

# **Loxwood Neighbourhood Plan 2013 to 2029**

**Report by Independent Examiner**

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**CHEC Planning Ltd**

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## Introduction

1. I was appointed as an independent Examiner for the Loxwood Neighbourhood Plan 2013 to 2029 in March 2014.
2. On 8 March 2013, Chichester District Council (CDC) approved that the Loxwood Neighbourhood Area be designated in accordance with the Neighbourhood Planning (General) Regulations 2012. The Area covers the whole of the parish of Loxwood.
3. The qualifying body is Loxwood Parish Council. The plan has been prepared by a Steering Group of parish councillors and local residents on behalf of Loxwood Parish Council. The plan covers the period to 2029.

## Legislative Background

4. As an independent Examiner, I am required to determine, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, whether:
  - the policies in the Plan 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;
  - the Plan meets the requirements of Section 38B of the 2004 PCPA where 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
  - that the Plan has been prepared for an area that has been designated under the Localism Act 2011 and has been developed and submitted for examination by a qualifying body.
5. Subject to the modifications I have recommended in this report, I am content that these requirements have been satisfied.
6. I am obliged to determine whether the plan complies with the Basic Conditions. These are that the Plan is required to:
  - have regard to national policies and advice contained in guidance issued by the Secretary of State;
  - contribute to the achievement of sustainable development;
  - be in general conformity with the strategic policies contained in the Development Plan for the area; and
  - not breach, and is otherwise compatible with, EU obligations and human rights requirements.

7. CDC has confirmed that it does not consider that the Plan would trigger the need for a full Strategic Environmental Assessment, Sustainability Appraisal or Habitat Regulations Assessment.
8. I am satisfied that the Plan, subject to my recommendations, is compatible with EU obligations and does not breach the European Convention on Human Rights obligations.

## Policy Background

9. *The National Planning Policy Framework 2012 (NPPF)* sets out the Government's planning policies for England and how these are expected to be applied.
10. Prior to my examination of the Plan, the Government published the *Planning Practice Guidance*. Having regard to the issues addressed in the Plan, the evidence base and the representations submitted, I am satisfied that no party's interests will be prejudiced by my judging the Plan and representations against the *Planning Practice Guidance*.
11. Loxwood Parish is within the local authority area of Chichester District Council (CDC). The development plan for the Loxwood Neighbourhood Plan Area comprises saved policies from the *Chichester District Local Plan First Review* (adopted in April 1999). This Local Plan includes saved strategic policies regarding the natural environment.
12. CDC has recognised that it has a five-year housing land supply shortfall. To address this issue, the Council has produced an *Interim Policy Statement on Housing - Facilitating Appropriate Development (2012)*.
13. I have been referred to CDC's Interim Policy Statements on *Planning for Affordable Housing (2007)* and on *Planning and Climate Change (2012)*.
14. CDC published the *Chichester Local Plan: Key Policies Pre-submission 2014-2029* in November 2013. This Local Plan and the Loxwood Neighbourhood Plan have been advancing in parallel. There is no legal requirement to test the Neighbourhood Plan against emerging policy.

## The Neighbourhood Plan Preparation

15. I am required under The Localism Act 2011 to check the consultation process that has led to the production of the plan. The requirements are set out in Regulation 14 in The Neighbourhood Planning (General) Regulations 2012.
16. The consultation process started with regard to the production of a Community Led Plan. Much of the data collected was used to form the evidence base when this process was switched to a Neighbourhood Plan.

17. The views of local residents were initially sought via a variety of exercises including three workshops run with the help of The Glass House, open days, and a survey questionnaire. Additional support was received from Action in Rural Sussex, Locality and URS.
18. The Consultation period on the pre-submission draft Neighbourhood Plan ran from 4 November 2013 until 15 December 2013. The document was made available on the village web site and 200 hard copies were produced. These were made available at the village post office, butchers and the two pubs in the parish. Copies were also emailed to the statutory stakeholders. A flyer was sent to all households in the parish advertising the consultation. The consultation was advertised in the local village and community publications as well as local news media. Responses could be sent in by email or letter. Two consultation open days were held. 17 display boards were erected around the parish advertising the open days. At these events, residents were encouraged to provide comments on a pre-printed form. A summary of all comments was prepared together with an analysis of comments and proposed changes to the plan arising from these comments.
19. I am satisfied that the pre-submission consultation and publicity has met the requirements of Regulation 14 in The Neighbourhood Planning (General) Regulations 2012. It went well beyond the requirements and it is clear that the Steering Group went to considerable lengths to ensure that local residents were able to engage in the production of the Neighbourhood Plan. I congratulate them on their efforts.
20. CDC publicised the submission Plan for comment during the publicity period between 17 January 2014 and 28 February 2014 in line with Regulation 16 in The Neighbourhood Planning (General) Regulations 2012. A total of 72 responses were received, of which a number of local residents supported the plan in its entirety. I am satisfied that all these responses can be assessed without the need for a public hearing.
21. Some responses suggested additions and amendments to policies. My remit is to determine whether the Plan meets the Basic Conditions. Where I find that policies do meet the Basic Conditions, it is not necessary for me to consider if further suggested additions or amendments are required. Whilst I have not made reference to all the responses in my report, I have taken them into consideration.

## **The Loxwood Neighbourhood Plan 2013 to 2029**

22. Loxwood Parish is made up of the village of Loxwood together with the hamlets of Alfold Bars to the North and Roundstreet Common to the South.
23. The Plan defines a clear vision statement for the parish as follows: *To maintain Loxwood as a semi-rural parish, yet one which welcomes incremental change that will sustain and enhance its facilities and character and contribute to a greater sense of community and neighbourliness.*

24. It is clearly stated that the objectives identified for the plan period will be used to define the Plan policies. These objectives are written in a general, rather than site specific or policy detail specific, form. Sections 6 - 16 provide a context for the Plan area.
25. In paragraph 14.3 reference is made to the possible need for a sustainability assessment. Paragraph 15.4 refers to the need for Habitat Regulation Assessments. CDC has confirmed that neither assessment is required.
26. Section 16 refers to Equality Impact Assessments. Under this section, paragraph 16.3 refers to applications providing such assessments to the Parish Council. Such an assessment is not the same as the completion of an Equalities Monitoring Form submitted with planning applications. Paragraph 16.3 is not policy and there is no such mechanism for the Equalities Impact Assessment requirement.
27. **Recommendation: modification to paragraph 14.3 by deleting reference to a sustainability assessment. Re-title section 15. This can be 'The Natural Environment'. Delete paragraph 15.4. Section 16 to be re - titled 'Equality'. Delete paragraph 16.3.**

## **Policies**

### **Housing Allocation policy**

#### **Policy 1**

28. There is not an up-to-date strategic policy against which to assess the overall housing figures. Draft Policy 5 in the emerging Local Plan states an indicative figure of 60 dwellings for Loxwood Parish during the period 2012-2029. I realise that this figure may be subject to alteration through the Local Plan Examination. It is not for me to pre-judge the outcome of that Examination. I understand that the indicative figure of 60 dwellings has been derived following assessment of the housing potential and capacity of each Parish. From the evidence before me, I consider the indicative housing figure provides me with the best guidance on total housing numbers for the Loxwood Parish area.
29. I recommend that the reference to 60 dwellings in Policy 1 be stated as a minimum. The maximum numbers can be determined on a site - by site basis, taking into consideration site constraints and emerging Local Plan Policy. This approach allows for flexibility should the indicative figure in the emerging Local Plan increase. I consider this approach has regard to the NPPF, by ensuring sufficient land is allocated for housing, and thus meets the Basic Conditions.
30. **Recommendation: insert 'a minimum of' after 'allocate' in Policy 1.**

## Settlement Boundary policy

### Policy 2

31. Representations have been made with regard to the Settlement Boundary line. The Settlement Boundary includes land adjacent to North Hall for windfall housing development. This would be additional housing above that proposed on allocated sites. I have no concern with this approach. I do see some sense in extending the Settlement Boundary to incorporate the dwellings between Hall Hurst Close and the allocated Nursery Site. Similarly, it seems logical to extend the boundary to include land at Nursery Close up to the access road to Loxwood House. However, my role is restricted to determining whether the Plan meets the Basic Conditions. None of these matters has any bearing on whether the Plan meets the Basic Conditions.
32. Paragraph 17.2.2 and Policy 2 are a misinterpretation of the NPPF. The NPPF requires a presumption in favour of sustainable development. The NPPF does not distinguish between areas inside and outside settlement boundaries with regard to a presumption in favour of sustainable development. This does not prevent the Plan identifying that it is the intention to concentrate most development within the settlement boundary. To meet the Basic Conditions, paragraph 17.2.2 and Policy 2 need to be modified to have regard to the NPPF.
33. It is necessary for new development in rural areas to be in accordance with not only Policy 13 in this Neighbourhood Plan, but also all relevant policies in this Plan, the Chichester District Saved and Emerging Local Plan and the NPPF.
34. **Recommendation: the deletion of paragraph 17.2.2. A replacement paragraph inserted to explain that: ‘There is a presumption in favour of sustainable development throughout the Plan area in accordance with the NPPF. It is the intention to concentrate development within the Settlement Boundary in the context of a presumption in favour of sustainable development. This does not preclude sustainable development in the rural areas outside the Settlement Boundary in accordance with this Neighbourhood Plan, the Chichester District Saved and Emerging Local Plan and the NPPF. The rural area policy in this Neighbourhood Plan is Policy 13.’**
35. **Recommendation: modification to Policy 2 as follows:**  
**Within the Neighbourhood Plan area, there is a presumption in favour of sustainable development as defined in this Neighbourhood Plan, the Chichester District Saved and Emerging Local Plan and the National Planning Policy Framework. The Settlement Boundary of Loxwood village is defined in figure 6 below. Any land within the parish of Loxwood which is outside the Settlement Boundary of Loxwood village is deemed to be rural.**

## **Site Assessments and Allocation of Sites Policy**

### **Policy 3**

36. This Policy allocates housing sites following public consultation on alternatives. I note representations with regard to land south of Loxwood Farm Place, which was one of the potential housing sites and has not been allocated.
37. Representations have been made with regard to self - build housing. Whilst there is not specific reference to self - build housing in the housing policies, the policies in the Plan do not preclude the provision of new self-build dwellings on suitable sites.
38. Subject to my comments with regard to the details of the site-specific allocations below, from my site visits, the evidence base and the representations received, I am satisfied as far as I can reasonably be expected to be, that the allocated sites have no physical constraints to prevent them being delivered.
39. Subject to my comments with regard to the details of the site-specific allocations below, I consider that the two identified sites meet the Basic Conditions, particularly with regard to the total housing requirement for the Plan area and these two sites are the parish preferences. Thus, I do not consider it necessary for the inclusion of additional, or alternative, sites.

## **Land at Farm Close**

### **Policy 4**

40. This site is the subject of a planning application Ref: 13/02025/FUL, which at the time of writing my report has received planning permission subject to a Section 106 agreement. I am unaware of whether the Section 106 agreement had been finalised, but that does not have a bearing on my comments on this policy. It may well be that the site will be developed in accordance with the details of that planning application. However, should for whatever reason that does not occur, it is necessary for the detail in the policy to be justified by robust and credible evidence to ensure deliverability, in accordance with paragraph 173 in the NPPF. In particular, I have in mind that the plan period is until 2029 and requirements for affordable housing provision and community benefits may alter during the plan period.
41. For the reasons stated with regard to Policy 1, the number of dwellings should be specified as a minimum in this policy and in the preceding paragraph 17.4.5.
42. The CDC *Interim Statement on Planning for Affordable Housing* (2007) has a requirement for 40% of dwellings as affordable housing on sites of over 9 dwellings. I note that the emerging Chichester Local Plan has a draft policy requiring 30% affordable housing on all new sites. Although this requirement

may be modified in a final Local Plan, there is a strong evidence base to indicate that there is a need for affordable housing in the Plan area.

43. To ensure the deliverability of affordable housing, I recommend that Policy 4 follows the same format as Policy 5, where that policy indicates that there should be a mixed development, with the amount of affordable housing dependent on current CDC policy.
44. Whilst I acknowledge that Loxwood has a high proportion of older people, evidence also indicates that there is a need for other types of affordable housing. I see no robust and credible evidence base to justify the requirement for a minimum of two bungalows for the elderly. Without such an evidence base, this is contrary to policy in the NPPF with regard to meeting identified need for affordable housing. To overcome my concern, I recommend this policy refers to the tenure mix of affordable housing to be in accordance with CDC Local Lettings Policy.
45. Paragraph 173 in the NPPF states: *'Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be delivered viably is threatened.'*
46. It is imperative that contributions towards community benefits do not make the development unviable. Otherwise, there may be a risk that the delivery of necessary housing may not be achieved. To ensure deliverability and viability it is necessary for Policy 4 to specify that the community benefits would be subject to viability and deliverability in accordance with paragraph 173 in the NPPF.
47. I have not been provided with detailed evidence to satisfy me that the proposed community benefits meet the tests in paragraph 204 in the NPPF, with regard to planning obligations. This does not necessarily mean that the list of community benefits does not meet these tests; it is just that I do not have full information. These are community benefits that the community has chosen. In order to ensure that the Plan meets the Basic Conditions, I recommend reference in Policy 4 to the need for community benefits to meet the NPPF tests.
48. It is necessary for Neighbourhood Plans to provide *'a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency'* as stated in the core planning principles in paragraph 17 in the NPPF. I do refer to clarity with regard to a number of recommendations to policies in the Plan. Where I do so, I have in mind the need to provide a practical framework in accordance with the core principles in the NPPF.
49. Policy 4 cross-refers to densities in policy 7. This is an error as the density policy is Policy 10. In the interest of clarity, I have altered the numbering.
50. Southern Water has requested the inclusion of specific reference within Policy 4 to existing sewers below the site. Whilst it may be prudent to identify this constraint in the supporting text to this policy, inclusion within the

policy would have no bearing on whether Policy 4 meets the Basic Conditions.

51. **Recommendation: to meet the Basic Conditions I recommend modification to paragraph 17.4.5 to express the number of dwellings as a minimum and recommend modification to Policy 4 to read as follows:**

**This land is allocated for a mixed development of affordable and market houses with community facilities as follows:**

**a. A residential development with a minimum number of seventeen houses consisting of affordable and open market houses is recommended taking into consideration desirable densities in accordance with policy 10 of the Plan. The proportion and tenure mix of affordable housing to be in line with current Chichester District Council requirements and allocations policies.**

**b. Community benefits to be considered for inclusion:-**

- **land to the south and east of the housing development area for use as a Community Parkland.**
- **8 additional car parking spaces for the doctor's surgery.**
- **Central community green.**
- **Contribution towards village traffic calming.**

**The community benefits to be subject to meeting the tests in paragraph 204 in the NPPF and subject to viability and deliverability in accordance with paragraph 173 in the NPPF.**

## **Nursery Close**

### **Policy 5**

52. For the reasons mentioned above with regard to Policy 1, paragraph 17.5.6 and Policy 5 need to specify a minimum number of dwellings.
53. Paragraph 17.5.5 refers to development on the site in the medium term. Genesis Town Planning on behalf of Landlinx Estates has requested that this is reflected in Policy 5. From the evidence before me, the allocation of this site in the Plan meets the Basic Conditions with or without such a reference.
54. My comments with regard to affordable housing tenure and community benefits in respect of Policy 4 are relevant to this Policy. In particular, I have no robust and credible evidence to suggest that the tenure and rental/intermediate classification should be other than that required under CDC Policy, which may alter during the Neighbourhood Plan period. For the same reasons, I make the following recommendation.

55. **Recommendation: to meet the Basic Conditions, I recommend modification to paragraph 17.5.6 to express the number of dwellings as a minimum; modification to paragraph 17.5.7 to reflect that the required mix of affordable dwellings may alter during the plan period and recommend modifications to Policy 5 to read as follows:**

**A proportion of this area of land equivalent to approximately 2.1 hectares is allocated for a mixed development of affordable and market housing and community facilities as follows:**

- a. Mixed Residential development of market and affordable housing. An indicative number of a minimum of forty three dwellings is recommended located towards the front of the site, taking into consideration densities in accordance with policy 10 of the Neighbourhood Plan. The proportion and tenure mix of affordable housing to be in line with current Chichester District Council requirements and allocations policies. Space should be reserved for a small retail development and small business premises should they prove viable.**
- b. Community Benefits to be considered for inclusion comprising:-**
  - A small retail development**
  - Car parking for shoppers**
  - Village green**
  - Small Business premises**
  - Designs to incorporate village traffic calming**

**The community benefits to be subject to meeting the tests in paragraph 204 in the NPPF and subject to viability and deliverability in accordance with paragraph 173 in the NPPF.**

**The above community benefits are subject to a viability study to ensure acceptable take up of retail and small business premises. If proven to be viable, Loxwood Parish Council would support the inclusion of a small number of shops and business units - the type, size and scope to be established by consultation with Loxwood Parish Council, Chichester District Council and the developers.**

**The remaining area of land to the rear of the site of approximately 2.3 hectares is excluded from development as shown by the Settlement Boundary defined in Policy 2 of the Neighbourhood Plan.**

## Local Green Spaces

### Policy 6

56. In the interest of clarity, paragraph 17.6.3 and Policy 6 should refer to the map in figure 7 rather than in Appendix 4.
57. A criterion in the NPPF requires a Local Green Space to meet a list of criteria including that it is demonstrably special to a local community and holds a particular local significance. At present, the land south of Farm Close proposed as a community parkland is an open space. If the community parkland is provided in association with the proposed development at Farm Close, it is likely that it may meet the Local Green Space criteria. Until such time as it provides recreational space, it does not.
58. The NPPF states that Local Green Spaces should only be designated when a plan is prepared or reviewed. For the reasons stated above, it is not appropriate to include the land south of Farm Close as a Local Green Space. It will have to be assessed against the criteria in the NPPF in a review of the Plan once the community parkland has been provided.
59. The remaining sites on the list in Policy 6 are existing green areas, which, from my observations when I viewed the sites, meet the criteria in the NPPF for designation as Local Green Space.
60. Southern Water has requested reference to the need to allow essential infrastructure in designated Local Green Space. The NPPF states that local communities will be able to rule out new development on Local Green Spaces other than in very special circumstances. These very special circumstances are not defined in the NPPF and it is not for me to decide whether essential infrastructure constitutes very special circumstances. I am aware that the national Planning Practice Guidance states that: *in identifying sites it will be important to recognise that water and wastewater infrastructure sometimes has particular locational needs (and often consists of engineering works rather than new buildings) which mean otherwise protected areas may exceptionally have to be considered where consistent with their designation.*
61. In my opinion, Policy 6, subject to my recommended modifications below, meets the Basic Conditions. If the development of essential infrastructure in Loxwood constitutes the very special circumstances as defined in the NPPF and the locational needs are as recognised in the national Planning Practice Guidance, this would be supported by national policy and guidance. Therefore, specific reference in Policy 6 is not necessary.
62. Representations include request for the Loxwood Joust to be a Local Green Space. The Plan has been subject to considerable community consultation and this area has not been included in the designation in Policy 6. As my Examination of the Plan is limited to assessing whether the Plan meets the Basic Conditions, it is not within my remit to recommend the inclusion of this area in the Plan as a Local Green Space.

63. **Recommendation: to meet the basic conditions, I recommend modification to paragraph 17.6.3 to refer to figure 7; 17.6.3 d to refer to an intention for the future designation of this site as a Local Green Space; the removal of land south of Farm Close from figure 7; and modification to Policy 6 as follows:**

**In accordance with the NPPF paragraphs 76, 77 and 78, this Neighbourhood Plan designates the Land at North Hall, the Jubilee Gardens and the Loxwood Sports Association playing fields as Local Green Spaces. The specific designation of the land is shown in Figure 7.**

### **Affordable Housing policy**

#### **Policy 7**

64. I note that Policy 7 seeks to expand on the CDC housing allocation policy by requiring not only the first, but subsequent tenancies of all new affordable housing, to have a local connection. The need for affordable housing is not in dispute and I note that there are 25 families on the Loxwood housing register (as at October 2013). Nevertheless, I have no robust and credible evidence before me to clearly justify this departure from the CDC policy. Without the evidence base required, this approach to the allocation of affordable housing would not have regard to the NPPF. In particular, it would not ensure the tenure of housing reflects local demand.
65. This is not a land use and development policy. Therefore, I recommend that the policy be deleted. I have no concern with retaining the supporting text, to be revised to delete the local connection in perpetuity. I see no reason why reference to affordable housing being evenly distributed throughout a development should not be retained as an aspiration in the supporting text. From an editing perspective, it may be appropriate to move the supporting text to the preceding housing section.
66. **Recommendation: in order to meet the Basic Conditions, I recommend the deletion of Policy 7 and modification of the supporting text to remove reference to local connection in perpetuity.**

### **Street Lighting policy**

#### **Policy 8**

67. This policy seeks to reduce unnecessary energy consumption, in accordance with the NPPF with regard to supporting a low carbon future. Representation on behalf of Landlinx Estates has expressed concern that this policy may conflict with any highway authority requirements for street lighting on adopted roads. In particular, concern is raised with regard to the allocated site at the Nursery, where the estate roads may be adopted.

68. In order to ensure the deliverability of the proposed new housing developments within the Plan area, Policy 8 needs to include reference to highway authority requirements. This would meet the Basic Conditions with regard to the deliverability of plans, as outlined in paragraph 173 in the NPPF.

69. **Recommendation: modification of Policy 8 to read as follows:**

**Unless it is required to mitigate a potential road safety hazard or other requirement of the highway authority, all new roads built as part of a housing development should not feature street lighting.**

### **Infrastructure - Foul Water policy**

#### **Policy 9**

70. Southern Water has requested additional wording at the end of this policy to enable sewerage improvements to be delivered in parallel with development, even if improvements are not programmed. The proposed additional wording would meet the Basic Conditions with regard to the deliverability of the proposed new housing development.

71. Southern Water has requested a new policy regarding the provision of utility infrastructure. The development plan currently seeks to ensure the provision of adequate infrastructure in saved Local Plan Policy BE11. It is not necessary to replicate policies already found elsewhere in a Local Plan. Therefore, it is not necessary to include the suggested policy in this Plan in order to meet the Basic Conditions.

72. **Recommendation: modification of Policy 9 to include at the end 'or can be provided in time to serve it.'**

### **Built Environment- Housing Density policy**

#### **Policy 10**

73. This policy has regard to the NPPF, particularly in the context of the need for housing densities to reflect local circumstances. Therefore, Policy 10 meets the Basic Conditions.

### **Built Environment- Vernacular policy**

#### **Policy 11**

74. This policy has regard to the NPPF, particularly paragraphs 58 and 59 in the context of design guidance and paragraph 60 with regard to promoting local distinctiveness. As such, Policy 11 meets the Basic Conditions.

## Wey and Arun Canal policy

### Policy 12

75. Policy 12 supports rural tourism in connection with the canal. The accompanying text at paragraph 17.12.2 states: '*The Trust is anxious to avoid long lines of boats lining the towpath and will look for moorings to be accommodated away from but connected to the canal*'. This is not reflected accurately in Policy 12. In the interest of clarity, I recommend the use of similar wording in the policy. This would meet the Basic Conditions.
76. **Recommendation: modification of Policy 12 as follows: instead of the word 'adjacent' in Policy 12 a, the phrase 'away from but connected' is inserted.**

## The Rural Area policy

### Policy 13

77. The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013 allows existing redundant agricultural buildings of 500m<sup>2</sup> or less to change to a range of new business uses, to boost the rural economy whilst protecting the open countryside from development. Prior approval is required for such a change of use of buildings between 150 - 500m<sup>2</sup>.
78. The *Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2014* came into force on 6 April 2014, during my Examination of this Plan. This allows, under certain circumstances, the change of use of agricultural buildings to residential use and change of use of agricultural buildings to registered nurseries providing childcare or state-funded schools, under the prior approval system.
79. It is not necessary to replicate national policy in the Plan. However, in the interest of clarity, I recommend reference is made to this legislation in paragraph 17.13.3 and Policy 13.
80. **Recommendation: modification to paragraph 17.13.3 and Policy 13 to clarify that development supported in Policy 13 is in addition to that allowed under the General Permitted Development Order.**

## Housing Extensions-Style and Vernacular policy

### Policy 14

81. This policy seeks to ensure that house extensions follow the style and vernacular of the original building. Unfortunately, extensions built under permitted development rights cannot be required to aim to conform to these

guidelines. Therefore, to meet the Basic Conditions, this reference should be deleted from the policy.

82. The policy states that permitted increase in footprint is guided by the CDC *Design Guidelines for Alterations to Dwellings and Extensions* (2009). I have read these guidelines. They state that *it is important that the scale of development is appropriate in terms of its impact on the visual character of an area*. A limitation of a 50% increase on the external floorspace is normally applied only for small dwellings in a rural area.
83. Policy 14 states that typically the scale of extensions will not exceed 50% of the original building. I appreciate that this is a rural parish and I realise that one of the aims of the Village Design Statement is to keep the impression of an un-crowded environment. Nevertheless, I have no robust and credible evidence before me to clearly justify this specific policy approach. Without such an evidence base, I recommend deletion of this specific size reference. This will ensure that Policy 14 is a robust policy, in accordance with paragraph 58 in the NPPF, with regard to the quality of development.
84. **Recommendation: modification to Policy 14 by deleting reference to Permitted Development Rights and to extensions typically not exceeding '50% of the original building'.**

## **Economy and Business**

### **Policy 15**

85. Policy 15 supports new and expanding businesses. The objective of this policy has regard to NPPF policy to promote a strong rural economy. As such, it meets the Basic Conditions.

## **Telecommunications and Connectivity**

### **Policy 16**

86. This policy seeks the provision of good telecommunications and connectivity. Such intentions are compatible with the aim to support high quality communications infrastructure in the NPPF. Thus, I consider this policy meets the Basic Conditions.

## **Traffic Calming and Speed through the Parish**

### **Policy 17**

87. I have read the Transport Evidence Base Support and seen for myself the extent and speed of through traffic. I appreciate the difficulties this must cause to local residents trying to go about their daily lives. The evidence base indicates that speeds along the B2133 were consistently in excess of

the 30mh speed limit. The data clearly indicates that speeds are an issue through the village.

88. From the evidence before me, I consider it reasonable and necessary to require developer contributions towards traffic calming. The policy states that this will be via Section 106 contributions and via the Community Infrastructure Levy (CIL). In my experience, contributions toward traffic calming measures may be provided via legal agreements under the Highways Act 1980. I note that the County Council has stated that there is currently no mechanism for prioritising infrastructure needs and the allocation of CIL funds. In order to ensure deliverability, Policy 17 and paragraph 17.17.9 should simply refer to developer contributions, rather than the legal mechanisms by which the contributions may be provided.

89. **Recommendation: modification to paragraph 17.17.9 to refer to developer contributions rather than Section 106 agreements and CIL. The first paragraph of Policy 17 to be modified as follows:**

**Traffic calming along the B2133 and Station Road in the parish of Loxwood will be progressively introduced during the Plan period by means of developer contributions on any open market development greater than one house in size.**

## **Environmental Characteristics**

### **Policy 18**

90. This policy seeks to encourage sustainable design for all new developments or extensions. It specifically refers to Levels 4 and 5 in the Code for Sustainable Homes standards. It is necessary for the policy to state that these standards only relate to new dwellings and not to all developments. Levels 4 and 5 are high levels to attain. In order to ensure viability and deliverability, it is necessary to include reference to paragraph 173 in the NPPF in this policy. These modifications would meet the Basic Conditions.
91. **Recommendation: in the interest of clarity, after ‘new’ in the second sentence, replace the word ‘developments’ with the word ‘dwellings’. In the interest of viability and deliverability insert at the end of this policy: ‘These requirements will be subject to viability and deliverability in accordance with paragraph 173 in the National Planning Policy Framework.’**

## **Flood Risk**

### **Policy 19**

92. The first paragraph of Policy 19 does not correctly interpret the NPPF. The NPPF seeks to avoid inappropriate development in areas at risk of flooding by directing development away from areas of high risk. The Planning

Practice Guidance states that *the aim should be to keep development out of medium and high flood risk areas (Flood Zones 2 and 3) and other areas affected by other sources of flooding where possible*. Sequential tests and exceptions tests and site-specific flood risk assessments may be required for proposed development in these flood zones in accordance with the NPPF and the Planning Practice Guidance. In order to meet the Basic Conditions, I recommend the modification of the first paragraph of Policy 19 to reflect the national policy and guidance.

93. Those areas outside Flood Zones 2 and 3 are classified as being within Flood Zone 1. Within Flood Zone 1, the NPPF specifies that site-specific flood risk assessments are only usually required for development proposals of one hectare or greater.
94. I note that a number of local people have referred to flooding problems. The evidence base Basic Conditions Statement clearly states that the intention of Policy 19 is to extend the NPPF definition to require a flood risk assessment for all developments irrespective of size. The Basic Conditions Statement states that the assessment *'is required to determine the impact the development would have on the water table and to adopt measures to mitigate against flooding caused by both a rise in the water table and surface water run-off.'*
95. The NPPF states that site-specific flood risk assessments are only required for all new development (i.e. those less than one hectare) in an area classified as Flood Zone 1 *'which has critical drainage problems (as notified to the local planning authority by the Environment Agency) and where proposed development or a change of use to a more vulnerable class may be subject to other sources of flooding.'* From the evidence before me, I am not able to determine whether these exceptions are relevant to any part of the Loxwood Neighbourhood Plan area within Flood Zone 1. Nevertheless, it may be that during the Plan period, the exceptions become relevant to parts of the Plan area. In which case, it will be necessary for site-specific flood risk assessments for all development proposals in those relevant areas. My suggested modification to the second paragraph in Policy 19 would allow for such an eventuality and be in accordance with the NPPF.
96. **Recommendation : modification to Policy 19 as follows:**
- Development in areas of flood risk zones 2 & 3 as identified by the environment agency flood risk maps will only be permitted in accordance with the NPPF.**
- New development outside flood risk zones 2 & 3 should be subject to a site-specific flood risk assessment where relevant, in accordance with the NPPF.**
- Surface water mitigation techniques should be employed to ensure that there is no net increase in surface water run-off.**

## Appendices

97. Appendix 3 has introduced policy statements into the 'spaces and outlook' section. This is not a policy statement, it is only an appendix listing buildings, settings and spaces. It does not form part of the policies.
98. **Recommendation: in the interest of clarity, modification to Appendix 3 by the deletion of the second sentence under 'spaces and outlook' and the paragraph regarding the nursery site.**

## Referendum and the Loxwood Neighbourhood Plan Area

99. I am required to make one of the following recommendations:
  - the Plan should proceed to Referendum, on the basis that it meets all legal requirements; or
  - the Plan as modified by my recommendations should proceed to Referendum; or
  - the Plan does not proceed to Referendum, on the basis that it does not meet the relevant legal requirements.
100. **I am pleased to recommend that the Loxwood Neighbourhood Plan as modified by my recommendations should proceed to Referendum.**
101. I am required to consider whether or not the Referendum Area should extend beyond the Loxwood Neighbourhood Plan Area. I see no reason to alter or extend the Neighbourhood Plan Area for the purpose of holding a referendum.

## Summary and Conclusion

102. I have recommended modifications to a number of policies. In particular, I have recommended that housing figures should be expressed as a minimum, the specific requirements on housing sites are subject to CDC affordable housing policies and community benefits are subject to viability.
103. I have not found robust and credible evidence to support the policy approach to local occupancy conditions for affordable housing in perpetuity. I have recommended deletion of the affordable housing policy as it is not a land use policy.
104. I have recommended modifications to other policies to ensure they meet the Basic Conditions, without undermining the intention of the policies.

105. My recommendations ensure that the Plan meets the Basic Conditions. Subject to my recommendations being accepted, I consider that the Loxwood Neighbourhood Plan will provide a strong practical framework against which decisions on development can be made.

## **Minor Amendments**

106. These suggested minor amendments are for Loxwood Parish Council and CDC to incorporate if they wish. They are not formal recommendations and have no bearing on whether the Plan meets the Basic Conditions. They either rectify errors or provide further detail.
107. A local resident has referred to Sheaves Farmhouse identified as a historic seventeenth century farmhouse in Appendix 3 to the Plan. The representation refers to this Farmhouse having been summarily demolished (except for the main chimney) and rebuilt about five years ago. The parish Council may wish to include reference to the rebuild in the description.
108. My recommendation to delete Policy 7 would require the renumbering of subsequent policies. There is cross reference to subsequent policies in Policies 3, 4, 5 and 19. These would need to be amended to refer to the new numbers of policies. In addition, there is reference to Policy 17 in paragraph 17.5.8, which would similarly need renumbering and reference to Policy 13 in my recommended modification to paragraph 17.2.2. Minor amendments may be required to the Executive Summary, in the light of my recommendations.

*Janet Cheesley*

**Janet Cheesley**

**Date** 11 April 2014

## Appendix 1 Background Documents

The background documents include:

### Legislation

The National Planning Policy Framework (The Framework) (2012)  
The Planning and Compulsory Purchase Act 2004  
The Localism Act (2011)  
The Neighbourhood Planning Regulations (2012)  
The Planning Practice Guidance (2014)

### Statutory and Core Documents

Chichester District Council 1999 Local Plan saved policies including August 2011 status of Development Plan documents doc, and Chichester District Public Art Strategy.

Chichester District Local Plan Key policies pre submission November 2013

Chichester District Local Plan preferred options document April 2013

Coastal West Sussex SHMA – Chichester District summary.

Interim Policy Statement on Housing – Facilitating Appropriate Development Effective 20 July 2011 (Updated January 2012, July 2012 and 9 October 2012 by Council)

Interim Policy Statement on Planning and Climate Change June 2013

Interim Statement on affordable housing September 2007

FAD –Council resolution.

Chichester District Council – Allocation scheme July 2013

CDC Design Guidelines for Alterations to Dwellings and Extensions (2009).

Saved Policies report June 2012

The Consultation Summary which has excel spread sheets as a separate document

Excel spread sheets

The Basic Conditions Statement

Traffic Calming Report

Allocated site assessment table

CDC landscape capacity assessment - Loxwood area

CDC Neighbourhood Plan guide

Chichester District Council - Settlement Capacity Profiles - Loxwood Parish

Chichester District Local Housing Requirements Study Final Report by DTZ

Final CLP Questionnaire 25th Aug 12

Glass-House final report

Housing trajectory

Initial CDC Sustainability appraisal for Loxwood

Localism Act 2011

Locality Neighbourhood Plan roadmap

Locality Neighbourhood Plan Roadmap-worksheets

Loxwood CLP Survey Report - October 2012

Loxwood Neighbourhood Plan designation letter

Loxwood Neighbourhood Plan Evidence Base Gap Analysis 12.03.13

Loxwood Neighbourhood Plan Support Basic Conditions March 2013

Loxwood Neighbourhood Plan Support Site Allocations March2013  
 Loxwood Neighbourhood Plan Support Writing Policies March2013  
 Loxwood Village Design Statement July 2003  
 Strategic Housing Land Availability Assessment Loxwood 2010  
 Strategic Housing Land Availability Assessment March 2013  
 Survey Actions  
 Survey responses analysis of responses and graphics  
 URS Loxwood Neighbourhood Plan Support Transport Evidence May 2013  
 report  
 WSCC planning school places document

<b>Regulation 14 responses.</b>
Chichester District Council (CDC)
West Sussex County Council
Southern Water
Natural England
Landlinx Estates
Cathy & Howard Thomas
Jonathan Lane
Kelly Heath and Geoff Richards
Mrs Elizabeth Dugdale
Mr Hugh Kersey
Christopher Chapman
Margaret Carr
Yvonne Rees
Ian Barnard
Bryan Smith
Peter Hyem
Anita Bates
Featherstone and Ford
Mr B Frost

Mrs Hannah Harbottle
MR R J Setterfield
Mr Stewart & Mrs Anne Holmes
Mr David & Mrs Hilary Mahony
Mr & Mrs TC Walker
Mr Roger Newman
Peter Dale
Peter Winney
Steve & Alix Parsons
Mr R Brennan
John Baker
Mrs Patricia Breakell
Nigel Gibbons
Peter Hughes
James Jewell
Peter & Sue Hyem

**Regulation 16 responses.**

**Residents**

Mr	Chris	Agar
Mrs	Elizabeth	Agar
Mr & Mrs	Kenneth & Mary	Bacon
Mrs	Hilary	Baker
Mr	John	Baker
Mr	Ian	Barnard

Mrs	Rose	Barnard
Mrs	Barbara	Barrow
Mr	Philip	Barrow
Mr	Simon	Bates
Mrs	Patricia	Breakell
Mr & Mrs	Gillian & John	Butler
Mrs	Margaret	Carr
Mr	Christopher	Chapman
Mr	Peter	Cole
Mrs	Linda	Colling
Mr	Tony	Colling
Mr	James	Dore
Ms	Annette	Gardner
Ms	Fiona	Gibbons
Mr	Nigel	Gibbons
Mr & Mrs		Griggs
Mr & Mrs	Robin & Kathleen	Hirsch
Mr	Christopher	Hoare
Mrs	Yvonne	Holmes
Mr	Andrew	Holmes
Mr	Stewart	Holmes
Mrs	A	Holmes
Mr	Peter	Hughes
Mrs	Susan	Hyem
Mr	Peter	Hyem
	Alan Dixon &	Joelle Julian

Dr	Norman	Jones
Ms	Julia	Jordan
Mr & Mrs	A & M	Jowles
Mr & Mrs	Hugh & Ann	Kersey
Mr	Christopher	Kershaw
Mrs	Joyce	King
Mr	John	King
Mr & Mrs	Nigel & Janet	King
Mrs	Elizabeth	Lancaster
Mr	Ian	Lancaster
Mr	Ian	Latimer
Ms	Penelope	Line
Mr	Antony	Loader
Mr	George	McGuinness- Smith
Mrs	Hilary	McGuinness- Smith
Ms	Jane	Meggitt
Mr	Len	Milsom
Mr	Graham	Moore
Mr & Mrs	Michelle & Ian	Moorhead
Ms	Kate	Moseley
Mr	Roger	Newman
Mr	Keith	Nicols
Mr & Mrs	Stephen	Pelling
Mr & Mrs	Gary & Doreen	Postlethwaite
Mr & Mrs	Andrew & Geraldine	Ritchie

Mr	Terry	Russell
Mrs	Gill	Seymour
Mr	Bernard	Smith
Mrs	Ann	Smith
Mr & Mrs	Andrew	Spencer
Mrs	Jean	Spira
Mr	Martin	Stevens
Mr & Mrs		Turner
Mr & Mrs	T & W	Walker
Mr	Glyn	Woodage
<b>Statutory Bodies, Agents &amp; Internal CDC Comments</b>		
<b>Title</b>	<b>Given Name</b>	<b>Family Name</b>
Mr	John	Lister
Miss	Lucy	Seymour-Bowdary
Ms	Clare	Gibbons
Mr	Paul	White
Mr	Tom	Bell