

Balcombe Parish Neighbourhood Plan 2015-2031

**A report to Mid Sussex District Council on the
Balcombe Parish Neighbourhood Plan**

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Executive Summary

- 1 I was appointed by Mid Sussex District Council in April 2016 to carry out the independent examination of the Balcombe Parish Neighbourhood Plan.
- 2 The examination was undertaken by written representations. I visited the neighbourhood plan area on 9 May 2016.
- 3 The Plan proposes a series of policies and seeks to bring forward positive and sustainable development in the plan area. There is a very clear focus on promoting sustainable development in general and new housing in particular to meet strategic objectives whilst safeguarding the character and appearance of the area. The Plan includes a Design Guide.
- 4 The Plan has been significantly underpinned by community support and engagement. It seeks to achieve sustainable development in the plan area and which reflects the range of social, environmental and economic issues that it has identified.
- 5 Subject to a series of recommended modifications set out in this report I have concluded that the Balcombe Parish Neighbourhood Plan meets all the necessary legal requirements and should proceed to referendum.
- 6 I recommend that the referendum should be held within the neighbourhood plan area.

Andrew Ashcroft
Independent Examiner
18 May 2016

- 1.1 This report sets out the findings of the independent examination of the Balcombe Parish Neighbourhood Plan 2015-2031 (BPNP).
- 1.2 The Plan has been submitted to Mid Sussex District Council (MSDC) by the Balcombe Parish Council in its capacity as the qualifying body responsible for preparing the neighbourhood plan.
- 1.3 Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently embedded in the National Planning Policy Framework in 2012 and which continues to be the principal element of national planning policy.
- 1.4 This report assesses whether the BPNP is legally compliant and meets the Basic Conditions that apply to neighbourhood plans. It also considers the content of the Plan and, where necessary, recommends changes to its policies and supporting text.
- 1.5 This report also provides a recommendation as to whether the BPNP should proceed to referendum. If this is the case and that referendum results in a positive outcome the BPNP would then be used to determine planning applications within the plan area and will sit as part of the wider development plan.

2 The Role of the Independent Examiner

- 2.1 The examiner's role is to ensure that any submitted neighbourhood plan meets the relevant legislative and procedural requirements.
- 2.2 I was appointed by MSDC, with the consent of the Parish Council, to conduct the examination of the Plan and to prepare this report. I am independent of both the MSDC and the Parish Council. I do not have any interest in any land that may be affected by the Plan.
- 2.3 I possess the appropriate qualifications and experience to undertake this role. I am a Director of Andrew Ashcroft Planning Limited. In previous roles I have over 30 years' experience in various local authorities at either Head of Planning or Service Director level. I am a chartered town planner and have significant experience of undertaking other neighbourhood plan examinations and health checks. I am a member of the Royal Town Planning Institute.

Examination Outcomes

- 2.4 In my role as the independent examiner of the Plan I am required to recommend one of the following outcomes of the examination:
- that the BPNP is submitted to a referendum; or
 - that the BPNP should proceed to referendum as modified (based on my recommendations); or
 - that the BPNP does not proceed to referendum on the basis that it does not meet the necessary legal requirements.

The Basic Conditions

- 2.5 As part of this process I must consider whether the submitted BPNP meets the Basic Conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. To comply with the basic conditions, the Plan must:
- have regard to national policies and advice contained in guidance issued by the Secretary of State; and
 - contribute to the achievement of sustainable development; and
 - be in general conformity with the strategic policies of the development plan in the area; and
 - be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations.

I have examined the submitted BPNP against each of these basic conditions, and my conclusions are set out in Sections 6 and 7 of this report. I have made specific comments on the fourth bullet point above in paragraphs 2.6 to 2.10 of this report.

- 2.6 In order to comply with the Basic Condition relating to European obligations MSDC concluded that the Balcombe Parish Neighbourhood Plan would require strategic environmental assessment and also encouraged the Parish Council to undertake a

Sustainability Appraisal (SA). Whilst there is no legal requirement for Neighbourhood Plans to undertake a SA, it is widely recognised that this is a useful way of considering how the Plan contributes to sustainable development. The Steering Group adopted this approach. As the Plan required SEA, an environmental report was then prepared in accordance with regulation 12 of the Environmental Assessment of Plans and Programmes Regulations 2004.

- 2.7 It is very clear that a significant amount of very detailed work has been undertaken on this report. Alternative options have been tested for each policy and the SA/SEA approach has underpinned the production of the neighbourhood plan itself. The assessments show that the most sustainable policy options have been chosen for inclusion in the Neighbourhood Plan. The SEA/SA has taken appropriate account of the High Weald AONB and the four Sites of Nature Conservation Interest in the Plan area. The work identifies the need to balance environmental impacts against social and economic benefits in order to provide for the sustainable growth of Balcombe Parish.
- 2.8 The MSDC has also undertaken a Habitats Regulations Assessment (HRA) screening report on the Plan. This HRA accompanied the Balcombe Parish Neighbourhood Plan produced for Regulation 16 of the Neighbourhood Planning (General) Regulations 2012. The screening assessment found that there would be no likely significant effects on the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC) from the policies included within the Plan. The assessment also comments that a full HRA is not required as the development proposed in the Plan is outside of the 7Km zone of influence and therefore unlikely to have a significant effect on the Ashdown Forest SPA and SAC. The Screening report is exemplary in terms of how it addresses the various issues covered by the Habitat Regulations and assesses the likely effects of the eleven policies in the submitted Plan.
- 2.9 Having reviewed the information provided to me as part of the examination I am satisfied that a thorough, comprehensive and proportionate process has been undertaken in accordance with the various regulations. The various reports set out a robust assessment of the relevant information. None of the statutory consultees have raised any concerns with regard to either neighbourhood plan or to European obligations. In the absence of any evidence to the contrary, I am entirely satisfied that the submitted BPNP is compatible with this aspect of European obligations.
- 2.10 In a similar fashion I am satisfied that the submitted BPNP has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights (ECHR) and that it complies with the Human Rights Act. There is no evidence that has been submitted to me to suggest otherwise. There has been full and adequate opportunity for all interested parties to take part in the preparation of the Plan and to make their comments known. On this basis I conclude that the submitted BPNP does not breach, nor is in any way incompatible with the ECHR.

Other examination matters

- 2.11 In examining the BPNP I am also required to check whether:
- the policies relate to the development and use of land for a designated neighbourhood plan area; and
 - the Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 (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); and
 - the 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.
- 2.12 Having addressed the matters identified in paragraph 2.11 of this report I am satisfied that all of the points have been met subject to the contents of this report.

3 Procedural Matters

- 3.1 In undertaking this examination I have considered the following documents:
- the submitted BPNP.
 - the BPNP Basic Conditions Statement.
 - the BPNP Consultation Statement
 - the BPNP SA/SEA.
 - the BPNP Design Guide.
 - the MSDC Habitats Regulations Assessment Screening report for the BPNP.
 - the representations made to the BPNP.
 - the adopted Mid Sussex Local Plan 2004.
 - the emerging Mid Sussex District Local Plan 2014-2031.
 - the National Planning Policy Framework (March 2012).
 - Planning Practice Guidance (March 2014 and subsequent updates).
 - recent Ministerial Statements (March, May and June 2015).
- 3.2 I carried out an unaccompanied visit to the Plan area on 9 May 2016. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular. My site inspection is covered in more detail in paragraphs 5.9 to 5.16 of this report.

- 3.3 It is a general rule that neighbourhood plan examinations should be held by written representations only. Having considered all the information before me, including the representations made to the submitted plan, I was satisfied that the BPNP could be examined without the need for a public hearing. I advised MSDC of this decision early in the examination process.
- 3.4 The submitted Plan includes a Design Guide. It is an integral part of the Plan. MSDC and the Parish Council requested that I examine the Design Guide alongside the submitted Plan. I am happy to do so. I can see that the Guide was included within the package of documents submitted to MSDC for Regulation 16 consultation and that there was full and appropriate opportunity for all concerned to make comments on this aspect of the Plan. In addition, there is detailed commentary on the role and purpose of the Design Guide on page 29 of the submitted Plan and a direct reference to its contents in Policy 3 (Design).

4 Consultation

Consultation Process

- 4.1 Policies in made neighbourhood plans become the basis for local planning and development control decisions. As such the regulations require neighbourhood plans to be supported and underpinned by public consultation.
- 4.2 In accordance with the Neighbourhood Planning (General) Regulations 2012 the Parish Council has prepared a Consultation Statement. This statement is thorough, comprehensive and professionally-prepared. It follows in the same format and design of the submitted Plan itself. It provides an exemplary level of detail and presentation. It also provides specific details on the consultation process that took place on the draft version of the Plan in June and July 2015. The Statement sets out how the emerging plan took account of the various comments and representations.
- 4.3 Section 4 in general and sections 4.4 to 4.6 in particular also set out details of the wider consultation events that has been carried out as part the evolution of the Plan. Details are provided about:
- the initial phases of community engagement;
 - the use of residents and business questionnaires;
 - evidence gathering;
 - the development of the Plan's vision and objectives;
 - consultation with local landowners; and
 - the two phases of community consultation on policies and housing sites
- 4.4 The Consultation Statement provides very useful information about the methods of community engagement. In addition to the regular parish council meetings the community was also engaged through regular updates in the Balcombe Parish magazine and a range of consultation events.

- 4.5 It is clear to me that consultation has fundamentally underpinned the Plan's production. Advice on the neighbourhood planning process has been made available to the community in a positive and direct way by those responsible for the Plan's preparation. Consultation and feedback has been at the heart of the Plan throughout the various stages of its production.
- 4.6 The positive approach that was taken in responding to the earlier comments is reflected in the limited number of representations received to the submitted plan (see 4.8 below) and their generally positive nature.
- 4.7 From all the evidence provided to me as part of the examination, I can see that the BPNP has promoted an inclusive and comprehensive approach to seeking the opinions of all concerned throughout the process. The MSDC has carried out its own assessment that the consultation process has complied with the requirements of the Regulations.

Representations Received

- 4.8 Consultation on the submitted plan was undertaken by the District Council for a six-week period and which ended on 7 April 2016. This exercise generated comments from the following persons or organisations:
- Natural England
 - West Sussex County Council
 - Southern Water
 - Gatwick Airport Limited
 - The Environment Agency
 - Historic England
 - Sport England
 - Highways England

5 The Plan Area and the Development Plan Context

The Plan Area

- 5.1 The Plan area covers the whole of the parish of Balcombe. It was designated as a neighbourhood area on 9 July 2012.
- 5.2 The Plan area is located within the Mid Sussex District. It sits within the High Weald Area of Outstanding Natural Beauty. The Plan area is located approximately five miles to the north of Haywards Heath. London Road (B2036) and Haywards Heath Road run through the Plan area and meet in the village centre. The Southern Railways main line from London to Brighton runs through the Plan area in a north-south direction

- 5.3 The Plan area is dominated by the High Weald AONB. The village itself sits comfortably within the surrounding rolling countryside. It displays an interesting range of buildings of different ages and sizes. It has strong associations in building design, type and design to its estate heritage. The village has a compact heart and in which its various retail and community facilities are located. The urban form of the village is otherwise set within the context provided by the two main roads and the more recent houses built with access to and from these roads.

Development Plan Context

- 5.4 The development plan covering the neighbourhood plan area is the Mid Sussex Local Plan and which was adopted in 2004. Most of the policies in that Plan have been saved. The Basic Conditions Statement has very helpfully listed the policies in both the adopted Local Plan and in the Pre-Submission Draft District Plan with which the BPNP is considered to be consistent.
- 5.5 Work is now underway on the preparation of the Mid Sussex District Plan. This was first submitted to the Secretary of State in July 2013 and was withdrawn following the initial hearing in November 2013. Consultation on a revised pre-submission Plan took place between June and July 2015.
- 5.6 The Focused Amendments to the Pre-Submission Draft District Plan were approved for consultation in November 2015. The consultation started on 19 November 2015 and closed on the 15 January 2016. The timetable for the Plan anticipates its submission for examination in Spring 2016.
- 5.7 The emerging Mid Sussex District Plan would potentially have provided a much more up to date context for the BPNP than the 2004 Local Plan, which was prepared long before current national policy guidance. However, the legislation requires that the neighbourhood plan be in general conformity with the strategic policies of the development plan for the area. This is the 2004 Local Plan. The emerging District Plan does not yet have development plan status.
- 5.8 On the key issue of future housing provision, the emerging District Plan has more weight than might otherwise apply because as currently drafted the District Plan proposes to rely partly on neighbourhood plans to make provision for sufficient sites for housing development. It has been on this basis that the suite of housing allocations in the BPNP have emerged.

Site Visit

- 5.9 I carried out an unaccompanied visit to the Plan area on 9 May 2016. I parked by the Scout Hut and then walked into the village along Haywards Heath Road. I looked at the proposed housing site at Balcombe House Gardens and Rectory Gardens. I saw the various trees and vegetation and its relationship to the village centre.
- 5.10 I continued my visit by walking around the village centre and looking at the proposed village centre boundary. I saw the interesting and varied range of commercial and

community facilities. It was clear that the Victory Hall was in full and active use at the heart of the community. I continued walking along Haywards Heath Road towards the secondary village centre. In doing so I saw the oak tree that was planted in 1989 to complement older and more established trees in the immediate locality. Its growth in the last 27 years would indicate that it was well-planted at that time.

- 5.12 I then spent some time looking at the proposed housing allocation at Barn Field. I paid particular attention to its position in the landscape and to the proposed access arrangements.
- 5.13 I then walked along Oldlands Avenue towards the railway station. I was able to see the change in character of this part of the village from its traditional core. I saw the series of private drives running to the north off the Avenue.
- 5.14 I then continued my visit by looking at the railway station, the housing allocation on land north of Station House and the proposed station car park extension.
- 5.15 At various points during my visit I looked at the range of local green spaces identified in the submitted Plan.
- 5.16 In order to get a full impression of the Plan area I drove to the south along Hayward Heath Road up to the iconic railway viaduct over the River Ouse, and to the north along London Road.

6 The Neighbourhood Plan as a whole

- 6.1 This section of the report deals with the submitted neighbourhood plan as a whole and the extent to which it meets the basic conditions. The submitted Basic Conditions Statement has helped considerably in the preparation of this section of the report. It is a well-presented, informative and very professional document. It follows other submission documents in terms of its design, format and presentation.
- 6.2 The Plan needs to meet all the basic conditions to proceed to referendum. This section provides an overview of the extent to which the Plan meets three of the four basic conditions. Paragraphs 2.6 to 2.10 of this report have already addressed the issue of conformity with European Union legislation.

- 6.3 The key elements of national policy relating to planning matters are set out in the National Planning Policy Framework (NPPF) issued in March 2012.
- 6.4 The NPPF sets out a range of core land-use planning principles to underpin both plan-making and decision-taking. The following are of particular relevance to the Balcombe Neighbourhood Plan:
- a plan led system– in this case the relationship between the neighbourhood plan and the adopted Local Plan.
 - recognising the intrinsic character and beauty of the countryside and supporting thriving local communities.
 - proactively driving and supporting economic development to deliver homes, businesses and industrial units and infrastructure.
 - actively managing patterns of growth to make the fullest possible use of public transport, walking and cycling.
 - taking account of and supporting local strategies to improve health, social and cultural well-being.
- 6.5 Neighbourhood plans sit within this wider context both generally, and within the more specific presumption in favour of sustainable development, which is identified as a golden thread running through the planning system. Paragraph 16 of the NPPF indicates that neighbourhoods should both develop plans that support the strategic needs set out in local plans and plan positively to support local development that is outside the strategic elements of the development plan.
- 6.6 In addition to the NPPF I have also taken account of other elements of national planning policy including Planning Practice Guidance and the ministerial statements of March, May and June 2015.
- 6.7 Having considered all the evidence and representations available as part of the examination I am satisfied that the submitted Plan has had regard to national planning policies and guidance in general terms. It sets out a positive vision for the future of the plan area and promotes sustainable growth. At its heart are a suite of policies that aim to bring forward sensitive and appropriately-located housing sites and safeguard the rich built and natural heritage in the Plan area. Table A of the Basic Conditions Statement is particularly effective in terms of mapping Plan policies with the appropriate paragraphs in the NPPF
- 6.8 At a more practical level the NPPF indicates that plans should provide a clear framework within which decisions on planning applications can be made and that they should give a clear indication of how a decision-maker should react to a development proposal (paragraphs 17 and 154). This was reinforced with the publication of Planning Practice Guidance in March 2014. Its paragraph 41 (41-041-20140306) indicates that policies in neighbourhood plans should be drafted with sufficient clarity so that a decision-maker can apply them consistently and with confidence when determining planning applications. Policies should also be concise, precise and supported by appropriate evidence.

- 6.9 As submitted the Plan does not fully accord with this range of practical issues. The majority of my recommended modifications in Section 7 relate to matters of clarity and precision. They are designed to ensure that the Plan fully accords with national policy.

Contributing to sustainable development

- 6.10 There are clear overlaps between national policy and the contribution that the submitted Plan makes to achieving sustainable development. Sustainable development has three principal dimensions – economic, social and environmental. It is clear to me that the submitted Plan has set out to achieve sustainable development in the Plan area. In the economic dimension the Plan includes policies to promote new residential development, to promote the development of employment uses at Glebe Farm and home working and new commercial development in the village centre. In the social role it includes policies to promote affordable housing, to identify local green spaces and to facilitate new station car parking. In the environmental dimension the Plan positively seeks to protect the natural, built and historic environment of the parish. In particular, it includes a positive and well-crafted Design Guide.

General conformity with the strategic policies in the development plan

- 6.11 I have already commented in detail on the development plan context in the wider Mid Sussex District Council area in paragraphs 5.4 to 5.8 of this report.
- 6.12 I consider that the submitted BPNP delivers a local dimension to this strategic context and supplements the detail already included in the adopted Local Plan. Table B of the Basic Conditions Statement helpfully relates the Plan's policies to policies in the 2004 Local Plan. I am satisfied that the BPNP is in general conformity with the strategic policies in the development plan.

7 The Neighbourhood Plan policies

- 7.1 This section of the report comments on the range of policies in the Plan. In particular, it makes a series of recommended modifications to ensure that the various policies have the necessary precision to meet the basic conditions.
- 7.2 My recommendations focus on the policies themselves given that the basic conditions relate primarily to this aspect of neighbourhood plans. In some cases, I have also recommended changes to the associated supporting text.
- 7.3 I am satisfied that the content and the form of the Plan is fit for purpose. It is thorough and distinctive to the Plan area. Other than to ensure compliance with national guidance I do not propose that major elements of the Plan are removed or

that new sections are included. The wider community and the Parish Council have spent considerable time and energy in identifying the issues and objectives that they wish to be included in their Plan. This gets to the heart of the localism agenda.

- 7.4 The Plan is commendable to the extent that it includes only land use policies. This approach directly reflects Planning Practice Guidance (41-004-20140306) which indicates that neighbourhood plans must address the development and use of land.
- 7.5 I have addressed the policies in the order that they appear in the submitted plan. In some cases, there are overlaps between the different policies and between a policy and the contents of the Design Guide.
- 7.6 For clarity this section of the report comments on all policies whether or not I have recommended modifications to ensure that the Plan meets the basic conditions.
- 7.7 Where modifications are recommended to policies they are highlighted in bold print. Any associated or free-standing changes to the text of the Plan are set out in italic print.

Sections 1 to 4 of the Plan

- 7.8 These introductory elements of the Plan set the scene for its range of policies. They do so in a concise and proportionate way. The Plan is well-presented and arranged and is supported by well-chosen photographs and diagrams. The photographs add value and depth to the text in these sections of the Plan. There are particularly helpful and informative text boxes that address issues such as the purpose of neighbourhood plans and the relationship between the submitted plan and the development plan and national planning policy.
- 7.9 The Introduction to the Plan provides a very clear context to the role and purpose of neighbourhood planning and to the designation of the neighbourhood planning area. It also sets out a good summary of the various elements of legislation that have affected the production of the Plan. Section 2 sets out a parish profile. It provides a healthy mix of factual information and community views. In relation to the latter there are several useful photographs that give a flavour of the community consultation events. Section 3 sets out some useful background information of Mid Sussex Local Plan 2004 and the emerging Mid Sussex District Plan. It also provides helpful information on both the High Weald AONB and the Ashdown Forest Special Area of Conservation and Special Protection Area. Both of these designations have impacts on the policies in the Plan. Section 4 sets out the Vision and Objectives for the Plan.
- 7.10 These introductory sections demonstrate that the BPNP has been prepared and submitted in a professional way. The policies have been developed in an iterative fashion and are the outcome of proper research and an assessment of available information.

Policies in General

- 7.11 The plan includes eleven land use policies. The presentation of the Plan makes a clear contrast between the policies themselves and the supporting text. This will

ensure that decision-makers have clarity on the policies in the BPNP. In appropriate circumstances the policies are criteria-based. The adoption of this approach will provide useful long term clarity for decision makers, local residents and land owners and investors alike.

Policy 1: Built Up Area Boundary

- 7.12 This policy sets out to focus new development within the identified built up area. In doing so it seeks to apply national and local planning policies. Its approach is carefully crafted. It allows for the residential developments proposed in the Plan to come forward by revising the boundary established in Policy C1 of the 2004 Local Plan. This decision has been taken in the absence of any available and developable infill land within the village.
- 7.13 The approach adopted in the policy is appropriate. In order to meet the basic conditions, the revised built up area boundary needs to be shown on the Policies Map

Recommended modification:

Include revised built up area boundary on Policies Map

Policy 2: Housing Site Allocations

- 7.14 This policy lies at the heart of the submitted Plan. It proposes the allocation of three sites for residential development. The Plan anticipates that the three sites will collectively deliver approximately 42 dwellings. The sites are set out in the policy itself. There is then a more detailed analysis of each site in the supporting text. This supporting text includes useful site location maps for each of the three sites. I will assess each site against the basic conditions.
- 7.15 The first proposed housing allocation is land at Balcombe House Gardens and Rectory Gardens on Haywards Heath. The policy proposes the development of a mix of 1/2/3 bedroom dwellings on the site. The policy sets out four criteria that any development of the site would need to meet. The first is the provision of a public car park within the site. Supporting text indicates that this is intended for users of the adjacent village centre. I am satisfied that this approach meets the basic conditions in general, and promotes sustainable development in particular. I note that it has not attracted any representation from the landowner. There are however elements of the criterion that are more supporting text than policy and these are reflected in my recommended modification to this policy below
- 7.16 The second criterion requires the retention and improvement of the existing tree-lined frontage of the site. This meets the basic conditions. I have read the representation made on this site by Natural England. Having seen the site on my visit to the Plan area I am satisfied that the Plan has included the necessary controls over its development.

- 7.17 The third criterion requires that development proposals demonstrate that they will address the proximity of Balcombe House and the Balcombe Conservation Area. This approach meets the basic conditions
- 7.18 The fourth criterion seeks to provide for the potential re-siting of a new rectory on another site if required. This approach does not meet the basic conditions due to its applicability to another site and the lack of precision about its need and timing. I recommend that this criterion is deleted and that the suggested approach is captured in supporting text. In effect any such planning application would need to be considered on its merits and in accordance with local plan and neighbourhood plan policies in operation at that time.
- 7.19 The second proposed residential allocation is on land at Barn Field off Haywards Heath Road and to the south and east of the village. The policy proposes the development of a mix of 2/3/4 bedroom dwellings on the site. The policy requires that the scheme delivers traffic calming measures to Haywards Heath Road.
- 7.20 I am satisfied that this proposed allocation is appropriate. Paragraphs 5.17-5.19 set out the community's thinking on its development. The Plan properly addresses the landscape issues that need to be tackled in a sensitive development of this site on the edge of the village.
- 7.21 I looked at the accessibility to the site on my visit and also addressed the representations made to this allocation by the West Sussex County Council in its capacity as the highways authority. I saw that there was good visibility from the existing vehicular access into the site and that there was already a speed indicator device in this section of Haywards Heath Road. The County Council representation comments that the need or otherwise for traffic calming measures would be dependent on the outcomes of design investigations, consultations and safety audits. In the absence of any detailed information or evidence in the submitted Plan on either the need for, or the specification of traffic calming measures, I recommend that this aspect of the Barn Field part of Policy 2 in the submitted Plan is deleted. Nonetheless the potential for the need for off-site traffic calming remains and I recommend that the matter is addressed in supporting text.
- 7.22 Having looked at the site in detail it is clear that there are traffic movement issues to be addressed both in general, and to ensure conformity with adopted local plan policies. On this basis I recommend the inclusion of a new criterion that requires the formation of a satisfactory vehicular and pedestrian access into the site.
- 7.23 The third proposed residential allocation is on land to the north of Station House on London Road. The policy proposes the development of a mix of 1/2/3 bedroom houses and flats.
- 7.24 I am satisfied that this proposed housing site is appropriate. It makes good use of land currently used for car storage and is well-related to the railway station. Paragraphs 5.20 – 5.23 provide additional detail on the proposed development.

- 7.25 Paragraph 5.23 provides helpful detail on the intended access arrangements and which I saw on my visit to the site. It correctly addresses the issue of the existing access to Springfield House on the opposite side of London Road. Given this factor, and the significantly different levels across the site it would be appropriate to include a criterion requiring the formation of a satisfactory vehicular and pedestrian access into the site.
- 7.26 Natural England have made representations about the potential impact of the loss of Priority Habitat Woodland as a result of the development of this site. This is an important point and which relates directly to paragraph 118 of the NPPF. On this basis I recommend the inclusion of a second criterion for the development of this site to address this matter.

Recommended Modifications:

Balcombe House Gardens/Rectory Gardens

Modify criterion a) to read:

The provision of a public car park of 10 spaces

Include an addition sentence at the end of paragraph 5.14 to read:

The new car park should be transferred to either Mid Sussex District Council or to the Parish Council for ongoing management and operation.

Delete criterion d)

Replace the supporting text at paragraph 5.16 of the submitted Plan with:

Part of the site is currently occupied by the rectory. In the event that a new rectory is required in order to facilitate the development of the site land at Church Woods South would be appropriate for this purpose. Any planning application would be considered on its merits.

Barn Field

Delete 'provided the highways authority' from the policy

Insert a new second part of the policy to read:

'...provided the scheme provides a satisfactory vehicular and pedestrian access into the site'.

Modify paragraph 5.18 to read:

A small scheme of approximately 14 dwellings on 0.5 ha of the site will mitigate this impact. Policy 2 requires any planning application to provide a satisfactory vehicular and pedestrian access into the site. Based on the outcomes of design investigations,

consultations and safety audits planning applications on the site may need to contribute to identified traffic calming on Haywards Heath Road.

Land north of Station House

Modify policy by the insertion of the following at the end of that part of the policy:

‘.....provided that the scheme includes a satisfactory vehicular and pedestrian access into the site and detailed proposals for the retention of mature trees on the site and for the recreation of any habitat that would be lost in order to create vehicular and pedestrian access into the site’.

Policy 3: Design

- 7.27 This policy is an imaginative and positive response to the character and appearance of the Plan area. As paragraph 5.24 comments its intention is to ensure that all development proposals deliver high quality outcomes that reflect the distinct character of Balcombe and its location within the High Weald AONB. It also provides the context for the application of the Design Guide. The associated text box comments that the Design Guide defines the specific characteristics applying to particular parts of the village, including the conservation area. It also sets out to inform the design and preparation of planning applications and their consideration by MSDC.
- 7.28 The policy addresses a variety of issues. The first part provides a local interpretation of national planning policy in respect of the High Weald AONB and the Balcombe Conservation Area. It meets the basic conditions.
- 7.29 The second part of the policy addresses the overlap between the Design Guide and the scale and type of residential accommodation to come forward in the Plan period. There is a clear relationship to the evidence collected as part of the preparation of the Plan. The fifth criterion in this part of the policy indicates that new residential and commercial development will only be permitted if sufficient infrastructure is available or can be provided in time to serve it. The relationship of development and infrastructure is clearly an important planning matter. However as drafted in the submission plan this criterion provides no real guidance to a developer of the scale of infrastructure required or the timing of its delivery. These matters are reflected in my proposed modifications to this policy.
- 7.30 The third part of the policy provides support to proposals for the change of use or conversion of historic buildings within the settlement boundary for housing purposes. The approach is entirely appropriate and along with the allocated housing sites will assist in boosting the delivery of new housing in the Plan area in accordance with the NPPF. However as drafted this part of the policy is unclear in terms of its distinction between listed and non-listed buildings. I reflect this lack of clarity in my recommended modifications to this policy

Recommended modification

Modify criterion v. of the second part of the policy to read:

'New residential and commercial development will be permitted where there is sufficient infrastructure capacity currently available or where the necessary capacity can be provided to an agreed timetable'.

Modify the third element of the policy as follows:

Replace 'historic' in the first line with 'listed'

Delete 'that are intended to provide a viable future use of the structures'

Insert the following at the end of paragraph 5.26:

'The third part of policy 3 sets out to provide a positive context for the conversion of listed and other historic buildings into residential use within the settlement boundary. Proposals will be expected to provide a viable long-term future use for the buildings concerned.'

Policy 4: Enterprise, Home Working and Broadband

- 7.31 This policy fulfils three overlapping roles. In the first instance it allocates land at Glebe Farm for B1-B8 uses. In the second instance it provides a positive context for home working proposals within the built up area boundary. In the third instance it provides support for the installation of telecommunications infrastructure to provide access to super-fast broadband. These related proposals sit at the heart of the plan's contribution to the promotion of the economic dimension of sustainable development
- 7.32 The first element of the policy meets the basic conditions
- 7.33 The second element of the policy also meets the basic conditions with a minor modification to its wording to clarify the criteria against which development proposals will be assessed. This is reflected in my recommended modifications below
- 7.34 The third element of the policy meets the basic conditions

Recommended modification:

In the second element of the policy replace 'or other such matters' with 'or other general disturbance'.

Policy 5: Balcombe Village Centre

- 7.34 This policy defines the Balcombe Village Centre. It sets out policy guidance to protect village centre uses and to support the introduction of new village centre uses either by changes of use or by the development of land. A secondary village centre is also identified at the junction of Mill Lane and Haywards Heath Road. I saw both of these areas on my visit to the Plan area. The policy is actively supported by Historic England.
- 7.35 Paragraph 5.33 sets out the Plan's definition of village centre uses and which are entirely appropriate. However, the policy would have the necessary clarity if it provided a direct link to this definition. I reflect this in my recommended modifications below.

- 7.36 The element of the policy that refers to the protection of village centre uses requires a degree of modification to meet the basic conditions. In the second criterion a word is missing. In the third criterion the wording does not require the submission of the viability assurances sought by the Plan writers. In any event that information could be provided in a general way rather than necessarily within a viability assessment as such. I reflect these matters in my recommended modifications below

Recommended modifications

In first part of the policy:

Insert '(as identified in paragraph 5.33 of this Plan)' between 'uses' and 'will'

Insert 'made' between 'been' and 'to' in criterion ii.

Replace criterion iii with 'it can be demonstrated that there is no reasonable prospect of the unit becoming commercially viable'

Policy 6: Balcombe CE Primary School

- 7.37 The Policy sets a positive context for the extension of the Balcombe CE Primary School.
- 7.38 The West Sussex County Council has made representations to the Plan indicating that it is not aware of any evidence that the Plan's requirement for traffic calming facilities should be made a requirement of a school extension scheme. In the absence of any evidence to the contrary I reflect this point in my recommended modifications and which remove any direct reference to any specific proposals. Plainly these can be addressed at the time of the consideration of any planning application. I can also see that the community's schedule of infrastructure projects that will be funded through the Community Infrastructure Levy includes proposals for traffic calming measures in the vicinity of the school

Recommended modification:

Replace criterion ii with 'the scheme will deliver any necessary infrastructure that arises directly from its development'

Policy 7: Community Facilities

- 7.39 This policy provides a supporting context for proposals that would improve the viability of identified community buildings and facilities
- 7.40 It is a well-crafted and thoughtfully designed policy that meets the basic conditions.

Policy 8: Local Green Spaces

- 7.41 This policy identifies and safeguards ten areas within the Plan area as Local Green Spaces. The identification of each site is addressed in a Local Green Spaces study. That exercise has been undertaken in an efficient and proportionate way.

- 7.42 I looked at the various sites as part of my visit to the area. In turn they comply with the guidance on this matter in the NPPF. The policy meets the basic conditions.
- 7.43 The various sites are readily identifiable on the Policies Map. Long-term clarity would be provided to all concerned if the key on this map explicitly referred to local green spaces (policy 8) rather than to existing recreational/green spaces and proposed green spaces

Modify policies map and its key to make specific reference to Local Green Spaces

Policy 9: Burial Ground Extension

- 7.44 This policy allocates land off London Road for the provision of additional burial ground. It sets out appropriate criteria with regards to access arrangements and to avoid significant detrimental effect on the High Weald AONB
- 7.45 The policy meets the basic conditions.

Policy 10: Station Car Parking

- 7.46 This policy allocates land off London Road to provide additional car parking spaces for the railway station
- 7.47 The implementation of this allocation will contribute towards sustainable development in the Plan area. It meets the basic conditions

Policy 11: Renewable Energy

- 7.48 This policy establishes support for proposals for domestic and community-scale renewable energy development proposals. The policy properly provides appropriate safeguards for the High Weald AONB. It also provides appropriate safeguarding for aircraft movements to and from Gatwick Airport. The supporting text and the text box on page 35 also provides interesting information on REPOWER Balcombe.
- 7.49 The policy meets the basic conditions

Design Guide

- 7.50 A Design Guide (DG) lies at the heart of the Plan in general and its policy 3 in particular. I will examine it as part of the wider Plan. Plainly it performs a different role to that of the main body of the Plan. Nevertheless, I will assess it against the same principles that I have applied to the Plan itself and to national policy, to the development plan and to the promotion of sustainable development in particular.
- 7.51 The DG is an interesting and comprehensive document. It follows the same layout as the Plan itself. Given its focus it has taken the opportunity to include a wide range of photographs, maps and other illustrations. It also properly reflects the nature of the

neighbourhood plan area in addressing issues such as the conversion of existing buildings, the use of materials, boundary treatment and parking and sustainability issues. The use of the Toolkit approach is particularly helpful and imaginative. I saw several of the housing typologies on my visit to the Plan area.

- 7.52 A brief history of Balcombe is followed by an analysis of the architecture and pattern of existing development. This context usefully sets the scene for the various design principles set out in the bulk of the DG.
- 7.53 Having read the DG and assessed its relationship to the submitted neighbourhood plan I am satisfied that in general terms it meets the tests that I have set out above. The DG reflects key elements of national policy as set out in the NPPF. In particular, it is an excellent example of a community producing the type of detailed guidance as envisaged by paragraphs 58 and 59 of the NPPF. It is also clear that the DG has followed the principles captured in paragraph 59 of the NPPF. It avoids unnecessary prescription and concentrates on setting out general principles for new development and how it should relate to neighbouring buildings and the local area more generally. In a similar fashion the DG conforms to the approach in the adopted the Local Plan. It provides the specific type of guidance that will add local value to policies B1/H2/H3/H4 of the 2004 Local Plan. Its approach is to encourage development to come forward that respects, enhances and celebrates the built and natural environment in the Plan area.
- 7.54 There are two aspects of the DG that lack the clarity required by the NPPF. In one case, the proposed design principles would sit better as supporting text rather than as a design principle. They translate into recommended modifications at the end of this paragraph:

Village Centre (p.11)

The DG properly identifies the character of the village centre and its impacts on traffic, privacy and density. Plainly there will be design and architectural challenges to be addressed in incorporating new development into this part of the Plan area. However as set out in the draft DG the first element of the village centre guidance lacks the appropriate clarity required by the NPPF. It indicates that development likely to increase parking on carriageways will not be supported. In effect the principle is seeking to control development by virtue of its potential indirect effects (parking on carriageways) rather than addressing the heart of the matter (in this case the provision of adequate car parking for the development concerned).

Materials (p.14)

The design principle that facing materials should be approved prior to construction is a statement of fact/element of supporting text rather than a design principle. Looking at the supporting text the design principle is that the materials should pay heed to and respect the existing palette of materials. I reflect these issues as recommended modifications below:

Recommended modifications:

Village Centre (p.11) – First design principle

Modify to read:

‘Any development in the village centre should provide the appropriate number of car parking spaces to meet car parking standards in force at that time and consistent with the need to preserve or enhance the character of the conservation area. Developments that would demonstrably add to vehicle congestion and generate conflict between people and vehicles will not be supported’.

Materials (p.14) – First part

Modify to read:

‘Main facing materials on new development, conversions and extensions should pay heed to and respect the existing palette of building materials. Where appropriate building materials on new development should incorporate typical local materials.’

Include the following sentence at the end of the third paragraph of supporting text:

‘Main facing materials should be a fundamental part of the design and approval of any planning application. Details should be approved either as part of the processing of planning applications or by the discharge of conditions before development commences.’

8 Summary and Conclusions

Summary

- 8.1 The BPNP sets out a range of policies to guide and direct development proposals in the period up to 2031. It is thorough and distinctive in addressing a specific set of issues that have been identified and refined by the wider community. It is positively prepared and includes a range of housing allocations. It is accompanied by an innovative and well-researched Design Guide
- 8.2 Following my independent examination of the Plan I have concluded that the Balcombe Parish Neighbourhood Plan meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications.

- 8.3 This report has recommended a range of modifications to the policies in the Plan. Nevertheless, it remains fundamentally unchanged in its role and purpose.

Conclusion

- 8.4 On the basis of the findings in this report I recommend to the Mid Sussex District Council that subject to the incorporation of the modifications set out in this report that the Balcombe Parish Neighbourhood Plan should proceed to referendum.

Referendum Area

- 8.5 I am required to consider whether the referendum area should be extended beyond the Plan area. In my view the neighbourhood area is entirely appropriate for this purpose and no evidence has been submitted to suggest that this is not the case. I therefore recommend that the Plan should proceed to referendum based on the neighbourhood area as approved by the Mid Sussex District Council on 9 July 2012.
- 8.6 It is very clear to me that a huge amount of hard work and dedication has been put into the preparation of this Plan. Those volunteers and parish councillors who have brought the Plan to this stage have achieved a huge amount and in a relatively short period. This achievement is all the more remarkable given the complicated development plan context within which the Plan has been prepared. The Design Guide will assist in ensuring that new development in the Plan period properly reflects the rich heritage and landscape setting of the neighbourhood area.

Andrew Ashcroft
Independent Examiner
18 May 2016