

# Shingley Parish Neighbourhood Plan 2019- 2031

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## **Submission Version**

A Report to Horsham District Council on the Examination of the Shingley Parish Neighbourhood Plan

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## Executive Summary

My examination has concluded that the Shipley Parish Neighbourhood Plan should proceed to referendum, subject to the Plan being amended in line with my recommended modifications, which are required to ensure the plan meets the basic conditions. The more noteworthy include –

- Making it explicit that housing proposals will need to meet all the criteria in the policy to be supported.
- Require that rural exception sites should still be well related to the settlements and to allow, where necessary limited market housing, if it is demonstrated that it is necessary to deliver a viable scheme.
- Update the map for LGS 2.
- Allow employment development, not just within the settlements as infill or the redevelopment of previously developed land and to allow it to be provided within well designed new buildings.
- Delete the CIL policy.

The referendum area does not need to be extended beyond the plan area.

## Introduction

1. Neighbourhood planning is a process, introduced by the Localism Act 2011, which allows local communities to create the policies which will shape the places where they live and work. The Neighbourhood Plan provides the community with the opportunity to allocate land for particular purposes and to prepare the policies which will be used in the determination of planning applications in their area. Once a neighbourhood plan is made, it will form part of the statutory development plan alongside the adopted Horsham District Planning Framework Plan. Decision makers are required to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.
2. The neighbourhood plan making process has been led by Shipley Parish Council. A Steering Group was appointed to undertake the plan preparation made up of both parish councillors, advisors and local volunteers.
3. This report is the outcome of my examination of the Submission Version of the Shipley Neighbourhood Plan. My report will make recommendations based on my findings on whether the Plan should go forward to a referendum. If the plan then receives the support of over 50% of those voting at the referendum, the Plan will be “made” by Horsham District Council.
4. It will be appreciated that in the light of the COVID 19 crisis, a referendum cannot be held until at least May 2021. However, upon Horsham District Council issuing of the Decision Statement, under Regulation 19 of the Neighbourhood Planning Regulations, indicating how it intends to respond to my recommendations, the plan as modified can be accorded *significant weight* in development management decisions until such time as a referendum can be held.

## The Examiner’s Role

5. I was appointed by Horsham District Council in May 2020, with the agreement of Shipley Parish Council to conduct this examination.
6. In order for me to be appointed to this role, I am required to be appropriately experienced and qualified. I have over 41 years’ experience as a planning practitioner, primarily working in local government, which included 8 years as a Head of Planning at a large unitary authority on the south coast, but latterly as an independent planning consultant and director of John Slater Planning Ltd. I am a Chartered Town Planner and a member of the Royal Town Planning Institute. I am independent of Horsham District Council and Shipley Parish Council and I can confirm that I have no interest in any land that is affected by the Neighbourhood Plan.
7. Under the terms of the neighbourhood planning legislation I am required to make one of three possible recommendations:

- That the plan should proceed to referendum on the basis that it meets all the legal requirements.
  - That the plan should proceed to referendum, if modified.
  - That the plan should not proceed to referendum on the basis that it does not meet all the legal requirements
8. Furthermore, if I am to conclude that the Plan should proceed to referendum, I need to consider whether the area covered by the referendum should extend beyond the boundaries of the area covered by the Shipley Neighbourhood Plan area.
  9. In examining the Plan, the Independent Examiner is expected to address the following questions
    - Do the policies relate to the development and use of land for a Designated Neighbourhood Plan area in accordance with Section 38A of the Planning and Compulsory Purchase Act 2004?
    - Does the Neighbourhood Plan meet the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 - namely that it specifies the period to which it is to have effect? It must not relate to matters which are referred to as “excluded development” and also that it must not cover more than one Neighbourhood Plan area.
    - Has the Neighbourhood Plan been prepared for an area designated under Section 61G of the Localism Act and has been developed and submitted by a qualifying body?
  10. I am able to confirm that the Plan does relate only to the development and use of land, covering the area designated by Horsham District Council, for the Shipley Neighbourhood Plan, on 6<sup>th</sup> August 2019, *if it is modified in accordance with my recommendations.*
  11. I can also confirm that it does specify the period over which the plan has effect namely the period from 2019 up to 2031.
  12. I can confirm that the plan does not cover any “excluded development”.
  13. There are no other neighbourhood plans covering the area covered by the neighbourhood area designation.
  14. Shipley Parish Council, as a parish council, is a qualifying body under the terms of the legislation.

## **The Examination Process**

15. The presumption is that the neighbourhood plan will proceed by way of an examination of written evidence only. However, the Examiner can ask for a public hearing in order to hear oral evidence on matters which he or she wishes to explore further or if a person has a fair chance to put a case.
16. I am required to give reasons for each of my recommendations and also provide a summary of my main conclusions.
17. I am satisfied that I can properly examine the plan without the need for a hearing.

18. I carried out an unaccompanied visit to Shipley, Coolham, Dragons Green and Brooks Green and the surrounding countryside, on 5<sup>th</sup> June 2020.
19. Following my site visits, I sent an email to the Parish Council indicating that I would be dealing with the examination on the basis of the submitted material and the only additional information I needed, was a map showing the full extent of Local Green Space 2 at Church Close, Shipley. This was sent on 8<sup>th</sup> June 2020.
20. I also sought clarification from the District Council as to the extent of the designated plan area as the plan in the submitted document is different to the plan that was designated by the District Council in 2016. That was an amendment from the plan area as originally designated in 2014. I was sent confirmation that following further parish boundary changes that the new parish area as shown in the plan, had been designated as the plan area by Horsham District Council on 6<sup>th</sup> August 2019.

### **The Consultation Process**

21. Once the neighbourhood area was originally designated in 2014, an information meeting was held to set out the programme for the neighbourhood plan. This was followed up by a community survey which was circulated to every household in the parish to understand issues and residents' concerns. This had a response rate of over 40% and help to inform the vision and objectives of the plan.
22. Alongside this, there was a separate consultation exercise undertaken with local school pupils.
23. In November 2017, two drop-in events were held at the Coolham Village Hall and the Andrew Hall in Shipley.
24. A draft version of the plan was put together which was the subject of further consultation with the District Council planners. Throughout the process, the work on the Steering Group was publicised by a dedicated page on the Parish Council website.
25. All this activity led to the preparation of the Pre-Submission version of the plan which was the subject of a six-week consultation period, known as the Regulation 14 consultation. This ran from 2<sup>nd</sup> September 2019 to 13<sup>th</sup> October 2019 and included two drop in sessions. This consultation drew total of 14 responses which are summarised in the Consultation Statement.
26. I am satisfied that the Parish Council has actively sought the views of local residents and other stakeholders which has helped shape the plan

### **Regulation 16 Consultation**

27. I have had regard, in carrying out this examination, to all the comments made during the period of final consultation which took place over a 9-week period, between 9<sup>th</sup> March 2020 and 11<sup>th</sup> May 2020. This consultation was organised by Horsham District Council, prior to the plan being passed to me for its examination.

That stage is known as the Regulation 16 Consultation. It was a longer period because of the COVID 19 emergency.

28. In total, 12 responses were received, from Horsham District Council, West Sussex County Council, Natural England, Sports England, Nuthurst Parish Council, Environment Agency, Historic England, Highways England, Southern Water, Batchellor Monkhouse on behalf of Tidey and Webb Ltd and 2 letters from local residents.
29. I have carefully read all the correspondence and I will refer to the representations where it is relevant to my considerations and conclusions in respect of specific policies or the plan as a whole.

### **The Basic Conditions**

30. The Neighbourhood Planning Examination process is different to a Local Plan Examination, in that the test is not one of “soundness”. The Neighbourhood Plan is tested against what is known as the Basic Conditions which are set down in legislation. It will be against these criteria that my examination must focus.
31. The five questions, which seek to establish that the Neighbourhood Plan meets the basic conditions test, are: -
  - Is it appropriate to make the Plan having regard to the national policies and advice contained in the guidance issued by the Secretary of State?
  - Will the making of the Plan contribute to the achievement of sustainable development?
  - Will the making of the Plan be in general conformity with the strategic policies set out in the Development Plan for the area?
  - Will the making of the Plan breach or be otherwise incompatible with EU obligations or human rights legislation?
  - Will the making of the Plan breach the requirements of Regulation 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017?

### **Compliance with the Development Plan**

32. To meet the basic conditions test, the Neighbourhood Plan is required to be in general conformity with the strategic policies of the Development Plan, which in this case is the Horsham District Planning Framework was adopted in November 2015. It covers the period 2015 to 2031. A helpful analysis of the relationship between the local plan and the neighbourhood plan policies is set out in the Basic Conditions Statement.
33. The villages of Coolham and Shipley and the hamlets of Dragons Green and Brooks Green sit at the lowest level of the development hierarchy, as set out in Policy 3, which are known as unclassified settlements, settlements with few or no

facilities or social networks and limited accessibility, that are reliant on the other villages and towns to meet the needs of residents.

34. The guidelines for settlement expansion is set out in Policy 4 which sets out criteria for expansion to meet local identified housing needs. Policy 17 sets criteria for what are classed as Exception Housing Schemes and Policy 26 is the countryside protection policy. Policy 10 addresses Rural Economic Development.
35. Horsham District Council is currently working on the new local plan. This plan is currently in its early stages with its Regulation 18 consultation taking place between 17<sup>th</sup> February 2020 and 30<sup>th</sup> March 2020. The published timescale is for the local plan examination to take place in March/April 2021 with adoption expected in December 2021. That plan is not relevant to my consideration of the basic conditions.
36. For the purpose of the basic conditions I am satisfied that the plan is in general conformity with the strategic policies in the adopted Horsham District Planning Framework.

### **Compliance with European and Human Rights Legislation**

37. Horsham District Council issued a Screening Determination Statement, in a document entitled May 2019 which concluded that a full strategic environmental assessment, as required by EU Directive 2001/42/EC, which is enshrined into UK law by the “Environmental Assessment of Plans and Programmes Regulations 2004”, would not be required.
38. The District Council, as competent authority, issued a screening under the Habitat Regulations, on 9<sup>th</sup> May 2019. This concluded that the neighbourhood plan is unlikely to have any significant adverse effects on the any European Protected sites and that a Habitat Regulation Assessment would not be required. The nearest European protected sites are Arun Valley SPA/ Ramsar, Arun Valley SAC, The Mens SAC and the Ashdown Forest SAC. In making that determination it did make some suggestions principally of a procedural nature, including a suggestion of cross referencing policies in the District Planning Framework and highlighting the need for Appropriate Assessments on certain schemes
39. I am satisfied that the basic conditions regarding compliance with European legislation, including the newly introduced basic condition regarding compliance with the Habitat Regulations, are met. I am also content that the plan has no conflict with the Human Rights Act.

### **The Neighbourhood Plan: An Overview**

40. I have been impressed by the straightforward presentation of this neighbourhood plan. It focuses clearly on the matters that reflect residents’ concerns. It paints a picture of the parish and its population and is supported by evidence, which it sets out in an unusual and highly readable form.



41. I will particularly highlight the clarity of the Shipley Parish Design Statement. This has successfully updated the earlier Parish Statement, which had been adopted as a Supplementary Planning Document in 2013 and has integrated it into the neighbourhood plan, as an appendix which policies can then refer to. From my visit to the parish, I appreciate that it clearly describes the particular vernacular architecture of the parish which offers clear guidance for applicants.
42. The plan clearly recognises the distinction between its planning policies covering the use and development of land and other matters, which are equally as important to the residents but cannot be included within a development plan policy. It follows Secretary of State's advice by clearly differentiating between development plan policy and projects which the Parish Council can take forward, but which could not be used to determine planning applications.
43. I have had to make minor revisions to the wording of some policies, particularly so that the plan has had regard to Secretary of State's policy and advice, in order to satisfy the basic conditions. This is particularly the case in the area of employment development.
44. The plan's housing policy is positively seeking to address local housing need in a way that is consistent with the parish's village and hamlet status in the settlement hierarchy and also supports proposals which will enhance the employment base by encouraging new business opportunities, at the same time as it is protecting the rural character of this part of West Sussex and demanding high quality design aspirations. I am satisfied that the plan will deliver sustainable development.
45. My recommendations have concentrated particularly on the wording of the actual policies against which planning applications will be considered. It is beyond my remit as examiner, to comprehensively recommend all editorial changes to the supporting text. These changes are likely as a result of my recommendations, so that the plan will still read as a coherent planning document.
46. Following the publication of this report, I would urge the Parish Council and Horsham planners to work closely together to incorporate the appropriate changes which will ensure that the text of the Referendum Version of the neighbourhood plan matches the policy, once amended in line with my recommendations. It is also an opportunity to resolve many of the minor textual issues that have been raised by the District Council in the Regulation 16 representations.

## **The Neighbourhood Development Plan Policies**

### **Policy Ship HD1: New Housing Development**

47. This policy sets a range of criteria to be applied to proposals for new housing within the parish. The plan is not allocating sites but this policy establishes criteria for residential development within the settlement which the policy supports.
48. As drafted, the policy is unclear whether applications will need to meet every criterion or just one. I agree with the comments of Horsham District Council and have concluded that the proposals only really work, as a coherent policy, if each criterion applies. I will therefore recommend an amendment the wording

accordingly, so the policy is explicit as to its requirements. The policy is a positive statement on how planning policy will allow local housing need to be met, in the way that is consistent with national policy as set out in paragraph 78 of the Framework.

49. I have considered the Regulation 16 representations on behalf of Tidey and Webb Limited, but I do not consider that the location of the premises, which is located well away from any of the settlements would be a sustainable location in which to promote new housing development. It would not currently meet the criteria set out in paragraph 79 of the Framework for allowing what will be isolated homes in the countryside.
50. There are some circumstances where residential development could be allowed, beyond the circumstances envisaged by this policy which would accord with national policy, especially as set out in paragraphs 77 to 79 of the NPPF 2019. The favorable consideration of such applications will not be prevented by the policy, which does prevent out such development. It seeks only to indicate where particular forms of residential development will be supported.

### ***Recommendation***

***At the end of the first paragraph insert “the proposal meets all of the following criteria:”***

### **Policy Ship HD2: Housing mix**

51. I consider that this policy will assist the parish in providing for its housing needs, which is be one of the constituents of the basic conditions, namely that the plan will deliver sustainable development.
52. The Secretary of State’s policy in respect of rural exception sites is that local planning authorities should consider whether allowing some market housing on these sites would help facilitate the delivery. I will recommend a small amendment to introduce some flexibility within the policy, where it could be shown to help the delivery of this much-needed affordable housing. The concept of mixed tenure development is acknowledged in Policy HD3.
53. The District Council has suggested that an additional criterion be added, that such exception sites should be well related to the settlements within the parish as the essence of such development is that it allows affordable housing in a location where it ordinarily would not be allowed, but in a way that still relates to the settlement. Under the terms of the policy as drafted it could have allowed the construction of a housing development in a position that was remote from other facilities, which would not be in accordance with either national or local strategic policy.
54. The final sentence of the policy implies that new build dwellings or conversions could only be acceptable if treated as a rural exception site. That would be more restrictive than national policy as set out in paragraph 79 of the NPPF. I will recommend that part of the policy be deleted, as suggested by the District Council. I do not agree that the policy needs to be split into two policies to comply with the basic conditions.

### **Recommendation**

**Replace the second paragraph as follows:**

***“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.”***

### **Policy Ship HD 3: High-quality design**

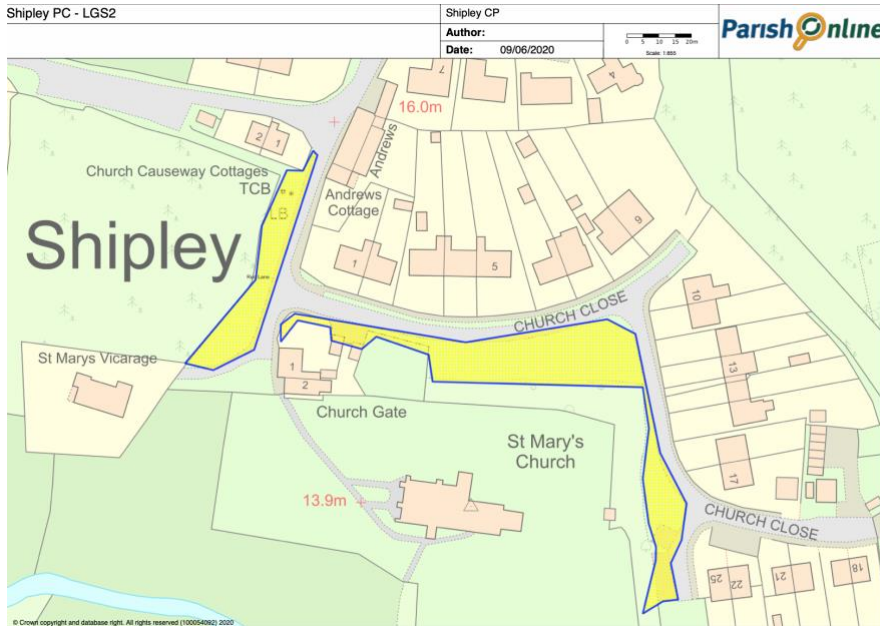
55. My only comment regarding this policy is that by implication it is describing what information should be submitted with the planning application. That is beyond the scope of what the neighbourhood plan can deliver, as the information an applicant is required to submit with a planning application, is set out in the District Council's local validation list. This is required under separate regulations. I will amend the wording so that it encourages applicants to provide such information but the decision maker will need to be satisfied that the design responds positively to local design characteristics and features under the first part of the policy.

### **Recommendation**

***In the second paragraph replace “should” with “are encouraged to”***

### **Policy Ship EZ 1: Local green space designations**

56. I am satisfied that the two areas meet the strict threshold set in paragraph 100 of the NPPF which justify having the highest level of protection for green spaces.
57. It would assist the usability of the policy, which potentially could be referred to in documents beyond the actual neighbourhood plan, for example quoted in a planning decision notice, if the two maps were referred to by their plan numbers Figures 16 and 17.
58. Whilst not a formal recommendation, the Parish Council may wish to consider moving the two maps and the supporting justification paragraphs presently shown in Appendix 3 into the main body of the plan on Page 32. The remaining Appendix 3 information could be retained, which shows how the two spaces meet the LGS criteria, although I would point out the list of criteria to demonstrate how the green space is demonstrably special to the local community, are strictly *examples* of how a green space may be considered demonstrably special.
59. The map of LGS 2 Church Close / Red Lane in the document does not show the full extent of the designation opposite Andrews Cottage and I have been provided with the following replacement map which needs to be substituted for the plan on Page 71.



60. The wording of the policy is not in line with national policy which is effectively to rule out all development except under very special circumstances.

**Recommendations**

**Replace “as delineated on the maps in Appendix 3” with “as shown in Figures 16 and 17”**

**Replace the plan in Figure 17 with the plan above.**

**In the final paragraph replace all the text after “permitted” and insert “unless very special circumstances are demonstrated.”**

**Policy Ship TC1: Active travel**

61. I have no comments to make on this policy.

**Policy Ship C01: Retail, social and community facilities**

62. I consider that the marketing requirements set out in the policy are appropriate and meet the basic conditions. The suggested detailed requirements proposed by the District Council are over prescriptive for the wording of a policy. It will be a matter for the decision-maker to be satisfied as to the adequacy of the 12 months marketing strategy and what evidence is provided to support it.

**Policy Ship C02: Employment**

63. This policy is more restrictive than the approach promoted by the Secretary of State, as it restricts such development to infill sites or previously developed sites only, within the four settlements. Outside the settlements, applications will be *considered* only if it relates to the conversion of or reuse of existing buildings. However national policy in paragraph 83 of the NPPF 2019 expects planning policy to allow for the growth and expansion of all types of business in rural area (not just those serving the local community) including through “well-designed new buildings”. I do not consider that there is any landscape or policy reasons, which justify a presumption against the construction of such buildings within the parish. There will be some employment uses and businesses who by the nature of their

activities would not necessarily be comfortably located within the settlements and in particular on infill plots, and I believe the policy should be extended to allow the construction of new buildings in other rural locations.

#### ***Recommendations***

***In the first paragraph remove “that meets the needs of the community”***

***In the second paragraph delete all text between “infill sites” and “involves” and add at the end of the paragraph “and the erection of well-designed new buildings and accord with other relevant policies in the development plan.”***

#### **Policy Ship C03: Broadband and mobile reception**

64. My only comment is to clarify the development should be refined to refer to “new development” as recommended by the District Council, so it is clear that the requirements only relate to proposed developments.

#### ***Recommendation***

***At the start of the second paragraph, insert “New”***

#### **Policy Ship C04: Community infrastructure levy (CIL)**

65. This policy requires appropriate development to pay the Community Infrastructure Levy. The payment of the levy is not something that can be triggered by a development plan policy. There is separate legislation covering CIL payments and these are not discretionary. The first paragraph is therefore superfluous.
66. The second part of the policy is an indication as to how the Parish Council proposes to spend is 25% of any CIL receipts. However, this is essentially a budgetary decision. It is entirely appropriate to include such matters within a neighbourhood plan document as an indication of the Parish Council’s intentions. However, it is not a policy which can be used to guide the determination of a planning application - it is not a policy for the use and development of land and I will accordingly be recommending that the policy be deleted. The contents of the second paragraph of the policy can be changed into a Project.

#### ***Recommendation***

***That the policy be deleted and its contents be changed to a Project in a blue box.***

#### **The Referendum Area**

67. If I am to recommend that the Plan progresses to its referendum stage, I am required to confirm whether the referendum should cover a larger area than the area covered by the Neighbourhood Plan. In this instance, I can confirm that the area of the Shipley Neighbourhood Plan as designated by Horsham District Council on 6<sup>th</sup> August 2019, is the appropriate area for the referendum to be held and the area for the referendum does not need to be extended.

## Summary

68. I congratulate Shipley Parish Council and its Steering Group on the quality of this neighbourhood plan. It is a professional document focussed on responding to what the community has identified as being important for it to address. The plan will provide a sound basis for determining planning applications in the parish into the future.
69. To conclude, I can confirm that my overall conclusions are that the Plan, if amended in line with my recommendations, meets all the statutory requirements including the basic conditions test and that it is appropriate, if successful at referendum, that the Plan, as amended, be made.
70. I am therefore delighted to recommend to Horsham District Council that the Shipley Parish Neighbourhood Plan, as modified by my recommendations, should proceed, in due course, to referendum.

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John Slater Planning Ltd  
18<sup>th</sup> June 2020