

# **AMBERLEY NEIGHBOURHOOD PLAN**

## **Submission Draft Version**

**A report to South Downs National Park Authority  
into the examination of the  
Amberley Neighbourhood Plan  
by Independent Examiner, Rosemary Kidd**

Rosemary Kidd, Dip TP MRTPI

NPIERS Independent Examiner

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## 1.0 Summary

- 1.1 The Amberley Neighbourhood Plan has been prepared to set out the community's wishes for the parish of Amberley to maintain its intrinsic rural character whilst allowing sustainable development to support community facilities and services in the parish.
- 1.2 I have made a number of recommendations in this report in order to make the wording of the policies and their application clearer and to ensure that they meet the Basic Conditions. Section 7 of the report sets out a schedule of the recommended modifications.
- 1.3 The main recommendations concern:
  - The deletion of two Local Green Spaces under Policy EN7;
  - Deleting Policy FI5 – Allocation of a community orchard / allotments;
  - Deleting Policy HD1 – The presumption in favour of development;
  - Reducing the size of the developable area of the housing site allocation under Policy HD6;
  - The clarification of the wording of policies and their justifications; and
  - The correction of errors.
- 1.4 Subject to these modifications being made to the Neighbourhood Plan, I am able to confirm that I am satisfied that the Amberley Neighbourhood Plan satisfies the Basic Conditions and that the Plan should proceed to referendum.

## 2.0 Introduction

- 2.1 Neighbourhood planning was introduced by the Localism Act 2011 which allows local communities to create the policies which will shape the places where they live and work. The Neighbourhood Plan provides the community with the opportunity to develop a vision to steer the planning of the future of the parish, to prepare the policies and allocate land for development which will be used in the determination of planning applications in the parish.
- 2.2 Neighbourhood development plans that are in general conformity with the strategic policies of the local development plan for the local area (and which together form the development plan), and have appropriate regard to national policy, have statutory weight. Decision-makers are obliged to make decisions on planning applications for the area that are in line with the development plan which will include the neighbourhood development plan, unless material considerations indicate otherwise.
- 2.3 Neighbourhood Plans are developed by local people in the localities they understand and as a result each plan will have its own character. I have been appointed to examine whether the submitted Neighbourhood Plan meets the basic conditions and the other statutory requirements. It is not within my role to re-write a plan to conform to a standard approach or terminology. Indeed it is important that neighbourhood plans are a reflection of aspirations of the local community. They should be a local product and have particular meaning and significance to people living and working in the area.
- 2.4 The nature of neighbourhood plans varies according to local requirements. A neighbourhood plan can be narrow in scope. There is no requirement for a neighbourhood plan to be holistic, or to include particular types of policies, and there is no requirement for a neighbourhood plan to be formulated as, or perform the role of, a comprehensive local plan.

### Legislative Background

- 2.5 This report sets out the findings of the independent examination into the Neighbourhood Plan. The report makes recommendations to the South Downs National Park Authority including a recommendation as to whether or not the Neighbourhood Plan should proceed to a local referendum.
- 2.6 The South Downs National Park Authority will decide what action to take in response to the recommendations in this report. The National Park Authority will decide whether the Neighbourhood Plan should proceed to referendum, and if so whether the referendum area should be extended, and what modifications, if any, should be made to the submission version plan. Should the Neighbourhood Plan proceed to local referendum and achieve more than half of votes cast in favour, then the Neighbourhood Plan will be 'made' by South Downs National Park Authority. If 'made' the Neighbourhood Plan will come into force and subsequently be used in the determination of planning applications and decisions on planning appeals in the plan area.

- 2.7 I have been appointed by the South Downs National Park Authority with the consent of Amberley Parish Council, to undertake the examination of the Neighbourhood Plan and prepare this report of the independent examination. I am independent of the Parish Council, the Neighbourhood Plan Steering Group and South Downs National Park Authority. I do not have any interest in any land that may be affected by the Neighbourhood Plan and I hold appropriate qualifications and have appropriate experience. My appointment has been facilitated by the Neighbourhood Planning Independent Examiners Referral Service.
- 2.8 As an Independent Examiner, I am required to determine, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, whether:
- (a) the policies of the Neighbourhood Plan relate to the development and use of land for a designated neighbourhood area;
  - (b) the Neighbourhood Plan meets the requirements to: specify the period to which it has effect; not include provision about excluded development; and not relate to more than one neighbourhood area;
  - (c) the Neighbourhood Plan has been prepared for an area that has been properly designated for such plan preparation; and
  - (d) the Neighbourhood Plan has been prepared and submitted for examination by a qualifying body.
- 2.9 I am satisfied that the Neighbourhood Plan subject to the modifications proposed, includes policies that relate to the development and use of land and does not include provision for any excluded development.
- 2.10 The Neighbourhood Plan area is co-terminus with the parish of Amberley and was designated by South Downs National Park Authority on 5 March 2015 as a Neighbourhood Area. The Plan relates to the Amberley Neighbourhood Area and that there are no other Neighbourhood Plans relating to that area.
- 2.11 Paragraph 1.3 of the Basic Conditions states that the lifespan of the Neighbourhood Plan is to be from 1 January 2016 to 31 March 2032. These dates are shown on the front cover of the Neighbourhood Plan.
- 2.12 The neighbourhood plan making process has been led by Amberley Parish Council which is a “qualifying body” under the Neighbourhood Planning legislation which entitles them to lead the plan making process. The Plan was prepared by the Neighbourhood Plan Steering Group made up of councillors and community volunteers.
- 2.13 I am satisfied therefore that the Amberley Neighbourhood Plan satisfies all the requirements set out in paragraph 2.8 above.

## Conformity with Basic Conditions

- 2.14 An Independent Examiner must consider whether a neighbourhood plan meets the “Basic Conditions”. The basic conditions are set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004. The basic conditions are:
- having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
  - the making of the neighbourhood plan contributes to the achievement of sustainable development;
  - the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
  - the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations; and
  - prescribed conditions are met in relation to the plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan. The following prescribed condition relates to Neighbourhood Plans:
    - Regulation 32 of the Neighbourhood Planning (General) Regulations 2012 (as amended) sets out a further basic condition in addition to those set out in the primary legislation. That the making of the neighbourhood plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2012) or a European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007) (either alone or in combination with other plans or projects). (See Schedule 2 to the Neighbourhood Planning (General) Regulations 2012 (as amended).
- 2.15 The role of an Independent Examiner of a neighbourhood plan is defined. I am not examining the test of soundness provided for in respect of examination of Local Plans. It is not within my role to examine or produce an alternative plan, or a potentially more sustainable plan. I have been appointed to examine whether the submitted Neighbourhood Plan meets the basic conditions and Convention rights, and the other statutory requirements.
- 2.16 A neighbourhood plan can be narrow or broad in scope. There is no requirement for a neighbourhood plan to be holistic, or to include policies dealing with particular land uses or development types, and there is no requirement for a neighbourhood plan to be formulated as, or perform the role of, a comprehensive local plan. The nature of neighbourhood plans varies according to local requirements.

- 2.17 Neighbourhood plans are developed by local people in the localities they understand and as a result each plan will have its own character. It is not within my role to re-interpret, restructure, or re-write a plan to conform to a standard approach or terminology. Indeed it is important that neighbourhood plans are a reflection of thinking and aspiration within the local community. They should be a local product and have particular meaning and significance to people living and working in the area.
- 2.18 I have only recommended modifications to the Neighbourhood Plan (presented in bold type) where I consider they need to be made so that the plan meets the basic conditions and the other requirements I have identified.

### **Policy Background**

- 2.19 The first basic condition is for the neighbourhood plan “to have regard to national policies and advice contained in guidance issued by the Secretary of State”. The requirement to determine whether it is appropriate that the plan is made includes the words “having regard to”. This is not the same as compliance, nor is it the same as part of the test of soundness provided for in respect of examinations of Local Plans which requires plans to be “consistent with national policy”.
- 2.20 Lord Goldsmith has provided guidance that ‘have regard to’ means “such matters should be considered.” The Guidance assists in understanding “appropriate”. In answer to the question “What does having regard to national policy mean?” the Guidance states a neighbourhood plan “must not constrain the delivery of important national policy objectives.”
- 2.21 The National Planning Policy Framework 2012 (NPPF) sets out the Government’s planning policies for England and how these are expected to be applied. The Planning Practice Guidance provides Government guidance on planning policy.
- 2.22 The third basic condition is for the neighbourhood plan as a whole to be in general conformity with the strategic policies contained in the Development Plan for the area. The current Development Plan is the Horsham District Local Development Framework 2007 consisting of the Core Strategy and the General Development Control Policies. These will remain until the emerging South Downs National Park Local Plan is adopted by the South Downs National Park Authority. This is still in its early stages with Preferred Options being consulted on in 2015. It is not envisaged that it will be adopted until 2018. At this stage little weight can be given to its policies.
- 2.23 It is not my role to consider whether there is any tension between one policy in the Neighbourhood Plan and one element of the emerging local plan. I have considered whether the relevant Local Plan policies accord with the national policy. I have also considered whether the Neighbourhood Plan would introduce policies and designations that may constitute blanket restrictions that may restrict future development in the area in the forthcoming Local Plan.

- 2.24 The Basic Conditions Statement lists the policies of the Neighbourhood Plan against the key objectives of the NPPF with the aim of demonstrating how the plan would deliver sustainable development. Paragraph 4.1 of the Basic Conditions Statement states that it is considered that the “*Neighbourhood Plan policies are in general conformity with the strategic intent of the 2007 Plan and its specific policies. We have also taken into consideration the policies of the emerging SDNP Local Plan*”. However no formal assessment has been included in the Basic Conditions Statement to support this conclusion.
- 2.25 I have considered the Neighbourhood Plan as a whole against the NPPF and PPG and the adopted strategic policies. Then I have considered each of the policies to ascertain whether there is any conflict between a particular policy and the NPPF or the strategic policies of the Development Plan. Where appropriate I have highlighted relevant policies and guidance when considering each policy of the Neighbourhood Plan. I have also considered the Basic Conditions Statement submitted alongside the Neighbourhood Plan.

### **EU obligations and human rights requirements**

- 2.26 A neighbourhood plan must be compatible with European Union obligations as incorporated into UK law, in order to be legally compliant. Key directives relate to the Strategic Environmental Assessment Directive, the Environmental Impact Assessment Directive and the Habitats and Wild Birds Directives. A neighbourhood plan should also take account of the requirements to consider human rights.
- 2.27 A Screening Opinion for the Strategic Environmental Assessment (SEA) was undertaken by the South Downs National Park Authority on the draft Neighbourhood Plan in March 2016. The SEA screening opinion recommended that a full SEA did not need to be undertaken for the Amberley Neighbourhood Development Plan. This has been confirmed through the responses from Historic England, Natural England and the Environment Agency.
- 2.28 A Screening Opinion under the Habitats Regulations was not carried out on the Submission Draft Plan. This was undertaken during the examination period. The conclusion of the screening was:
- “that no likely significant effects with regard to the integrity of the Arun Valley SAC/SPA/Ramsar have been identified. As such the Amberley Neighbourhood Development Plan does not require progression to the next stage of Habitats Regulations Assessment.”*
- 2.29 Natural England concurred with this opinion provided that the 6 dwellings proposed in the plan were not developed in the Arun Valley SAC/SPA/Ramsar area. I have noted that the housing allocations are outside the Arun Valley SAC/SPA/Ramsar area and Policy EN1 includes a statement that proposals that would adversely affect the Amberley Wildbrooks area will not be supported.



- 2.30 Paragraph 5.1 of the Basic Conditions statement states that “the Plan has regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act”. The Consultation Statement demonstrates that considerable effort has been made to reach the community, landowners, businesses and local organisations in consultations on the preparation of the Neighbourhood Plan.
- 2.31 I consider that the Neighbourhood Plan does not breach, and is otherwise compatible with, EU obligations and human rights requirements and therefore satisfies that Basic Condition.

### **Contributes to sustainable development**

- 2.32 The Basic Conditions Statement includes an assessment of how the Neighbourhood Plan policies contribute towards delivering sustainable development and considers how the plan contributes to the enhancement of the economic, social and environmental conditions of the area. The eight Core Objectives clearly support the provision of social and community infrastructure, the enhancement of environmental matters, and development of the local economy through tourism.
- 2.33 I am satisfied that, subject to the modifications proposed, the Amberley Neighbourhood Plan will support the delivery of sustainable development and help to meet the social and economic development needs of the parish within the environmental context of the area.

### **The Neighbourhood Plan Preparation**

- 2.34 I am required under The Localism Act 2011 to check the consultation process that has led to the production of the Plan. The requirements are set out in Regulation 14 in The Neighbourhood Planning (General) Regulations 2012.
- 2.35 The Consultation Statement sets out an overview of the consultation process. The preparation of the Neighbourhood Plan commenced in March 2015 with a launch at the Museum advertised through leaflets to all households, notices in the parish magazine and school newsletter and posters around the village. This was followed with discussions with community groups between March and April 2015. A housing survey was sent to all households in the area in May 2015.
- 2.36 Consultation on the pre-submission draft plan took place between March and May 2016. This included a leaflet and questionnaire to every household, general publicity, four village meetings and correspondence to statutory consultees.
- 2.37 Consultation on the submission draft plan ran from 6 September to 18 October 2016. This resulted in representations from nine organisations or individuals.

- 2.38 A comprehensive summary of the issues raised at each stage of consultation and the action taken to address them as appropriate is included in the Consultation Statement.
- 2.39 I am satisfied that the pre-submission consultation and publicity has met the requirements of Regulations 14 and 15 in The Neighbourhood Planning (General) Regulations 2012.

### **The Examination Process**

- 2.40 The presumption is that the Neighbourhood Plan will proceed by way of an examination of written evidence only. However the Examiner can ask for a public hearing in order to hear oral evidence on matters which he or she wishes to explore further or so that a person has a fair chance to put a case. I have seen no reason to call a public hearing and I have accordingly undertaken the examination by way of written representations.
- 2.41 I have taken into account a number of background documents that have been prepared and published on the Neighbourhood Plan website to provide evidence to support the policies in the Neighbourhood Plan. I have also presented a number of questions to the Qualifying Body and Local Planning Authority seeking further clarification and information in writing.
- 2.42 I have considered the Basic Conditions Statement and the Consultation Statement as well as the screening reports for the Strategic Environmental Assessment and Habitats Regulations Assessment. In my assessment of the plan as a whole and each policy I have commented on how the plan and policy has had regard to national policies and advice and whether it is in general conformity with relevant strategic policies.
- 2.43 This report is the outcome of my examination of the Submission Draft Version of the Amberley Neighbourhood Plan 2016-2032. I am required to give reasons for each of my recommendations and also provide a summary of my main conclusions. My report makes recommendations based on my findings on whether the Plan meets the Basic Conditions and provided the Plan is modified as recommended, I am satisfied that it is appropriate for the Neighbourhood Plan to be made. Once the plan is approved by the National Park Authority it may proceed to a referendum. If it receives the support of over 50% of those voting then the Plan will be made by South Downs National Park Authority.
- 2.44 Under the terms of the neighbourhood planning legislation I am required to make one of three possible recommendations:
- that the plan should proceed to referendum on the basis that it meets all the legal requirements;
  - that the plan should proceed to referendum if modified; or
  - that the plan should not proceed to referendum on the basis that it does not meet all the legal requirements.

2.45 If recommending that the Neighbourhood Plan is submitted to referendum my report must also recommend whether the area for the referendum should extend beyond the neighbourhood area to which the Neighbourhood Plan relates, and if to be extended, the nature of that extension. It is a requirement that my report must give reasons for each of its recommendations and contain a summary of its main findings.

### 3.0 Neighbourhood Plan – As a whole

- 3.1 In considering the policies contained in the Plan, I have been mindful of the guidance in the Planning Practice Guide (PPG) that:

*“Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area. They are able to choose where they want new homes, shops and offices to be built, have their say on what those new buildings should look like.”*

- 3.2 In order to ensure that a neighbourhood plan can be an effective tool for the decision maker, the PPG advises that

*“A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.”*

- 3.3 NPPF paragraph 183 states that parishes can use neighbourhood planning to set planning policies through neighbourhood plans to determine decisions on planning applications. The Planning Practice Guidance on Neighbourhood Plans states that neighbourhood plans should *“support the strategic development needs set out in the Local Plan”* and further states that *the neighbourhood plan must address the development and use of land by setting planning policies to be used in determining planning applications because once the plan is made it will become part of the statutory development plan”*.

- 3.4 National planning advice in NPPF paragraphs 16 and 184 is that neighbourhood plans should support the strategic development needs set out in the Local Plan, plan positively to support local development and should not promote less development than set out in the Local Plan or undermine its strategic policies. Nor should it be used to constrain the delivery of a strategic site allocated for development in the Local Plan.

- 3.5 NPPF paragraph 55 states that *“To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities”*. The PPG adds the following guidance on rural housing *“all settlements can play a role in delivering sustainable development in rural areas – and so blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless their use can be supported by robust evidence”*.

- 3.6 The Basic Conditions require that the Examiner considers whether the plan as a whole has had regard to national policies and advice contained in guidance issued by the Secretary of State and whether it is in general

conformity with the strategic local policies. I now turn to considering whether the policies in the plan taken together have had regard to national and local strategic planning policies.

- 3.7 As the plan area is within the South Downs National Park, there is an emphasis on safeguarding the landscape and natural environment of the area. Proposals are included to improve the community infrastructure and deliver a small scale housing site. However, it is considered that proposals for two of the three local green space and the allocation of a site for allotments/community orchard are not supported by robust evidence and would place blanket restrictions on the future development of these areas, notwithstanding that they are outside the current settlement boundary.
- 3.8 The vision and objectives of the plan seek to deliver an attractive place to live, maintaining the parish's intrinsic rural character whilst allowing sustainable development to support the community's facilities and facilities.
- 3.9 The word "must" is used in a number of policies and their justifications. This word should only be used when the requirements of the policy are compulsory requirements in all circumstances. This is likely to be unusual but is appropriate where the policy is binding. It is recommended that the word "should" be used in policies as this leaves room for exceptions and, while it is commonly used, "should" opens the door to applicants to justify why the policy doesn't apply to them.
- 3.10 In some cases the word "shall" has been used in policies. In order to ensure consistency in the wording of policies, this should be replaced by the word "should".
- 3.11 Throughout the document, the plan area is frequently referred to as the "parish". It is usual practice to make reference to the "Plan area" in the policies as parish boundaries may be subject to change. However, the Qualifying Body has indicated a preference for the use of the word "parish". The Neighbourhood Plan includes a map showing the extent of the Plan area. I consider that the choice of term would not be critical in considering whether the Neighbourhood Plan as a whole meets the Basic Conditions and I make no recommendation on the matter.
- 3.12 There are a number of instances where I have suggested modifications to correct typographical or factual errors or improve the legibility of the Plan. These are set out at the end of my report in paragraph 4.81.
- 3.13 The Plan includes a number of maps. One is headed Proposals Map and others include the title of the policy. It is suggested that it would be clearer if there was one overall Proposals Map showing the settlement boundary, the green space and open spaces and the allocations. It would also be helpful to users of the plan to include a map showing the boundary of the Amberley Wildbrooks SPA/SAC/Ramsar/SSSI and the conservation areas. It is important that clear maps of the designations are included in the plan at such a scale that the boundaries of the sites are clear and legible. If necessary

inset maps can be included at a larger scale. Maps should include a key identifying the policy and numbering any sites in accordance with the numbers set out in the policy.

### **Introductory Sections to the Neighbourhood Plan**

- 3.14 Chapters 1 and 2 provide a helpful introduction to the Neighbourhood Plan with an overview of the Plan, the process of preparing it and the national and local planning context. Chapter 3 sets out the contextual data and other information concerning the plan area.
- 3.15 Paragraph 1.4 refers to the screening opinion of the plan for the Strategic Environmental Assessment. The screening under the Habitats Regulations was not undertaken prior to the submission of the Neighbourhood Plan and was carried out during the examination. The following recommendation is made to ensure that the Plan includes reference to the HRA screening:

**Recommendation 1: revise the second sentence of paragraph 1.4 as follows:**

***“Screening opinions for SEA and HRA were prepared and consulted on with the relevant consultation bodies. It was confirmed that further assessment of the Neighbourhood Plan under the SEA and HRA Regulations were not required.”***

**The HRA Screening should be published as part of the Basic Conditions Statement.**

- 3.16 It is recommended that the wording of section 2 on the national and local strategic policy context should be revised to ensure that it is consistent with the text in the Regulations and PPG.

**Recommendation 2: revise Section 2 as follows:**

**Section 2.1.1 – final paragraph revise to read “....that it has had regard to the national planning policies in the NPPF and other guidance.”**

**Strategic Local Plan Policy – revise the second line onwards to read: “.....needs to be in general conformity with the strategic policies of the adopted development plan for the area which is the Horsham Local Plan 2007. The emerging South Downs National Park Local Plan (Preferred Options autumn 2015) has also been taken into account.” Delete the two bullet points.**

- 3.17 Section 3 refers to the Amberley Wildbrooks area being designated as a SSSI and a RAMSAR site. A representation has been received to state that the site is also a Special Area of Conservation and a Special Protection Area as well as a Site of Community Importance. It is recommended that the paragraph be corrected to include the international and national designations of the site.

**Recommendation 3: revise section 3.4 concerning Amberley Wildbrooks to read “*Amberley Wildbrooks is covered by many designations, including RAMSAR, Special Area of Conservation, Special Protection Area and Site of Special Scientific Interest.*”**

- 3.18 The representation has made a number of other comments on the accuracy of Section 3 and the corrections to the text are set out in the typographical corrections in paragraph 4.81.

### **The Neighbourhood Plan’s Vision and Objectives for Amberley**

- 3.19 The Neighbourhood Plan section 4 is entitled Vision and Core Objectives. The vision has sought to capture the community’s views and aspiration for the future that the area continues to be an attractive place to live. It will maintain its intrinsic rural character whilst allowing for sustainable development to ensure the health/survival of the community facilities and local businesses. The parish is also to be well connected to the wider South Downs National Park and its neighbours with improved footpaths and cycleways.
- 3.20 It is suggested that the Vision statement could be made clearer by being printed in bold text or within a box.
- 3.21 The vision is supported by eight objectives covering housing growth, conservation of heritage and landscape, infrastructure, flood risk, tourism, renewable energy footpaths, bridleways and parking.
- 3.22 There is a slight discrepancy between the vision which refers to footpaths and cycleways and objective eight which refers to footpaths and bridleways. It is recommended that these sections be reviewed to ensure clarity and consistency about the type of routes to be promoted.
- 3.23 It is considered that the vision and objectives are clear and distinct and are addressed through policies in the Plan.

**Recommendation 4: revise objective eight to read: “public footpaths, cycleways, .....”**



## 4.0 Neighbourhood Plan – The Policies

- 4.1 The Plan area lies within the South Downs National Park. National and local strategic policies support the conservation and enhancement of the natural and heritage environment.

### Environment and Sustainability

#### Policy EN1 Natural Environment

- 4.2 This policy is considered to be in accordance with the local strategic policies. The recommendations are made to improve the clarity of the policy and its justification.
- 4.3 A representation has been made that Amberley Wildbrooks is also designated as a SAC and SCI.

#### Recommendation 5: revise Policy EN1 by

1. **Revise the third paragraph of the policy to delete “RAMSAR/SPA/SSSI”**
2. **Delete the following from the first paragraph of EN1.1 “and residents greatly enjoy....views” and replace with: “*The special qualities of the SDNP include diverse, inspirational landscapes and breathtaking views as well as a rich variety of wildlife and habitats including rare and internationally important species.*”**
3. **Revise the second sentence of the justification to read “The Amberley Wildbrooks is covered by many designations, including RAMSAR, Special Area of Conservation, Special Protection Area and Site of Special Scientific Interest and are enjoyed...”**

#### Policy EN2 Landscape Character and Open Views

- 4.4 The policy seeks to maintain the local landscape character and safeguard significant views. The policy states that development “*must not cause any loss or diminution of significant views*”. No explanation is provided about how this is to be assessed when considering development proposals. A revision to the wording is proposed to assist future decision makers in interpreting the policy. It is customary to require that proposals “*should not have an unacceptable adverse impact on...*” as developments are likely to have some measure of impact on matters of concern, some of which may not result in an unacceptable degree of harm and others may be judged to be unacceptable. The inclusion of the word “unacceptable” allows some measure of flexibility for decision makers in assessing the impact of development proposals.
- 4.5 However the emerging South Downs National Park Local Plan is choosing to remove all references to “unacceptable adverse impact” as the Local Plan is seeking to ensure the highest levels of protection with the aim for all new development to achieve no adverse impacts. In order to ensure that the Neighbourhood Plan has a similar standard of environmental safeguarding, it is recommended that the environmental safeguarding policies of the



Neighbourhood Plan should be worded in a consistent manner to those in the Local Plan.

- 4.6 Other revisions are proposed to improve the clarity of the text. It would be helpful to users of the Neighbourhood Plan if the justification explained the significance of the local landscape character and provided a link to the relevant evidence documents. The Qualifying Body has provided text to do this.

**Recommendation 6: revise Policy EN2 as follows:**

1. Replace “must” in line 1 of the policy and the justification with “should”.
2. Replace “not cause any loss or diminution of” with “*should not have an adverse impact on*”.
3. Delete “as selected by residents” from line 4.
4. Delete “currently used for grazing animals” from point 2 and under Map A.
5. Number the arrows on Map A to accord with the numbered points in the policy.
6. Revise the justification in section EN2.1 to explain the significance and source of the landscape character assessment: “*Amberley Parish is located within the SDNP and residents greatly enjoy the many local walks, footpaths and bridleways which provide a high level of amenity value and provide varied and beautiful views. The South Downs Integrated Landscape Character Assessment identifies and defines 18 general landscape types within the National Park as well as 49 more place-specific ‘character areas’. This work helps us all to understand the landscape character of the National Park. The parish is set within the Arun Valley landscape which is characterised by its major floodplain and valley sides. The Viewshed Analysis carried out by SDNPA in 2015 identifies several points on the South Downs where important views look over the village of Amberley and the Arun Valley.*”

**Policy EN3 Protection of Trees and Hedgerows**

- 4.7 The policy seeks to protect trees, hedgerows, significant ground cover and irreplaceable habitat unless it can be demonstrated that the need for and benefits of the development clearly outweigh the loss.
- 4.8 Subject to replacing “must” with “should” and “parish” with “plan area”, it is considered that the policy meets the basic conditions.

**Recommendation 7: revise Policy EN3 as follows:**

**Revise the second paragraph of Policy EN3 to read: “Development proposals *should* be designed....”**

**Revise the first sentence of paragraph EN3.1 to read: “...pleasant feel of the parish.”**

**Revise the final two sentences to read: “The unnecessary removal of trees..... and *should* be resisted. The Plan .....**”

#### **Policy EN4 Renewable and Low Carbon Energy**

- 4.9 Point (f) effectively would preclude the development of any energy generating infrastructure on land in agricultural production. The Qualifying Body has explained that the aim of this is to control solar farms. The policy would support solar panels being placed upon industrial or farm buildings. It would be helpful for the policy to recognise that there are other forms of renewable energy development, such as from biomass and anaerobic digestion, which may be suitably located within agricultural or industrial buildings.

**Recommendation 8: revise Policy EN4 as follows:**

- 1. Revise point c) to read “....*should* not detract from.....of the Parish”**
- 2. Revise the second sentence of point (f) to read “Such equipment placed upon *or within* industrial or farm buildings....”**

#### **Policy EN5 Conserve and Enhance the Heritage Environment**

- 4.10 The policy refers to “planning permission being supported where the following criteria are met”. It is considered that this form of wording is not appropriate in a policy as there may be other development plan policies or matters that have to be taken into account in determining whether planning permission should be granted for a development proposals. The recommendation is made to improve the clarity of the wording of the policy and to aid its interpretation. The justification refers to Scheduled Ancient Monuments but these are not included in the policy wording itself.

**Recommendation 9: revise Policy EN5 as follows:**

**Revise the first paragraph to read:**

- 1. “New development *should* ..... assets. *Development proposals should demonstrate that that all the following criteria have been met:*”**
- 2. Add “Scheduled Ancient Monuments” to the bulleted list**
- 3. Revise paragraph EN5.1 to refer to “The *Plan area* has a large number of listed buildings and *Scheduled Ancient Monuments including Amberley Castle as well as.....*”**

#### **Policy EN6 Dark Night Skies**

- 4.11 The policy does not support development proposals that would detract from the unlit environment. It proposes that security or other outside lighting will be restricted or regulated to be neighbourly in its use. Particular reference is made to floodlighting at equine and agricultural establishments and on sports grounds.

- 4.12 It is considered that the policy is overly restrictive and negative, unclear and would be difficult to interpret. The justification provides some explanation and it would be helpful to include some of this in the policy itself. It is not clear how lighting is to be “neighbourly in use”. The recommendation is made to improve the clarity of the policy and to aid its interpretation in making decisions on planning applications:

**Recommendation 10: revise Policy EN6 as follows:**

**“Development should not detract from the unlit environment of the Parish. Security, outside lighting and floodlighting should be designed to be deflected downwards and switched off no later than midnight.”**

**Policy EN7 Local Green Space**

- 4.13 This policy proposes the designation of three areas of land as Local Green Space. NPPF 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. Paragraph 77 states that the Local Green Space designation will not be appropriate for most green areas or open spaces and sets out three criteria to be used to assess the suitability of potential areas. Paragraph 78 says that the local policy for managing development within a Local Green Space should be consistent with policy for Green Belts.
- Site 1 is the Millennium Green which is an accessible area of open recreational land with community recreational value which is public open space held in Trust.
  - Site 2 The Top Field is an area of grazing land adjacent to the conservation area. Notes of the local fauna and flora have been submitted as part of the evidence although there is no professional ecological assessment of the significance of the data. The site is owned by the District Council who have lodged a representation stating that the site is used for grazing, does not have public access and therefore has limited community and amenity value.
  - Site 3 The Crossgates Field, Rackham Road is an area of grassland on the edge of Crossgates. A representation has been received from the landowner that the site does not meet the criteria of NPPF paragraphs 76-77 and that the site is suitable for housing development. Notes of the local fauna and flora have been submitted as part of the evidence although there is no professional ecological assessment of the significance of the data.
- 4.14 I am not satisfied that sites 2 and 3 meet the criteria set out in NPPF paragraph 77 for the designation of Local Green Space as the sites are agricultural land and have no public access. The assessment has not demonstrated that the sites are demonstrably special to the local community and hold a particular local significance. It is therefore recommended that they

should not be designated as Local Green Space. The Plan's settlement boundary shows the sites to be outside the settlement boundary.

- 4.15 A representation has been received stating that the policy does not meet the basic conditions and proposing that it be amended as follows: "...will not be permitted, other than in very special circumstances, for example it is essential to meet specific necessary utility infrastructure needs and no feasible alternative site is available."
- 4.16 It is agreed that the wording of Policy EN7 should be revised to reflect the guidance in the NPPF that development on Local Green Space should only be acceptable in "very special circumstances". However there is no need to give examples of the type of circumstances. The justification should be revised to explain the significance of the Millennium Green.

**Recommendation 11: revise Policy EN7 as follows:**

**"The Millennium Green shown on the Proposals Map is designated as Local Green Space as it is demonstrably special to the local community and holds a particular local significance. Proposals for development within this area will only be permitted where it is demonstrated that there are very special circumstances that justify the need for the development and there are no suitable alternative sites."**

**Revise paragraph EN7.1 to describe the importance of the Millennium Green.**

**Policy EN8 Local Open Space**

- 4.17 The policy safeguards the recreation ground, the football ground and a children's play area and sets out three criteria for considering any development proposals on the areas.
- 4.18 The third criteria refers to development that forms part of the comprehensive redevelopment of the school that would not result in the net loss of playing fields (with the exception of land identified under Policy FI2). I have asked the Qualifying Body to explain the reasons for this proposal as the site is not shown on Map C. They have requested that the third bullet point be deleted.

**Recommendation 12: revise Policy EN8 as follows: Delete the third bullet point.**

**Facilities and Infrastructure**

**Policy FI1 Create a car park**

**Policy FI2 Build a Joint use school and community hall.**

- 4.19 Policy FI1 proposes to create a car park on a site that is shown on the Proposals Map as being allocated for a new school/ community hall, car park and toilets. Policy FI2 covers the proposal for a school/community use and

toilets. Paragraph FI.4 states that only a small part of the field would be needed for a car park and the remainder could continue in its current use.

- 4.20 Horsham District Council as landowner of the site has made an objection to the proposal stating that the facilities cannot be provided on land in the Council's ownership without some additional enabling development and the proposals are not therefore deliverable and should be deleted from the plan.
- 4.21 The South Downs National Park Authority has made a representation to support the statement concerning the need for a design brief for the car park and school/community hall. However the Authority asks that the approximate size and capacity of the car park should be specified in the policy or justification to set out the parameters for the proposal.
- 4.22 A member of the community has commented that the proposed school / community hall would make a significant contribution to community facilities in the parish.
- 4.23 I have asked the Qualifying Body to discuss the proposals as set out in the Neighbourhood Plan with the local authority in order to resolve their objection. Their response is that the school hall / community building is to be contained within the existing school grounds and not on land owned by Horsham District Council (HDC) as set out in paragraph FI 2.2. The School and its Governors have indicated their support to this.
- 4.24 It is the delivery of the accompanying car park which relies on land owned by HDC. The Qualifying Body has explained that this land is already used on ad hoc occasions for car parking for larger village occasions. It is recognised that the car park would help with parking at the school. It is stated that there are many alternative sources of funding besides enabling development by means of additional housing development. However, other funding cannot be accessed until there is a good degree of certainty over the project, the first step of which is to secure the land needed through the Neighbourhood Plan. It is stated that there are no other suitable locations in the village. To build it anywhere else would separate it from the school.
- 4.25 I have reservations about the way that the proposals are shown on the Proposals Map C. It is not clear how much land is required for the car park or where it is to be located within the overall site and there are concerns from the District Council about its delivery. In the circumstances, I consider that it would not be appropriate at this stage to allocate a specific parcel of land for the car park. The community's aspirations are clear, although more work is needed to firm up the proposal to secure its delivery. My recommendation recognises that the community needs to continue to work with the local authorities to bring forward this proposal and to secure funding for the proposal.

**Recommendation 13: revise Policy F1 as follows:**

***“The Parish Council will work to secure funding for and develop a car park. The car park will be:....”***

**Add the following to the justification: *“The Parish Council will work with the District Council and other agencies to secure the land and funding for the development of the car park. The preferred location is on land close to the school/community hall so that the car park can serve these community buildings.”***

**Revise the Proposals Map to show the boundary of the existing school grounds as the area for the new school/ community hall/ toilets. Delete the remainder of the site and the reference to the car park.**

### **Policy FI3 Protection of Assets of Community Value**

- 4.26 The policy supports the enhancement of the viability and/or community value of property included in the register of Assets of Community Value. The second part of the policy refers to resisting proposals that would result in the loss of or significant harm to the community value of an asset.
- 4.27 Two properties are included in Schedule A. Paragraph FI3.3 also refers to the village shop and post office which has been secured for the community and is owned by a village trust.
- 4.28 There is a separate process of registering an Asset of Community Value which will provide the community with the opportunity to purchase the property should it be marketed. The properties on the list may change over time.
- 4.29 Rather than limiting the policy to registered Assets of Community Value, it is considered that it would be appropriate for the Neighbourhood Plan to reframe the policy so that it would support the enhancement of local businesses that serve the community.
- 4.30 The recommendation is made to clarify the interpretation of the policy.

#### **Recommendation 14: revise Policy FI3 as follows:**

- 1. Revise the title of the Policy to read *“Protection of Assets of Community Value and the Village Shop and Post Office”***
- 2. Revise the first paragraph of the Policy: *“Proposals that will enhance.... of Assets of Community Value and the Village Shop and Post Office will be supported.”***
- 3. Revise paragraph FI3.1 to read: *“The buildings listed in Schedule A have been listed by Horsham DC on the Register of Assets of Community Value.”***
- 4. Revise the first sentence of paragraph FI3.2 to read: *“The loss of these assets would have a significant impact on the community. The Black Horse Public House and The Village Pottery are a ‘pull’ for***



*tourists and the Village Shop and Post Office is vital to this rural community.”*

5. **Revise the final sentence of paragraph FI3.3 to read: “*However, it is already held secure by being owned (since 1998) by Amberley Shop Properties, a village trust. The members of this trust have indicated that they do not see any need to make the Village Stores an AOCV, since it is already protected. It has therefore not been added to Schedule A.*”**
6. **Revise Schedule A to read: “*The Black Horse PH and The Village Pottery are both registered with HDC as Assets of Community Value.*”**

#### **Policy FI4 Surface Water Management**

- 4.31 The policy seeks to ensure that development does not increase the risk of flooding and that full details of the surface water drainage scheme are approved.
- 4.32 South Downs National Park Authority has made a representation requesting that the supporting text be amended to indicate that Sustainable Drainage Systems (SuDS) may be appropriate except in areas with a high water table. They also request that the requirements for SuDS refer to a Green Infrastructure approach.
- 4.33 The PPG on Flood Risk and Coastal Change advises that “New development should only be considered appropriate in areas at risk of flooding if priority has been given to the use of sustainable drainage systems. Additionally, when considering major development, sustainable drainage systems should be provided unless demonstrated to be inappropriate.
- 4.34 The policy does not make reference to the use of Sustainable Drainage Systems. Revisions to the justification are proposed to better reflect guidance on Sustainable Drainage and Green Infrastructure.

**Recommendation 15: revise paragraph FI4.3 to read:**

***“Development can lead to increased surface water run-off and as such all proposals should ensure that as a minimum there is no net increase in surface water run-off taking account of climate change. Therefore, development should incorporate mitigation techniques in its design such as permeable surfaces and sustainable drainage systems (SuDS).*”**

#### **Policy FI5 Allocate land for a Community Orchard/ Allotments**

- 4.35 The policy proposes to allocate a parcel of land, the area of which is not stated, for allotments and community orchard. No research has been undertaken to ascertain the number of allotments that are required although there was clear support from the community to the proposals.

- 4.36 A representation has been received from Horsham District Council, the landowner, which objects to the proposal. No agreement has been reached with the landowner concerning this proposal.
- 4.37 I am not satisfied that there is sufficient evidence at the present time to allocate this land for this proposal which can only be viewed as an aspiration at this stage. Without the landowner's agreement the proposal would be undeliverable.
- 4.38 The Qualifying Body may wish to consider whether to include the proposal as a Community Aspiration in an annex to the Neighbourhood Plan to indicate that the Parish Council wish to pursue the matter further.

**Recommendation 16: delete Policy FI5 and delete the site from the Proposals Map.**

## Housing and Design

### Policy HD1 The Presumption in Favour of Development

- 4.39 NPPF paragraph 11 and the PPG on Neighbourhood Plan reiterate section 38(6) of the Planning and Compulsory Purchase Act 2004 which states that planning applications will be determined in accordance with the development plan unless material considerations indicate otherwise. The Neighbourhood Plan will form part of the development plan along with the Local Plan.
- 4.40 Policy HD1 does not have regard to legislation and national planning guidance. It is incorrect to seek to restrict the consideration of planning applications solely to the Neighbourhood Plan policies. It is recommended therefore that the policy be deleted.

**Recommendation 17: delete Policy HD1 and its justification in paragraphs HD1.1 and HD1.2 and renumber subsequent policies.**

### Policy HD2: Settlement Boundary

- 4.41 The policy defines a revised settlement boundary for the village of Amberley.
- 4.42 The first part of the policy refers to development being generally permitted subject to meeting the requirements of other policies in the Plan. It is recommended that this be revised to better reflect national policy that decisions should be made in accordance with the development plan and other material considerations. The word "generally" should be deleted as it introduces uncertainty and may lead to inconsistency in decision making.
- 4.43 The second part of the policy refers to development outside the settlement boundary. This is worded in a negative manner and a recommendation is proposed to word it in a positive light. The justification should explain that proposals will be considered in the light of the policies in the Neighbourhood Plan and the adopted Local Plan, as well as other material considerations.



**Recommendation 18: revise Policy HD2 as follows:**

***“Development within the settlement boundary for Amberley as defined on the Proposals Map will be supported where it accords with other policies of the development plan and other material considerations.”***

***“Proposals outside the settlement boundary will only be supported in the exceptional circumstances set out in the national guidance and the development plan.”***

**Policy HD3 Quality of Design**

- 4.44 The policy requires development proposals to be assessed against the policies of the Neighbourhood Plan and to be assessed against the standards laid down in the Parish of Amberley Design Statement. The final part of the policy requires new development to be well connected to the surrounding area by being visually integrated with their surroundings.
- 4.45 Paragraph 4.37 above addresses national legislation on decision making on planning applications. It is considered that the first part of the policy is incorrect and unnecessary.
- 4.46 It is unclear how the final part of the policy is to be implemented when considering the design of development proposals. Paragraph HD3.1 refers to the need for a safe crossing point from Amberley Station and the importance of clear footpaths. These are matters referred to under paragraph GA2.1 under Policy GA2 on Pedestrian Footways.
- 4.47 The recommendation is made in order to have regard to national policy and to clarify the interpretation of the policy.

**Recommendation 19: revise Policy HD3 as follows:**

- 1. Delete “and extensions, alterations and replacements to existing development must demonstrate how they meet the policies set out in this Plan, and” and “see Evidence Base 10”.**
- 2. Delete the second paragraph of the policy.**
- 3. Delete paragraph HD3.1.**

**Policy HD4 Housing Mix**

- 4.48 The policy requires new housing developments to demonstrate how they will meet the housing needs of the parish.
- 4.49 Paragraph 3.9 explains that the word “should” provides a degree in flexibility in a policy to allow for varying circumstances. In the case of considering the mix of house types, many factors may need to be considered in determining a suitable mix of housing on a development site. The policy is titled housing mix but only refers to housing sizes. The recommendation is made to improve the flexibility in the application and interpretation of the policy.

- 4.50 When considering local housing needs it is usual to consider the needs of the local area and not to restrict it solely to a single parish. The National Park has provided me with the list of communities that make up the local area as the hamlets and villages of Rackham, Greatham, Parham, Wiggonholt and Houghton.

**Recommendation 20: revise Policy HD4 as follows:**

1. ***“New housing development should provide a mix of house types, sizes and tenures that meet the housing needs of the Parish of Amberley and the local area as evidenced in the most recent Local Housing Needs Study, particularly for smaller housing of 1 or 2 bedrooms.”***
2. **The justification should explain how local housing needs are to be assessed and should include a definition of the local area that will be applied as “the hamlets and villages of Rackham, Greatham, Parham, Wiggonholt and Houghton.”**
3. **Revise the title of Policy HD4 to “Housing types, sizes and tenures”**

**Policy HD5 Housing Density**

- 4.51 The policy addresses the factors to be taken into account in considering the density of new housing development. It is considered that the policy meets the Basic Conditions and no modifications are proposed apart from replacing “shall” with “should”.

**Recommendation 21: replace “shall” with “should” in Policy HD5.**

**Policy HD6 Housing Site Allocation**

- 4.52 Amberley is defined as a category 2 settlement in the Horsham Local Plan 2007 as a village with a more limited level of services which should accommodate only small scale development or minor extensions that address specific local needs. A settlement boundary has been defined for Amberley. The remaining villages in the plan area are defined as countryside where only exceptional forms of development will be permitted in accordance with national and local plan policy. The emerging South Downs Local Plan is proposing the same approach towards development in the plan area. Emerging policy states that neighbourhood plans are expected to review settlement boundaries.
- 4.53 Policy SD23 of the emerging South Downs Local Plan proposes an allocation of 6 dwellings in Amberley in addition to extant planning permissions and windfall sites. However paragraph 3.78 states that the allocation of land in a neighbourhood plan which will deliver more homes in a settlement will be supported where it meets an identified local housing need in that settlement or the locality and is in accordance with Policy SD22 and other plan policies.

- 4.54 I am required to consider the Neighbourhood Plan in the context provided by the policies of adopted Local Plan. This identifies Amberley as suitable only for small scale housing development. This approach is unchanged in the emerging Local Plan where a requirement of only 6 homes is proposed for the village. Whilst this figure will not be finalised until the Local Plan is adopted it provides a useful guide as to the level of housing that is required. Should any additional housing be required once the Local Plan is progressed, there is scope for increasing the numbers of dwellings on the allocated site or for a further site or sites to be allocated in the Local Plan following consultation with the community or by bringing forward a rural exception site for affordable housing.
- 4.55 Six potential housing sites have been assessed in the course of preparing the Neighbourhood Plan, all of which have the potential of accommodating considerably more than 6 dwellings if they are developed for small 1 or 2 bedroomed houses or flats. The site that has been selected is adjacent to the recent affordable housing development on the south eastern edge of the village. It has the highest level of community support. However, I consider that the assessment of the sites has been cursory, for example it has not included the views of the highways authority on the access or any evidence on water supply and drainage. There is a limited description of the sites.
- 4,56 The Qualifying Body has responded to my question requesting further information about the site surveys to say that views, access and flood risk have been considered along with the views of residents. There are no Tree Preservation Orders and the selected site does not require the removal of significant hedgerows to access the site. The selected site was that clearly preferred by local residents. The National Park Authority considers that, based on the experience of developing the adjacent site, it is unlikely that there will be highways or drainage issues arising from the development of the selected site.
- 4.57 A representation has been made by the District Council stating that the assessment is considered to be contradictory as development on site 4 is considered to have considerable impact on views of the South Downs whereas the site is allocated under other policies of the Plan for development of a new school/community hall. The site is next to the existing built up area.
- 4.58 A representation has been received from the landowner of site 1 that it should be allocated for three dwellings and the remaining area for a car park for the Sportsman's public house.
- 4.59 The Examiner's responsibility is to consider whether the Neighbourhood Plan has met the Basic Conditions and it would be appropriate to make the plan. It is not the same as the test of soundness for Local Plans. With this regard I have considered whether the Neighbourhood Plan policies for housing development are in general conformity with the strategic policies contained in the adopted development plan for the area.

- 4.60 I consider that the site proposed could potentially accommodate well in excess of the 6 dwellings proposed under Policy HD6. I have raised the matter with the Qualifying Body and they have reviewed the boundary of the site and removed the area of the mature trees along the boundary to reduce the developable area to 0.35 ha. This gives an indicative capacity of 10-11 homes. There is no reason why the Neighbourhood Plan should not allocate a site that is capable of accommodating a slightly higher number of dwellings so that there would be scope for additional dwellings to be developed on the site in the future. I have recommended that only the developable area be shown on the Proposals Map as an allocation.
- 4.61 The Qualifying Body has suggested that the housing development policy should include a requirement for a tree survey to be carried out to establish the value of the trees on site, which should be retained and a planting scheme should be agreed which introduces suitable native trees and shrubs. Development within the vicinity of trees on the site should accord with BS 5837. I have concurred with their request and recommended that additional text be added to the policy to require this.

**Recommendation 22: revise Policy HD6 as follows:**

***“The development of a minimum of six dwellings will be supported on the site shown on the Proposals Map. A survey should be carried out to establish the value of the trees on site, which should be retained and a planting scheme agreed which introduces suitable native trees and shrubs. Development within the vicinity of trees on the site should accord with BS 5837.”***

***The Proposals Map should be revised to show the developable area to be allocated for housing.***

**Policy HD7 Windfall Sites**

- 4.62 The policy sets out the factors to be taken into account in considering windfall housing development on infill and redevelopment sites in the settlement boundary. This would mean that developments outside the settlement boundary would be considered against national and Local Plan policies.
- 4.63 The recommendations are made to improve the clarity of the policy, to ensure that the policy refers to the “Development Plan” as a whole and to ensure that there is flexibility in the application of the policy.

**Recommendation 23: revise Policy HD7 as follows:**

- 1. Revise the first paragraph to read: “Residential development on infill and.....boundary as shown on the Proposals Map shall meet all the following factors:”**
- 2. Revise criterion 1 by deleting “adopted Neighbourhood”**
- 3. Replace “must” with “should” in criteria 5 and 6.**

**Policy HD8 Outdoor Space**

- 4.64 The policy aims to secure good quality outdoor space on new housing development. It is considered that it meets the Basic Conditions and no modifications are proposed.

#### **Policy HD9 Attention to Detail**

- 4.65 The policy sets out a number of detailed design requirements for the design of new housing eg bin stores and fuel tanks.
- 4.66 A representation has been received concerning criterion 5 which states that photovoltaic (PV) panels should not be visible from roads, paths or in views from the Downs or the Wildbrooks. The representation states that this would effectively ban PV panels from the parish.
- 4.67 I agree with the representor that this statement would be very restrictive. The criterion already requires consideration to be given to the effect of the PV panel on the character of the area and I am recommending that the second sentence of criterion 5 should be deleted. Other recommendations are included in the section on typographical errors.

#### **Recommendation 24: revise Policy HD9 as follows:**

**Delete the second sentence of criterion 5.**

### **Getting Around**

#### **Policy GA1 Footpath and cycle path network**

- 4.68 This policy supports the improvement and extension of the footpath and cycleway network. It also seeks to resist the loss of such routes.
- 4.69 The second part of the policy is considered to be negatively worded and fails to acknowledge that there may be sound reasons for routes to be closed and diverted. The recommendation is proposed to make provision for diversions.

#### **Recommendation 25: Revise the second sentence in Policy GA1 as follows:**

***“Unless appropriate diversions are proposed, the loss of existing footpaths and cycle paths will be resisted.”***

#### **Policy GA2 Pedestrian Footways**

- 4.70 The policy supports the creation of public pedestrian footways. The justification lists a number of proposals for improvements to the road network to improve accessibility by pedestrians and cyclists. The Highways Authority has made no comments on the deliverability of the proposed schemes.
- 4.71 I have raised concerns with the Qualifying Body about the discrepancy between the policy and justification. They have agreed that the policy should include cycleways.

**Recommendation 26: revise Policy GA2 as follows:**

**Revise the title of Policy GA2 to read: “*Cycleways and Pedestrian Footways*”**

**Revise the wording of Policy GA2 to read: “.....creation of *cycleways and public pedestrian footways.*”**

**Policy GA3 Car Parking**

- 4.72 The policy requires the delivery of the maximum level of off street parking within the development site.
- 4.73 It would be helpful to plan users to include reference to the relevant parking standards in the justification to the policy.

**Recommendation 27: add the following to the justification to Policy GA3:**

***“Refer to the West Sussex County Council Guidance for Parking in New Residential Development 2010 or any subsequent update.”***

**Policy GA4 Traffic Management**

- 4.74 The policy supports proposals for traffic management / improved safety along the B2139. It is considered that this policy meets the Basic Conditions and no modifications are proposed.

**Employment and Tourism**

**Policy ET1 Development of New and Existing Business**

- 4.75 The policy seeks to resist the loss of land and buildings in employment use to non-employment uses unless the existing use is no longer economically viable and the site has been robustly marketed for a minimum of 12 months. The second part of the policy supports new business development where it would benefit the community and not have a detrimental effect on the surroundings.
- 4.76 It is considered that the requirement to demonstrate that the proposed business would “benefit the community” is unnecessarily restrictive and it is recommended that it be rephrased on the lines of “....particularly those that would benefit the community..”.

**Recommendation 28: revise Policy ET1 as follows:**

**Revise the second paragraph to read “will be supported, *particularly* where a development would benefit the community and.....”**

**Policy ET2 Telecommunications**

- 4.77 The policy supports proposals that would improve mobile telecommunications subject to it having no adverse effect on the landscape, wildlife or cultural heritage. It is considered that this policy meets the Basic Conditions and no modifications are proposed.

### **Policy ET3 Tourism**

- 4.78 The policy states that development for tourism related facilities will be permitted subject to them being consistent with the statutory purposes of the National Park, other policies in the Neighbourhood Plan and there being an acceptable impact on the amenities of the surrounding area.
- 4.79 The policy gives examples of the types of tourism facilities that are envisaged such as small craft workshops and accommodation within existing homes and pubs, however, it is considered that this is imprecise. The justification of Horsham Core Strategy Policy CP18 refers to the importance of the scale and type of tourism development being appropriate to their location and the importance of considering the conserving and enhancing the natural beauty of the AONB (now the National Park) and the need for critical assessment of schemes.
- 4.80 The recommendation is proposed in order to clarify the interpretation of the policy. See also the revision under typographical errors.

### **Recommendation 29: revise Policy ET3 as follows:**

***“Development of facilities for tourism of an appropriate scale and type will be supported subject to their meeting other policies of the Development Plan, conserving and enhancing the natural beauty of the National Park and not having an adverse impact on the residential amenity of nearby dwellings.”***

- 4.81 The following typographical or factual errors should be corrected:
1. Where all criteria of a policy are to be satisfied, each criterion should be punctuated with a semi-colon except the final one which should have a full stop. The penultimate criterion should be concluded with an “and” (ie ; and)
  2. Section 2.1.1 on page 7 second paragraph delete “– see section 1”
  3. Section 2.1.1 on page 8 paragraph commencing “The NPPF.....”, revise second line to read “which has informed the policies....”
  4. Revise 3.1 page 10 Revise to read “Among it more distinguished residents was the artist Edward Stott, *Associate Royal Academician.*”
  5. Revise 3.4 page 13 under The Wildbrooks delete “and for haycropping.”
  6. Revise 3.7, page 16 under Employment and Enterprise to read “Amberley Village Pottery, established in 1977, occupies the former *Congregational Chapel.*”
  7. Revise 3.8, page 18 under Secondary School to read “This three-tier structure is about to change – it is *agreed* that the Amberley First School will...”



8. Revise the second paragraph of section 4.2 to read: “The Core Objectives of the Neighbourhood Plan are:” then add “to” in the beginning of each objective.
9. Revise the first line of section 5.1 to read: “The preceding chapter sets out the vision and core objectives for the Amberley Neighbourhood Development Plan.....”
10. In Policy HD9: put the name of the Parish of Amberley Design Statement in full rather than its initials. Line 2 replace “shoal” with “should”. Criterion 6 replace “compliment” with “complement”.
11. In Policy GA3, the usual word is for parking spaces to be “provided” on site rather than “subsumed”.
12. Revise the second sentence of paragraph ET3.1 to read “*Visitors are* therefore attracted to the parish which benefits the local economy... “



## 5.0 Referendum

- 5.1 The Amberley Neighbourhood Plan reflects the views held by the community as demonstrated through the consultations and, subject to the modifications proposed, sets out a realistic and achievable vision to support the future improvement of community.
- 5.2 I am satisfied that the Neighbourhood Plan meets all the statutory requirements, in particular those set out in paragraph 8(1) of schedule 4B of the Town and Country Planning Act 1990 and, subject to the modifications I have identified, meets the basic conditions namely:
- has regard to national policies and advice contained in guidance issued by the Secretary of State;
  - contributes to the achievement of sustainable development;
  - is in general conformity with the strategic policies contained in the Development Plan for the area;
  - does not breach, and is otherwise compatible with, EU obligations and human rights requirements
- 5.3 **I am pleased to recommend to South Downs National Park Authority that the Amberley Neighbourhood Plan should, subject to the modifications I have put forward, proceed to referendum.**
- 5.4 I am required to consider whether the referendum area should be extended beyond the Neighbourhood Plan area. In all the matters I have considered I have not seen anything that suggests the referendum area should be extended beyond the boundaries of the plan area as they are currently defined. I recommend that the Neighbourhood Plan should proceed to a referendum based on the neighbourhood area defined by the South Downs National Park Authority on 5 March 2015.

## 6.0 Background Documents

6.1 In undertaking this examination, I have considered the following documents

- Amberley Neighbourhood Plan 2016 – 2032 Submission Draft Version
- Amberley Neighbourhood Plan Basic Conditions Statement
- Amberley Neighbourhood Plan Statement of Consultation
- Amberley Neighbourhood Plan SEA and HRA Screening Report
- Amberley Neighbourhood Plan Background Evidence Reports
- Parish of Amberley Design Statement
- National Planning Policy Framework March 2012
- Planning Practice Guidance March 2014 (as amended)
- The Town and Country Planning Act 1990 (as amended)
- The Localism Act 2011
- The Neighbourhood Planning (General) Regulations 2012
- Horsham District Local Development Framework 2007
- South Downs Local Plan Preferred Options 2015
- South Downs Integrated Landscape Character Assessment
- West Sussex County Council Guidance for Parking in New Residential Development 2010

## 7.0 Summary of Recommendations

**Recommendation 1:** revise the second sentence of paragraph 1.4 as follows:

***“Screening opinions for SEA and HRA were prepared and consulted on with the relevant consultation bodies. It was confirmed that further assessment of the Neighbourhood Plan under the SEA and HRA Regulations were not required.”***

The HRA Screening should be published as part of the Basic Conditions Statement.

**Recommendation 2:** revise Section 2 as follows:

**Section 2.1.1 – final paragraph revise to read “....that it has had regard to the national planning policies in the NPPF and other guidance.“**

**Strategic Local Plan Policy – revise the second line onwards to read: “.....needs to be in general conformity with the strategic policies of the adopted development plan for the area which is the Horsham Local Plan 2007. The emerging South Downs National Park Local Plan (Preferred Options autumn 2015) has also been taken into account.” Delete the two bullet points.**

**Recommendation 3:** revise section 3.4 concerning Amberley Wildbrooks to read ***“Amberley Wildbrooks is covered by many designations, including RAMSAR, Special Area of Conservation, Special Protection Area and Site of Special Scientific Interest.”***

**Recommendation 4:** revise objective eight to read: ***“public footpaths, cycleways, ....”***

**Recommendation 5:** revise Policy EN1 by

- 1. Revise the third paragraph of the policy to delete “RAMSAR/SPA/SSSI”**
- 2. Delete the following from the first paragraph of EN1.1 “and residents greatly enjoy....views” and replace with: “*The special qualities of the SDNP include diverse, inspirational landscapes and breathtaking views as well as a rich variety of wildlife and habitats including rare and internationally important species.*”**
- 3. Revise the second sentence of the justification to read “The Amberley Wildbrooks is covered by many designations, including RAMSAR, Special Area of Conservation, Special Protection Area and Site of Special Scientific Interest and are enjoyed...”**

**Recommendation 6:** revise Policy EN2 as follows:

- 1. Replace “must” in line 1 of the policy and the justification with “should”.**

2. Replace “not cause any loss or diminution of” with “*should not have an adverse impact on*”.
3. Delete “as selected by residents” from line 4.
4. Delete “currently used for grazing animals” from point 2 and under Map A.
5. Number the arrows on Map A to accord with the numbered points in the policy.
6. Revise the justification in section EN2.1 to explain the significance and source of the landscape character assessment: “*Amberley Parish is located within the SDNP and residents greatly enjoy the many local walks, footpaths and bridleways which provide a high level of amenity value and provide varied and beautiful views. The South Downs Integrated Landscape Character Assessment identifies and defines 18 general landscape types within the National Park as well as 49 more place-specific ‘character areas’. This work helps us all to understand the landscape character of the National Park. The parish is set within the Arun Valley landscape which is characterised by its major floodplain and valley sides. The Viewshed Analysis carried out by SDNPA in 2015 identifies several points on the South Downs where important views look over the village of Amberley and the Arun Valley.*”

**Recommendation 7: revise Policy EN3 as follows:**

Revise the second paragraph of Policy EN3 to read: “Development proposals *should* be designed....”

Revise the first sentence of paragraph EN3.1 to read: “...pleasant feel of the parish.”

Revise the final two sentences to read: “The unnecessary removal of trees..... and *should* be resisted. The Plan .....

**Recommendation 8: revise Policy EN4 as follows:**

1. Revise point c) to read “.....*should* not detract from.....of the Parish”
2. Revise the second sentence of point (f) to read “Such equipment placed upon *or within* industrial or farm buildings....”

**Recommendation 9: revise Policy EN5 as follows:**

Revise the first paragraph to read:

1. “New development *should* ..... assets. *Development proposals should* demonstrate that that all the following criteria have been met:”
2. Add “Scheduled Ancient Monuments” to the bulleted list
3. Revise paragraph EN5.1 to refer to “The *Plan* area has a large number of listed buildings and *Scheduled Ancient Monuments including Amberley Castle* as well as.....”

**Recommendation 10: revise Policy EN6 as follows:**

**“Development should not detract from the unlit environment of the Parish. Security, outside lighting and floodlighting should be designed to be deflected downwards and switched off no later than midnight.”**

**Recommendation 11: revise Policy EN7 as follows:**

**“The Millennium Green shown on the Proposals Map is designated as Local Green Space as it is demonstrably special to the local community and holds a particular local significance. Proposals for development within this area will only be permitted where it is demonstrated that there are very special circumstances that justify the need for the development and there are no suitable alternative sites.”**

**Revise paragraph EN7.1 to describe the importance of the Millennium Green.**

**Recommendation 12: revise Policy EN8 as follows: Delete the third bullet point.**

**Recommendation 13: revise Policy F1 as follows:**

***“The Parish Council will work to secure funding for and develop a car park. The car park will be:....”***

***Add the following to the justification: “The Parish Council will work with the District Council and other agencies to secure the land and funding for the development of the car park. The preferred location is on land close to the school/community hall so that the car park can serve these community buildings.”***

**Revise the Proposals Map to show the boundary of the existing school grounds as the area for the new school/ community hall/ toilets. Delete the remainder of the site and the reference to the car park.**

**Recommendation 14: revise Policy FI3 as follows:**

- 1. Revise the title of the Policy to read “Protection of Assets of Community Value *and the Village Shop and Post Office*”**
- 2. Revise the first paragraph of the Policy: “Proposals that will enhance.... of Assets of Community Value *and the Village Shop and Post Office* will be supported.”**
- 3. Revise paragraph FI3.1 to read: “*The buildings listed in Schedule A have been listed by Horsham DC on the Register of Assets of Community Value.*”**
- 4. Revise the first sentence of paragraph FI3.2 to read: “The loss of these assets would have a significant impact on the community. *The Black Horse Public House and The Village Pottery are a ‘pull’ for tourists and the Village Shop and Post Office is vital to this rural community.*”**

5. **Revise the final sentence of paragraph FI3.3 to read: “*However, it is already held secure by being owned (since 1998) by Amberley Shop Properties, a village trust. The members of this trust have indicated that they do not see any need to make the Village Stores an AOCV, since it is already protected. It has therefore not been added to Schedule A.*”**
6. **Revise Schedule A to read: “*The Black Horse PH and The Village Pottery are both registered with HDC as Assets of Community Value.*”**

**Recommendation 15: revise paragraph FI4.3 to read:**

***“Development can lead to increased surface water run-off and as such all proposals should ensure that as a minimum there is no net increase in surface water run-off taking account of climate change. Therefore, development should incorporate mitigation techniques in its design such as permeable surfaces and sustainable drainage systems (SuDS).*”**

**Recommendation 16: delete Policy FI5 and delete the site from the Proposals Map.**

**Recommendation 17: delete Policy HD1 and its justification in paragraphs HD1.1 and HD1.2 and renumber subsequent policies.**

**Recommendation 18: revise Policy HD2 as follows:**

***“Development within the settlement boundary for Amberley as defined on the Proposals Map will be supported where it accords with other policies of the development plan and other material considerations.”***

***“Proposals outside the settlement boundary will only be supported in the exceptional circumstances set out in the national guidance and the development plan.”***

**Recommendation 19: revise Policy HD3 as follows:**

1. **Delete “and extensions, alterations and replacements to existing development must demonstrate how they meet the policies set out in this Plan, and” and “see Evidence Base 10”.**
2. **Delete the second paragraph of the policy.**
3. **Delete paragraph HD3.1.**

**Recommendation 20: revise Policy HD4 as follows:**

1. ***“New housing development should provide a mix of house types, sizes and tenures that meet the housing needs of the Parish of Amberley and the local area as evidenced in the most recent Local Housing Needs Study, particularly for smaller housing of 1 or 2 bedrooms.”***
2. **The justification should explain how local housing needs are to be assessed and include a definition of the local area that will be**

applied as “the hamlets and villages of Rackham, Greatham, Parham, Wiggonholt and Houghton.”

3. Revise the title of Policy HD4 to “Housing types, sizes and tenures”

**Recommendation 21:** replace “shall” with “should” in Policy HD5.

**Recommendation 22:** revise Policy HD6 as follows:

*“The development of a minimum of six dwellings will be supported on the site shown on the Proposals Map. A survey should be carried out to establish the value of the trees on site, which should be retained and a planting scheme agreed which introduces suitable native trees and shrubs. Development within the vicinity of trees on the site should accord with BS 5837.”*

*The Proposals Map should be revised to show the developable area to be allocated for housing.*

**Recommendation 23:** revise Policy HD7 as follows:

1. Revise the first paragraph to read: “Residential development on infill and.....boundary as shown on the Proposals Map shall meet all the following factors:”
2. Revise criterion 1 by deleting “adopted Neighbourhood”
3. Replace “must” with “should” in criteria 5 and 6.

**Recommendation 24:** revise Policy HD9 as follows:

Delete the second sentence of criterion 5.

**Recommendation 25:** Revise the second sentence in Policy GA1 as follows:

*“Unless appropriate diversions are proposed, the loss of existing footpaths and cycle paths will be resisted.”*

**Recommendation 26:** revise Policy GA2 as follows:

Revise the title of Policy GA2 to read: “*Cycleways and Pedestrian Footways*”

Revise the wording of Policy GA2 to read: “.....creation of *cycleways and public pedestrian footways.*”

**Recommendation 27:** add the following to the justification to Policy GA3:

*“Refer to the West Sussex County Council Guidance for Parking in New Residential Development 2010 or any subsequent update.”*

**Recommendation 28:** revise Policy ET1 as follows:

Revise the second paragraph to read “will be supported, *particularly* where a development would benefit the community and.....”

**Recommendation 29: revise Policy ET3 as follows:**

***“Development of facilities for tourism of an appropriate scale and type will be supported subject to their meeting other policies of the Development Plan, conserving and enhancing the natural beauty of the National Park and not having an adverse impact on the residential amenity of nearby dwellings.”***