



## Rusper Neighbourhood Plan Examination

Statement by Horsham District Council in response to  
the Independent Examiner Request for Points of  
Clarification (sent 29 June 2020)

Questions for the District Council

20 July 2020

## **1.0 Introduction**

- 1.1 This statement is in response to the Examiner request for clarification on a number of topics in relation to the Horsham District Council (HDC) Local Plan Review and the Rusper Neighbourhood Plan. Section two sets out the context and preparation process for the Rusper Neighbourhood Plan. There are 10 questions in total from the Independent Examiner for Horsham District Council, that start from Section Four of this report.
- 1.2 The topics raised are clarification in relation to the timetable and preparation of the HDC Local Plan Review and feedback on certain representations received during the Regulation 16 consultation. Alongside commentary on the Landscape Character Areas, Local Green Spaces and inclusion of additional Rusper Neighbourhood Plan policies.

## **2.0 Context**

- 2.1 Rusper Parish Council has been designated as a Neighbourhood Plan area since February 2016. The Steering group leading the preparation of the neighbourhood plan has undertaken extensive engagement on a range of evidence gathering activities and consultation events.
- 2.2 The Parish published a Pre-submission Plan for consultation under Regulation 14 of the Neighbourhood Planning (General) Regulations 2012. The consultation was held from 2 September to 14 October 2019. Comments were considered and the Pre-Submission Plan was amended accordingly. A revised "Submission Plan" was then formally submitted to Horsham District Council on the 29 November 2019. The Council, in accordance with Regulation 16 of the Neighbourhood Planning (General) Regulations 2012, held a consultation on the Rusper Submission Draft Neighbourhood Plan. Representations were invited between 24 February and 27 April 2020 for 9 weeks.

### **3.0 Covid-19**

- 3.1 The Coronavirus COVID-19 outbreak has had an effect on all of our lives. At Horsham District Council we will ensure to keep all of our communities safe. Neighbourhood Planning groups will be kept up to date with any changes or updates in guidance. In regards to the Local Plan preparation, Government's advice has been explicit regarding Local Plan preparation with guidance to progress as much as possible employing new technology where possible. At the time of writing, officers are processing the thousands of representations received during the Regulation 18 consultation. Therefore, the Council will continue the work on the preparation of the Local Plan and Regulation 19 Submission Documents, as per the timetable on our website, whilst having regard to the up to date government guidance if/as it changes.
- 3.2 The Ruser Neighbourhood Plan Regulation 16 consultation started a month before the UK Government enforced Lockdown on March 23<sup>rd</sup>. It was decided as the consultation was already halfway the consultation process, that it was reasonable to continue. HDC decided to extend to consultation by a further three weeks (to take it to 9 weeks total for the Regulation 16 consultation) and this was agreed and welcomed by the Parish Council.

### **Questions from the Independent Examiner**

#### **4.0 Further discussions with HDC (question one)**

*Question: Under sub-section 2 on the first page of the Council's Regulation 16 response, it is stated that 'Horsham District Council would welcome any further discussions on such matters before the plan proceeds to the next stage'. Have there been any further discussions of which I should be aware?*

- 4.1 At Horsham District Council we keep an open dialogue with our communities and Neighbourhood Planning groups as part of our overall Duty to Support commitment. We understand that groups that are currently progressing their Neighbourhood Plans are doing so with the consideration of the Local Plan

Review taking place, nevertheless we keep an open dialogue regarding strategic matters with Neighbourhood Plan groups.

- 4.2 Since the Regulation 16 consultation response from HDC, there have been no further communication with Ruser Parish Council on matters concerning the emerging neighbourhood plan. Nevertheless, it remains the district council will always be available to discuss neighbourhood plan matters with local groups.

## **5.0 Current timetable for the HDC Local Plan Review (question two)**

*Question: Could the Council clarify the current timetable for the preparation of the Horsham District Local Plan 2019 - 2036?*

- 5.1 Horsham District Council is currently preparing a Local Plan (also known as the Local Plan Review) that will supersede the Horsham Local Development Framework (HDPF). The Local Plan has just finished the Regulation 18 Draft Consultation, this ran for 6 weeks from 17 February to 30 March 2020 receiving over 6000 representations.
- 5.2 Horsham District Council would like to advise the examiner the Council are working to an amended Local Plan timetable. HDC are working towards a Pre-submission Draft of the Local Plan, Regulation 19, for early 2021, with submission and examination following later in 2021. The revised timetable can be found on the Council website: <https://www.horsham.gov.uk/planning/local-plan/local-plan-review-timetable>. The Local Development Scheme will be updated in the coming weeks to reflect this new timetable.

## **6.0 Representation 11 (question 3)**

*Question: Representation 11 (Bell Cornwell) considers that the Basic Condition in relation to sustainable development has not been met. It suggests that HDC take a proactive approach by seeking to identify a housing requirement figure for the Parish and identifies appropriate housing sites through site allocations.*

*My understanding is that the suggested approach, of identifying a housing requirement figure and allocating appropriate sites, is being followed, through the preparation of the Horsham District Local Plan 2019 - 2036 and that the*

*Council considers that there would be no value in taking an incremental approach, for example, by supporting the identification of housing sites in Rusper in advance of the completion of the Local Plan process. Can the Council confirm (or otherwise) that my understanding is correct? Is the Council satisfied, in this regard, that the Basic Conditions have been met?*

- 6.1 Horsham District Council are satisfied that the Basic Conditions for the Rusper Neighbourhood Plan have been met. It is important to acknowledge the context that the RNP is being prepared with the starting point for the preparation of the Rusper Neighbourhood Plan is the Horsham District Planning Framework (HDPF), Policy 15 sets out the Strategic Housing Provision in Horsham District up to 2031. This is for a provision of 800 dwellings pa over the plan period. Part (d) of the policy stipulates at least 1500 of the aforementioned overall provision will be allocated through Neighbourhood Plans, and to be in accordance with the settlement hierarchy. There is no specific provision in the policy for each parish. Until the new Local Plan is adopted, Neighbourhood Plans must be prepared to be in general conformity with the Horsham District Planning Framework.
- 6.2 The new local plan will be aligned with government guidance by designating neighbourhood plan areas with a specific housing requirement. The new plan will set out how the Authority intends to meet the additional housing requirements which arise from the standard housing methodology and any Duty to Cooperate requirements. The locational strategy to meet these housing numbers is a strategic matter and will be address in the Local Plan Review. Nevertheless, the Horsham District Council Regulation 18 document currently has limited weight and has a number of stages it must negotiate before the plan can be adopted. Thus, even having regard to the housing need arising from the standard methodology, which is the basis for the local plan review as the HDPF reaches the end of its five year cycle in November 2020, Rusper Parish Council cannot plan with any certainty beyond the current adopted plan requirements set out in the HDPF.
- 6.3 As the local plan preparation process continues, there is an increasingly large risk that for neighbourhood plans which are not yet 'Made', will be superseded by our new Local Plan. The Council have been discussing with all parishes how

best to minimise this risk since March 2019 and discussions have continued with individual parishes. Several groups suitably advanced in the process have continued with their neighbourhood plans but have committed to an early review with the intention specifically address any additional requirements arising from the standard methodology.

6.4 Rusper Parish Council have opted to continue with their neighbourhood plan without allocations and are undertaking the preparation of this iteration of the Rusper Neighbourhood Plan with the intention to review once the Local Plan has been adopted, at which point they will address any strategic requirement to come out of the Local Plan Review process.

6.5 It should be clarified; Horsham District Council has made significant progress with Neighbourhood Planning in recent months. The Council has 7 formally made plans with three plans (Upper Beeding, Henfield and Southwater) having negotiated their respective examinations recently and are currently waiting to proceed to referendum once COVID - 19 restrictions have been lifted. It follows that the decision maker can apply significant weight to Upper Beeding, Southwater and Henfield plans respectively. Together with the seven made plans the total number of housing allocations equates to 1223 dwelling which is 82% of the minimum 1,500 requirement to come from Neighbourhood Plans as stipulated in Policy 15 (d) of the HDPF. Please refer to Appendix A which highlights the current status of neighbourhood plans in Horsham District. The Council considers a further number of neighbourhood plans will have reached an advanced stage by the end of 2020 when the local plan will be ratified by Full Council to go out to its Reg 19 consultation in early 2021. The schedule highlights projected housing allocations to come from Neighbourhood Planning is expected to exceed the minimum requirement as stated in the HDPF Policy 15 (d).

## **7.0 Representation 16 (question 4)**

*Question: In the Homes England Regulation 16 response (Ref:6), in annex A under paragraph 2.3 – 2.4, it is suggested that there should be a reference to*

*Land West of Crawley and the expectation that this land will be allocated for housing development in the new Horsham District Local Plan 2019 - 2036.*

*In the same table, relating to paragraph 3.8, Homes England suggests some amended wording.*

*From my understanding of the situation, such references and amendments would be premature, pending consideration of the Horsham District Local Plan.*

*What is the Council's opinion on this matter?*

- 7.1 Horsham District Council identified a number of possible locations for strategic scale housing growth as part of its recent regulation 18 consultation as part of the Local Plan Review. This site identified land west of Crawley as a possible location for growth. However, this was not an allocation, and no decision has yet been made as to where development should go. The site selection process will be subject to further work on the evidence base and refinement of the SEA/SA process and followed by consultation under Regulation 19 and then examination by an independent planning inspector.
- 7.2 At this stage it is therefore not possible to insert any wording to the effect that the site is expected to come forward as this would pre-empt the conclusion of our evidence gathering and the sustainability appraisal process. Should the Homes England site be allocated in the emerging Local Plan, a future review of the RNP will need to take account of this change of circumstance, but to do so for this iteration of the RNP would be premature.

## **8.0 Strategic Housing and Economic Land Availability Assessment (SHELAA) (question 5)**

*Question: Is paragraph 3.20 of the RNP, regarding the Strategic Housing and Economic Land Availability Assessment (SHELAA), (and the accompanying SHELAA Map) accurate and up-to-date?*

- 8.1 Horsham District Council's Strategic Housing and Economic Land Availability Assessment (SHELAA) can be viewed on the website here: <https://www.horsham.gov.uk/planning/planning-policy/strategic-housing-and-economic-land-availability-assessment-shelaa/housing-land-availability>. Paragraph 3.20 on page 11 of the Ruser Neighbourhood Plan quotes the above SHELAA and associated map for Ruser. This is the most up to date

information from HDC and is evidence we are also using to support the upcoming Local Plan Review. The Regulation 18 Local Plan consultation document also includes sites information. It is not council policy but a document for consultation.

## **9.0 Landscape Character Study – Policy RUS1 (question 6)**

*Question: In the Homes England Regulation 16 response (Ref:6), in relation to Policy RUS1: Spatial Plan, it states that Character Area SP2 is ‘at odds with the Regulation 18 Draft Horsham District Local Plan 2019 – 2036’ and the Council’s Landscape Capacity Study 2020. What is the Council’s opinion on this matter?*

- 9.1 HDC acknowledge the incorporation of Landscape Character into the Neighbourhood Plan. However, we do have concerns over the potential confusion of the use of the term ‘Landscape Character Areas.’ The concern comes from the process and assessment that has been carried out doesn’t necessarily follow the formal guidance as set by Natural England’s: [Landscape Character Assessments guidance](#), but rather follows tests set by the neighbourhood plan group.
- 9.2 Focusing on the assessments that have been carried out by the Parish Council, which we would like to specify again is not a formal landscape character assessment, for LC4, LC5 that later results in Spatial Plan SP2. Certain tests set out in the assessment, in particular test 3 and later test 5, do not take on board local guidance of the Horsham District Landscape Assessment (2003) or Landscape Capacity Study (2014, updated/superseded 2020) – please refer to: [https://www.horsham.gov.uk/\\_data/assets/pdf\\_file/0015/80502/Landscape-Capacity-Study-2020.pdf](https://www.horsham.gov.uk/_data/assets/pdf_file/0015/80502/Landscape-Capacity-Study-2020.pdf)
- 9.3 Reference is made to regional guidance, which of course is an important consideration, but it misses the fine grain of more local guidance/documents that have been provided by HDC. In particular, the recent Landscape Capacity Study looks at the character and sensitivities (and visual sensitivities) of the smaller scale and place SP2 within Local Landscape Character Area 5. LLCA5 describes this area as being: *“of moderate landscape condition, variable landscape character and visual sensitivity depending on the scale of the development being assessed against and low-moderate landscape value.”*



- 9.4 Table four of the HDC Landscape Capacity Study (page 17) defines Low-Moderate value as an area that; does not lie within or adjacent to a designated landscape. The area presents very limited locally distinctive landscape characteristics with some scenic interest, or presents limited amenity value by way of views and countryside access. Generally, it is observed that this area does lack distinctive characteristics although there are views to Ifield Conservation Area, and has a high amenity value as it is used well by residents for recreation such as dog walking. There is limited or few historic or ecological interest, but it is recognised that the closer to the edge of Ifield has an attractive landscape adjoining the Conservation Area as previously mentioned. The tranquillity in this area is challenged as a result of being it being relatively close proximity to Gatwick airport.
- 9.5 In the Ruser Neighbourhood Plan, it suggests that the SP2 assessment concludes that this area is significant in terms of location as result of *“development to seriously impact on the boundary of the new Maples development”* along *“Ruser Road and because the land along Ifield Brooks establishes the boundary between Crawley and the start of the Ruser Parish”*. The conclusions from this assessment are based purely on the administrative boundary of the Ruser Parish (boundary), and typically landscape assessments and landscape in general is looked at holistically and is not restricted to administrative boundaries. HDC’s landscape officer’s interpretation of the area represented by SP2, is that within the Ruser Parish development along Ruser Road is very much associated with Ifield and seen as edge of settlement. Providing a spatial plan area as proposed will preclude the expansion of Crawley and ultimately our duty to cooperate.
- 9.6 This area is overall open in character, visible from the wooded ridge to the west but the area is partly enclosed by belts of woodland and thick hedgerows along Ifield Brook giving moderate visual sensitivity to housing development. In terms of Landscape Capacity, the area could absorb some large scale housing and employment without adverse impacts. The capacity of the landscape decreases the closer to Ifield Conservation Area, as well as to the west where there could be a perceived intrusion of the wider countryside.

## **10.0 Landscape Character Study – HDC Policy SP1 (question 7)**

*Question: In the Homes England Regulation 16 response (under SP1: Comments) it is stated that ‘there is a commitment to undertake further landscape character assessment’ – to build on the 2003 and 2020 Assessments. It is not clear who is undertaking this additional work or when. Could the Council please provide clarity and summarise any implications such work may have on the RNP.*

- 10.1 It is our understanding that Homes England is making references to further work they are committed to undertaking as stipulated in their Regulation 16 response, mentioned in the question above. It is our understanding Homes England will undertake further landscape character assessments as part of their site promotion work for the emerging Local Plan review process. This work will be carried out at a site-specific scale, and although it can be helpful to refine the subtle variations in the landscape character of the area, we believe it will not have implications for the RNP. We have not had sight of this work by Homes England and it would not be considered as part of this examination.

## **11.0 Additional policies in the RNP (question 8)**

*Question: It has been suggested that the RNP should include policies, for example relating to waste- water, sewerage infrastructure and surface water drainage. It is also suggested that there should be a policy requiring a Transport Assessment for new housing proposals. Can the Council confirm (or otherwise) that these issues are adequately addressed in the Horsham District Planning Framework (HDPF) and the draft Horsham District Local Plan 2019 - 2036?*

- 11.1 Until such time the Local Plan Review process has been completed or reached sufficient maturity so appropriate weight can be applied, the Horsham District Planning Framework is the planning framework by which decision makers will assess applications against. Any neighbourhood plan must not be read in isolation but should be read in conjunction with the overall development plan for the district including the current HDPF and eventually the new Local Plan.

Therefore, it is considered there is adequate provision provided within the adopted HDPF to guide sustainable development and the issues relating to waste-water, sewerage infrastructure, transport and surface water flooding are addressed appropriately within the current HDPF and eventually through the Local Plan review.

- 11.2 Infrastructure provision is addressed through Policy 39 and ensures applicants are providing adequate capacity (education, transport, water and waste infrastructure) both on site and off site to serve the development and is a mechanism to secure contributions from developers to ensure required standards are met including adequate contributions secured through legal agreements or a development tariff such as the Community Infrastructure Levy.
- 11.2 Climate Change Policy 35 supports and promotes the use of measures to promote the conservation of water and encourages grey water recycling. Issues regarding flood risk are addressed in Policy 38 Flooding where development proposals are expected to be prioritise sites with the lowest flood risk. Appropriate mitigation will be sought where it is appropriate with the use of Sustainable Drainage Systems to minimise flood risk onsite and offsite. Support is also given to amenity and biodiversity gain arising from the implementation of SuDS.
- 11.3 For development which generate significant amounts of movement, a transport assessment in support of the application may be requested with impacts on the wider strategic road network may also be considered. This is supported by national policy (Paragraph 111 of the NPPF 2019) notwithstanding, Policy 40 Sustainable Transport ensures development is served by appropriate transport measures including non-vehicular modes of transport.
- 11.4 While the Regulation 18 Local Plan consultation document has limited weight there is an expectation many of the infrastructure and transport policies will be carried forward into the new plan subject to the review process.

## **12.0 Landscape Character Areas and Local Gap (question 9)**

*Question: I ask the Parish Council, in Questions 6 and 13 below, about the justification for the two Landscape Character Areas and the Local Gap. Whilst*

*the objective of 'protecting' areas of countryside may be appropriate, I would welcome the views of the District Council as to whether or not there are existing policies in the adopted Horsham District Planning Framework (and the draft Horsham District Local Plan 2019 – 2036) which will satisfactorily achieve that objective in Rusper.*

- 12.1 The Council considers there is adequate protection embedded in the existing HDPF to protect the open countryside and guide development in a sustainable manner throughout the district. The Council considers the local gap and landscape character areas policies are not required and are afforded adequate consideration through Policies 24 Environment Protection to Policies 27 Coalescence in the HDPF. Furthermore, the spatial strategy guides development in a sustainable manner through Policies 3 & 4 achieving sustainable development on the edge of settlement in accordance with the settlement hierarchy. The use of Built Up Area Boundaries is also a common policy mechanism to deter urban sprawl and unwarranted development in the open countryside unless material considerations dictate otherwise.

### **13.0 Local Green Spaces (question 10)**

*Question: Local Green Space (LGS) should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services (NPPF, paragraph 100). Planning Practice Guidance confirms that 'designating any local green space will need to be consistent with local planning for sustainable development in the area'. It goes on to advise that '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'.*

*In the circumstances at Horsham, where the Horsham District Local Plan 2019-2036 is at an advanced stage of preparation, does the Council consider that it would be appropriate to take a comprehensive approach to sustainable development in this regard – an approach that considers together both development allocations and the protection of suitable local green spaces. I note that the draft Horsham District Local Plan includes policy 32: Local Green*

*Space and that there is a reference to areas being identified on the Policies Map, which I assume could include sites in Rusper.*

*Whilst I acknowledge that ‘whether to designate land is a matter for local discretion’, the achievement of sustainable development (economic, social and environmental) is a key national objective and it could be argued that the identification of LGS at Rusper, at this stage, could prejudice that objective.*

*If the evidence leads me to conclude that, in the wider interests of longer-term sustainability, the proposed LGS in Rusper should be deleted, can the Council confirm that the opportunity to make such designations in the Parish would still exist, as part of the current Horsham District Local Plan preparation?*

13.1 As areas of green space and open space are an important function not only when discussing development, but more importantly in our communities’ health and wellbeing. Local Green Spaces (LGS) is something that we advocate and support in principle. Nevertheless, the tests for LGS as stipulated in National Planning Policy Framework are abundantly clear and request a high threshold in order to qualify for an LGS designation and should not as a policy mechanism be used to prejudice development from coming forward. A further consideration is any designation of local green space must be capable of enduring beyond the end of the plan period.

13.2 Paragraph 99 of the National Planning Policy Framework is explicit on this issue with the designation of Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Further guidance can be found in the Planning Practice Guidance which stipulates the following:

***How does Local Green Space designation relate to development?***

*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.*

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

*Revision date: 06 03 2014*

- 13.3 The emerging Local Plan considers the issue of Local Green Spaces, as previously stated an important objective for strategic development in Horsham. Policy 32: Local Green Spaces within the Regulation 18 Local Plan consultation document advocates a mechanism to deliver LGS through neighbourhood plans but is also clear proposed LGS designations should not, and does not“... *conflict with the strategic policies of the Local Plan.*” It follows an early review of Ruser Neighbourhood Plan there will be an opportunity for neighbourhood plans to include Local Green Space proposals with the added benefit of wider strategic matters having been settled following the conclusion of the Local Plan review.

## Appendix A: Current Status of Neighbourhood Planning in Horsham District (July 2020)

| Current Status of NDP as of 20 July 2020                               | Neighbourhood Plan Area  | Numbers Proposed within Plan |
|--|--------------------------|------------------------------|
| Made   | Storrington / Washington | 146                          |
| Made   | Warnham                  | 50                           |
| Made   | Thakeham                 | 50                           |
| Made   | Slinfold                 | 77                           |
| Made   | Shermanbury and Wineham  | 20                           |
| Made   | Nuthurst                 | 51                           |
| Made   | Woodmancote              | n/a                          |
| <b>Total</b>   |                          | <b>394</b>                   |
| Referendum (May 2021)<br>Decision Statement issued 30 Jan              | Upper Beeding            | 109                          |
| Referendum (May 2021)<br>Decision Statement issued 22 June             | Henfield                 | 270                          |
| Decision Statement to be finalised<br>Examiner's Report issued 15 May  | Southwater               | 450                          |
| Decision Statement to be finalised<br>Examiner's Report issued 18 June | Shipley                  | n/a                          |
| <b>Cumulative Total</b>  |                          | <b>1223</b>                  |
| Examination in progress. Examination question<br>deadline 20 July      | Rusper                   | n/a                          |
| Examination in progress. Examination question<br>deadline 16 July      | Bramber                  | n/a                          |
| <b>Cumulative Total</b>  |                          | <b>1223</b>                  |
| Regulation 16 concludes 12 August                                      | Ashington                | 225                          |
| Regulation 16 concludes 12 August                                      | Billingshurst            | n/a                          |
| Regulation 16 concludes 4 September                                    | West Grinstead           | n/a                          |
| <b>Cumulative Total</b>  |                          | <b>1448</b>                  |
| Regulation 15 (submitted)  | Steyning                 | n/a                          |
| Regulation 15 (submitted)  | Horsham Blueprint        | n/a                          |
| Regulation 15 (submitted)  | Cowfold                  | 70                           |
| Regulation 15 (submitted)  | Itchingfield             | 52 (61) <sup>1</sup>         |
| Regulation 15 (submitted 8 July 2020)                                  | Lower Beeding            | 45 (51) <sup>2</sup>         |
| <b>Cumulative Total</b>  |                          | <b>1630</b>                  |
| Regulation 14 concludes on the 19 July                                 | Rudgwick                 | n/a                          |
| Regulation 14 concludes on the 31 August                               | Pulborough               | 263                          |
| <b>Cumulative Total</b>  |                          | <b>1893</b>                  |
| Work in Progress   | West Chilts              | n/a                          |
| <b>Projected Total</b>   |                          | <b>1893</b>                  |

<sup>1</sup> Indicative housing number requested of 61 – the plan allocates 52 with the shortfall to be made up of a windfall policy of 9 dwellings

<sup>2</sup> Indicative housing number requested of 51 – the plan allocates 45 with the shortfall to be made up of windfall policy of 6 dwellings

