

ALDINGBOURNE NEIGHBOURHOOD PLAN 2014-2034

INDEPENDENT EXAMINATION

A report to Arun District Council

by

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Executive Summary

I have been appointed as the independent Examiner of the Aldingbourne Parish Neighbourhood Development Plan.

Aldingbourne Parish Council, and the volunteers who have worked very hard putting the Plan together, are to be commended for their efforts. Preparing a plan in the absence of an up-to-date local plan for the District presents significant challenges. The Plan has been a genuine attempt to set out the community's wishes for the area and includes important policies that would help to protect its natural and built assets and heritage. The work undertaken to assess green space and identify biodiversity corridors is to be especially commended. However, my role as the Examiner is to assess whether or not the Plan meets the basic conditions and the other requirements set out in the legislation and regulations.

It is with therefore with some considerable regret that I have reached the view that the proposed site allocations, particularly in relation to housing, do not meet the basic conditions. I was not satisfied that the proposals were sufficiently based on robust evidence to ensure that the Plan had adequate regard to national guidance or would generally conform to the strategic policies of the development plan. Since these allocations are critical to the Plan as a whole, I could not conclude that the Plan would contribute to the achievement of sustainable development.

Nevertheless, I have assessed the Plan in its entirety and have set out recommendations for a series of modifications to the policies and supporting text, which I hope will assist the Parish Council to prepare a revised plan that will meet the basic conditions. However, in the absence of greater clarity about the number of homes that the Plan should be seeking to provide and how they could be accommodated, I could not be certain at this stage that an amended Plan, even if it did incorporate all the suggested changes, would fully meet the basic conditions.

This has left me with no option but to conclude that the Aldingbourne Parish Neighbourhood Development Plan should not proceed to referendum.

Sheila Holden
The Step Consultancy Ltd
5 October 2015

1. Introduction to Neighbourhood Planning

- 1.1 Neighbourhood planning was introduced by the Localism Act 2011 with the aim of empowering local communities to take more responsibility for shaping future development in the areas where they live and work.
- 1.2 The National Planning Policy Framework (paragraph 183) states that 'neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need'.
- 1.3 Following the preparation of a Neighbourhood Plan, an Independent Examiner will look at it in detail to ensure that it meets the necessary statutory requirements. The examiner may make recommendations for modifications and will also indicate whether or not the Plan should be the subject of a referendum.
- 1.4 If a referendum subsequently achieves more than 50% of votes in its favour, it will be 'made' by the District Council. It will then form part of the statutory development plan. Decision makers are then obliged to make decisions on planning applications in line with the Plan, unless material considerations indicate otherwise.
- 1.5 Aldingbourne Parish Council has been designated as the qualifying body with the responsibility of preparing this plan. The Parish Council established a Neighbourhood Plan Steering Group to lead the work necessary to produce the plan. This group comprised nine members of the community who volunteered following a leaflet campaign. This group undertook research, developed the vision and policies and carried out consultation and prepared the plan. The submission version of the Neighbourhood Plan was approved by the Parish Council on 2nd December 2014.

2 The Independent Examination

- 2.1 I was appointed by Arun District Council, with the consent of Aldingbourne Parish Council, to conduct the examination and provide a report as an independent examiner. I am independent of the qualifying body and the local authority. I do not have any interest in any land that may be affected by the Neighbourhood Plan.
- 2.2 I am appropriately qualified and experienced to undertake the examination, as I am a chartered civil engineer and town planner with extensive experience of the planning and development process. I worked in local government for 30 years, including in positions as a senior manager and Director in several local authorities. I have subsequently operated as an independent consultant and as an Inspector (undertaking written representation appeals) since 2006.
- 2.3 As the independent examiner, I am required to determine, under Paragraph 8(1) of Schedule 4B of the Town and Country Planning Act 1990, whether:
- The policies in the Plan relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act (PCPA), 2004;
 - The Plan meets the requirements of Section 38B of the 2004 PCPA, where the plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one Neighbourhood Area;
 - That the Plan has been prepared for an area that has been designated under the Localism Act 2011 and has been developed and submitted for examination by a qualifying body.
- 2.4 The Parish Council is a qualifying body and the Neighbourhood Plan area was designated by the Local Plan Sub-Committee of Arun District Council on 31 October 2013. The Plan therefore satisfies the third of the above criteria.
- 2.5 The title page of the Aldingbourne Neighbourhood Plan sets out the time period during which the plan is to have effect as being from 2011-2034. This reflects the community's desire to look ahead over a twenty-year period and the fact that initial consultation in the form of a questionnaire took place in 2011. However, the working group did not begin its work until early in 2013. More community consultation took place later during that year and the area was formally designated on 31 October 2013. Further consultation then followed during 2104. The Basic Conditions Statement submitted with the Plan stated that the plan period is from 1 January 2014 to 31 March 2034.
- 2.6 I therefore **recommend** that the Plan should cover the period 2014-2034 and subject to this modification, I confirm that the Plan satisfies the second of the above criteria in relation to the time period.
- 2.7 Subject to the contents and recommendations for modifications set out later in this report, I am satisfied that the policies in the Neighbourhood Plan do not contain policies relating to excluded development.

- 2.8 Neighbourhood plans should only contain policies relating to the development and use of land. However, it is not always easy to distinguish this from other projects and aspirations that the local community have for their areas. This results in neighbourhood plans including policies, which fall outside the strict definition of the development and use of land. Where policies of this nature have been set out in the Plan I have recommended that they should be moved to a new section of the Plan so that there is a clear differentiation between planning policies and the other projects and aspirations that the community will be seeking to achieve during the plan period.
- 2.9 I am then required to produce this report and must make one of the following recommendations:
- a) that the Neighbourhood Plan should proceed to a referendum as it meets all the legal requirements;
 - b) that the Neighbourhood Plan be modified, as set out in the recommendations within this report, and then proceeds to a referendum;
 - c) that the Neighbourhood Plan does not proceed to a referendum, on the basis that it does not meet the relevant legal requirements.
- 2.10 My recommendation in this respect is set out in my conclusions and also in the executive summary. It is also a requirement that my report must give reasons for each of its recommendations and provide a summary of my main findings.
- 2.11 The legislation indicates that it is normal practice for the examination of Neighbourhood Plans to be undertaken through consideration of written representations. The process for examining the plan is different to that of relating to a Local Plan. Nevertheless, the Examiner has the ability to call for a public hearing if he or she considers it necessary to ensure adequate examination of any issue or to ensure that a person has a fair chance to put a case.
- 2.12 I considered the evidence of the representations that were submitted in response to the publication of the plan and the evidence that was presented in its development. I initially identified that there were a number of matters relating to the consultation statement and the Plan upon which I required clarification. I sought to address these queries through an exchange of emails with the Parish and District Councils. The additional information that I requested was produced promptly, for which I thank the parties. However, as the number of my queries grew, through the examination of the written material, I decided that in preference to a protracted set of written exchanges to obtain further information it would be better to have a hearing so that both sides (and any other interested parties that I wished to invite) could present their case more fully.
- 2.13 I was satisfied that only the Parish Council (and the Plan's steering group) and the District Council were required at the hearing. All other representations were clear from the written material. I therefore undertook a public hearing on Tuesday 22 September. I am most grateful to all who participated in their willingness to come to the hearing at short notice at my request. I found the hearing to be very beneficial to my understanding of the Plan and how it had been developed. I was able to clarify my understanding on a number of key issues and ask for additional information to be provided to assist me with my examination of the Plan. This has enabled me to proceed to produce my report without a protracted delay.

3 Basic conditions

- 3.1 It is my duty as the Examiner to assess whether or not the Neighbourhood Plan meets the 'basic conditions' as set out in the Localism Act 2011. In order to meet the basic conditions the Plan must:
- Have regard to national policies and advice contained in guidance issued by the Secretary of State;
 - Contribute to the achievement of sustainable development;
 - Be in general conformity with the strategic policies contained in the development plan for the area;
 - Not breach, and be otherwise compatible with, European Union (EU) obligations.
- 3.2 I have examined the Neighbourhood Plan against all these basic conditions.
- 3.3 The Parish Council has prepared a basic conditions statement, which states that the Neighbourhood Plan has had regard to the fundamental rights and freedoms guaranteed under the EU Convention Human Rights and complies with the Human Rights Act. Arun District Council has determined that the Plan does not breach and is otherwise compatible with EU and Human Rights obligations.
- 3.4 The basic conditions statement states that the Neighbourhood Plan area is not in close proximity to any European designated nature sites so does not require an Appropriate Assessment under the EU Habitats Regulations.
- 3.5 The Parish Council submitted a formal Screening Opinion Request to the District Council to determine whether an environmental assessment of the Neighbourhood Plan was required. Taking account of all the information that was submitted, and including the evidence base available on the website, the District Council determined that an environmental assessment was not required. In reaching its conclusion the District Council had regard to the approach set out in the Planning Practice Guidance.
- 3.6 I am therefore satisfied that the Neighbourhood Plan is compatible with the EU obligations and that it does not breach and is not in any way incompatible with the ECHR. The Plan therefore meets these aspects of the basic conditions.

4 Context and Development Plan Status

- 4.1 The National Planning Policy Framework (the Framework) sets out the Government's planning policies and how these are to be applied. The Government seeks to promote a planned system, at the heart of which is a presumption in favour of sustainable development. The Planning Practice Guidance provides additional guidance on the application and implementation of the Framework's approach.
- 4.2 The Development Plan for the area of Aldingbourne Parish comprises the saved policies of the Arun District Local Plan, 2003. As this is considerably out of date it carries less weight than the policies set out in the Framework. Nevertheless, it is my duty to consider whether or not the Neighbourhood Plan (hereafter referred to as the Plan) is in general conformity with the strategic policies of the adopted development plan.
- 4.3 The District Council is in the process of developing a new Local Plan. It published its pre-submission draft in October 2014 and submitted it for examination by the Secretary of State on 30 January 2015. Initial hearings were held on 2-4 June 2015. Subsequently the Inspector held a procedural meeting on 16 July 2015 to discuss the implications of the Council's revised position on the 'objectively assessed needs for market and affordable housing'. The Inspector set out his conclusions to these matters in a letter to the Council on 28 July 2015, in which he invited the Council to consider a suspension period of 12-18 months in order to develop a suitable strategy to accommodate an increase in the housing requirements for the district. The Council has agreed to this course of action.
- 4.4 I am aware that the emerging Local Plan included a strategic allocation for 2000 houses at Barnham, Eastergate and Westergate, immediately to the east of the parish. This proposal is, quite understandably, a major concern to local residents. However, I can give this matter little weight in my examination of the Plan, as there is no legal requirement to test the Plan against emerging policy. Nevertheless, the evidence that supported the allocation forms part of the background to my considerations of the Plan.
- 4.5 The ultimate outcome of the deliberations on the Local Plan and the allocation of sites for development to meet the strategic needs of the district could result in parts of the Plan being superseded or in need of revision in due course. However, that does not prevent me from considering whether the submitted plan meets the basic conditions in relation to national guidance and the adopted development plan. Tensions between policies in the Plan and any part of the Local Plan, as eventually determined, are not matters for me to address as part of this examination.

5 Site visit and documentation

5.1 In undertaking the examination I have had regard to a large number of documents in addition to the Plan itself in order to assist with my assessment as to whether or not it meets the basic conditions. The principle documents to which I have referred are set out below:

- National Planning Policy Framework (2012)
- Planning Practice Guidance (2014)
- Town and Country Planning Act 1990 (as amended)
- The Localism Act (2011)
- The Neighbourhood Planning Regulations (2012)
- Arun District Council Local Plan (adopted 2003)
- Basic Conditions Statement (published May 2015)
- Consultation Statement
- Letter from Inspector (Roy Foster) to Arun District Council, dated 28 July 2015
- Documents on the neighbourhood plan section of the Aldingbourne Parish Council website, which included the extensive evidence base, details of surveys, their results and numerous maps. The information on this site also includes additional material that was prepared in response to a number of my inquiries.
- Arun District Council – SHMA validation report (October 2013)
- Arun District Council: Affordable Housing Options 2010 Viability Study Update 2009/10 by Adams Integra (July 2010)

I have also considered formal representations received on the Plan in response to the Regulation 14 and Regulation 16 consultations from:

- Arun District Council
- West Sussex County Council
- Luken Beck
- South Downs National Park Authority
- Natural England
- Barnham Parish Council
- Southern Water
- Barton Willmore on behalf of Builtform Developments Ltd
- Barton Willmore on behalf of Hallam Land
- Environment Agency
- Louise Beaton
- Historic England
- Highways England
- Henry Adams on behalf of the estate of D Rusbridger

5.2 I visited the Parish on two separate occasions. I was unaccompanied and used the time to view many features of the area that are described in the Plan and the supporting information. In particular, I looked at the areas described as Local Green Space, the buildings submitted for inclusion the list of Assets of Community Value, the sites proposed for allocation for development and the areas that the Parish wish to be considered for designation as conservation areas.

6 Plan preparation and public consultation

- 6.1 Aldingbourne Parish Council submitted a Consultation Statement to Arun District Council. In order to meet the requirements of the neighbourhood planning regulations, the statement should set out who was consulted and how, together with the outcome of the consultation. The statement submitted was concise and considered in isolation did not provide me with sufficient information to fully understand the extent of the engagement. Neither was sufficient information initially available via the Parish's web site to enable me to fully assess the extent of the consultation. However, further details were provided in response to my requests both during the examination and most particularly at the hearing.
- 6.2 This demonstrated that the Parish Council, supported by volunteers who formed the neighbourhood planning steering group, undertook extensive public engagement throughout the period from 2011 until the Plan was submitted for examination. I have no doubt that the consultation involved considerable effort on behalf of those who took part, notwithstanding the challenges of securing public participation in these processes.
- 6.3 The engagement included undertaking an initial survey in 2011 about all aspects of living in the Parish, which received over 150 responses, a 10% response rate. Subsequently specific surveys were undertaken with businesses and voluntary groups as well as an extensive questionnaire relating to housing needs, which was distributed to every household in the parish in November 2013. There were 452 responses to the Housing Needs Survey, which was sent to just over 1600 households, a 28% response rate.
- 6.4 A further survey of residents was carried out in September 2014, which sought comments on the potential sites for development. This received a response rate of 25%. This indicates that not only was the consultation sustained, but also that participation increased as the Plan developed. However, whilst the survey raised expectations and offered the opportunity for agreement with a series of statements, it did not necessarily help the community (or the steering group) make difficult choices. For example, open statements allowed residents to say that everything from parks and open spaces to roads and parking facilities were very important to them. However, the survey did not provide residents with the opportunity to rank open spaces in an order of preference. Many of the more general comments expressed the hostility of local people to the prospect of development in their area, which can only have increased the challenge of the task facing the steering group.
- 6.5 In addition to written communications in the form of a questionnaire, a series of events took place during that period that the Plan was developed. A public workshop was held in October 2011 attended by 60 people. Community events were held in June 2013 to seek the residents' views and again in September 2014 and February/March 2015. These latter events provided residents with the results and responses to the various surveys and gave them additional opportunities to express their views about the draft plan.
- 6.6 A variety of means of communication were used to engage with residents including drop-in events, the parish website and a Twitter feed. The events were widely advertised using posters, banners, radio announcements and leaflet drops. At each event there were areas aimed at children and young people encouraging them to give their views. However, the overall number of attendees was quite small bearing in mind that over 3000 people live in the Parish.

- 6.7 The list of policy statements that participants were invited to comment on at one of the events focused on details relating to the control of development rather than encouraging the public to address the difficult choices of what development could be accommodated and where. In my view the responses were predictable and I was not convinced that they provided good evidence on which to base policy development.
- 6.8 As the engagement process was drawing to a conclusion two appeals, relating to outline proposals for 79 and 268 houses on two sites in the parish, were allowed. This was somewhat confusing for local residents as the outcomes appeared to be in conflict with the work done on the neighbourhood plan. The Parish Council therefore undertook additional communications with local residents to seek their views on the continued possibility of allocating a site in the Plan to meet local housing and business needs. A letter was sent to every household and the majority of respondents (116) supported the proposed allocation. However, this support appears to have been subject to a series of conditions and is a matter that I will address later on in my report.
- 6.9 Throughout my examination I had some difficulties understanding how the evidence from the surveys had been used to develop policies. I also found some of the maps offering the choice of various options somewhat confusing. However, I was reassured by the responses given to me at the hearing and the subsequent, more detailed, information that was provided. In short it would appear that although a very significant effort went into the public engagement, this was not explained effectively in the consultation statement. Neither was it possible to navigate around publicly available information to be certain that such consultation had taken place. However, following explanations at the hearing I have no doubt that those involved worked very hard throughout to secure the interests of local people in the Plan.
- 6.10 Notwithstanding all these efforts on behalf of the steering group the number of formal responses to the Plan and its proposals was limited. At the hearing the participants stated that this was because most residents were content with the Plan. I have no substantive evidence to confirm this conclusion, but I am prepared to acknowledge that the lack of objections is a positive consideration.
- 6.11 Most of the formal representations were from the statutory agencies, including West Sussex County Council, Highways England, Historic England, Southern Water, South Downs National Park Authority, Historic England and surrounding Parish Councils. Others were from professionals representing landowners in the area. Arun District Council also submitted a list of detailed comments. I have considered all these representations in making my recommendations on the policies and text of the Plan.
- 6.12 I accept that undertaking public engagement in this area, surrounded by considerable uncertainty arising from the emerging local plan was a particularly difficult task for the Parish Council and a small group of volunteers. The outcomes of the consultation may therefore not have contributed to the development of a robust plan in a way that truly reflects the effort that was put into the process by those involved.
- 6.13 Taking all these factors into consideration I am satisfied that the consultation satisfied the regulations.

7 The Neighbourhood Plan: Sections 1 - 4

Explanation of the comments and recommendations

- 7.1 This section of the report sets out comments and recommendations on the content of the plan. These fall into several categories. Firstly, there are straight-forward recommendations for amendments to the text and the policies, which are set out in **bold print**. These are to improve clarity or ensure that the Plan meets the Basic Conditions and are therefore essential.
- 7.2 Secondly, there are recommendations where editing is required, but where to do so would go beyond my remit as the Examiner. It would also put the Plan at risk of not reflecting the views of local people. However, if no amendments were made to reflect the suggestions I have set out, the Plan would fail to meet the Basic Conditions.
- 7.3 Thirdly, there are comments where I set out ways in which the document could be improved, if the Parish Council is minded to do so. However, editing to address these concerns is not essential.

Overall structure and presentation of the Plan

- 7.4 Consideration should be given to the inclusions of paragraph numbers throughout the Plan. This would make it much easier for future readers and those referring to the Plan to identify particular sections of text. The lack of such a numbering system has meant it necessary for me to describe the paragraphs in some detail in order to provide clarity to my comments.

u, Contents and Foreword

- 7.5 In view of the recommendations set out in paragraph 2.6 above, the front cover should be changed to give the years 2014-2034. The front cover provides four pictures that illustrate the rural nature of the Parish. However, having visited the area it appears to me that they are not representative of the parish as a whole, which includes a range of different properties and housing that dates from different eras. As the Plan is concerned with development of the Parish, consideration should be given to including photographs, which illustrate the types of development that currently exist in the Parish.
- 7.6 The Contents page is clear. It could be improved by including the relevant page numbers for each of the chapters, but this is not essential.
- 7.7 It would be helpful if page 3 had a heading – such as ‘Foreword’. The fifth paragraph refers to a ‘twenty year period and beyond’. This is confusing. It would be clearer to define the Plan as setting out a vision for the period up to 2034, particularly as the front cover of the Plan should be referring to the period 2014-2034. I **recommend** that the first sentence of paragraph 4 should be modified as follows:
- **The Plan sets out a vision for the period up to 2034 that reflects the views of local people.**
- 7.8 It would be better if the ‘Foreword’ was signed off by a person, such as the Chair of the Parish Council, or jointly by the Chair of Parish Council and key members of the Neighbourhood Planning Steering Group. This would emphasise to the reader that the Plan

has been prepared by local people and make it clearer who was responsible for its development. The Foreword could also present an opportunity for those involved in the preparation of the Plan to thank local residents for their participation in the consultation and their contributions to the development of the Plan and its policies.

Chapter 1: Introduction

- 7.9 The sub-heading on page 4 (How the Neighbourhood Plan fits into the planning system) would be better placed before the first paragraph on this page. The subsequent sub-headings do not appear to sit in the most appropriate places relating to the text beneath. The purpose of the plan, how it has been prepared and how the community has been involved could be set out more succinctly and this section could conclude with the way in which the Plan is organised.
- 7.10 The section also contains some repetition and minor inaccuracies. For example, the paragraph that begins: 'The Plan provides a vision' includes a reference to the West Sussex Structure Plan, which is no longer part of the development plan. It states that the Plan provides a vision, but goes on to state that it has policies and objectives to realise these visions. References to the Arun District Local Plan (2003), which is the adopted local plan, need to be consistent to avoid any confusion with the emerging Arun Local Plan.
- 7.11 Section 1.2 described as: 'Plan Preparation Process' does not describe how the plan was prepared, but actually talks about the aims of the plan. Furthermore, it is not clear how the aims in this section link to the vision and objectives set out in section 4 of the Plan. It appears that ideas are presented with slightly different words and emphases, which is confusing for the reader.
- 7.12 I recommend that this section is edited, removing the reference to 'aims' and redrafted to set out succinctly the various steps taken to prepare the plan over the period of its preparation. Ideally this should include when key decisions were taken and by whom. Whilst it would be inappropriate to set out the full extent of the consultation process, it would be helpful to give some indication of the scale of public engagement and the level of interest in the Plan. It would also be helpful if this section indicated where links to the evidence used to support the development of the Plan could be found.
- 7.13 The paragraph (columns 1 and 2 on page 4) referring to the European Regulations is not accurate or helpful in this particular section of the Plan. I recommend that it is deleted and replaced with an alternative form of words to be inserted in section 1.4. The recommended text is set out in paragraph 7.16
- 7.14 Section 1.3 currently headed: 'Statement of Community Involvement' does not provide information about community involvement in the preparation of the plan or where that could be found. The use of the phrase 'Statement of Community Involvement' is also confusing as an SCI is a formal document used by the local planning authority to set out in some detail how it conducts consultation on planning matters (both in relation to policy and development management). It would therefore be more appropriate to describe the work done by the Parish Council and Neighbourhood Plan Steering Group as 'Community Engagement'. The text could include a brief summary of what was undertaken and cross-referenced to the Consultation Statement. The purpose of the community engagement,

namely to provide a coherent local voice and ensure that it is better represented in the wider world, could then be explained.

- 7.15 The header to section 1.4 should be in blue type, if it is to be consistent with the other sub-headings in the chapter. At present the first of the sub-headings is not numbered (and uses grey type). Numbered sub-headings are helpful, but care should be taken to ensure that a consistent approach is taken throughout the document.
- 7.16 The content under paragraph 1.4 appears to be a repeat of an earlier paragraph set out at the bottom of column 1 and the top of column 2 on page 4, which I have recommended should be deleted. I **recommend** that this paragraph should also be deleted and replaced with the following text:
- **‘It is necessary that a neighbourhood plan does not breach and is otherwise compatible with European Union and Human Rights obligations. A sustainability appraisal is not required for a neighbourhood plan. However, it must be screened at an early stage to determine whether it may require or cause the need for an environmental assessment. A screening opinion was submitted to Arun District Council who confirmed that an environmental assessment of the Aldingbourne Neighbourhood Development Plan was not required. However, the Basic Conditions Statement sets out a brief sustainability assessment of each policy.’**
- 7.17 Identifying this text and the amendments by descriptions throughout this part of the Plan illustrates the difficulty of referring to precise sections of text in the absence of paragraph numbers. It may therefore be appropriate to consider the use of paragraph numbers throughout the document. This would assist the reader and make future references to particular sections easier.

Chapter 2: Context

- 7.18 The second paragraph in Section 2.2.2 makes reference to the National Planning Policy Framework. This paragraph should be included in 2.2.1, which deals with national guidance. The explanation of the role of the Framework could be set out more clearly. It would also be helpful to make reference to the additional guidance that is published as Planning Practice Guidance (PPG).
- 7.19 It should be made very clear that the current local plan, against which the Plan will be assessed is the Arun District Local Plan, 2003. The adopted Local Plan contains a number of saved policies against which the Plan needs to be tested for general conformity in order to meet the basic conditions. However, the third paragraph within section 2.2.2 makes several references to the emerging Local Plan for Arun District. This is confusing as this plan only contains draft policies and has yet to be fully tested through examination. The emerging plan does not form part of the development plan and the Neighbourhood Plan is not be assessed in relation to it.
- 7.20 I **recommend** that all references to the emerging plan are set out in a separate paragraph that comes after the section that deals with the saved policies of the 2003 Arun Local Plan. The paragraph should refer to the actual date of publication of the emerging plan i.e. October 2014. It could also refer to the date it was submitted to the Secretary of State for examination, i.e. January 2015 and state that the examination has been suspended pending

further work recommended by the Inspector. All other references to the emerging plan should be removed from the Plan.

- 7.21 The section on the South Downs National Park Local Plan could be shortened. As this is also an emerging plan it is not relevant to the assessment of the Plan.

Chapter 3: About Aldingbourne

Overview

- 7.22 Section 3 of the Plan provides an interesting read about many aspects of the built and natural environment of the Parish and also sets out many of the social statistics from the evidence base. However, there is considerably more detail about environmental issues than development. Notwithstanding its importance, housing is not given a separate sub-heading and whereas there are photographs of fields and flooded roads there are no visual images of the homes that characterise much of the village.
- 7.23 I suggest that consideration is given to describing different areas in the Parish and their key characteristics through the use of plans, maps and possibly photographs to give a balanced description of the area as a whole. It might be helpful to include the Aldingbourne Parish: Site Context Plan, which was used during the consultation process in the document. This would provide a visual representation of the issues and constraints to development without the need to produce lengthy written descriptions.
- 7.24 The section also occupies a significant proportion of the document as a whole (pages 11-24) and therefore somewhat detracts from the importance of the policies, which are set out towards the back of the document. Whilst it is a matter of choice for the qualifying body as to how much information is presented in the Plan, I recommend that this section is shortened with clear cross references to the evidence base and possibly the inclusion of key statistics as appendices. In this way anyone reading the document in the future will be presented with a short overview of the Parish, but would be able to focus their attention on the policies.

Detailed comments

- 7.25 The following paragraphs deal with more detailed matters set out in the chapter.
- 7.26 Section 3.3.3: paragraph describing grasslands/road verges. The last sentence goes beyond a description of the existing situation. I recommend the deletion of the following text:
- **which might potentially be recreated in part through an appropriate reconstruction/management programme of other sites in the Parish.**
- 7.27 Section 3.3.5 and 3.3.6: The references to Tree Preservation Areas and Ancient Trees are confusing. Trees can be protected through Tree Preservation Orders (TPOs). There are 15 TPOs in the Parish some of which protect a single tree, but others protect lines or significant groups of trees. There was no evidence to suggest that most of these trees have been removed. If this is the case then it would be helpful to clarify which trees have been lost and possibly when. I recommend the deletion of the following text:
- **however most of the trees have been removed to make way for development.**

- 7.28 It would be helpful to either include a map clearly showing the areas of ancient woodland or inserting a link so that the information could be found if required. The definition of ancient trees within hedgerows is problematic and could be confused with areas of ancient woodland, which are the subject of formal designation. This section needs to be edited to provide clarity.
- 7.29 Section 3.3.7: There are no areas within the Parish that are subject to protection though designation as sites protected by EU regulations. This section could be edited to provide a description of natural habitats that local people value and wish to see retained. However, suggesting that it may be possible to consider conferring additional protections cannot be justified in the absence of evidence, which goes beyond the work undertaken as part the preparation of this Plan.
- 7.30 There appears to be a contradiction between the statement in 3.7 that there are no cycle routes in the Parish, with the description of the routes currently used by cyclists and the future plans for a providing a cycle path between Barnham and Westergate. I recommend bringing the two sections together and undertaking some appropriate editing to remedy this matter.

Chapter 4: Vision and core objectives

- 7.31 The vision statement is rather too long, although its opening statement captures an overall sense of place as a semi-rural area. With further refinement the first paragraph of this section would seem to be a more appropriate statement of the vision for the parish as a whole. Whilst the remainder of the vision mentions small housing developments it otherwise focuses on more specific issues such as agriculture, allotments, cycle and footways, local shops and broadband provision, which would be more appropriately included in the objectives.
- 7.32 It is not clear who has developed this vision or how it relates to the challenges the area faces and the outcomes from the various surveys and community events that have taken place. Some brief account of how (and by whom) it was developed would be helpful.
- 7.33 The core objectives do not relate effectively to the vision and are at times repetitive and unclear. It would be helpful if they could be grouped together under the five areas that have been identified for the policies. I suggest that they begin with housing, as this was identified at the outset as one of the most important issues in which the involvement of local people was needed. Phrases such as ‘sustainable in terms of the infrastructure of the village in general’ are imprecise and should be avoided. I would recommend modifications along the following lines:

Housing:

- Meet identified local needs
- Complement the current character and cultural heritage of the village
- Contribute to the provision of local infrastructure and facilities

Environment:

- Protect high quality agricultural land
- Protect and enhance existing green spaces
- Minimise the risk of flooding

Getting around

- Encourage provision of improvements to cycle ways and footpaths

Employment and enterprise

- Support local shops and other businesses

Leisure and community

- Ensure provision of a range of facilities for leisure and recreation

The above list is not exhaustive. However, it is intended to aid the necessary redrafting of this section. This in turn would help to demonstrate that the Plan would contribute to the achievement of sustainable development and meet the basic conditions.

8 The Neighbourhood Plan: Policies

- 8.1 The use of a box in which to set out the objectives prior to the policies in each section is a helpful approach. However, the links between the core objectives and the more detailed ones relating to each group of policies is weak. It would also be helpful to link individual policies or groups of policies to the delivery of particular objectives. To undertake such a task would be beyond my remit as the Examiner.
- 8.2 In considering the policies as a whole I have found that some do not address the issue of the use or development of land. Some set out aspirations of the community, which would be more appropriately described as projects. Where this is the case, I have recommended that they should be moved to a different section of the Plan where they can be set out in a way that does not have to meet the requirements of the basic conditions.
- 8.3 Where I consider that modifications to the policy could be incorporated to meet the basic conditions, I have made specific recommendations and suggested alternative wording. I have found that in a considerable number of instances the supporting text does not provide sufficient support or justify the policy, in which case I have recommended that editing of a significant nature is undertaken. I have not undertaken the editing as this would go beyond my remit as the Examiner. In addition, I have identified some parts of the Plan where I consider the supporting text both inappropriate and unhelpful and should be removed. Where minor editing is called for I have attempted to set out revised text. However, the Parish Council will ultimately be responsible for undertaking a thorough edit of the Plan as part of taking the Plan forward in the future.

Environment and Heritage

- 8.4 The objectives set out in Box 5.3: Environment and Heritage include significant overlaps. The first, second, third and fifth all relate to the natural landscape. The fifth is an action, which could be completed as a community project and is therefore not an objective. These should be redrafted to provide improved clarity and distinction between different aims.

Policy EH1: Green Infrastructure and Ecosystem Services

- 8.5 The first part of the policy as worded is a community aspiration. It is not specifically related to development proposals, but is primarily concerned with the management and maintenance of the land and therefore falls outside the remit of a neighbourhood plan. I recommend that this element should be included in the section of the plan dealing with community projects.
- 8.6 In order for this policy to be robust it would be necessary to ensure that areas described as 'Green Infrastructure Corridors', woodland and orchard were clearly identified on a suitable plan. At present Map A is entitled Bio-Diversity Corridors with Local Green Spaces and shows 'Bio Corridors' and 'Local Green Space'. The definitions are therefore inconsistent with one another and are inadequate to support the policy as drafted. I appreciate that the local community wishes to prevent development that would harm its natural resources. It is therefore important to define the areas to which the policy would apply quite carefully.
- 8.7 In order to have regard to the requirements of the Framework's presumption in favour of sustainable development and meet the basic conditions I recommend that the policy should

only refer to the biodiversity corridors, which are shown on Map A. There is another policy, which deals with Local Green Space set out in another chapter so it is not necessary to include them in this policy.

8.8 I recommend that the policy is redrafted as follows:

Policy EH1

New development within the Biodiversity Corridors identified on Map A will not be supported.

8.9 I also recommend that much of the supporting section, paragraphs EH1.1 – EH1.4 is moved to a new section at the back of the Plan, which sets out community aspirations. Any supporting text should focus on the evidence which supports the policy, rather than including statements suggesting where development will not be permitted. The text provides useful background about how the parish wishes to work with landowners and farmers. Reference to the EU Habitat Regulations in EH1.4 should be removed as the watercourses are only protected by national legislation.

8.10 There are sentences in EH1.2 and EH1.3, which make specific reference to development. However, the blanket reference to agricultural land and farmland south of the former Chichester and Arundel canal is too vague to be rephrased into a meaningful policy. In any event, development in areas that are at risk of flooding must have regard to the advice of paragraphs 99-108 of the Framework.

Policy EH2: Protection of watercourses

8.11 Policy EH2 sets out laudable objectives, all of which relate to the management of river catchments, rather than anything that would assist in the assessment of a development proposal. It therefore falls outside the remit of a neighbourhood plan and does not meet the basic conditions. I therefore recommend that it is replaced by a policy which would aid decision makers as follows:

Policy EH2:

Proposals that support and promote river catchment management, wildlife conservation and reduce flood risk will be supported.

8.12 The supporting text to Policy EH2 could be clarified and included in the section of the Plan that deals with community aspirations.

Policy EH3: Surface water management

8.13 Policy EH3 seeks to protect the parish from the potential that new development could aggravate existing problems of flooding and surface water run-off. Given the concerns that have been raised by local people and the experiences of recent years this is a reasonable requirement. However, the policy as drafted, particularly the bullet points, are over complicated and prescriptive. These requirements mirror the details that are normally associated with conditions attached to a planning permission, rather than a policy. The presumption against culverts is not appropriate as there may be circumstances when culverts will be justified as part of a flood management scheme, or to protect biodiversity.

This element of the policy should be removed. The policy would therefore benefit from simplification, which would also make it more robust in the event that government requirements change over time (for example, through the building regulations).

8.14 I therefore recommend that the policy should be modified as follows:

Policy EH3:

New development in areas at risk from flooding will not be permitted unless it is supported by a site-specific Flood Risk Assessment which provides clear evidence to demonstrate that the proposal:

- a) would not give rise to additional risk of flooding either to the development site or other land arising from the carrying out and use of the development;**
- b) would make appropriate provision for accommodating the surface water and foul water arising from the development.**

8.15 The supporting text to the policy provides some useful background to the policy but appears to be out of date and may contain some inaccuracies. It would be more appropriate to re-draft this section to address the issues in more general terms. The risk of referring to particular pieces of work and the dates of publication is that the Plan will rapidly become out of date. I would recommend that the paragraphs EH3.1 - EH3.5 are summarised providing the reader with the concerns of local residents and making reference to the various statutory bodies that are seeking to address the issue.

Policy EH4: Drainage for new housing

8.16 The title of this policy is mis-leading since it primarily refers to the issue of household water usage, although local people could see it as a means of preventing surface water run-off. The policy sought to restrict water discharge to 80 litres/per person/day, which is lower than the 110 litres/per person/day set out in the Code for Sustainable Homes (Level 5) However, in March 2015 the government published its Technical Housing Standards which states that the Code is to be incorporated within the Building Regulations. These changes are due to come into force on 1 October 2015. I therefore consider that this policy is not one that relates to the development and use of land and recommend it should be deleted.

- **Delete Policy EH4.**

Policy EH5: Protection of trees and hedgerows

8.17 The community's desire to retain trees and hedgerows of arboricultural or amenity value is understood. However, it is not clear what is meant by 'significant ground cover and habitat'. These aspects of the policy would not provide clarity for decision makers and would therefore not meet the basic conditions. However, the supporting text could be expanded to make specific reference to the hedgerows defined within the Hedgerows Regulation 1997 and the Arun Landscape Character Assessment.

8.18 I therefore recommend the following modification to Policy EH5, whilst retaining the second paragraph:

Policy EH5:

Development that damages or results in the loss of ancient trees, or trees and hedgerows of arboricultural and amenity value, will be resisted. Proposals should be designed to retain such features.

Policy EH6: Built Up Area boundary (BUA)

- 8.19 The policy that defines the village of Westergate is one of the most important policies in the Plan. It will determine which other policies then apply when considering development proposals. Although the countryside around the village is not designated for its landscape and scenic beauty, policies to protect the countryside will be relevant. The policy would therefore be more appropriately located as the very first one within the section on the environment and heritage, or in a section of its own before all the others. I recommend that it should be moved and therefore renumbered accordingly. This will have consequential effects for the numbering of other policies within that section of the Plan.
- 8.20 The use of the acronym BUA could be confusing for readers. It should either both be added after the policy name and used consistently throughout the Plan, or it should not be used at all. The use of acronyms can make it more difficult for those who are using the document on an occasional basis, which may suggest that using the full description may be the safest approach.
- 8.21 The Plan proposes to define the boundary of Westergate in accordance with the emerging Arun Local Plan (2011-2031). This should be corrected to make reference to the Arun District Plan Local Plan, 2003, as this is the currently adopted local plan. This will not result in a material change to the Plan as no changes to the boundary were proposed in the emerging plan.
- 8.22 Policy GEN2 of the Arun District Local Plan provides a definition of the built up area for Westergate. The remainder of the parish is therefore designated as countryside. Policy GEN2 is out of date and therefore the definition of the boundary of the village cannot be considered isolation from other policies.
- 8.23 Policy GEN3, which seeks to protect the countryside for its own sake is also out of date and superseded by the advice of the Framework, which carries more weight. The Framework seeks to protect and enhance valued landscapes, but it does not rule-out the possibility of development outside existing settlement boundaries. It advises that Plans should be prepared to meet development needs and allocate land with the least environmental and amenity value.
- 8.24 Even if the Policy EH6 made reference to the settlement boundary defined in the adopted Local Plan, it would be unacceptable as it effectively provides a blanket ban to all forms of development outside the boundary of the built-up area. It only identifies the single exception of the site that has been identified in Policy H5 on the proposals map. The second sentence is therefore contrary to other policies that propose to allocate land for business and leisure use. However, as I will deal with these allocations later in my report, this section will only comment on the first sentence of the policy.

- 8.25 It is highly probable that development of varying kinds (such as extensions to rural properties and development of rural enterprises) will come forward during the plan period on sites that are outside the built-up area boundary. Some may relate to the provision of essential infrastructure, such as utilities, as suggested in the representations from Southern Water.
- 8.26 These factors confirm my view that the first half of Policy EH6, which simply states that development will not be permitted outside the built-up area boundary, is fundamentally flawed. It would not have regard to the Framework or contribute to the achievement of sustainable development. The policy, as currently worded, would therefore not meet the basic conditions.
- 8.27 The supporting text that follows Policy EH6 is also unhelpful. Stating that the Parish is being forced to build outside the existing settlement boundary is not appropriate in the context of a neighbourhood plan. Neighbourhood planning is about giving local communities the opportunity to decide where development should be located and this could well be outside current boundaries. If local need cannot be accommodated within the existing built-up area boundary then it will be necessary to consider alternative sites outside the boundary. One of the main purposes of the Plan was to identify such sites for housing and possibly other uses and consider which of these would be most acceptable to the local community given other priorities, such as the desire to protect high quality agricultural land and reduce the risk of flooding.
- 8.28 The Plan could choose to amend the boundary of the built up area in order to incorporate the sites that the Parish wishes to allocate for development. However, for reasons that are set out later in this report this is not my recommendation.
- 8.29 I therefore recommend firstly, that the existing built-up area boundary should be retained. Secondly, the wording of the policy should be changed to be more positive in respect of development within the built-up area and thirdly, it should seek to resist development that would be harmful to the surrounding countryside. To assist with clarity, the boundary should be added to the Proposals Map. This would avoid the need for anyone to have to refer to another document to confirm its position. It will also ensure that the Plan stands on its own, regardless of the status of the Arun District Local Plan or its successor. I recommend that the Policy should be amended as follows:

Policy EH6

Proposals for development within the built-up area boundary defined on the Proposals Map will generally be permitted, subject to meeting the requirements of other policies set out in the Plan.

Proposals for development outside the built-up area boundary, that do not accord with development plan policies in respect of the control of the countryside, will be resisted.

Policy EH7: Renewable energy

- 8.30 This policy is clear and well set out. It has regard to the aim of the Framework to increase the use and supply of renewable energy. It will contribute to the achievement of sustainable development. It conforms to the approach set out in GEN21 of the Arun District Local Plan. It therefore meets the basic conditions.

8.31 However, I recommend the following minor amendment:

Policy EH7:

Add 'and their setting' after 'heritage assets' in the second bullet point.

Policy EH8: Buildings and structures of character

8.32 The final two sentences of the policy set out the aspiration of the local community to use Article 4 Directions to reduce the possibility of changes to locally listed buildings. However, the designation of areas that are subject to Article 4 Directions is a matter for the District Council and therefore cannot be included in the Plan. I therefore recommend that this aspiration is included in the section of the Plan on community projects.

8.33 The section of Policy EH8 beginning 'Article 4' should be deleted, but I recommend that the remainder of the policy is re-worded and strengthened in the light of comments made by Historic England as follows:

Policy EH8:

Development proposals involving buildings of local character listed above must retain their significance including their contribution to local distinctiveness. Proposals for demolition or alterations will be resisted unless it can be demonstrated that they cannot be put to an alternative beneficial or viable use.

Policy EH9: Conservation Areas and Areas of Special Character

8.34 Heritage assets are an irreplaceable resource, which are protected by national legislation and policy. However, there is a clear distinction between designated heritage assets (such as listed buildings and conservation areas) and other heritage assets (identified by the local authority). Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires decision makers to have special regard to the desirability of preserving a listed building or its setting. Section 72(1) of that Act requires decision makers to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. All development proposals relating to designated historic assets are subject to these statutory tests, which affords them a high degree of protection.

8.35 The Framework requires that historic assets should be conserved in a manner that is appropriate to their significance. However, the current wording of the policy is confusing since it is attempting to deal with both designated historic assets, such as conservation areas, that are protected through national policy, and areas of special character that are protected through local policy.

8.36 Since conservation areas and their settings are protected through legislation and national policy the first sentence of the policy is not required. Indeed it is not consistent with the statutory test and could actually reduce the level of protection afforded to designated historic assets. It therefore has insufficient regard to advice of the Framework and does not meet the basic conditions. The remainder of the policy sets out an aspiration of the Parish Council to support designation of additional conservation areas. This is not a matter that can be taken into consideration when assessing development proposals and cannot be included within a policy.

8.37 The Parish Council could consider identifying areas of Special Character for protection within the Plan, but none have been suggested. However, such areas would not have the same level of protection as designated historic assets.

8.38 The aspiration to designate further conservation areas is appropriate, as is the Parish's commitment to preparing evidence to support such a designation. However, the aspiration should be included in the section of the plan that deals with projects. Historic England's representation, which makes suggestions that cross-reference to the District Council's Supplementary Planning Document, could be confusing for applicants. The policy does not meet the basic conditions. I therefore recommend that it is deleted.

- **Delete Policy EH9**

Policy EH10: Open access and permissive paths

8.39 The aim of increasing access to land and encouraging walking within the parish is to be supported. However, the policy as drafted is not a matter that relates to development proposals and would be better included in the section of the Plan that deals with community projects. It therefore does not meet the basic conditions.

- **Delete Policy EH10**

Policy EH11 'Unlit village' status

8.40 This is a simple policy, which makes it clear to developers that any lighting schemes should be sensitively designed to respect the opportunities to view the full night sky within the Parish. It therefore meets the basic conditions.

Policy EH12 : Energy efficiency

8.41 Measures to address the energy efficiency of new and refurbished buildings are to be incorporated into the Building Regulations, following the publication of the governments Technical Housing Standards in March 2015 and their adoption from 1 October 2015. This policy therefore does not relate to the development and use of land.

8.42 In any event many refurbishments do not require any form of planning permission; some extensions can be carried out as permitted development. In such circumstances a neighbourhood plan cannot require the whole property to be up-graded to meet higher energy efficiency standards. The policy therefore goes beyond that which can be sought through a neighbourhood plan.

8.43 The incorporation of renewable energy into development proposals, irrespective of their size, is already addressed in Policy EH7. The final sentence of EH12 is therefore not required.

8.44 Taking all the above factors into consideration EH12 does not meet the basic conditions and I recommend that it should be deleted. The supporting text could either be incorporated into that which is associated with Policy EH7 or removed.

- **Delete Policy EH12**

Housing

- 8.45 The wording of the objectives could be improved to make more effective links to the core objectives. The first objective is restrictive and is set out more in the form of a policy. It is a narrow definition of what might be acceptable, rather than an objective that the Plan is seeking to achieve. Given the recent appeal decisions the issue of the number of homes that should be provided in the Parish is not certain. These objectives may therefore need to be amended to reflect the current position, or changed in the future to consider a revised parish allocation. However, if the Parish wishes to continue to support the provision of 30 homes, one option would be to sub-divide the objective to separate the issue of quantity from affordability and location. The first part could then be: 'to support provision of at least 30 additional homes during the Plan period' and the second part could be: 'to support small-scale residential development to meet local housing needs'. The objective relating to the type of housing could simply be: 'to ensure provision of a range of housing types to meet the diverse needs of the community'. The third objective could be clarified by changing the word 'maintain' to 'reflect'.
- 8.46 The fourth and fifth objectives do not relate to the provision of housing and should be moved and included in the earlier section on Environment and Heritage. The fourth should seek to retain, rather than maintain the open countryside and the fifth is unrealistic in its expectation that all agricultural land should be protected from development and should be deleted. An objective that seeks to protect the highest quality agricultural land from development would be most appropriately located in the environment and heritage section of the plan.
- 8.47 Local people were also concerned about the capacity of local infrastructure and this is acknowledged in the vision and core objectives. Consideration should be given to inclusion of an objective, which seeks to secure contributions from new housing development towards provision of necessary infrastructure.
- 8.48 Given the uncertainty over the quantity of housing that the Parish should be seeking to accommodate, I have not made a specific recommendation about this matter. However, I recommend that consideration be given to rephrasing the remaining objectives along the following lines:

Objectives

- **To support small-scale residential development to meet locally assessed housing need.**
- **To ensure provision of a range of housing types to meet the diverse needs of the community.**
- **To ensure new housing development is designed to reflect local character and distinctiveness.**
- **To ensure that new housing development contributes to the provision of local infrastructure and facilities.**

8.49 It would then be helpful if the individual policies could be clearly linked to each of these objectives. This could be achieved by setting them out in a suitable table.

Policy H1: Grade 1, 2 and 3a Agricultural Land

8.50 This policy should be placed in the section on environment and heritage and renumbered accordingly. Unfortunately Map B is inadequate in terms of its precision to assist decision makers in relation to the assessment of the quality of a particular site within the parish. It makes no distinction between Grade 3a and 3b. For the Plan to meet the basic conditions it will be essential for a more accurate map to be produced that provides clarity about the boundaries.

8.51 The policy is currently worded with no provision for any exceptions. I consider that this is overly restrictive. It also fails to have regard to the Framework's objective of promoting all kinds of rural enterprise including the diversification of agriculture and other land-based rural businesses.

8.52 The sites identified on the proposals map for housing and community orchard, leisure and employment lie outside the existing village boundary. They appear to lie within the area that Map B has classified as either Grade 2 or Grade 3, although it is impossible to be precise from an examination of the maps in the Plan. Policy H1 may therefore be in conflict with other proposed policies in the plan. Southern Water has also objected, as it could preclude the provision of essential utilities infrastructure. I recommend that the policy should be amended as follows:

Policy H1:

Proposals for development on agricultural land Graded 1, 2 and 3a, shown on Map B¹ will be resisted unless it can be demonstrated that it would meet the following criteria:

- **It supports the diversification of an agricultural enterprise or other land-based rural business;**
- **The need for the development clearly outweighs the harm;**
- **The site is allocated for development on the Proposals Map.**

Policy H2: Quality of design

8.53 The government is seeking to support high quality design in all new development. The thrust of the policy therefore has regard to the Framework. However, the requirements for information to support the alteration of a single dwelling are likely to be different to those for a development of a group of new dwellings. The reference to design briefs in all circumstances is therefore not appropriate. I recommend that the policy should be amended to be more generally applicable to all housing development as follows:

Policy H2:

Proposals for new housing or extending or altering existing dwellings should be of a high quality design to reflect the local character and reinforce local distinctiveness. Proposals must demonstrate how they meet the policies set out in this Plan.

¹ Subject to Map B showing the areas more accurately

Overall comments on Policies H3-H6

- 8.54 The Plan then sets out a series of policies entitled housing mix, housing density, housing site allocation and windfall sites. The issue of provision of affordable housing is dealt with in Policies H3, H4 and H5. This has the potential to present conflicting messages to developers and is rather confusing to the reader. This is regrettable given the importance of the affordability of new housing to the local community. I am therefore setting out my comments on the group of policies before dealing with each of them in turn.
- 8.55 Notwithstanding the delays to the emerging Arun Local Plan, the evidence base supporting its development is relevant to the Plan. The objectively assessed housing need for the District as a whole indicated that Aldingbourne Parish should be seeking to provide for a site, or sites, to accommodate 30 homes. This is described as the Parish allocation. Although there are uncertainties about the overall need for the District there is nothing to suggest that this Parish allocation is likely to fall as a consequence of the further studies now being undertaken to progress the new Local Plan. Identifying a suitable site for at least 30 houses would therefore contribute to the delivery of sustainable development.
- 8.56 However, at the hearing the District Council confirmed that the granting of planning permission on appeal for two sites in the Parish (providing in excess of 300 homes) effectively means that the Parish has met its current allocation and therefore there is no immediate need to identify a site (or sites) for further development at this time. Notwithstanding this, the Parish consulted local residents after the appeal decisions on the possible options and secured support for the allocation of the site that is shown on the Proposals Map.
- 8.57 However, the letter that was sent to residents suggested that the continuation of the allocation would be conditional upon the 30 homes being 'low cost and for residents of the Parish first'. It therefore seems to me that the issue of what proportion of housing on any site should be affordable, and could reasonably be delivered, is critical to the acceptability of the proposal and therefore to the policies of the Plan as a whole.
- 8.58 The housing needs survey undertaken in the Parish 27 households were identified as being in need of affordable housing. Nearly half of these were single adults and it would appear that many are still living with their parents. It is unlikely that all these young people would seek to set up home on their own, as they would probably prefer do so with a partner or with friends. Only 3 of the respondents who indicated a housing need are currently on the housing register.
- 8.59 This evidence does not suggest that the Parish allocation of 30 homes (or an additional 30 homes above this allocation) should be 100% affordable in order to meet specific local needs.
- 8.60 I note that Arun District Council's current policy on affordable housing was agreed in 2010. It seeks 30% affordable housing on sites of 15 or more units. If this was applied on a site accommodating 30 houses it could provide 10 affordable homes, which probably below that which could be justified from the evidence of the housing needs survey. However, in

response to my enquiries, I was referred to the 2010 Viability Update Study undertaken by Adams Integra. This report included an option for the council to consider a differentiated approach across the district based on targets of 30% for Bognor Regis and Littlehampton, but 40% elsewhere – predominantly the inland villages.

- 8.61 Given the support for the provision of affordable housing, which has emerged from the consultation on the Plan and the outcome of the above viability study in my view there is sufficient evidence to seek a proportion of affordable housing that is above the District-wide figure. The Plan could therefore justify a policy that seeks provision of 40% affordable housing. On a site of 30 this would provide 12 affordable homes.
- 8.62 However, it is unrealistic to expect the very smallest infill sites to be able to provide such a high proportion. There are no identified sites within the built up area that could accommodate 15 new dwellings, which is the threshold above which affordable housing is normally required. The provision of 2 or 3 affordable dwellings within developments of between 6 and 10 units is likely to make such proposals unviable. Proposals would therefore have to have a minimum number of 10 dwellings before the requirement could be applied. I have had these matters in mind when considering the wording of the proposed policies.

Policy H3: Housing mix

- 8.63 This policy is only going to be relevant to sites where it is intended to build a group of homes. However, even sites with up to 10 homes would find it difficult to provide the range of house types and tenures suggested. The policy suggests that an Aldingbourne specific mix would be required, but without setting out what this might be. It goes on to suggest a mechanism for the delivery of affordable housing, but there was no evidence before me that such mechanisms were actually available. The planning system cannot restrict the letting of homes and therefore the reference to not supporting 'buy-to-let' is inappropriate. It is only possible to restrict tenure through provision of social housing.
- 8.64 The policy as a whole is therefore overly prescriptive and does not demonstrate the flexibility required by the Framework. In order to be robust over the plan period the policy needs to be simplified. The supporting text, which focuses on the proximity to a shop, is inadequate and does not provide any justification for the requirements set out in the policy. Support for affordable housing, as demonstrated through the responses of local people to the housing needs survey, is insufficient evidence for seeking 100% affordable housing and would conflict with Policy DEV18 of the Arun District Local Plan, which sets out the specific requirements for such sites, usually referred to as rural exception sites. The policy should be modified so that the responsibility for providing the necessary evidence to justify the mix of housing proposed lies with the developer, taking account of the context of any particular site.
- 8.65 Whilst the Parish may aspire to require a proportion of Lifetime Homes, there was no specific evidence presented to justify this requirement or suggest what an appropriate proportion would be. The policy as currently worded is therefore insufficiently precise to provide clarity for prospective developers. I am aware that other neighbourhood plans in the District have sought a 25% figure in relation to the provision of Lifetime Homes. In view of the age profile of the Parish (just over 21% of residents are over 65 years of age) I consider 25% would be a reasonable requirement. On 1 October the new Housing Standards came into force and in future the issue of Lifetime Homes will be primarily dealt with through the application of these new regulations. Nevertheless, it would be appropriate to provide developers with a

more precise proportion of such homes that the Parish aspires to. I therefore recommend that Policy H3 should be deleted and replaced with the following:

Policy H3:

Proposals for new housing must deliver a range of house types, sizes and tenures.

Applicants should demonstrate how the proposal will meet local needs. Proposals where at least 25% of dwellings meet Lifetime Home Standards, or its equivalent, will be supported.

Policy H4: Housing Density

- 8.66 The policy as currently drafted deals with housing density and sets a target for the provision of affordable housing at 40%. It is therefore confusing, as these are two separate issues. Furthermore, there is a risk that in being over prescriptive about density the possibility of providing affordable housing could be reduced.
- 8.67 Setting limits on the density of development is unhelpful, since the main objective with any proposal is to ensure that it is appropriately designed for the site in question. Good design does not necessarily mean low density; similarly high density schemes can exhibit good design. As Policy H2 requires high quality development each development proposal can be judged as to whether its density is appropriate for the particular location. Reference to housing density could therefore be contrary to the achievement of sustainable development. This element of the policy does not meet the basic conditions and should be removed.
- 8.68 Although there is clearly strong support from the local community for an element of affordable housing in all developments it is unlikely to be possible to secure such housing on small sites. The policy would require at least one affordable home on a site of only three dwellings. There was no evidence presented to suggest that this could be viable. Such a restriction could therefore prevent development that was acceptable in all other respects from proceeding. This element of the policy would therefore fail to meet the basic conditions.
- 8.69 In order to secure an element of affordable housing to meet the aspirations of local people it will be necessary to ensure that the development is of a sufficient size and scale to support the requirement being sought, as discussed in paragraphs 8.56-8.58. I therefore recommend that the policy is deleted and replaced by the following:

Policy EH4: Affordable housing

Proposals for 10 or more new dwellings should include 40% affordable units.

- 8.70 The supporting text should provide a brief justification for the 40% figure on the basis of the housing needs survey and the other evidence from the Arun District Council studies. It should also be expanded to explain that a registered Housing Association or other organisation concerned with the provision of affordable housing should be involved in any scheme and to ensure that it is in conformity with Policy DEV17 of the Arun District Local Plan.

Policy H5: Housing Site Allocation

- 8.71 The Plan's housing objective states that small-scale housing development will be supported to meet the local parish allocation of 30 houses. However, this does not necessarily have to be achieved through the development of a single site. The site, which the Plan has identified to accommodate this total number of homes, is site No 32 on the SHLAA update that was undertaken in 2012 and the details are set out in the evidence supporting the plan². However, this site has a capacity for up to 73 units, which is significantly more than the parish allocation. It therefore appears that the amount of development on it has been artificially limited to 30 by including a proposal for community orchard within the site boundary.
- 8.72 The community has continued its support for the development of this site, notwithstanding the recent appeal decisions. However, from what I have seen of the consultation I am not persuaded that the community were clear about the extent of the site at the time that they responded to the proposal. The letter that went out to them after the appeal decisions did not include a map showing a precise boundary of the site. It also suggested that the homes would be for local people and appeared to imply that 100% of them would be affordable. The choices given to the local community at that time did not make specific reference to the possibility of a community orchard and for reasons set out earlier in my report there is insufficient evidence to restrict the development to affordable homes for local people. I therefore cannot rely on the responses to this consultation to inform an appropriate policy or site allocation.
- 8.73 The supporting text does not include any justification for the community orchard. There was no evidence to suggest that alternative sites had been investigated, or reasons given as to why this site was chosen in preference to others. The need for such a community facility would not be brought about by a development of 30 homes and it would therefore not be appropriate for it to be provided by the developer. Therefore, the allocation should not include land for this purpose. If there is an aspiration for a community orchard this could be included in the list of community projects, together with the intention of working with local landowners to identify a suitable site.
- 8.74 If the site as a whole were to be allocated for housing it would need to refer to an allocation of at least 30 homes, and it could set down a target of 40% of them to be affordable. However, the site proposed would appear to be capable of accommodating significantly more than 30 homes and is therefore too large for the purpose for which it is to be allocated.
- 8.75 The supporting text goes on to suggest that if the site does not address local housing needs, the allocation of the site would be withdrawn and that the Plan would instead rely on the housing from the recent appeal decisions to meet its allocation. Whilst this may appear to be an understandable approach by the local community, it is contrary to the Framework's advice to provide certainty for developers. It is simply not possible to allocate the site and then set down conditions, which would remove that allocation in the future.
- 8.76 In these circumstances I am left with no choice but to conclude that the allocation would not meet the basic conditions. I therefore recommend that the policy should be deleted and the site allocation removed from the Proposals Map.

² Aldingbourne Neighbourhood Plan – Parish Housing Allocation Assessment

Delete Policy H5 and remove the site from the Proposals Map.

Policy H6: Windfall sites

- 8.77 This policy is unnecessarily complicated. If the site is within the settlement boundary, as suggested by criterion (viii) it will have reasonable access to facilities, as required by criterion (iv). Since windfall sites are described as 'small' they are most unlikely to have more than 6-10 dwellings, in which case they would be below the size where there is a requirement for affordable housing using the District Council's existing policy and below the threshold that I have recommended in relation to revised Policy H4. Criterion (v) is therefore not relevant.
- 8.78 All development proposals will be subject to an assessment in relation to the character and appearance of the area and the effect on the environment. Where a scheme is either in, or affects the setting of historic assets, these issues will be subject to the statutory tests and the policies in the environment and heritage section of the plan. Criteria (ii) and (iii) are therefore repetitive. It is likely to be the developer that challenges the scale of contributions that are sought towards local infrastructure, if it would result in the development being unviable. Criterion (vii) is therefore unnecessary.
- 8.79 Criterion (ix) is overly restrictive and could only be applied in relation to protected environments and species. As this policy is applicable to 'small' sites it is unlikely that they would be sub-divided to give rise to piecemeal development, as suggested by criterion (vi). In any event development proposals have to be considered on their individual planning merits and criterion (vi) would not enable that process to be set aside in the interests of more comprehensive scheme without planning reasons that were pertinent to the development in hand.
- 8.80 I therefore recommend that the policy should be reworded as follows:

Policy H6: Windfall sites

Permission will be granted for small residential developments on infill and redevelopment sites within the Parish. Applicants should demonstrate how the proposal will integrate effectively with existing development and meet with the requirements of other policies in this Plan.

- 8.81 The supporting text should be amended by deleting paragraph H6.2.

Policy H7: Outdoor Space

- 8.82 This policy could be shortened, with much of the current wording moved to the supporting text. I recommend that the policy should be made more concise to aid decision makers as follows:

Policy H7: Outdoor Space

All new dwellings must include an outdoor amenity space of adequate size and quality, either as a private garden or shared amenity area.

- 8.83 The remaining text from the policy should be included in the supporting text by adding it to paragraph H7.1

Policy H8: Attention to detail

- 8.84 This policy clearly sets out the matters that should be considered during the design stage, whilst avoiding the need to be prescriptive. It therefore has regard to the Framework and meets the basic conditions.

Policy H9: Local Connection

- 8.85 This policy appears in normal type face, whereas to be consistent with the other policies in the Plan should have been presented in bold type.
- 8.86 The policy seeks a series of prescriptive criteria that anyone seeking access to the local provision of affordable housing would have to meet. I understand that the District Council operate a Choice Based Lettings system across the district. The criteria set out in Policy H9 would effectively be a means of the parish opting-out of this process. The District Council objected to this approach, as it would over-ride the priorities for the allocation of affordable housing across the District.
- 8.87 Furthermore, the policy is about the management of lettings. It would not inform decision makers with an indication of how they should react to a development proposal. It therefore fails to meet the basic conditions.

I recommend that: **Policy H9 should be deleted**

- 8.88 However, I appreciate that the Parish wishes to secure any affordable housing that is provided through this plan for local people. I therefore suggest that the supporting text to revised Policy H4 should include the following statement:
- 8.89 *The Parish Council will seek to work with the District Council to ensure that affordable housing provided in the Parish is allocated to those with a connection in the local community, as far as may be compatible with its wider allocations policies.*

Policy H10: Integration of new housing

- 8.90 In the case of a small scale housing development the aims and objectives of this policy will primarily be covered by the general policies in the Plan and appear repetitive. My comments parallel those already made in relation to Policy H6. However, I have suggested a modification to ensure effective integration of new development into the surrounding area. Subject to the incorporation of this modification, Policy H10 is not required.

I recommend that: **Policy H10 is deleted.**

Getting Around

- 8.91 Many of the objectives set out in the table at the beginning of this chapter relate to the aspirations of the local community to address the effects of traffic movements on them and their environment. They do not specifically relate to dealing with the effect of additional traffic generated by development proposals. Many of the objectives are therefore aspirations of local people that should be included in the section of the plan that deals with community projects.
- 8.92 When it comes to new development the objectives are likely to be about promoting adequate connectivity, encouraging use of sustainable transport and provision of adequate parking. The objectives should therefore concentrate on these matters.
- 8.93 The wording of objective No 5, relating to the Woodgate level crossing is also confusing. It is not appropriate for a neighbourhood plan to be used to oppose a particular development or outcome. I recommend that this is removed. Objective 6 could be reworded to be more positive, starting with maximising benefits from any scheme that removes traffic from the existing A29 through the village, but placed in the section of the plan that deals with aspirations and projects.

Policy GA1: Connection to sustainable transport, local networks and green infrastructure

- 8.94 Policy GA1 seeks to encourage the use of sustainable modes of transport by ensuring that new developments are accessible to walking and cycling routes and served by public and community transport. However, it attempts to cover a range of topics in a single policy with the result that it is not sufficiently clear about how this should be achieved.
- 8.95 The second part of the policy relating to the provision of community transport is a community aspiration; it does not provide clarity for decision makers when assessing development proposals. I suggest that this is included in the section of the Plan that sets out community projects and aspirations that are not directly linked to the development of land. This part of the policy therefore fails to meet the basic conditions.
- 8.96 I recommend that Policy GA1 be amended as follows:

Policy GA1: Promoting sustainable movement

Development proposals that increase travel demand will be supported where they can demonstrate that:

- **they extend or improve walking and cycling routes by making land available for those purposes or by means of financial contributions through legal agreements or (when adopted for the District) the Community Infrastructure Levy;**
- **they are located in places accessible to public and community transport or can improve the accessibility of the site to public and community transport by contributing to the provision of enhanced services.**
- **they do not result in the loss of any existing footpaths or cycle paths.**

The following sentence from Policy GA1 should be deleted: **Existing community transport will be preserved and, where appropriate, be enhanced as demand increases.**

- 8.97 The supporting text should make a clearer distinction between actions that are an aspiration of the community and those that may be achievable as a consequence of development proposals.

Policy GA2: Footpath and cycle path network

- 8.98 The general improvements that this policy seeks to deliver have been incorporated into the modifications I have recommended for Policy GA1 and therefore do not need to be repeated within this policy. The modification also makes it clear that proposals that result in the loss of existing facilities will not be supported.
- 8.99 It is not clear from the supporting text in paragraph GA2.1 if the specific named routes have been the subject of scheme development, or are part of walking and cycling strategies developed in partnership with others, such as the County Council (as highway authority) or Sustrans. It would therefore be more appropriate to include them in the list of projects that are community aspirations. If corridors or schemes have been identified it would be helpful to have them included on a map (even if only indicative). In addition, the supporting statement does not provide any justification for the specific routes that are being suggested.
- 8.100 Paragraph GA2.2 describes work that will be done with the local schools and highway authority. However, it is not relevant to development proposals. These tasks would therefore be better included in the section within the plan dealing with community projects.
- 8.101 I recommend that **Policy GA2 is deleted.**

Policy GA3: Parking and new development

- 8.102 The County Council has a set of maximum parking standards, which apply to all new development. Appendix B of the standards set out accessibility criteria where it may be appropriate to provide a reduced quantity of parking. Aldingbourne almost certainly falls into Zone 4 – a rural area with limited or poor accessibility. In such zones the maximum parking standard will be required and the level of accessibility will be a key consideration for the highway authority when making recommendations to the planning authority. On this basis the first sentence of Policy GA3 is repetitive and unnecessary.
- 8.103 I understand the concern about the potential loss of parking, both on and off-street that can arise with development. I therefore recommend that the policy as currently worded should be deleted and replaced with the following:

Policy GA3:

Proposals must provide adequate parking in accordance with the standards adopted at the time. Proposals that would result in a loss of parking spaces either on or off street will be resisted.

Policy GA4: Woodgate Crossing

- 8.104 Residents are understandably concerned about the volume of traffic on the A29 and the queues that occur at the level crossing at Woodgate. However, it has been a long-standing objective of the District Council to regenerate Bognor Regis and other parts of Arun District in order to encourage economic growth. In addition the County Council's Local Transport Plan is seeking to improve access along the A29 associated with new development, which could include the potential to bridge this level crossing.
- 8.105 The responsibility for providing an alternative route that would enable the existing crossing to be closed will be the responsibility of the highway authority working with Network Rail. In view of the inherent dangers associated with a level crossing it seems to me that it is highly likely that many stakeholders would support the closure of the crossing. There was considerable evidence from the residents' surveys that a new road to replace the existing A29 would be supported by many. Proposals would be subject to extensive public consultation and all the necessary statutory procedures. This would give the Parish Council the opportunity to present the views of the community to the particular proposal at the time.
- 8.106 The policy as currently worded is unclear since it appears conditional on the views of the local community, without indicating how these would be sought. It fails to consider the opportunities for improving the local environment as a consequence of either the proposed road scheme or the closure of the crossing. It does not provide any positive suggestions as to how the promoters of the proposals could address local concerns. It did not appear to rely on a full assessment of the views that had been expressed through the various consultation surveys and events. The reference to 'any proposal to close the level crossing at Woodgate would not be supported' in paragraph EE1.2' appears to pre-judge the outcome of any future community consultation and appears to have been arrived at primarily on the basis of loss of passing trade to local businesses. This appears to demonstrate a failure to take into account the full range of material planning considerations in coming to a balanced judgement about a possible future proposal.
- 8.107 In the event that a specific scheme comes forward in the future the Parish Council will be able to present the views of local people to the promoters. As currently worded the policy would not be in general conformity with the aims and objectives of the Arun District Local Plan and would not have regard to the advice of the Framework to promote economic growth, to seek sustainable transport and to consider how to meet objectively assessed needs unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. It therefore fails to meet the Basic Conditions and should be deleted.

I recommend that **Policy GA4 is deleted.**

Employment and Enterprise

- 8.108 The first objective confuses business, retail and other services. The objectives as a whole are silent about rural enterprise and agriculture. This fails to reflect the importance of these activities, which was identified in the vision set out in Section 4 of the Plan. It is not clear what kind of destination the Parish would be or for whom it would be attractive. Several of the other objectives appear to be rather vague aspirations, which do not relate to the development or use of land. They also appear contradictory, with car parking apparently linked to business viability whilst at the same time business and local shops should be supporting alternatives to the car. This is regrettable as it was apparent from the hearing that the steering group had gone to considerable lengths to understand and engage with the business community in the Parish. The objectives set out in the fourth and fifth bullet points are the clearest. It is more difficult to see how some of the policies that follow are a means of achieving the remaining objectives.

Policy EE1: Support for business

- 8.109 The absence of a plan or a list defining the employment sites in the Parish makes it difficult to assess whether this policy is consistent with other policies in the Plan. For example, are all the existing sites within the built-up area? The restriction suggesting that the only assessment will relate to amenity of surrounding properties would appear to suggest that this is the case. Is the policy suggesting that employment sites can be extended, or is the support confined to the upgrading and extending of buildings?
- 8.110 Given the desire expressed in other policies to confine development to the built up area and prevent encroachment into the countryside this could be seen to be in conflict with other policies. In all cases I would expect the Parish to be concerned about the quality of the development and its effect on the character and appearance of the area. In order for the policy to have regard to the Framework and to meet the basic conditions I recommend it should be amended as follows:

Policy EE1: Support for business

Development proposals to upgrade or extend properties within existing employment sites will be supported, subject to the other policies in the Plan.

- 8.111 The supporting text set out in paragraph EE1.1 is weak and does not provide a robust justification for the policy. It would benefit from strengthening with reference to the types of business that are particularly important to the economy of the Parish.
- 8.112 Paragraph EE1.2 is primarily concerned with retail rather than business use. It is not relevant to the policy on employment sites, neither is the reference to competition with out of town shopping. Similarly, the closure of the level crossing at Woodgate is not related to the provision of business premises. The text appears to go further than the policy that was suggested in the transport section of the Plan and upon which I have already made recommendations. I recommend that this paragraph is deleted.

Policy EE2: Retention of employment land

- 8.113 The first part of this policy, which seeks to protect existing land and buildings from inappropriate changes of use, is clear. However, the final sentence, which seems to suggest that existing businesses that cause noise could be threatened by proposals for residential development in close proximity, is not. Proposals for residential development will be assessed for their suitability having regard to their context, which would include the proximity to existing business uses.
- 8.114 I recommend that the **final sentence of Policy EE2 is deleted.**
- 8.115 Paragraph EE2.2 is not relevant at this point in the Plan. It should be included, if appropriate, in the criteria relevant to the assessment of proposed residential development.

Policy EE3: Support for new commercial uses

- 8.116 Although the policy appears to be in support of the provision of a range of new commercial uses and facilities it actually only offers support for Use Class B1. I consider this to be overly restrictive and it could prevent the expansion of existing businesses. All applications for commercial development would need to be assessed in relation to their likely scale and impact, alongside the economic benefits that they would be likely to generate. Concerns about traffic and lorry movements would therefore be weighed in the balance prior to granting planning permission and could be a reason for rejecting a specific proposal.
- 8.117 The Framework and the Arun District Local Plan are seeking to actively promote economic development. This policy would not have regard to the objectives of the Framework or the promotion of sustainable development. Neither would it be in general conformity with the Local Plan. It would therefore not meet the basic conditions, as currently drafted. In order to do so it would be necessary to amend it as follows:

Policy EE3: Support for new commercial uses

Proposals for new commercial development and changes of use to Use Class B1, B2 and B8 will be supported, subject to the other policies in this Plan.

- 8.118 The supporting justification will require amendment to reflect the changes I have recommended.

Policy EE4: Allocate land for commercial use

- 8.119 The proposal to allocate a site for commercial use could help achieve the objective of providing small business units and therefore encourage economic activity in the area. However, the only justification presented in the Plan is that residents voted for this suggestion. I was initially given no details of how many favoured such a proposal and no indication that the landowner would be willing to release the land for this purpose.
- 8.120 The survey of businesses illustrated that there are very few large businesses in the Parish. Of the 30 or so businesses that participated in the survey less than half were contemplating an increase in their workforce. Whilst the majority intended to stay in the area there was little evidence that there was a need for new premises. One major employer would like to find a

substantial site, but others felt that additional commercial activity would affect the rural character of the area and only small businesses should be encouraged to operate from the area. The concept of a site that could be used to develop units for small companies and start-up businesses is to be commended. However, the Framework advises that land should be allocated to meet an identified business need. No estimate of the likely floorspace, or number of units that could be accommodated on the proposed site, was presented to justify the allocation.

- 8.121 The proposed location has much to commend it as it is currently a partly derelict site. It is close to the A29, but sufficiently separated from residential development to avoid potential conflicts. At the hearing it became apparent that the steering group had spoken to many local businesses and I am sympathetic to the desire to encourage local employment opportunities. However, I am not persuaded that there is sufficient evidence to support or justify an allocation of a site of the size proposed. It is therefore with some regret that I recommend the policy is deleted and the Proposals Map amended accordingly.

Delete Policy EE4 and amend the Proposals Map.

Policy EE5: Local shopping facilities

- 8.122 It is clear that local people wish to support and retain their local shops. A plan showing the location of shops and other facilities of community value was displayed as part of the material during the community engagement. It would be helpful if this map was included in the Plan as it demonstrates that it would not be possible to define a specific shopping area, but would indicate the location of the facilities within the village of Westergate.
- 8.123 The policy initially appears to be supporting changes of use from retail to other uses, such as professional services and food and drink. However, the criteria against which such a change of use would be assessed are onerous. For example how would a developer be able to demonstrate a community use for such a change? And who would ensure that such an assessment was objective, particularly if the financial viability of such a change was challenged? I appreciate that residents wish to retain both the services and the appearance of local shops. However, this will only be achieved if the retail units are financially viable. It therefore seems to me that the thrust of the policy should be reversed and it would be more appropriate to resist any change of use, unless it could be demonstrated that the business was financially unsustainable. I recommend deletion of Policy EE5 and its replacement with the following:

Policy EE5: Local shopping facilities

Changes of use at ground floor level from Class A1 uses (retail) will be resisted unless it can be demonstrated that the existing use is no longer economically viable. Evidence should be provided to show that the site has been actively marketed, at the market rate current at the time, for at least 12 months and that no sale or let has been achieved during that period.

- 8.124 The supporting justification should be expanded to give more reasons for seeking to retain the facilities.

Policy EE6: Car parking

- 8.125 For the reasons set out in paragraphs 8.83 and 8.84 this policy and the supporting text should be deleted and replaced with that recommended for inclusion in the transport section.

Delete Policy EE6

Policy EE7: Improving signage

- 8.126 I appreciate that the local community wishes to reduce clutter around the village. However, in my view the link between signage and development proposals is tenuous. This issue would be more appropriately included in the section of the Plan that deals with community projects. This would enable local people to work with landowners, businesses and the County Council and other statutory agencies in the future.
- 8.127 The second half of the policy, which suggests a blanket restriction on illuminated signage for businesses, could conflict with the clear intention expressed elsewhere in the Plan to support local businesses. The display of outdoor advertisements can only be controlled in the interests of 'amenity' and 'public safety'. In addition I am aware that Arun District Council has adopted Supplementary Planning Guidance, which sets out very stringent controls, particularly in rural areas. The proposed policy would therefore add little and would be repetitive.
- 8.128 I recommend that **Policy EE7 should be deleted.**

Policy EE8: Recreational and tourism activities

- 8.129 Whilst the first sentence of EE8 is a positive statement about supporting tourism and recreation in the Parish, it does not provide sufficient clarity about what would be acceptable to aid decision makers. The second half of the policy makes an unnecessary distinction between developments that might be proposed within the built-up area and beyond it. There may be occasions where recreational activities could be undertaken within the village and they would still need to be assessed in relation to their effects on the character and appearance of the area and any other relevant material planning considerations. Furthermore, I am not sure how any developer would be expected to demonstrate that the proposed use is 'sustainable' or which unique characteristics of the area would be promoted.
- 8.130 I therefore recommend that Policy EE8 is amended as follows:

Policy EE8: Recreational and tourism activities

Development proposals that provide facilities for recreation and tourist activities will be supported throughout the parish provided that:

- the siting, scale and design respects the character of the surrounding area, including any historic and natural assets;
- the local road network is capable of accommodating the additional traffic movements;
- adequate parking is provided on the site.

Policy EE9 Rural Buildings

- 8.131 Policy EE9 as currently drafted is likely to be of limited value as many rural buildings can now be converted through permitted development rights. The government has extended these rights with the specific intention of promoting the rural economy. The first bullet point should therefore be removed. However, the criteria could be modified to ensure that any proposal requiring planning permission is subject to appropriate scrutiny.
- 8.132 I recommend that the following minor changes:
Delete the words ‘in principle’ in the opening sentence and delete the first bullet point.
- 8.133 It would be helpful if the supporting text to both EE8 and EE9 made reference to any significant tourist/recreation sites that are within the Parish. At present paragraph EE8.1 only refers to the village (presumably Westergate) and paragraph EE9.1 only refers to small businesses and farms.

Policy EE10: Communications infrastructure

- 8.134 The first sentence of Policy EE10 is clear and will aid the delivery of sustainable development. It meets the Basic Conditions.
- 8.135 However, the second part of the policy suggests that support will be given to proposals that provide improved connectivity for the Parish as a whole. This goes beyond that which is permitted through the planning process. Development proposals can only be required to provide the infrastructure, the need for which is brought about by that development. This could involve being required to provide a financial contribution secured through a planning obligation, if it was essential to undertake works beyond the development site to provide the necessary broadband connections.
- 8.136 However, all obligations must meet the tests set out in paragraph 204 of the Framework. The second sentence of this policy suggests support for proposals that would not be directly related to the development and would therefore fail to have regard for the advice of the Framework.
- 8.137 I recommend that the **second sentence of Policy EE10 is deleted.**

Policy EE11: Sustainable commercial buildings

- 8.138 The requirements for providing cycle parking are set out in the County Council’s parking standards. This not only deals with the quantity of cycle parking required in all types of development but also deals with its quality. It requires all cycle parking to be sheltered and secure and in accordance with local guidance or best practice. The first part of Policy EE1 is therefore repetitive and unnecessary.
- 8.139 The requirement that all new commercial development should be designed to provide energy-generating infrastructure is onerous. It is also unclear as it suggests that the entire energy requirement for the new building should be provided from such sources. This element of the policy would not meet the basic conditions.

8.140 I recommend that **Policy EE11 is deleted**.

Policy EE12: Agricultural/Horticultural/Horsicultural employment

8.141 This policy seeks to resist all changes of use of land that are currently in use for agriculture, horticulture or for equestrian facilities. As currently drafted it would apply to the whole Parish. This not only conflicts with other proposed policies in the Plan to allocate land for housing, business use and leisure, but is also contrary to the purpose of neighbourhood planning to actively plan to meet the future needs of the area. It fails to have regard to the Framework's presumption in favour of sustainable development.

8.142 I recommend that **Policy EE12 is deleted**.

Leisure and Community

Policy LC1: Support Independent Living

8.143 This policy is primarily aimed at providing for the elderly. It is clearly set out and provides clarity for developers. It has regard to the Framework's aim of providing housing for all sections of the community. I recommend the following minor changes:

- a) the policy should be headed: **Provision for the elderly**
- b) the words '**proposals for**' should be added at the beginning.

Policy LC2: Healthcare Facilities

8.144 There is local concern about the provision of medical services. Proposals for expansion of services in Eastergate appear to be subject to funding uncertainty. In these circumstances it is appropriate to include the simple policy that offers support to the provision of new medical facilities. No modifications to this policy are therefore required.

Policy LC3: Recreation facilities

8.145 The policy heading is not consistent with the text, which specifically deals with buildings. The description of a building for recreational use could also appear overly restrictive. Was it intended only to apply to a sports pavilion, for example, and not a building that includes other community uses? It may therefore be more appropriate to refer to 'buildings for community use'.

8.146 I therefore recommend that the policy should be amended as follows:

Policy LC3: Provision of buildings for community use

Provision of buildings for community use will be supported provided that:

- **their design and scale are in keeping with the local character and**
- **the impact on the residential amenity is acceptable.**

Policy LC4: Provision of allotments

- 8.147 The policy appears to designate a site for allotments on the Proposals Map, but no such site is shown on the map. This is a matter that was discussed at the hearing and I also visited the site of the existing allotments during my unaccompanied site visit. I was informed that the current allotments (at a site off Ivy Lane) are well used, that there is a waiting list and the Parish is seeking to extend the area to the south. A plan showing the possible extension of the area was provided after the hearing. Both the existing and proposed sites are within Site 12 of the areas identified for designation as Local Green Space. I will therefore deal with the issue of the specific site as part of my recommendations relating to Policy LC6.
- 8.148 However, irrespective of whether or not a specific site is allocated, I consider that it would be appropriate for the Plan to support the provision of additional allotments. I recommend that Policy LC4 is amended to read:

8.149 Policy LC4: Provision of allotments

Proposals that contribute to the provision of allotments either by making land available for those purposes or by means of financial contributions through legal agreements or (when adopted for the District) the Community Infrastructure Levy, will be supported.

- 8.150 The only justification given for allocating land for allotments is that there is currently a waiting list. It would be helpful if the supporting statement could be strengthened by providing details about the existing site and its use.

Policy LC5: Protection of Assets of Community Value

- 8.151 This policy seeks to retain assets of community value. Schedule A of the Plan sets out a list of 8 buildings that have been proposed to Arun District Council for inclusion on the Register of Assets of Community Value. It is important that the policy is flexible to reflect the fact that decisions have yet to be made about which properties will be included on the register and to recognise that the list may change over time.
- 8.152 The policy could be improved by setting it out as a series of discrete bullet points to make it clearer and easier to understand. I therefore recommend the following minor amendments to the policy:

Policy LC5: Protection of assets of community value

- **Proposals that will enhance the viability and/or community value of properties included in the register of Assets of Community Value will be supported.**
- **Proposals that result in either the loss of the asset or in significant harm to the community value of an asset will be resisted, unless it can be demonstrated that the operation of the asset is no longer financially viable. Developers will be expected to provide evidence that the building has been actively marketed for at least 12 months and that no sale or let has been achieved.**

Policy LC6: Designation of Local Green Space

- 8.153 The Plan includes a map showing the location of 17 sites that could be designated as Local Green Space. It is accompanied by a Schedule, which sets out a brief description of 13 of these sites.
- 8.154 The Framework makes provision for a neighbourhood plan to identify green areas of particular importance to the local community. Paragraph 76 states that ‘by designating land as Local Green Space local communities will be able to rule out new development other than in very special circumstances’.
- 8.155 Local Green Space is a restrictive and significant policy designation. It gives the land a similar status to that of Green Belt and for that reason the Framework states that such designations will not be appropriate for most green areas or open space. It should only be used when the green space is in reasonably close proximity to the community it serves, where it is demonstrably special to the local community and holds a particular local significance. The allocation of each space within the policy therefore requires robust justification.
- 8.156 The District Council has objected to the designation of Site No 12, east of Ivy Lane, as this area is within the site identified for a strategic housing allocation in the emerging Arun Local Plan. Whilst I can give little weight to the emerging plan I used the hearing to seek further clarification about the use of this area. I was subsequently provided with a map which showed that part of Site 12 is currently used for allotments and an additional area immediately to the south is one that the Parish wish to use for the expansion of the number of allotments. The remainder of Site 12 is currently open land and includes a footpath, which is well used by local people. The District Council also undertook a reappraisal of this, and the other sites suggested for designation, and withdrew their objection in respect of the area currently in allotment use.
- 8.157 No justification was initially provided for the designation of sites 14, 15, 16 or 17. I visited each of them during my site visit and discussed their value to the local community at the hearing. The remaining sites have been described in relation to their special features and value to the local community. I also visited each of them and sought information about them at the hearing. Subsequently the Parish Council provided me with additional information about all the sites that they wished to designate. This demonstrated that they had specifically rejected sites that were considered to be large tracts of land, and would therefore not comply with Paragraph 76 of the Framework. They also accepted that sites 12-17 would be more appropriately designated as Local Open Space.
- 8.158 In parallel, the District Council also re-assessed the sites and both parties agreed that it would be appropriate to designate Sites 1-11 as Local Green Space and Sites 13-17 as Local Open Space. A difference of view remains regarding the appropriate designation of Site 12. Having taken all the factors into consideration, I recommend that the area marked ‘A’ on the supplementary map: Allotment Land Map that I was provided with after the hearing, should be designated as Local Green Space. I recommend that the remainder of the site should be designated as Local Open Space.
- 8.159 I therefore **recommend** that two amended schedules are prepared, setting out a description of the each of the sites with an associated number. Schedule B should set out the list of sites to be designated as Local Green Space (Sites 1-11, plus a small area, which I refer to here as

Site 12A). A new Schedule C should list the remaining sites, i.e. the rest of Site 12 and Sites 13-17, which are to be designated as Local Open Space.

- 8.160 The sites should be shown on new larger scale maps. Whilst Sites 1-6 could be accommodated on a map that is relatively small scale, I consider this to be inadequate for the other sites, most of which lie either in or very close to the boundary of the built up area of Westergate. The existing Ordnance Survey based plan is simply too small to adequately define the boundaries of these sites.
- 8.161 The first part of Policy LC6 is clear, but should be strengthened by inclusion of the word 'very' before 'special circumstances'. This would make the comparison with Green Belt more obvious. Setting out specific examples of exceptions could be a 'hostage to fortune' over the period of the Plan and I therefore recommend they should be removed from the policy. In the event that any development did come forward it would be for the developer to demonstrate very special circumstances at the time.
- 8.162 Two separate policies are then required for the two different designations. They should each refer to the appropriate schedules and maps.
- 8.163 I recommend Policy LC6 should be amended as follows:

Policy LC6: Designation of Local Green Space

The areas listed in Schedule B and shown on Map C³ are designated as Local Green Space as they are demonstrably special to the local community and hold a particular local significance. Proposals for development in these areas will not be permitted except in very special circumstances.

- 8.164 I recommend the introduction of a new Policy to deal with the designation of Local Open Space

Policy LC6a⁴: Local Open Space

The areas listed in Schedule C⁵ and shown on Map C⁶ are designated as Local Open Space. Proposals for development in these areas will not be permitted unless it can be demonstrated that:

- **The benefits of the development outweigh any identified harm;**
- **There are no reasonable alternative sites available;**
- **It is part of a comprehensive redevelopment of a school that would not result in a net loss of playing fields.**

- 8.165 The supporting text should be expanded to explain the methodology used to identify the sites and illustrating how they met the criteria set out in the Framework. It should make a clearer distinction between the Local Green Spaces, which are particularly valuable to and valued by the local community and the remaining Local Open Space. A cross reference to the supplementary material that was produced following the hearing would be helpful.

³ Description of map to be determined as part of the editing of the Plan.

⁴ This should probably be LC7, but will be determined as part of the editing of the Plan

⁵ It will be for the Parish Council to identify the specific name of the list as part of the editing of the Plan

⁶ It will be for the Parish Council to specify the particular map that shows the sites when editing the Plan.

Policy LC7: School facilities

- 8.166 I appreciate that local people are concerned about the provision of primary school places for children who live in the Parish. However, Aldingbourne Primary School has no plans for extension and none appear to be included in the plans of West Sussex County Council. I understand that expansion at Eastergate Primary School has recently been completed.
- 8.167 West Sussex County Council set out its requirements for contributions to infrastructure and local facilities in response to the appeal proposals. Contributions towards education provision formed part of the S106 agreement on the Northfields appeal site. None were considered necessary in relation to the Westergate appeal. The Inspectors in both appeals considered the appropriateness of contributions towards infrastructure at some length in their respective appeal decisions. Apart from local opinion, no evidence was presented as part of the development of the Plan that would cause me to reach a different conclusion.
- 8.168 There is therefore no justification for allocating the site. Small-scale development proposals within the village are unlikely to generate demand for additional school places that would justify seeking contributions. The improvement of the existing facilities could be included in the list of community aspirations, but if this is to take place it would be helpful if the type of improvements that are sought could be specified in more detail. I recommend that the policy is deleted and the Proposals Map is amended accordingly.

Delete Policy LC7 and remove the site from the Proposal Map

Allocation of site for Leisure use

- 8.169 At the hearing I was able to raise the issue of the allocation of land for leisure use, which is identified on the Proposals Map. I pointed out that there was no corresponding Policy in the Plan to support the allocation.
- 8.170 The situation was explained to me at the hearing and subsequently I was provided with details of planning approvals in the vicinity of the proposed allocation. The site lies to the west of the A29 and to the rear of the Prince of Wales public house. It appears to be a derelict nursery. An area of land to the rear of the public house has already been granted planning permission for use of the rear garden as a touring camp site as has another area to the south-west, approached by an access road that originally served the nursery. The proposed allocation would represent a further increase in the area available and would probably double the overall size of the site.
- 8.171 However, there was no specific evidence to suggest that there is likely to be a demand for an increase of this magnitude. In addition there appears to have been insufficient consideration of other possible uses for this land. For example, was any or all of this site ever considered as one possibility for the community orchard, which appears to be an aspiration of the local community? In the absence of a more robust justification I am not persuaded that a site of this size should be allocated. It would be appropriate to include that part of the site for which planning permission has been granted for leisure uses, but the rest of the site (to the north and west) should not. I therefore recommend that the following policy should be added:

Policy LC8: Site for camping/touring caravans.

Proposals for the provision of a site to serve camping and touring caravans shown on the Proposals Map will be supported, subject to the complying with other policies in the Plan including Policy EE8.

Note: *the Proposals Map should be amended to include the area edged red on Plan A and shaded green on Plan B, submitted after the hearing.*

- 8.172 Supporting text should be added to provide a justification for the policy and should cross reference the allocation to the provisions in Policy EE8, which requires consideration to be given to the character and appearance of the development and the effects on the local road network of the additional traffic.

9 Summary and overall conclusion

- 9.1 I recognise that the Plan for Aldingbourne has been developed against a background of considerable uncertainty. The Parish Council is therefore to be commended for attempting to progress the Plan and engage with the local community. This has not been an easy task as public expectations will have been raised, whilst the more difficult choices have been left to the small group that has been leading the process. The Plan includes many aspirations that local people have for their community and for its protection. However, this has led to some confusion about what could be achieved through a variety of community projects and what is appropriate for a policy that relates to the assessment of proposals for the development and use of land. Consequently, the Plan that was submitted has fallen short of a practical framework within which planning applications could be determined.
- 9.2 I also found that there was insufficient evidence to support some of the key proposals put forward and unrealistic expectations about the ability to restrict housing development to meeting only very local needs. In other instances proposed allocations have been overtaken by events. This has caused me to recommend rejection of the allocations relating to education, housing and employment and reduce the proposed allocation for leisure. I was not satisfied that these proposals were sufficiently based on robust evidence to ensure that the Plan had adequate regard to national guidance or the strategic aims of the development plan. I could not be certain that they would contribute to the achievement of sustainable development and therefore have reluctantly concluded that the Plan does not meet the basic conditions.
- 9.3 I am aware that other examiners have gone to great lengths to make recommendations for modifications to other neighbourhood plans, which have enabled them to proceed to the next stage, the referendum. I therefore gave much thought as to whether or not I could adopt a similar approach in this case, particularly in view of the extensive work that the Parish has undertaken in progressing the Plan to the submission stage. However, in addition to the concerns I have about the site allocations, I have also recommended a significant number of other changes to policies and identified areas where significant re-drafting of the supporting text is necessary. If all my recommendations were accepted I am concerned that the amended Plan would be a very different document from the one that was submitted for consultation. In these circumstances I am not persuaded that it would be in the interests of the Parish Council, or the people that it represents, to proceed to vote on this revised plan without undertaking additional engagement with the local community.

- 9.4 I would like to thank the Parish and District Councils for the help and support that they gave during the examination, both through the written correspondence, the wealth of material that was presented via the web site and in particular their participation at the hearing. All this enabled me to gain an understanding of the area and the issues that it faces. It assisted me in the process of arriving at my conclusions and has allowed me to provide a series of detailed recommendations, which I hope will help the Parish Council take the Plan forward in the future.
- 9.5 However, it is with considerable regret that I have no alternative but to conclude that the Plan should not proceed to a referendum.

Sheila Holden
October 2015