

Albourne Neighbourhood Development Plan: Examination Version

Report to Mid Sussex District Council of the Examination into
the Albourne Parish Council Neighbourhood Development Plan

Independent Examiner, Clare B. Wright MA PG Dip (BRS) MRTPI MILM

Member of NPIERS

15 April 2016

Summary of Recommendation:

Albourne Parish Council Neighbourhood Development Plan: as modified
should proceed to referendum

Contents

1. Introduction.....	3
1.1 Appointment and role of the Independent Examiner	
1.2 Procedure for examining a Neighbourhood Plan	
1.3 Neighbourhood Plan Area	
1.4 Neighbourhood Plan Period	
2. Basic Conditions.....	6
2.1 National Policy and advice	
2.2 Sustainable Development	
2.3 Development Plan Status	
2.4 European Union obligations	
(i) European Convention on Human Rights	
(ii) Strategic Environmental Assessment	
(iii) Habitats Regulations Assessment	
3. Background documents.....	10
4. Consultation Statement.....	11
4.1 The Community’s vision	
4.2 The Consultation	
5. Projects identified through the Albourne Parish Council Neighbourhood Development Plan.....	12
6. Albourne Parish Council Neighbourhood Development Plan.....	12
7. Modifications to Albourne Parish Council Neighbourhood Development Plan.....	16
8. Summary and Referendum.....	19

1. Introduction

Neighbourhood Planning provides communities with the power to shape future development in and around where they work.

This Report provides the findings of the Examination into the Albourne Parish Council Neighbourhood Development Plan (referred to as the APNDP).

Albourne Parish Council is recognised as the qualifying body for leading a neighbourhood development plan¹.

This Report provides a recommendation as to whether or not the Neighbourhood Development Plan should go forward to a Referendum. Modifications may not fundamentally change the Plan's content or direction, but are intended to ensure that the Plan meets the Basic Conditions.

Were the Plan to go to Referendum and achieve more than 50% of votes in favour, then the Neighbourhood Plan would be made by Mid Sussex District Council. The Neighbourhood Plan would then be used to determine planning applications and guide planning decisions in the Albourne Parish Council Neighbourhood Area.

I would like to take this opportunity to commend the parish and all those that took part in the creation of the Plan. This plan includes some delicately balanced approaches to meeting the onward development requirements of the area whilst protecting the landscape that so clearly contributes to its quality and local distinctiveness. Modifications to the Plan are intended ensure the aims of the Plan are furthered within the current planning framework.

1.1 Appointment and role of the Independent Examiner

I have been appointed by Mid Sussex District Council with the consent of Albourne Parish Council to conduct the Examination and provide this Report as Independent Examiner. I am independent of the qualifying body and local authority. I confirm I do not have any land or other interests that may be affected by the Plan. I am a Chartered Town Planner with over 20 years' experience in local authority, private, partnership, third sector and community organisations specialising in planning, design and community-led development. NPIERS are satisfied that I hold the appropriate qualifications and experience to be a member of their Panel of Examiners.

¹ In line with the aims and purposes of neighbourhood planning, as set out in the Localism Act (2011), the National Planning Policy Framework (2012) and Planning Practice Guidance (2014)

As Independent Examiner, I must make one of the following recommendations:

- a) that the Neighbourhood Plan should proceed to Referendum, on the basis that it meets all legal requirements;
- b) that the Neighbourhood Plan as modified should proceed to Referendum;
- c) that the Neighbourhood Plan does not proceed to Referendum, on the basis that it does not meet the relevant legal requirements.

If recommending that the Neighbourhood Plan should proceed to Referendum, I am also then required to consider whether or not the Referendum Area should extend beyond the Albourne Parish Council Neighbourhood Area to which the Neighbourhood Plan relates. I make my recommendation on the Referendum Area at the end of this Report.

In examining the Neighbourhood Plan, I am also required, under Paragraph 8(1) of Schedule 4B of the Town and Country Planning Act 1990, to check whether:

- a) the policies relate to the development and use of land for a designated neighbourhood area in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act (PCPA) 2004;
- b) the Neighbourhood Plan meets the requirements of Section 38B of the 2004 PCPA (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one neighbourhood area),
- c) the Neighbourhood Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.

Subject to the contents of this Report, I need to be satisfied that each of the above points have been met.

Further, it is the role of the Examiner to ensure that local people's intent is carried through into a sufficiently robust planning document that meets the Basic Conditions. It is not the job of an Examiner to rewrite a neighbourhood plan into a 'better' planning document: the task of the Examiner is to ensure that a Plan meets the Basic Conditions.

1.2 Procedure for examining a Neighbourhood Plan

As a general rule, neighbourhood plan examinations should be held without a public hearing – by written representations only. I have considered written representations as part of the examination process. A public hearing must be held when *the Examiner considers it necessary* to ensure adequate examination of an issue, or to ensure that a person has a fair chance to put a case.

The Consultation Statement evidences the opportunities for individuals and organisations to consider the Neighbourhood Plan and to put forward representations, whether in support, objection or as general comments. I consider the Neighbourhood Plan consultation process in detail below. I note that the receipt of representations in support and representations in objection to the Albourne Parish Council Neighbourhood Plan provides further evidence that people have had a fair chance to put a case.

Taking the above into account, I consider it is **not** necessary for there to be an Albourne Parish Council Neighbourhood Plan Hearing.

1.3 Neighbourhood Plan Area

The chosen Neighbourhood Plan Area will be the Area within which the Policies contained in this Neighbourhood Plan will be exercisable. Albourne Parish Council Neighbourhood Plan Area straddles two Local Planning Authority Areas, primarily within Mid Sussex District Council and its southern tip is within the South Downs National Park Authority.

The parish council of Albourne is a qualifying body for the purposes of S.38A (12) of the 2004 Act. The Neighbourhood Plan Area follows the Parish Boundary, encompassing the whole of its area. It is therefore a known area and is logical for the intent of the Neighbourhood Plan Policies. The Plan Area does not overlap with any other and no other neighbourhood development plan has been made in this area.

Albourne Parish Council Neighbourhood Area was approved by Mid Sussex District Council 9th July 2012 and the South Downs National Park on 13th September 2012. This satisfies requirements for the purposes of preparing a Neighbourhood Development Plan under section 61G (1) of the Town and Country Planning Act 1990 (as amended).

1.4 Neighbourhood Plan Period

A neighbourhood plan must specify the period for which it is to have effect.

The date is clearly shown on the front cover as being from 2014 to 2031, the date of the emerging Local Plan. It therefore satisfies this legal requirement.

2. Basic Conditions

An Independent Examiner is required by paragraph 8(1)(a) of Schedule 4B to the 1990 Act (amended by the Localism Act 2011) to consider whether a neighbourhood plan meets the "Basic Conditions".²

In the remainder of this Statement I outline what are the basic conditions and consider whether the Proposed Plan meets them.

The Regulations provide that the submission of a proposed neighbourhood plan by a qualifying body to a planning authority must be accompanied by a statement explaining how the plan meets the basic conditions, as well as other statutory requirements.³ In the case of the Proposed Plan for Albourne Parish, a document has been produced to accompany it, entitled *Basic Conditions Statement*, which provides a helpful summary of the measures that have been taken in this case to ensure that the Plan does meet the conditions.

s 2.4 Paragraph 8(2) of Schedule 4B provides that a neighbourhood development plan meets the basic conditions if:

"(a) having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make [the plan],
(d) the making of [the plan] contributes to the achievement of sustainable development,
(e) the making of [the 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),
(f) the making of [the plan] does not breach, and is otherwise compatible with, EU obligations, and
(g) prescribed conditions are met in relation to [the plan] and prescribed matters have been complied with in connection with the proposal for [the plan]."⁴

Basic conditions (b) and (c), relating to the built heritage, apply to the examination of proposed neighbourhood development orders, but not to that of neighbourhood plans. Only one further basic condition has been prescribed under paragraph 8(2)(g), as follows:

"The making of the neighbourhood development plan is not likely to have a significant effect on a European site ... or a European offshore marine site ... (either alone or in combination with other plans or projects)."⁵

² TCPA 1990, Sched 4B, para 8(1), applied by PCPA 2004, ss 38A(3), 38C(5)(b), (c).

³ Neighbourhood Planning (General) Regulations "NP(G)R 2012", reg 15(1)(d);

⁴ TCPA 1990, Sched 4B, para 8(2), applied by PCPA 2004, ss 38A(3), 38C(5)(d).

⁵ NP(G)R 2012, Sched 2, para 1.

A proposed plan must meet all of the basic conditions specified in paragraph 8(2), if it is to be submitted to a referendum, not just some of them.

I therefore confirm that I have examined the Neighbourhood Plan against these Basic Conditions.

I consider whether the policies of the Neighbourhood Plan have regard to national policies, contribute to sustainable development and are in general conformity with strategic development plan policies, the status of the relevant development plan and whether the Neighbourhood Plan is compatible with EU obligations and human rights requirements.

2.1 National Policy and Advice

The main document that sets out national policy is the National Planning Policy Framework (NPPF) published in 2012.

In particular the NPPF explains the 'presumption in favour of sustainable development' where neighbourhood plans should support the strategic development needs set out in Local Plans and plan positively to support local development, shaping and directing development that is outside the strategic elements of the Local Plan.

The NPPF also makes clear that neighbourhood plans should be aligned with the strategic needs and priorities of the wider local area where they must be in general conformity with the strategic policies of the Local Plan. Neighbourhood Plans cannot promote less development than set out in Local Plans, nor undermine their strategic policies.

The NPPF indicates that plans should provide a framework within which decisions on planning applications can be made with a high degree of predictability and efficiency.

National advice on the application of the NPPF is set out in Planning Practice Guidance (PPG) which includes specific advice regarding neighbourhood plans.

2.3 Sustainable development

A qualifying body must demonstrate how a neighbourhood plan contributes to the achievement of sustainable development. The NPPF as a whole constitutes the Government's view of what sustainable development means in practice for planning. The NPPF explains that there are three dimensions to sustainable development: economic, social and environmental.

Albourne Parish Council has undertaken a Sustainability Assessment of the APNDP as a means of demonstrating that the principles of Sustainable Development required in the NPPF were taken into account. I have examined the report in which each policy aspect is considered from a

sustainability perspective and am satisfied that the APNDP addresses the sustainability issues and alternatives and that the links between sustainability and the Plan Policies are clearly made within the APNDP.

I am satisfied that the APNDP, with modifications, addresses the sustainability issues as detailed later in this report.

2.3 Development Plan Status

The current Development Plan for the Albourne Parish Council Neighbourhood plan area comprises the saved policies from the Mid Sussex Local Plan (MSLP) 2004. Its replacement, the Mid Sussex District Plan (MSDP) is well advanced and will shortly be resubmitted for examination.

Therefore I have considered the Albourne Parish Council Neighbourhood Development Plan (APNDP) against the saved policies from the Mid Sussex Local Plan (MSLP) 2004 whilst being mindful of the intent of the emerging District Local Plan and the most recent evidence available supporting this MSDP, in accordance with NPPF 216 and the emerging National Park Plan.

The principle of bringing forward a NDP before a Local Plan is adopted was established in the 'Tattenhall decision' which confirmed standard practice exercised until that date. Further guidance on 'general conformity' is provided in revised NPPG Neighbourhood Planning, 6 March 2016. Conformity or otherwise of APNDP policies with the development Plan is covered later in this report.

2.4 European Union obligations

A neighbourhood plan must be compatible with European Union (EU) obligations, as incorporated into UK law, in order to be legally compliant.

(i) European Convention on Human Rights (ECHR)

The Consultation Statement shows that local residents, landowners and businesses were sought out and provided with an opportunity for engagement. They have made representations on the Plan which have resulted in changes, as detailed in the Consultation Statement and the policies of the NDP. Where changes have not been made contrary to the wishes of respondees, sufficient reason has been provided in the Consultation Statement.

I am therefore satisfied that the Neighbourhood Plan is compatible with EU obligations and meets this aspect of the Basic Conditions.

(ii) Strategic Environmental Assessment

The Strategic Environmental Assessment Screening Opinion published by Mid Sussex District Council in May 2013 requires all Plans in its area that

are intending to allocate land for housing or employment use to undertake an Strategic Environmental Assessment in accordance with EU Directive 2001/42 on strategic environmental assessment.

Albourne Parish Council chose to incorporate the SEA into a wider Sustainability Appraisal. This approach is acceptable and beneficially covers the wider criteria of SA.

The SEA/SA demonstrates the majority of its policies will have no significant social, economic or environmental effects and where there are effects these can be controlled within NDP policy or on condition of planning application. I am satisfied that the proposals have been sufficiently assessed and raise no negative impact in either summary nor in the detail of the assessment.

(iii) Habitats Regulations Assessment

The test in the additional basic condition is 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) either alone or in combination with other plans or projects."

A Habitats Regulations Assessment (HRA) screening exercise undertaken 25 November 2015 by Mid Sussex District Council for the Albourne Parish NDP concludes no likely significant effects on the Ashdown Forest SPA and SAC from the policies in the Albourne Neighbourhood Plan and so the second stage of the Habitats Regulations Assessment process, the appropriate assessment, is not required, as per paragraph 6.1.

The report states that given the nature and content of the Neighbourhood Plan, the limited scale of development promoted and the distance from Ashdown Forest it seems unlikely there would be any direct significant effect. Any incombination effects with other strategic site allocations closer to the forest would already be covered by mitigation measures established for these areas. As a precaution the HRA Screening Opinion points out that any residential development arising from the APNDP would in any event be subject to the recommendations of the HRA on the emerging MSDP.

I am satisfied therefore that there would be no significant effects resulting from the APNDP and no bodies commenting on the plan have taken a contrary view.

I am therefore satisfied that the overall approach to assessing the environmental effects of the APNDP meets the legal requirements of the EU's 'SEA Directive' and the 'Habitats Directive' and the Basic Conditions. I am not aware of any other European Directives which apply to this particular Neighbourhood Plan and no representations at pre or post submission stage have drawn any others to my attention.

3.0 Background documents

In undertaking this examination, I have considered the following documents in addition to the Examination Version of the Albourne Parish Council Neighbourhood Plan:

1. National Planning Policy Framework (NPPF) (2012)
2. National Planning Policy Guidance (PPG) (2014) and updates
3. Town and Country Planning Act 1990 (as amended)
4. The Localism Act (2011)
5. The Neighbourhood Planning Regulations (2012 as amended)
6. Mid Sussex Local Plan (2004) Saved Policies
7. Emerging Mid Sussex District Plan, dated June 2015 and Focused Amendments to the Pre-Submission Draft District Plan Nov. 2015
8. Mid Sussex District Council's revised Housing and Economic Development Needs Assessment Update (HDNA) pub. November 2015
9. South Downs Local Plan: Preferred Options, September 2015
10. Basic Conditions and Consultation Statements
11. HRA Screening Statement from Mid Sussex District Council 25 November 2015
12. Regulation 16 Submission Letters

I spent an unaccompanied day visiting Albourne and its surrounding area.

4. Consultation Statement

Public consultation is an important part of a Neighbourhood Development Plan. It is a legislative requirement. It forms part of the evidence base.

Building effective community engagement into the plan-making process encourages public participation and raises awareness and understanding of the plan's scope and limitations. Successful consultation can also create a sense of public ownership, achieve consensus and provide the foundations for a successful 'Yes' vote at Referendum.

4.1 The Community's Vision

The Community's Vision for how they wish the future of their Parish to be taken forward is set out in the Consultation Statement supporting their NDP. Objectives on page 8 concerning settlement identity, importance of agriculture and landscape protection, the need for housing delivery and local economy support the overall role of the parish and its main settlement of the village of Albourne. Towards the middle of the document, Page 21, the overall Parish Vision is stated as 'to retain a village feel.'

4.2 The Consultation Statement

As required by Regulation 15, Albourne Parish Council submitted a Consultation Statement to Mid Sussex District Council, setting out who was consulted and how, along with comments that have influenced the outcome of the consultation. This is a comprehensive statement that is clear to follow and highlights the level of support and modifications made to the NDP arising from the consultations.

Over the four year process of developing the Albourne Parish Council Neighbourhood Plan, evidence demonstrates the community has been engaged and consulted widely and using various methods of contact. These are summarised on page 7 of the Consultation Statement and include public meetings and discussions with opportunity to leave feedback and include separate meetings with local landowners. Methods of distributing notice of meetings and updates were via parish newsletters, noticeboards and the parish website.

The NDP Steering Group was established in Autumn 2011. It developed a questionnaire seeking the community's feedback on a range of housing, environmental and economic issues. Distribution in early March 2012 was to all 263 households in the Parish and received a 19.8% response rate. Whilst this equates to a relatively small number of 52 residents, this resulted in over 150 freeform comments all of which established basic principles for the Plan. Subsequent consultations tested and found support for these principles.

I am satisfied that the site selection and community developed criteria, as described above, comprise a fair process and are proportionate to the scale and intent of the Plan.

The consultation and engagement produced a range of important evidence that has clearly informed the NDP. The Reg. 14 consultation responses have been either taken on board to alter aspects of the Plan or reason provided as to why responses have not been taken forward.

I am satisfied that the Neighbourhood Plan meets its statutory obligations in that the responses show a wide range of outreach and input, as described above, and that the majority of responses are positive about the quality of the process and the outcomes. Consequently I am satisfied the Neighbourhood Plan is a community-driven document and meets the Basic Conditions in this respect.

6. Projects identified through the Albourne Parish Council Neighbourhood Development Plan

An important result, and welcome by product of an NDP, arising from local people and stakeholder's engagement is the identification of local projects and priorities. They are summarised in the Albourne Parish Council NDP as Aims. They can lead to much wanted benefits in their area, as standalone projects and those which would support delivery of their Plan. Modifications to this Plan seek to clarify the difference between policy and aim/ project in the APNDP, detailed later.

7. Albourne Parish Council Neighbourhood Development Plan

The APNDP has a clear, easy to navigate structure. The Background and General Policies chapter usefully outlines the public consultation and feedback, Strategic Environmental Assessment/Sustainability Appraisal and explains the purpose of the non-neighbourhood development Plan 'Aims' which are included in the document as aspirations and leading on from the Policies and arising from the community's input.

Sections distinguish between the three different policy groupings of Countryside, Landscape and Conservation; Housing; and, Economy and Employment and their justifications. The Plan also usefully includes the community's wishes in the Transport and Amenities Chapters, where locally generated 'aims' sit outside the scope of planning policies and yet are important in implementing the overall vision for the Parish. There is a Schedule of evidence and Maps are placed to the rear of the document.

Representations have been received regarding the APNDP's housing land allocations and overall amount of housing development anticipated. The APNDP anticipates a relatively low level of new housing development in the Parish, relying upon windfalls and allocating a single site within the development boundary for 2 dwellings. The Plan on page 25 shows the location of recent housing developments that have already taken place.

The process leading to the single site allocation is clearly documented in the Consultation Statement and agreement, page 8, on the need to positively provide for new homes. The process was by open meeting and landowner discussions and rationale provided in consultation responses. Further dialogue is given to discussions around brownfield, or 'previously developed land' where there is reliance on 'windfall' developments. I am satisfied that a fair, transparent and proportionate process has been undertaken in the seeking of and the selection of development sites within the Neighbourhood Plan Area.

Anticipated housing delivery rates are highlighted in the Aims of the plan, on page 12 of the APNDP. This is not expressed in a policy, although it could be so, using the expected windfall number and those of affordable dwellings as an approximate figure. However the APNDP has not chosen to do this. I therefore consider the Aim as being just that, to operate as a useful guideline without the weight that would be afforded to a Policy. However in order to be properly responsive, the Aim shall be modified to include the wording 'a minimum of 34'. This will ensure clarity of intent and so that this Aim will lead to sustainable development and not give cause for the presumptions of the APNDP to be considered at risk of being outdated when the MSDP is eventually adopted, later in 2016.

Therefore APNDP does not impose a cap on the amount of housing that it expects for the Parish. The APNDP relies upon extant and emerging local plan hierarchies of settlements and development boundaries and other environmental safeguards to manage development. In the circumstances of an emerging MSDP and lack of five year housing supply, this approach is entirely realistic as any specific cap could be considered vulnerable to change having regard to recent advice in the latest NPPG guidance on the relationship of this aspect with neighbourhood plans⁶.

Additional representations received take issue with the amount of housing indicated as being acceptable in the APNDP. This figure must be understood in the context of Mid Sussex District Council's revised Housing and Economic

⁶ NPPG Neighbourhood plans ref. Paragraph: 083 Reference ID: 41-083-20160211 dated 11th February 2016

Development Needs Assessment Update (HDNA) published November 2015 that established an Objectively Assessed Need (OAN) for the District of 695 dwellings per year between 2012 and 2031. It indicated a basic figure from this to be spread between each named settlement, including Albourne, with the most to be provided within the new Burgess Hill extension. A previous HEDNA, published March 2015, provided a figure for Albourne of an average of 48 dwellings sought up to 2031. This figure is increased in the latest, November 2015, HEDNA, to a consideration of 51 dwellings.

HEDNA para. 8.24 states the figures are 'only an indication' of the level of need within each parish, based on a proportioning of the District's total. They are a guide for neighbourhood plans alongside other local evidence. Further, the HEDNA goes on to advise in para. 8.25 that neighbourhood plans must identify whether these needs can be met within local constraints. Para. 8.26 clarifies still further that larger settlements and particularly the strategic development at Burgess Hill will leave a 'residual' number to be allocated in neighbourhood plans that 'in reality is likely to require fewer households for each Parish than shown...' Historic England's indication of concern over potential harm to the Conservation Area which although is allayed by the provision of new development permitted adjoining the built up area boundary does however indicate a possible constraint on the amount of development, reflected in the Parish's cautionary approach. The Parish has undertaken its own detailed assessment of the local needs as outlined in pages 11 and 12 of the APNDP. With the addition of the word 'minimum' to the figure of the 34 anticipated dwellings I am satisfied that the Plan will be sufficiently clear and allow for any alterations in the local context, thereby meeting the aims of sustainable development, one of the Basic Conditions tests.

APNDP Policy ALH1 permits sustainable development adjoining and within a development boundary. APNDP therefore has an inbuilt flexibility to accommodate development that takes into account the flexibility sought by Historic England in order to protect the character and appearance of the village's Conservation Area.

Additional representations seek to include additional land within a development land allocation for the APNDP. These sites comprise land at Grange View House and land west of London Road and abutting the meeting hall site to its southern boundary.

Extant MSLP 2004 states a requirement for no further densification of ribbon development to the south east of the village, along the B2118 (para. 15.4). Emerging MSDP Policy DP6 has similar aims where it seeks to permit development within defined built up area boundaries or adjoining an existing settlement edge.

Including Grange View House as a development allocation within the APNDP would be contrary to extant MSLP 2004. Land to the south of the meeting hall has not been allocated as part of the neighbourhood plan process. With the foregoing, I am satisfied that not including this site or indeed other development sites for that matter would not result in the APNDP failing to meet the Basic Conditions when the existing policies are sufficiently flexible to accommodate development in the manner the local community has envisaged without conflict with the aims of the emerging MSDP.

Concern had also been raised over the local gaps designation in APNDP Policy ALC3, particularly 'washing over' development south of the village. Both areas 1 and 2 of this policy between Albourne and Hurstpierpoint and Sayers Common could conceivably be subject to pressure for further development, being between medium to larger settlements and in relatively close proximity. However the area between Albourne and Twineham and appears to incorporate an isolated 'finger' of countryside not bordered by or even relatively close to medium to larger settlements and with no justified purpose provided. This element is therefore removed from the Plan.

Coalescence, although not specifically mentioned in the NPPF, is nevertheless an issue of landscape quality and character which are specifically managed within NPPF. In particular NPPF 97 refers to the cumulative landscape and visual impacts and those landscapes that form the spaces in between such as the areas proposed in APNDP Policy ALC3. NPPF also recognises the ability to withstand climate change that such landscape areas can provide, NPPF 99. NPPF 109 and NPPF 58, bullet point 2 and 3 are particularly concerned with the impact of development on local character. The SEA/SA appraisal finds in favour of this Policy approach, stating it 'would positively respond to the need to protect settlement identity by offering targeted and focused areas to limit development. This would offer environmental protection, whilst not undermining infrastructure and housing provision'. Therefore including such a policy within the APNDP is compatible with the NPPF, subject to modifications to remove the superfluous area to the north-west and remove the word 'only'.

Subject to modifications I am therefore satisfied that sufficient safeguards exist to enable these policies to meet the principles supported in the Plan of landscape protection and housing and business provision, to meet the requirements of 'general conformity' with NPPF and adopted policy as well as the direction of travel of the emerging local plan and accordingly to meet the Basic Conditions.

8. Modifications to the Albourne Parish Council Neighbourhood Development Plan

In terms of supporting text, remove all reference to 'sound' or 'soundness'. This is not a correct test for a neighbourhood plan. The test is whether a neighbourhood plan meets the Basic Conditions, as stated at the beginning of this report. The test of 'soundness' is in regards to a Local Plan and applies a different level of criteria.

Throughout the Plan policies and any supporting text substitute 'permitted' with 'supported'.

For clarity provide a list of policies at the beginning of the document.

Paragraph 2.6 'Policies and aims'. The colour differentiation between the policy – in a green box and 'aims' – in a blue box shall be explained in this section using a colour key that is of a relatively large scale. This will ensure absolute clarity in the public's understanding of the Plan and what is possible under planning legislation via this Neighbourhood Plan and what will be carried out by the Parish Council and other agencies.

Aim: Housing. Modify to include the wording 'a **minimum** of 34'. This will ensure clarity of intent and flexibility so that this aim will lead to sustainable development and not render the presumptions of the APNDP out of date upon adoption of the emerging MSDP.

Pages 11 and 12 include reference to the most up to date HEDNA and OAN and relationship to the APNDP in the supporting text and update the Basic Conditions Statement accordingly.

Policy Countryside – ALC1: Conserving and enhancing character.
Remove the word 'only' and substitute 'permitted' with 'supported'.

Policy Countryside – ALC2: South Downs National Park.

Most of this policy consists of informative statements of other legislation and intent and shall be placed within the supporting text.

Retain Paragraph 4 as a neighbourhood plan policy and substitute 'permitted' with 'supported'.

Policy Countryside – ALC3: Local Gaps and Preventing Coalescence

Modify as follows:

Development will ~~only be permitted~~ supported in the countryside provided that it does not individually or cumulatively result in coalescence and loss of separate identity of neighbouring

settlements or perception thereof; and provided that it does not conflict with other Countryside policies in this Plan.

Development for essential utility infrastructure will be acceptable in exceptional circumstances only where it can be demonstrated that there are no alternative sites suitable and available, and that the benefit outweighs any harm or loss.

Local Gaps between the following settlements define those areas covered by this policy and are shown on Map 9.2, below on Page 24.

**Albourne and Sayers Common;
Albourne and Hurstpierpoint;
~~Albourne and Twineham.~~**

Insert extract from Plan immediately below this policy for ease of reference.

Policy ALC4: Conservation Area

Delete policy and include within supporting text, or as an Aim as such provision is already covered in extant MSLP policy B12 and emerging MSDP policy DP33. The second paragraph of section 3.4 states a wish to review the Conservation Area and include 'in partnership with the District Council and other stakeholders'. Add at the end 'as a part of the ongoing monitoring and review of the plan' as per Historic England's recommendation. This could also usefully be translated into an Aim.

Aim 3.5 Dark Skies Initiative

Such an aim accords with the general thrust of national policy and advice. Artificial light is recognised in PPG as important for improving benefits such as sport and recreation, but also that it is not always necessary and can be a source of annoyance, harmful to wildlife, undermine enjoyment of the countryside or detract from the night sky. It is important that the right light is provided in the right place at the right time. PPG recognises that lighting schemes can be costly and difficult to change and therefore the design and planning stages are important.

The Parish may wish to add to the justification of this Aim, referring to NPPF 125 and NPPG. Further, to add within the Basic Conditions Statement to refer to extant and emerging district wide plan policies, B24, Lighting and DP27: Noise, Air and Light Pollution and emerging SDLP Policy SD 9 that exercise control over this aspect and expecting consideration to be given to any lighting at an early stage of design and Planning.

Policy Housing – ALH1: Housing Development

This policy promotes the general development principles in both existing and emerging district wide plans and usefully sets the scene for the forthcoming housing policies.

Add a new para. 2 to reflect emerging Policy DP6: Settlement Hierarchy and renumber the remained to make four criteria in all, to read:

2. The development is demonstrated to be sustainable, having regard to the settlement hierarchy, and,

Include a Map showing the extent of the Built Up Area Boundary.

POLICY Housing - ALH2:- Proposed Housing Sites

Add 'Albourne – around 2 houses'

Include more detailed map of site immediately below this Policy. Retain general Map in current location on pg 25, or thereabouts.

Policy Employment ALE 1: Albourne Court, High Cross Farm, Jammeson's Farm, Softech House and Sovereign House.

Remove reference to 'aims' as this is unspecific and 'aims' in the context of this plan generally constitute non-planning related items, therefore outside the scope of a planning policy.

POLICY Employment ALE2: Tourism:

The final paragraph of this policy, beginning 'This policy applies...' operates as an informative. It should therefore be moved to sit within supporting/ explanatory text.

Recommendations for amendments to supporting documents:

Strategic Environmental Assessment/ Sustainability Appraisal

Incorporate Historic England's recommendations with this appraisal that highlight the gap in a review of the Conservation Area that should be addressed in the monitoring and review of the plan in the review of baseline data on page 26, title 'Heritage'.

8. Summary and Referendum

In summary, it is my view that the Albourne Parish Council Neighbourhood Plan reflects the views of the community and sets out a clear and deliverable vision for the neighbourhood area.

There are minor Modifications to the Plan. None fundamentally change its content or direction, but are intended to ensure that the Plan meets the Basic Conditions and is a user-friendly document.

Subject to the above, the Albourne Parish Council Neighbourhood Plan 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 of the development plan for the area; does not breach, and is compatible with European Union obligations and the European Convention of Human Rights.

The Albourne Parish Council Neighbourhood Plan meets the Basic Conditions.

Referendum

I am delighted to recommend to Mid Sussex District Council and the South Downs National Park that, subject to the minor modifications proposed, the Albourne Parish Council Neighbourhood Plan should proceed to a Referendum.

Referendum Area

I am required to consider whether the Referendum area should be extended beyond the Albourne Parish Council Neighbourhood Area.

The Neighbourhood Area mirrors the external Parish boundary of the parish. It forms a logical and known boundary. I therefore consider the Neighbourhood Area to be appropriate. No evidence has been submitted to demonstrate that this is not the case.

I recommend that the Plan should proceed to a Referendum based on the Albourne Parish Council Neighbourhood Area as defined by Mid Sussex District Council 9th July 2012 and the South Downs National Park on 13th September 2012.