of their area and Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change. This requirement is applicable to neighbourhood plans.

The recent Planning Practice Guidance (PPG) updates make clear that neighbourhood plans should conform to national policy requirements and take account of and most up-to-date evidence of housing needs in order to assist the Council in delivering sustainable development, a neighbourhood plan basic condition.

The application of the presumption in favour of sustainable development will have implications for how communities engage with neighbourhood planning. Paragraph 13 of the Framework makes clear that Qualifying Bodies preparing neighbourhood plans should develop plans that support strategic development needs set out in Local Plans, including policies for housing development and plan positively to support local development.

Paragraph 15 further makes clear that neighbourhood plans should set out a succinct and positive vision for the future of the area. A neighbourhood plan should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency. Neighbourhood plans should seek to proactively drive and support sustainable economic development to deliver the homes, jobs and thriving local places that the country needs, whilst responding positively to the wider opportunities for growth.

Paragraph 29 of the Framework makes clear that a neighbourhood plan must be aligned with the strategic needs and priorities of the wider area and plan positively to support the delivery of sustainable growth opportunities.

Relationship to Local Plan

To meet the requirements of the Framework and the Neighbourhood Plan Basic Conditions, neighbourhood plans should be prepared to conform to the strategic policy requirements set out in the adopted Development Plan. The adopted Development Plan relevant to the preparation of the HNP is the Horsham District Planning Framework (HDPF), adopted in November 2015. The HDPF provides the vision, objectives and spatial strategy for the district over the plan period 2011 – 2031. The HNP should therefore seek to support and meet those policies contained in the HDPF.

The housing requirement set out in the strategic housing policy sets out that the Council is required to deliver at least 16,000 dwellings over the plan period. This figure is reliant on the delivery of large strategic sites, 750 windfall units and neighbourhood plans allocating sites for a combined total of 1,500 dwellings. This policy does not set specific targets for neighbourhood areas and as such to meet the requirements of the Framework the plan should not seek to constrain potential sustainable development opportunities from coming forward.

Emerging Local Plan

Horsham District Council is currently in the process of undertaking a review of the HDPF which will cover the period 2018 – 2036. The Council is still in the early stages of plan preparation and it is therefore important that the HNP allows for flexibility to respond positively to changes in circumstance which may arise over the course of the plan period. The need for flexibility is particularly important as section 38(5) of the Planning and Compulsory Purchase Act 2004 states:

'if to any extent, a policy contained in a development plan for an area conflicts with another policy in the development plan the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approached, or published (as the case may be).'

Henfield Neighbourhood Plan

This section highlights the key issues that Gladman would like to raise with regards to the content of the HNP as currently proposed. It is considered that some policies do not reflect the requirements of national policy and guidance, Gladman have therefore sought to recommend a series of alternative options that should be explored prior to the Plan being submitted for Independent Examination.

Policy 1 – A Spatial Plan for the Parish

This policy sets out the spatial strategy for the neighbourhood area, defining the Built-Up Area Boundary, inside of which development proposals will be supported. This boundary is predicated upon meeting the housing needs of the Parish through the proposed allocations. As set out in response to Policy 2, Gladman do not consider this to be a robust assessment and may underestimate the housing needs of Henfield.

Gladman object to the use of settlement limits in circumstances such as this where they would preclude otherwise sustainable development from coming forward. The Framework is clear that development which is sustainable should go ahead without delay. The use of settlement limits to arbitrarily restrict suitable development from coming forward on the edge of settlements does not accord with the positive approach to growth required by the Framework. As such, Gladman suggest that this policy should be worded more flexibly in the interim to the progression of the Horsham Local Plan Review in accordance with Paragraphs 11 and 16(b) of the NPPF (2019) and the requirement for policies to be sufficiently flexible to adapt to rapid change and prepared positively.

Accordingly, Gladman consider that the above policy should be modified to allow for this flexibility and it is considered that the HNP would be better served by a criteria-based approach consistent with the requirements of national policy and the following wording is put forward for consideration:

“The neighbourhood plan will take a positive approach to new development that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. Development proposals that accord with the policies of the Development Plan and the Neighbourhood Plan will be supported particularly where they provide:

- **New homes including market and affordable housing; or**
- **Opportunities for new business facilities through new or expanded premises; or**
- **Infrastructure to ensure the continued vitality and viability of the neighbourhood area.**

Development proposals that are considered sustainable and well related to the existing settlement will be supported provided that the adverse impacts do not significantly and demonstrably outweigh the benefits of development.”

Gladman have seen changes made to other neighbourhood plans prepared in a similar context to that of the HNP. One such example is the examination of the Godmanchester Neighbourhood Plan. Paragraph 4.12 of the Examiner’s Report states:

“...Policy GMC1 should be modified to state that “Development ...shall be focused within or adjoining the settlement boundary as identified in the plan.” It should be made clear that any new development should be either infill or of a minor or moderate scale, so that the local distinctiveness of the settlement is not compromised. PM2 should be made to achieve this flexibility and ensure regard is had to the NPPF and the promotion of sustainable development. PM2 is also needed to ensure that the GNP will be in

general conformity with the aims for new housing development in the Core Strategy and align with similar aims in the emerging Local Plan.”

A further example is the Deddington Neighbourhood Plan. In this example, the Examiner recommended changes to the approach to support development proposals within and adjacent to the settlement limits as the policy was not sufficiently evidence based and would have the clear possibility of restricting the supply of new housing in the plan period, contrary to Paragraph 47 of the NPPF(2012).¹ Gladman suggest that similar changes could be made to the HNP, this will be important to ensure that the plan meets basic condition (a).

Policy 2: Housing Site Allocations

This policy allocates sites for the provision of 270 new homes over the plan period. The basis for this number is the Henfield Parish Council Housing Needs Assessment (October 2017) prepared by AECOM. Gladman do not believe that this is a true reflection of the needs of Henfield in the plan period on the basis of the changing circumstances of assessing housing needs under the new Framework and the preparation of the Horsham District Planning Framework Review.

The report suggests a housing target based on the average of four scenarios, one of which being the ‘settlement hierarchy’ derived figure based on the HDPF providing a figure of 0. Moving forward and the increased pressure of housing needs across Horsham, this figure should not have been factored into the assessment. It is highly likely that the housing needs of Henfield will increase in the near future, through the review of the HDPF and limiting the provision of housing that the HNP is providing will not allow the plan to be effective for its duration. The policies of the HNP will be quickly superseded by the HDPF should they not be drafted in such a way, suggested in response to Policy 1, to allow for sufficient flexibility towards changing needs.

Policy 11: Local Green Spaces

This policy identifies 16 areas to be designated as Local Green Spaces. In order to designate land as LGS the HNP must be supported by proportionate robust evidence that demonstrates how each of the designations meets the national policy requirements set out in Paragraphs 99 and 100 of the Framework.

The requirements of the Framework are supplemented by PPG², which states that *‘Designating any Local Green Space will need to be consistent with local planning for sustainable development in the area. In particular, plans must identify sufficient land in suitable locations to meet identified development needs and the Local Green Space designation should not be used in a way that undermines this aim of plan making.’*

Having analysed the supporting document of the HNP to support the designation of LGS, Gladman disagree with a number of findings of the assessment of whether each of the proposed LGS designations are local in character and not extensive tracts of land when in fact it appears that a number of the designations could be considered to be extensive tracts of land. Whilst there is no definition of what makes an area extensive, the issue regarding what constitutes an extensive tract of land has been previously explored in numerous Neighbourhood Plan Examinations for made Neighbourhood Plans. The following Examiner’s Reports are of particular importance:

- The Examiner’s Report to the Sedlescombe Neighbourhood Plan recommended the deletion of LGS measuring approximately 4.5ha as this constituted an extensive tract of land.

¹ Paragraphs 7.20 through to 7.25 of <https://www.cherwell.gov.uk/download/downloads/id/9160/deddington-examiners-report-03092019.pdf>

² Paragraph: 007 Reference ID: 37-007-20140306

- The Examiner's Report to the Oakley and Deane Neighbourhood Plan recommended the deletion of LGS measuring approximately 5ha and also found it to be not local in character.
- The Examiner's Report to the Alrewas Neighbourhood Plan identified that both sites proposed for LGS designation 'in relation to the overall size of Alrewas village' comprised of extensive tracts of land measuring approximately 2.4ha and 3.7ha.
- The Examiner's Report to the Brixworth Neighbourhood Plan recommended the deletion of three proposed LGS due to the lack of evidence supporting their designation. In doing so, the Examiner recommended the deletion of 1 LGS measuring approximately 2.7ha.

The areas that do not meet the requirements for an area not to be an extensive tract of land should therefore be removed from this policy.

Conclusions

Gladman recognises the role of neighbourhood plans as a tool for local people to shape the development of their local community. However, it is clear from national guidance that these must be consistent with national planning policy and the strategic requirements for the wider authority area. Through this consultation response, Gladman has sought to clarify the relation of the HNP as currently proposed with the requirements of national planning policy and the strategic policies for the wider area. Gladman hopes you have found these representations helpful and constructive. If you have any questions do not hesitate to contact me or one of the Gladman team.

Yours faithfully,


Planner
Gladman