

**Kirdford Parish Council
Matter 5 – Other Policies**

ISSUE – Are the individual policies clear, justified and consistent with national policy and will they be effective?

Policy NE2 Natural Landscape

Q.112 Is footnote 17 necessary for effectiveness? Is this a matter more properly dealt with in the explanatory text?

KPC Response:

1. KPC is satisfied with footnote 17, which could remain as currently proposed.

Q.113 Is criterion 5 and the final paragraph of the Policy necessary and justified given that those matters are covered by other Plan policies?

KPC Response:

2. All matters covered in criterion 5 and the last paragraph of policy NE2 are covered either in earlier paragraphs of policy NE2 or in other policies in the Local Plan (NE13). Therefore, criterion 5 could be deleted without detriment of the natural landscape.

Q.114 Are the suggested MMs necessary for soundness?

KPC Response:

3. Policy NE2 would benefit from the proposed suggested modifications, as the initially proposed text (criterion 5) was redundant in the context of the whole Local Plan and lacked sufficient justification, especially in consideration of the other proposed policies that will be effective in their aim to protect, conserve and enhance natural landscapes and their setting.
4. Changes to the penultimate paragraph, in relation to large-scale development, are considered positive as they provide a clearer requirement of large-scale developments and the expected content of LVIA's. Notwithstanding this, it is not

clear what the parameters will be to decide whether small-scale development should be accompanied with LVAs or not. Clearer expectations should be included in the policy, thus improving the soundness of the penultimate paragraph.

Policy NE4 Strategic Wildlife Corridors

Q.117 Is the extent of protection proposed to be afforded to Strategic Wildlife Corridors consistent with national policy as set out in the NPPF?

KPC Response:

5. The extent of Strategic Wildlife Corridors is insufficient and fails to identify and protect corridors within the whole plan area. The policy is particularly flawed within the North of the Plan Area, as it fails to connect habitats, local and national nature reserves, and important riparian, heath and woodland habitats within and outside of the North of the Plan Area, both within the South Downs National Park and in the Waverley and Horsham districts.
6. This is particularly important in the setting of the South Downs National Park (SDNP), which identified in the most recent SDNP Partnership Management Plan (2020-2025) the need to improve green and blue infrastructure to deliver nature recovery networks and connect people to nature within and around the National Park.
7. Furthermore, the Council has not provided any technical justification for the omission of the North of the Plan Area from the Strategic Wildlife Corridors, where the NPPF requires plans to identify, map and safeguard wildlife corridors, but it's not clear why the plan does not assess the North of the Plan Area in terms of wildlife connectivity, especially where there are wildlife sensitive areas and assets within the North of the Plan Area and its setting.
8. In the absence of Strategic Wildlife Corridors that respond to habitat and wildlife evidence, including the North of the Plan Area, KPC considers policy NE4 and its MM to be unsound and not effective in providing connectivity and passageway for wildlife through the landscape.

Q.118 Is the proposed sequential test consistent with national policy and is it justified?

KPC Response:

9. The sequential test is not consistent with the protection of wildlife expected to in the NPPF, and KPC celebrates the deletion of the sequential test from the policy, as per the suggested MM.

Q.119 What is meant by ‘in close proximity’ and in this regard would the Policy be effective?

KPC Response:

10. The term ‘close proximity’ should be clarified, for an effective and sound policy. The term could be defined in the supporting text of the policy. Alternatively, the supporting text could identify the parameters that the Local Planning Authority consider that determine ‘close proximity’.

Q.120 Are the boundaries of the proposed Strategic Wildlife Corridors justified?

KPC Response:

11. KPC does not wish to enter in the correctness or accuracy of the boundary of corridors in the South of the Plan Area but raises concern with the lack of corridors within the North of the Plan Area.

Q.121 Are the suggested MMs necessary for soundness?

KPC Response:

12. The suggested MMs are insufficient for a sound policy, as the term ‘close proximity’ is not yet defined and could lead to uncertainty in its interpretation, as well as the policies map lack of a coherent and complete wildlife network that includes the North of the Local Plan Area.

Policy NE10 Development in the Countryside

Q.130 Is criterion B consistent with national policy as expressed in the NPPF, and if not, what is the justification for this policy wording?

KPC Response:

13. Criterion B gives priority to conversions to employment use and community uses before residential uses, which is positively responding to paragraph 85 of the NPPF that requires policies to help creating conditions in which businesses can invest, expand and adapt, and in supporting rural businesses. However, to truly and

strongly support the rural economy in the countryside, criterion B could include a cascade of most appropriate viable uses following this order:

- A) Employment and community uses
- B) Housing for essential rural workers (land-based business)
- C) Diversification for employment use
- D) Affordable housing
- E) Open market housing

Q.131 Are the suggested MMs necessary for soundness?

KPC Response:

14. Modification CM096 is useful and necessary to ensure that the Local Plan delivers its spatial strategy and avoids development in the countryside outside of the limits stated in national and local planning policy. This modification is welcomed and is clearer than the previously drafted wording, however, incorporating the cascade of appropriate viable uses in the countryside (as above, Q.130) would be a stronger and more efficient way of managing and supporting sustainable development in the countryside.
15. Modification CM097 is supported as it continues the integrated approach to green infrastructure, transportation and health and well-being, which can be found across other parts of the Local Plan. Identifying green infrastructure as part of transport considerations in this policy, strengthen both transportation and green infrastructure policies in the countryside location and emphasises the important role these two play in the countryside.
16. Modification CM098 is ineffective insofar as it only relates to avoiding adverse impacts, but not contributing towards natural recovery networks, where possible.

Policy NE16 Water Management and Water Quality

Q.140 What is the justification for the requirement for new residential proposals to demonstrate that a maximum water consumption of 110 litres per person per day including external water use is achieved?

KPC Response:

17. The sustainable management of water resources is justified, especially in consideration of the future climate change scenarios and in addressing water stress in the area. The 110 litres/person/day consumption goes beyond the 125 litres/person/day in Building Regulations, and therefore this policy is effective in

tackling the above issues beyond the national requirements. In this particularly stressed location (North of the Local Plan Area), where water neutrality is required, efficiency measures and offsetting would be necessary to achieve water neutrality in new residential development.

Q.141 Water Quality and Wastewater criteria f and g require compliance with documents which are not part of the development plan. Is the Policy effective and consistent with national policy in this regard?

KPC Response:

18. It is common practice for local planning policies to refer to documents outside of the plan, if these will conform with national planning policy. The SPD has been adopted by the Local Planning Authority and the position statements have been part of the evidence base for the preparation of the Local Plan. Considering how technical these documents are, it is proportionate and effective to refer to these documents in the policy rather than insert them directly in the Local Plan.

19. KPC wishes to point out that the Freshwater River at Bridgefoot Pumping Station (Permit A00619) (Southern Water) located just south of Kirdford village has a track record of sewage discharges. In 2023 sewage was discharged for approximately 7 hours. Between 2021 it had 19 spills and discharged sewage for approximately 100 hours. This raises serious issues regarding the suitability of wastewater infrastructure and the scale of environmental impact on the area and its ability to cope with new housing development.

Q.142 Are the suggested MMs necessary for soundness?

KPC Response:

20. These modifications and welcomed as these clarify that the delivered wastewater system is delivered in phases but also made operational, which would lead to its effect. The main sewer priority is also necessary to make effective the priority to the use of mains and connection to the water treatment plant, rather than alternative options, which are only possible where no main sewer is available.

Policy NE17 Water neutrality

Q.143 What is the justification for the 85 litres of mains supplied water per person per day as set out in criterion 1 a)?

KPC Response:

21. The sustainable management of water resources, which is justified, especially in consideration of the Arun Valley Sites (group of nature conservation sites). The 85 litres/person/day consumption goes beyond the 110 litres/person/day limit required for other areas of the Local Plan and significantly beyond the limit regulated in Building Regulations. Therefore, this policy is effective in tackling the above issues beyond the national requirements and the policy responds positively to local water sensitivities, in particular, the Sussex North Water Resource Zone (WRZ).

Q.144 Are the suggested MMs necessary for soundness?

KPC Response:

22. The modifications are welcomed as they are necessary for an effective application of the policy and a transparent and joint assessment and application of the water neutrality policy in the plan area. A coordinated, clear and transparent set of requirements for planning applications (water neutrality statement with minimum baseline information) is essential for an adequate interpretation of the policy and its application, the effective management of new development in this area as well as achieving water neutrality.

23. Notwithstanding the above, the MM are insufficient, as these have not tackled the questions raised by KPC in our Regulation 19 consultation, which remain relevant:

- a. Questions about whether each household (or LPA) will have the capabilities to monitor usage if that is what is suggested.
- b. How would the LPA enforce the methods of limiting water usage?
- c. How can the LPA possibly be certain that the measures imposed to achieve water neutrality will be effective given the obvious uncertainties raised above?

Policy P1 Design Principles

Q.154 Are the suggested MMs necessary for soundness?

KPC Response:

24. KPC supports the MMs to policy P1 in relation to the production of area based, neighbourhood or site-specific design codes, as the text clarifies the Council's support to local design codes.
25. KPC is concerned that modification reference CM195 will reduce the projects to which this policy would apply to, thus limiting the effectiveness of the policy and the overall Local Plan in achieving sustainable design and climate change mitigation and adaptation.
26. Policy P1 remains unclear about the need for 'major development' to provide a detailed masterplan or design codes or development briefs. Policy P1 focuses solely on Design and Access Statement requirements. These policy hooks for specific design tools and documents are important for effectiveness and clarity for communities, developers and decision-takers about the design process that expected from CDC.
27. Whilst the suggested MMs are necessary for soundness, these remain insufficient.

Policy P3 Density

Q.155 Paragraph 6.11 of the Plan sets an expectation of a minimum of 35 dwellings per hectare, rather than in Policy P2. Is this effective?

KPC Response:

28. Paragraph 6.11 undermines policies P1, P2 and P3 of the Local Plan by setting out an expected density of 35 dwellings per hectare for new development, which is not design-led, as required in policy P3. The effectiveness of policies P1, P2 and P3 and future site/neighbourhood design codes would be jeopardised, should the expectation of 35 dwellings per hectare remain, as this number is not based on any site-specific context analysis and capacity study.

Policy P6 Amenity

Q.157 Policy P6 proposes that the nationally described space standards should be met as a minimum in housing development (subject to defined exceptions). What is the justification for this? What is the need for the application of the space standards, and what if any implications would this have on viability?

KPC Response:

29. Policy P6, where it relates to Nationally Described Space Standards, does not go beyond what is already provided in national policy and guidance. Therefore, not being effective, being a 'non-event' of a design and amenity policy. Internal space standards are increasingly an important consideration, especially where density of development is increasing (as acknowledged in the Local Plan), thus potentially jeopardising quality of place, including internal and external space. KPC would suggest the Local Plan to incorporate Nationally Described Standards and set out expectations for spaces to not just meet but exceed these, especially where these could be more necessary. This is an approach followed in the neighbouring South Downs Local Plan and the adopted Design Guide SPD.

Q.158 What is the justification for the expectation that no less than 21 metres is achieved between facing principal windows of habitable residential rooms and windows of other uses that could result in significant overlooking, and would it be effective given the requirements of other place making policies?

KPC Response:

30. This requirement is not a design-led process, in which the distance between properties for amenity purposes should be assessed on site and context-specific basis. A general 21 metres rule would lead to inefficiencies in some cases and poor design solutions that may not result from a design-led process as per policies P1, P2 and P3. KPC suggests removing this expectation, whilst ensuring that amenity remains an important factor in the design process.

Q.159 Are the suggested MMs necessary for soundness?

KPC Response:

31. The suggested MMs to policy P6 are welcomed and are necessary to ensure the efficiency of the policy and facilitating compliance with other design-related policies.

Policy P9 The Historic Environment

Q.160 Is the suggested MM to paragraph 6.52 necessary for soundness?

KPC Response:

32. The MM should also incorporate other non-designated heritage assets or state that this is not an exhaustive list of assets. These could entail historic boundaries or landscapes, which do not fall within the definition of 'locally important historic buildings and trees'. To achieve soundness, the text should not only refer to buildings and trees, but all elements that form the historic environment.
33. Paragraph 6.52 and policy P9 remains should be modified so that it is effective and unambiguous, identifying how non-designated heritage assets will be identified and what the Council's approach these assets is.

Q.161 Is criterion 5 of Policy P9 consistent with NPPF 195?

KPC Response:

34. Criterion 5 should refer to 'designated heritage assets' rather than listed buildings and Conservation Areas only, so it includes all other designations that are covered in paragraph 195 NPPF.

Policy P12 Non-designated Heritage Assets

Q.164 Is Policy P12 consistent with NPPF 197?

KPC Response:

35. Paragraph 197 NPPF refers to the designation of conservation areas and it does not apply directly to policy P12, which relates to non-designated heritage assets.

Q.165 Are the suggested MMs necessary for soundness?

KPC Response:

36. The MMs lead to a departure in the criteria for identifying non-designated heritage assets from PPG
37. and Historic England's guidance, which is not supported by KPC. The five criteria broad categories do not relate well to Historic England's commonly selection

criteria for assessing the suitability of assets for inclusion in a local heritage list, normally used in the evaluation of significance and identification of non-designated heritage assets: asset type, age, rarity, architectural or artistic interest, group value, archaeological interest, historic interest, landmark status.