Wisborough Green Neighbourhood Plan

Report of Examination

Report to Chichester District Council

By the Independent Examiner:

Paul McCreery B.Sc., M.Phil., FRTPI.

23rd November 2015

Summary

1. From my examination of the submitted Wisborough Green Neighbourhood Plan (the Plan) and its supporting documents, including the representations made, I have concluded that, subject to the policy modifications I have recommended, making of the Plan will meet the Basic Conditions.

2. In summary the Basic Conditions are that the Plan must:

- Have due regard to national policies and advice;
- Contribute to the achievement of sustainable development;
- Be in general conformity with the strategic policies of the development plan; and
- Not breach, and otherwise be compatible with, European Union and European Convention on Human Rights obligations.

3. I have concluded that:

- The Plan has been prepared and submitted for examination by a qualifying body – Wisborough Green Parish Council;
- The Plan has been prepared for an area properly designated: and does not cover more than one neighbourhood plan area;
- The Plan does not relate to “excluded development ”;
- The Plan specifies the period to which it has effect – to 2029; and
- With the modifications I have recommended that the policies relate to the development and use of land for a designated neighbourhood area.

4. I recommend that, once modified to meet relevant legal requirements, the Plan should proceed to a Referendum. This is on the basis that I have concluded that, once modified, it can meet all the relevant legal requirements. To that end I have made recommendations to modify policies and text to ensure that making the Plan will meet the Basic Conditions.

5. In recommending that the modified Plan should go forward to Referendum, I have considered whether or not the Referendum Area should be extended beyond the designated area to which the Plan relates. I have concluded that it should not; the Referendum should be the same as the Neighbourhood Plan Area.

1.0 Introduction

1.1 Neighbourhood planning provides a welcome opportunity for communities to directly shape the future of the places where they live and work and to deliver the sustainable development they need. The Wisborough Green Neighbourhood Plan is clearly a very comprehensive piece of work. The Plan is a credit to the hard work of all those involved in its preparation.

2.0 Appointment of the Independent Examiner

2.1 I have been appointed by Chichester District Council with the agreement of the qualifying body (Wisborough Green Parish Council) to undertake this independent examination. I have been appointed through the Neighbourhood Plan Independent Examiners Referral Service (NPIERS).

2.2 I confirm that I am independent of the qualifying body and the local authority. I have no interest in any land affected by the Neighbourhood Plan. I am a chartered town planner with over thirty-five years' experience in planning and have worked in the public and private sectors. I therefore have the appropriate qualifications and experience to carry out this independent examination.

3.0 The role of the Independent Examiner

3.1 The examiner must assess whether the Neighbourhood Plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990 (as amended).

3.2 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
- The making of the neighbourhood plan does not breach, and is otherwise compatible with, European Union (EU) obligations
- Prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan.

3.3 Regulations 32 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended) require that the Neighbourhood Plan should not be likely to have a significant effect on a European Site (as defined in the Conservations of Habitats and Species Regulations 2012) or a European Offshore Marine Site (as defined in the Offshore Marine Conservation Natural Habitats etc. Regulations 2007) either alone or in combination with other plans or projects.

3.4 In examining the Plan, I am also required, under Paragraphs 8(1) of Schedule 4B to the Town and Country Planning Act 1990, (TCPA) to establish whether:

- The neighbourhood plan has been prepared and submitted for examination by a qualifying body
- The neighbourhood plan has been prepared for an area that has been properly designated for such plan preparation
- The neighbourhood plan meets the requirements to i) specify the period to which it has effect; ii) not include provision about excluded development; and iii) not relate to more than one neighbourhood area
- The policies relate to the development and use of land for a designated neighbourhood area.

3.5 The examiner must then make one of the following recommendations:

- The Plan can proceed to a referendum on the basis it meets all the necessary legal requirements
- The Plan can proceed to a referendum subject to modifications or
- The Plan should not proceed to a referendum on the basis it does not meet the necessary legal requirements.

3.6 If the Plan can proceed to a referendum with or without modifications, the examiner must also consider whether the referendum area should be extended beyond the neighbourhood plan area to which it relates.

3.7 If the Plan goes forward to a referendum and more than 50% of those voting votes in favour of the Plan then it is made by the relevant local authority, in this case Chichester District Council. The Plan then becomes part of the 'development plan' for the area and a statutory consideration in guiding future development and in the determination of planning applications within the Plan area.

4.0 Compliance with matters other than the basic conditions

4.1 I now check the various matters as set out above in paragraph 3.4 of this report.

Qualifying body

4.2 Wisborough Green Parish Council is a qualifying body able to lead the preparation of a neighbourhood plan. This complies with this requirement.

Plan area

4.3 Wisborough Green Parish Council was designated as a qualifying body by the South Downs National Park Authority on 13th September 2012 and by Chichester District Council on 6th November 2012 (see Basic Conditions Statement, para 1.2).The Plan relates to this area and does not relate to more than one neighbourhood area and therefore complies with these requirements.

Plan period

4.4 A neighbourhood plan must specify the period for which it is to have effect. The Plan clearly indicates within the document itself that it covers the period from 2014 to 2029. The Plan therefore meets this requirement.

4.5 **Excluded development**

The Plan does not include policies or proposals that relate to any of the categories of excluded development and therefore meets this requirement.

4.6 **Development and use of land**

Neighbourhood plans often contain aspirations and objectives that signal the community's priorities for the future of their local area. However, the neighbourhood plan should only contain policies relating to development and use of land. The Wisborough Green Neighbourhood Plan (the Plan) differentiates between policies and objectives.

4.7 Subject to the contents of this report, which recommends some modifications be made to ensure that the policies in the Plan meet the basic conditions, this requirement can satisfactorily be met.

5.0 The examination process

5.1 I commenced preparation for the examination of the plan in September 2015 following my appointment and briefing with the Plan documents.

5.2 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 to give a person a fair chance to put a case.

5.3 I am required to give reasons for each of my recommendations and also provide a summary of my main conclusions.

5.4 I am satisfied that I am in a position to properly examine the Plan without the need for a hearing. None of the parties have requested a hearing.

5.5 I inspected the Plan area on 21st October 2015.

6.0 The examination documents

6.1 In addition to the legal and national policy framework and guidance (principally The Town and Country Planning Acts, Localism Act, Neighbourhood Plans Regulations, the National Planning Policy Framework and the Planning Policy Guidance) and the development plan, have had regard to the following relevant documents that were furnished to me:-

- Wisborough Green Neighbourhood Plan – Submission Draft Plan, April 2015.
- Consultation Statement.
- Basic Conditions Statement.
- Bundle of representations submitted as a result of Regulation 16 Consultation.

7.0 Compliance with the basic conditions

7.1 National policy advice

The main document that sets out national policy is the National Planning Policy Framework (the Framework) published in 2012. In particular the Framework explains that the application of the presumption in favour of sustainable development will mean that neighbourhood plans should support the strategic development needs set out in Local Plans and plan to positively support local development.

7.2 The Framework also makes it clear that neighbourhood plans should be aligned with the strategic needs and priorities of the wider local area. In other words neighbourhood plans must be in general conformity with the strategic policies of the Local Plan. They cannot promote less development than that set out in the Local Plan or undermine its strategic policies. (NPPF, paragraph 184).

7.3 The Framework indicates that plans should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency. (NPPF, paragraph 17).

7.4 The Basic Conditions Statement (Table 1, pages 5-9) explains how the Plan policies have been informed by the guidance set out in the Framework. The Basic Conditions Statement reviews each Policy and explains how the Plan achieves important elements of national policy.

7.5 I am satisfied that the Neighbourhood Plan has appropriate regard to national policies and advice, subject to the modifications set out in this report being made.

7.6 **Sustainable development**

The Basic Conditions Statement takes each of three sustainability objectives in turn and explains how the Plan will meet these objectives.

7.7 The Basic Conditions Statement (Section 5, page 16 and Table 3) concludes that the Plan has good performance on sustainability issues. I agree with that conclusion and I am satisfied that the Neighbourhood Plan will make a positive contribution to the achievement of sustainable development, subject to the modifications recommended in this report.

The Development Plan

7.8 A basic condition is that the neighbourhood plan should be in general conformity with the strategic policies contained in the development plan. The Framework (at paragraph 184) states that neighbourhood plans must be in general conformity with the strategic policies of the Local Plan.

7.9 The Basic Conditions Statement (Section 4, page 9) states that the adopted 1999 Chichester Local Plan comprises the development plan. This statement has subsequently been overtaken by events. The Basic Conditions Statement (Table 2, pages 10-13) explains how the Plan is compatible with development plan policies and with the policies contained in the 2014 emerging Local Plan.

7.10 The Chichester Local Plan, 2014-2029, was adopted in July 2015. I have considered the Plan in the context of the newly adopted Local Plan and all other relevant development plan documents.

7.11 I am satisfied that the Neighbourhood Plan is in general conformity with the strategic policies of the development plan, subject to the modifications set out in this report being made.

EU Obligations

7.12 A Strategic Environmental Assessment has not been undertaken for the Wisborough Green Neighbourhood Plan.

7.13 The Basic Conditions Statement (Section 5, pages 16-21) found that overall Wisborough Green Neighbourhood Plan has good performance on sustainability issues.

7.14 Strategic Environmental Assessment screening opinions were issued by Chichester District Council in January 2015 and April 2015. The screening opinions advised that the Strategic Environmental Assessment is not required.

7.15 I agree with that assessment and I am satisfied that the Neighbourhood Plan is compatible with EU obligations.

7.16 I have also considered whether the Plan complies with the European Convention on Human Rights, particularly in terms of Article 8 (privacy): Article 14 (discrimination) and Article 1 of the First Protocol (property) under the meaning of the Human Rights Acts 1998 and I am satisfied that the Plan is compatible with all these provisions.

8.0 Neighbourhood Plan preparation and public Consultation

8.1 In 2011 the Parish Council started work on a Community Led Plan (CLP). A consultation event was held in April 2012 - Wisborough Green Past, Present and Future. The decision was taken to upgrade the CLP into a full Neighbourhood Plan under the aegis of the Localism Act, 2011.

8.2 A consultation workshop to focus on the Village Character Areas was held in November 2012.

8.3 Site Assessments were undertaken in October 2012 by members of the Neighbourhood Plan Group but the work was not subject to wider consultation at that stage.

8.4 A further community consultation on early site selection was held in May 2013, including consultation on Future Style and Design of New Development.

8.5 Further work on site assessments was undertaken in the Autumn of 2013 and a progress report was published in the Newsletter in July 2014.

8.6 In January 2015 a Draft Pre-Submission Neighbourhood Plan was published for formal consultation for six weeks. The publication was advertised by means including posters, advertisements and the website. A two day consultation was held at the Village Hall on Friday 16th January and Saturday 17th January, 2015, which was attended by 104 people. A total of 159 responses were received and analysed. (Consultation Report, paragraph 4.21)

8.7 As part of the preparation of the Plan four meetings were held with Chichester District Council over the period 2013 to 2015. Five meetings were held with Planning Aid over the period 2013-2015. Five meetings were held with Jackson Planning over the period 2014 to 2015.

8.8 A series of meetings was held with the various site promoters between November 2012 and October 2014. A focussed consultation was held with formal statutory consultees including English Heritage (now called Historic England).

8.9 A total of 37 responses were received in June 2015 in response to the Regulation 16 Consultation.

8.10 Following the adoption of the new Chichester Local Plan Key Policies 2014-2029 on 14th July 2015, a further round of consultation was undertaken. A total of 15 replies were received in August and September 2015.

8.11 I am satisfied that the neighbourhood planning process has been open and engaging giving residents and businesses opportunities to become involved and influence plan making .

9.0 The General Policies

9.1 After the Submission Version of the Plan was prepared in April 2015 the Chichester Local Plan: Key Policies 2014-2029 was adopted by Chichester District Council on 14th July 2015 and now forms part of the Development Plan. I recommend that the Plan should be updated throughout to reflect this change.

9.2 Similarly references to English Heritage should be amended to Historic England (see page 12, paragraph 12, for example).

9.3 In the Submission Version, one of the numbers is missing from Figure 5, page 21.

9.4 As currently drafted policy OA4 does not comply with the development plan, specifically Policy 2 of the Adopted Chichester Local Plan: Key Policies 2014-2029. Policy 2 refers to small scale housing developments within Service Villages such as Wisborough Green.

9.5 **I recommend that Policy OA4 be redrafted as follows:-**

Policy OA4: ~~Windfall Sites~~ *Small Scale Housing Sites*

The Wisborough Green Neighbourhood Plan will support proposals for ~~'windfall'~~ *small scale housing* development, ~~defined as schemes of 5 or fewer dwellings,~~ within the settlement boundary, provided that,

a. **The total of dwellings and site coverage do not cause overdevelopment of the plot in comparison with the characteristics of neighbouring plots.**
b. **The scheme will not adversely affect any heritage assets.**
c. **The scheme will not result in the ~~lost~~ *loss* of valuable trees, hedges or other natural features that form part of the character of the Parish and the biodiversity is maintained or enhanced.**
d. **The development is well integrated within the existing village and maintains the residential amenity of neighbours.**

9.6 Figure 8 is confusing in places as to how the local gaps are defined in relation to the settlement boundary and the site allocations which are shown at Figure 14.

9.7 **I recommend that Figure 8 be redrawn to show more clearly the settlement boundary, the local gaps and the site allocations. In redrafting, care should be taken to make sure the local gap adjacent to Winterfold, Durbans Road does not encroach into the area allocated for the housing.**

9.8 The development plan and the Neighbourhood Plan accept that some development will take place. In this context the Neighbourhood Plan environmental policies should accept that some change to landscape character and open views may occur. In order to comply with the requirement that plans should provide a practical framework within which decisions on planning applications can be made (NPPF paragraph 17) I believe that Policy EN2 should be redrafted to provide a better balance with environmental objectives when accommodating new development.

9.9 I found the references to Figure 10 in Policy EN2 to be confusing and not very helpful. The last paragraph either needs extensive redrafting to make it clear, for example, whether views are to or from the church, or should be deleted in its entirety.

9.10 **I recommend policy EN2 be redrafted as follows:-**

Policy EN2: Landscape Character and Open Views

Any development should maintain the local character of the landscape and should not cause ~~any~~ *unacceptable* loss or diminution of significant views that currently provide open field aspects or views from the village centre or other open spaces.

Where development has ~~an~~ *a harmful* impact on landscape character or open views, the development will not be permitted unless the proposal can demonstrate that mitigation can be achieved *on land* within the applicant's control and will reduce any harm ~~impact to low or negligible~~ *to an acceptable level.*

~~**Particular views identified in this policy are: south from the Church, east from Harsfold Lane, north from the village Green through 'The Park' and views as identified in Figure 10.**~~

9.11 Policy EN4 contains (at point 1, second bullet point) a reference to buildings of local importance, including locally listed and positive buildings. If that reference is to remain in the policy, **I recommend that the Plan should contain guidance as to where the details of such buildings can be found.**

9.12 Policy EN6 refers to Local Open Space. Areas LOS4, LOS5 and LOS6 are grass verges. In my opinion it is not appropriate to identify grass verges as local open space, to the extent that there is conflict with paragraph 11 of the NPPF.

9.13 **I recommend that areas LOS4, LOS5 and LOS6 be deleted from the list of Local Open Spaces designated through Policy EN6.**

9.14 Policy CD1 deals with the use of Section 106 Agreements and CIL to support community development.

9.15 Section 106 Agreements, unilateral undertakings and the Community Infrastructure Levy are dealt with elsewhere and under other legislation. In my opinion Policy CD1 does not meet the test of the NPPF, paragraph 17 and in any event contains an incomplete description of the tests required for Section 106 Agreements.

9.16 **I therefore recommend that Policy CD1 be deleted in its entirety.**

9.17 Policy HO1 (Local Occupancy Conditions) is the subject of a detailed objection in the representation submitted by Chichester District Council, dated 11th June 2015. I have had careful regard to what the District Council has to say in this matter and the fact that it considers that this section of the Plan is not in accordance with the Council's adopted "Allocation Scheme" (see pages 48-49): Local Occupancy Conditions and Policy HO1. I agree with the District Council in this regard and I have concluded this section of the Plan does not meet the requirements of the NPPF, paragraph 17. In my opinion it is important that the Neighbourhood Plan provides a framework by which decisions can be made with a high degree of predictability and efficiency. If the Plan is not in accordance with the District Council's adopted "Allocation Scheme" this will not be the case. There is a risk that the Neighbourhood Plan will be signposting an event which will not transpire in reality because that event is contrary to other adopted policies. If that were to occur it would weaken the Neighbourhood Plan because it would be seen to be misleading.

9.18 **I therefore recommend that Policy HO1 be deleted in its entirety.**

9.19 Similarly Policy HO2 (Housing Need) is subject to a detailed objection from Chichester District Council in the representation dated 11th June 2012. (Reference page 50: Policy HO2: Housing Need). A clear concern is expressed that the Plan is departing from Local Plan policy. In any event, planning applications will be determined having regard to Policy 34 of the Adopted Chichester Local Plan: Key Policies 2014-2029 and other material planning considerations. In my opinion Policy HO2 is over-prescriptive, may be in conflict with the development plan, and certainly does not meet the test set out in paragraph 17 of the NPPF for predictability and efficiency.

9.20 **I recommend that Policy HO2 be redrafted, with the agreement of Chichester District Council. In the agreed redrafting of Policy HO2 reference should be made to the housing mix proposed within site allocations SS1, SS3 and SS4.**

9.21 The last paragraph of Policy HO3 (Agricultural Occupancy) requires that the unit be made available as an affordable dwelling in the first instance. Chichester District Could has expressed concerns as to whether it would be possible to implement this policy. I agree with the District Council and share concerns that the Neighbourhood Plan should not contain a policy which may raise local expectations but actually prove impossible to implement. The policy as drafted therefore fails the predictability and efficiency test of the NPPF, paragraph 17.

9.22 **I recommend that the last paragraph of Policy HO3 be deleted in its entirety.**

9.23 Policy DS4 (Provision of Off-Road Parking for New Developments) seeks to impose a local parking standard for the Neighbourhood Plan area. I found Policy DS4 to be poorly drafted for a number of reasons. It is not clear if it applies to residential development only or all development and, if it applies to all development, it is not clear what standards are required for other types of use. Car parking provision will be controlled in any event by Policy 39 in the Adopted Chichester Local Plan: Key Policies 2014-2019. In my opinion Policy DS4 does not meet the test of paragraph 17 of the NPPF in that it does not provide a framework for decision making with a high degree of predictability and efficiency.

9.24 **I therefore recommend that Policy DS4 be deleted in its entirety.**

9.25 Policy IN1 is onerous in that it requires all applications for new development, regardless of scale, to demonstrate that they have a surface water management plan. Third bullet point is a repeat of the first. Flood risk and water management is dealt with by Policy 42 of the Adopted Chichester Local Plan: Key Policies 2014-2029. I am not convinced there is anything to be gained by the Neighbourhood Plan placing obligations on developers which go beyond that required by the Local Plan in this particular area. In my opinion Policy IN1 does not meet the rest of paragraph 17 of the NPPF in that it does not aid decision making with predictability and efficiency.

9.26 **I therefore recommend that Policy IN1 be deleted in its entirety.**

9.27 Page 64, paragraph 12 contains an error in that Figure 14 is on page 65.

9.28 This Examination has benefitted from having an up to date Local Plan as policy background. In many cases when I have recommended the deletion of all or part of a Neighbourhood Plan policy it is because that subject matter is covered by a Local Plan policy which will apply in any event. In order to accommodate the changes in the Policies of the Plan, it will be necessary to

make consequential changes to the supporting text and I RECOMMEND ACCORDINGLY.

10.0 Policy SS1: Land South of Meadowbank, Petworth Road

10.1 Policy SS1 deals with land South of Meadowbank. I note that the outline planning consent has now been issued and the Plan needs updating in this regard. It is not necessary for the Plan to repeat many of the details of that consent and I am therefore recommending some editing in this regard. It is beneficial to retain the Policy, however, not least for it to guide the submission of any subsequent planning applications on this site. I also note that the reference to the Code for Sustainable Homes is now out of date and I am recommending this paragraph be deleted from Policy SS2 particularly as these matters are dealt with by Policy 40 in the Adopted Chichester Local Plan: Key Policies 2014-2029 which deals with Sustainable Design and Construction. Similarly I am recommending that the paragraph dealing with Section 106 contributions be deleted as this is unnecessary duplication.

10.2 **I therefore recommend Policy SS1 be amended to read as follows**:-

Policy SS1: Land South of Meadowbank is allocated for 25 dwellings for the period 2015-2020 ~~in accordance with outline planning consent 14/00748/OUT. (agreed in principle but not issued).~~ Proposals for the site shall include:

~~Dwellings mix in accordance with outline sent as follows: 2 x 1 bed, 8 x 2 bed, 10 x 3 bed, 5 x 4 bed. Affordable dwellings shall comprise 7 affordable rent and 3 shared ownership.~~

~~Notwithstanding condition 3 of outline consent 14/00748/OUT the~~ *The* layout ~~shall~~ *should* be designed to accord with the pattern of development within the village and in particular must avoid an over suburbanised aesthetic. Dwellings proposed along the existing Petworth Road Frontage shall face the road and must respect the scale and rhythm of the existing street pattern.

Access to the site ~~was secured through outline planning consent 14/00748/OUT and~~ ~~is~~ *should be* from a single point on the Petworth Road. A footway of 1.8 m width ~~will~~ *should* be provided along the northern boundary. ~~Visibility splays of 2.4m by 70m are required.~~

The site ~~will~~ *should* be developed with sensitively designed properties, no more than two storeys, with pitched roofs. The design and style of dwellings ~~will~~ *should* take into account the proximity to the Conservation Area, and the Village Design Guide, which provides advice on detailing and appropriate materials.

~~**A number of pre-commencement conditions require significant further work before development can commence. Including the following: details of materials and finishes, access details are required in line with the stage 1 safety audit for the site, details of a surface water drainage scheme, management and maintenance of SUD's, details of foul sewage disposal and protection of public sewers in the vicinity of the site, site level details, follow up badger survey, details of external lighting, details of screen walls, fences and planting, details of bin and cycle storage facilities to be provided, details of a construction method statement.**~~

An archaeological investigation ~~is to~~ *should* be carried out in advance of any building works.

A scheme of mitigation ~~plan~~ for reptiles (slow worms) ~~on the site~~ for trapping and relocation and enhancement of existing habitat and buffer strips *should be put in place in advance of any building works.*

~~**10% of the energy used in the dwellings must be from on-site renewable sources to comply with condition 26. The dwellings will comply with Code 4 of the Code for Sustainable Homes as a minimum to comply with condition 27.**~~

A play space ~~will~~ *should* be provided on site.

The existing tree belt along the western boundary ~~will~~ *should* be retained and the proposal shall include details of enhancement to biodiversity adjacent to the retained tree belt include details of bird boxes to be installed.

~~**Section 106 payments as agreed with Chichester District Council.**~~

Affordable housing should be provided in accordance with the District Council's policy.

11.0 Policy SS3: Clarke's Yard Billingshurst Road

11.1 The Issues section at page 70 should be modified as shown below so that the site is deliverable.

11.2 **I recommend that this section be redrafted as follows:-**

Issues

- **Access is narrow ~~and may limit size of development~~**
- ~~**Mitigation available from adjacent land to widen**~~

- **Potential loss of employment~~; mitigation by alternative local site~~**

11.3 As regards Policy SS3 the second to last paragraph contains a reference to the Code for Sustainable Homes which is to be removed as the Government consolidates housing standards and regulations. In any event, these matters are dealt with by Policy 40 in the newly adopted Chichester Local Plan: Key Policies 2014-2029 which deals with Sustainable Design and Construction.

11.4 **I recommend that Policy SS3 be retained as drafted in the Plan but with the deletion of the second to last paragraph.**

12.0 Policy SS4: Winterfold, Durbans Road

12.1 The allocation of Winterfold in Policy SS4 has been the subject of objection including the following:

- Dangerous access
- Brownfield sites are available and should be preferred
- Impact on conservation area
- Visual impact on the countryside and the village
- Physical implications for the village school
- There is no need for a biodiversity area in the countryside
- The area offered for sport is too small to be useable
- Doubts whether the Neighbourhood Plan secure the implementation of the proposed green area for recreational use in perpetuity
- This site encloses the garden of Winterfold which could provide for further residential development
- The footpath near the site is too narrow
- The impact of the appeal decision to allow mobile homes at Kirdford Road should be fully assessed in terms of the overall site selection process
- Lack of specific provision in the Plan for retirement homes and sheltered accommodation
- The entire decision making process should be far more transparent.

12.2 I have given careful consideration to these representations (and to all the representations that have been made) in making my recommendations and I have concluded that the allocation of this site in the Plan should be retained.

12.3 Chichester District Council objects to the inclusion of this site for delivery as late as 2025-2029 on the basis that:-

"this does not conform with the approach of the new Chichester Local Plan where parish councils and local communities are encouraged to bring forward sites in the early part of the Plan period to ensure a five year housing land supply."

12.4 There is support for this proposition in the newly adopted Chichester Local Plan: Key Policies 2014-2029 specifically at paragraphs 7.17 and 7.21. I therefore conclude that the allocation of this site for 2025-29 is not consistent with the development plan. There is therefore merit in phasing this site earlier in the plan period to assist in the supply of new houses across the entire Local Plan period area.

12.5 **I recommend the deletion of the words "period 2025-29" and insertion of the words "period 2015-20" in Policy SS4.**

12.6 The District Council also objects to the reference to the Code for Sustainable Homes in the second to last paragraph of Policy SS4 because this provision is to be removed as the Government consolidates housing standards and regulations. In fact these matters are dealt with in any event by Policy 40 in the Adopted Chichester Local Plan: Key Policies 2014-2029 which deals with Sustainable Design and Construction.

12.7 **I recommend that Policy SS4 be retained with the deletion of the second to last paragraph.**

12.8 Representations have been made questioning the ability of the Neighbourhood Plan to deliver the area of public open space as envisaged. (See paragraph 12.1 above) I agree that, as currently drafted, Policy SS4 fails the test of paragraph 17 of the NPPF in this regard.

12.9 I therefore recommend the following additional paragraphs be added at the end of Policy SS4:

Before planning permission is granted a scheme shall be prepared in consultation with the Parish Council (the Scheme), showing how the public open space is to be laid out. The Scheme shall include:-

i. Provision for access and parking (to County Council standards);
ii. Provision for active uses (located so as not to give excessive noise or disturbance to new or existing residents);
iii. An area for biodiversity (including provision for the protection of protected species).

The area of public open space that will comprise the Scheme shall be not less than the area shown hatched pink and green in Figure 14 and described as a new green area for recreational space.

Any planning permission for residential development shall ensure that provision is made to secure:-

i. **The implementation of the Scheme in full by the development;**
ii. **The transfer of all the land comprising the Scheme to an appropriate public body (which may be the Parish Council) to secure its provision as public open space in perpetuity; and**
iii. **The payment of an appropriate commuted sun to secure the long term maintenance of the Scheme.**

13.0 Conclusions and recommendations

13.1 The Plan is a highly commendable document that will help to guide growth and sustainable development. It is a credit to all those who have clearly worked very hard to produce a readable and exceptionally well-presented

Plan. Where I have identified shortcomings, it has been possible to recommend modifications.

13.2 From my examination of the submitted Neighbourhood Development Plan, within its legal and policy context, and its supporting documents, including all the representations made, I have concluded that, subject to the policy modifications I have recommended, making of the Plan will meet the Basic Conditions.

13.3 I have concluded that:-

- The Plan has been prepared and submitted for examination by a qualifying body – Wisborough Green Parish Council;
- The Plan has been prepared for an area properly designated; and does not cover more than one neighbourhood plan area;
- The Plan does not relate to 'excluded development';
- The Plan specifies the period to which it has effect – to 2029, and
- Subject to the changes that I have recommended, the policies are properly drafted and relate to the development and use of land for a designated neighbourhood area.

13.4 I recommend that, once modified to meet relevant legal requirements, the Plan should proceed to a Referendum. This is on the basis that I have concluded that, once modified, it can meet all the relevant legal requirements.

13.5 In recommending that the modified Plan should go forward to Referendum, I have considered whether or not the Referendum Area should be extended beyond the designated area to which the Plan relates. I have concluded that it should not; I recommend that the Referendum Area should be the same as the Neighbourhood Plan Area.

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