

# **Turners Hill Neighbourhood Plan 2014-2034**

**A report to Mid Sussex District Council  
of the Examination of  
the Turners Hill Neighbourhood Plan**

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Independent Examiner**

**Trevor Roberts Associates Ltd  
23 October 2015**



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## Abbreviations

AONB	Area of Outstanding Natural Beauty
BUA	Built Up Area
BUAB	Built Up Area Boundary
LPA	Local Planning Authority (MSDC)
MSDC	Mid Sussex District Council
MSDP	Mid Sussex District Plan (in preparation)
MSLP	Mid Sussex Local Plan (2004)
NDP	Neighbourhood Development Plan
NP	Neighbourhood Plan
NPPF	National Planning Policy Framework
PPG	Planning Practice Guidance
SA	Sustainability Appraisal
SAC	Special Area of Conservation
SEA	Strategic Environmental Assessment
SPA	Special Protection Area
The District Council	Mid Sussex District Council
The Framework	NPPF
The Parish Council	Turners Hill Parish Council
THNP	Turners Hill Neighbourhood Plan
THPC	Turners Hill Parish Council

### 1. Introduction

- 1.1 I have been appointed by Mid Sussex District Council (MSDC), with the consent of Turners Hill Parish Council (THPC), to carry out the independent examination of the Turners Hill Neighbourhood Plan (THNP), in accordance with the relevant legislation<sup>1</sup>.
- 1.2 As required by the legislation, I am independent of THPC and MSDC, I do not have an interest in any land that may be affected by the draft order, and I have appropriate qualifications and experience. I am a chartered town planner and accredited mediator with wide experience in local and central government and private consultancy.
- 1.3 In carrying out this examination I have visited the locality, unaccompanied, and had regard to the following documents:
- Turners Hill Neighbourhood Plan, Submission Version, March 2015
  - Turners Hill Neighbourhood Plan, Basic Conditions Statement, March 2015
  - Turners Hill Neighbourhood Plan, Consultation Statement, March 2015
  - Turners Hill Neighbourhood Plan, Sustainability Appraisal (including Strategic Environmental Assessment), March 2015
  - Turners Hill Neighbourhood Plan, Habitats Regulations Assessment Screening Report, April 2015
  - Turners Hill Village Design Statement 2011

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<sup>1</sup> Localism Act 2011  
Town and Country Planning Act 1990 as amended  
Planning and Compulsory Purchase Act 2004 as amended  
The Neighbourhood Planning (General) Regulations 2012

- Background and supporting documentation on the Turners Hill Neighbourhood Plan website
- Individual Representations
- Mid Sussex Local Plan, adopted May 2004 (saved policies)
- Mid Sussex District Plan 2014-2031, Pre-Submission Draft, June 2015 and supporting evidence
- Examiners' Reports for the Cuckfield and Hurstpierpoint and Sayers Common Neighbourhood Plans.

1.4 Throughout this report I shall refer to representations using the reference numbers allocated by MSDC. Those from MSDC (37), Gatwick Airport Limited (15043) and Sport England (20271) make comments of a general nature which do not in my opinion necessitate changes to the THNP. I deal with the remaining representations below.

1.5 Amongst the written representations made to MSDC was a request for a hearing (reference 20272). The general rule is that the examination of the issues by the examiner should be by consideration of the written representations. The examiner must cause a hearing to be held where it is necessary to ensure adequate examination of a particular issue, or where it is necessary to give a person a fair chance to put a case<sup>2</sup>. In the instance before me, the written representations are detailed, coherent, and supported by up to date evidence. In my view it was not necessary for a hearing to be held.

1.6 In 2011 the Parish Council produced a Village Design Statement which was the subject of extensive public participation and consultation, which provided an understanding of the issues facing the parish. The Village Design Statement was adopted by MSDC as a Supplementary Planning Document in October 2011. Throughout the process of preparing the THNP between 2012 and 2014 THPC sought to inform and involve the community. The means of doing so included the Parish News and Parish Website, an open information session, a parish survey conducted through three questionnaires, two consultation drop-in events, consultation with young people and with business organisations, a 'call for housing sites', and open sessions at the Draft Plan stage.

1.7 I am satisfied that the Parish Council made every effort to inform the local community and to engage them in the plan-making process.

1.8 It is clear to me that a great amount of care, commitment and effort has gone into the production of the THNP, and that it is founded on a heartfelt desire to preserve the character and setting of the village.

## **2. Location and characteristics**

2.1 The parish of Turners Hill lies along a ridge which falls partly within the High Weald Area of Outstanding Natural Beauty (AONB). From the ridge there are extensive views over attractive open countryside to both north and south. The Ashdown Forest, an important nature conservation area, lies close by.

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<sup>2</sup> Paragraph 9 of Schedule 4B to the Town and Country Planning Act 1990 (as amended)

- 2.2 The village itself is clustered around the crossing of two busy roads, B2028 which runs north-south, and B2110 which runs east-west. The other significant developed areas within the parish are the complex of buildings (monastery, church, school, guest house and day centre) which constitute Worth Abbey, the Turners Hill Park residential complex and the nearby Alexander House Hotel, and the Rowfant Business Centre, all of which I visited during my unaccompanied site visit. There are a number of other industrial and commercial developments within the parish. The centre of the village is a Conservation Area, and there are 33 Listed Buildings within the parish.
- 2.3 The parish has a population of around 1,919, occupying 755 homes. The community is served by a variety of facilities, including schools, churches, pubs, a restaurant, shops (including a grocery shop and post office), a garage, a playground and sports pitches, and a community centre (which also houses a satellite surgery once a month).

### **3. The basis for this examination**

#### **3.1 *The basic conditions***

3.1.1 In brief, the basic conditions which must be met by the THNP are:

- it must have appropriate regard to national policy
- it must contribute to the achievement of sustainable development
- it must be in general conformity with the strategic policies in the development plan for the local area
- it must be compatible with EU obligations, including human rights requirements
- it must not have a significant adverse effect on a 'European site' (under the Conservation of Habitats and Species Regulations 2010).

3.1.2 I shall deal in more detail with each of these conditions below.

3.1.3 The examination is meant to be carried out with a 'light touch'. I am not concerned with the 'soundness' of the plan, but whether it meets the basic conditions.

3.1.4 A Sustainability Appraisal (SA) was carried out alongside the preparation of the THNP to ensure that environmental, social and economic sustainability objectives were complied with and to avoid or minimise any adverse impacts. The SA is said to incorporate Strategic Environmental Assessment in accordance with the legislation.

3.1.5 The SA is criticised by an objector to the THNP (reference 20272). I deal with the matter in paragraphs 4.2.9 and 4.2.10 below.

#### **3.2 *Other statutory requirements***

3.2.1 When submitted to the local planning authority (LPA), a Neighbourhood Development Plan (NDP) should be accompanied by a map or statement identifying the area to which the plan relates, a 'basic conditions statement' explaining how the basic conditions are met, and a

`consultation statement' containing details of those consulted, how they were consulted, their main issues and concerns and how these have been considered and where relevant addressed in the proposed THNP. All these requirements have been met by the THNP.

3.2.2 The THNP must meet other legal requirements, including:

- that it is being submitted by a qualifying body (as defined by the legislation)
- that what is being proposed is a NDP as defined in the legislation
- that the THNP states the period for which it is to have effect
- that the policies do not relate to `excluded development'
- that the proposed THNP does not relate to more than one neighbourhood area
- that there are no other NDPs in place within the neighbourhood area.

3.2.3 All these requirements have been met. The plan period is from 2014 to 2034. Gladman (reference 20272) criticise the fact that the plan period is different from that of the emerging MSDP (2014 to 2031). Unless there is a particular reason for the discrepancy (and none is apparent in the THNP itself), it might avoid confusion and uncertainty if the two periods were aligned. I **recommend** that the PC give consideration to the matter.

### **3.3 National policy**

3.3.1 National policy is set out in the National Planning Policy Framework (NPPF). The prime objective of the Framework is to set out policies which will achieve sustainable development, and this theme has been clearly identified by the THNP (paragraph 6.6 of the THNP).

3.3.2 The Framework is supported by web-based Planning Practice Guidance (PPG).

### **3.4 Existing development plan and emerging MSDP**

3.4.1 The existing development plan for Turners Hill is the Mid Sussex Local Plan (MSLP), adopted in 2004. The housing provisions of that plan are out of date and do not provide strategic guidance for the THNP. MSDC cannot demonstrate a five-year housing land supply as required by the NPPF.

3.4.2 MSDC prepared a local plan, the Mid Sussex District Plan (MSDP), to replace the MSLP. It reached an advanced stage before being withdrawn from examination. A new draft MSDP has reached pre-submission stage. If the present timetable is followed, the plan will be adopted in Spring 2016.

3.4.3 PPG advises that a draft neighbourhood plan is not tested against the policies in an emerging local plan, although the reasoning and evidence informing the local plan process may be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested.

- 3.4.4 Where a neighbourhood plan is brought forward before an up-to-date local plan is in place, the qualifying body and the local planning authority should discuss and aim to agree the relationship between policies in the emerging neighbourhood plan, the emerging local plan and the adopted development plan, with appropriate regard to national policy and guidance.
- 3.4.5 In this case, that advice is particularly important, because the emerging MSDP envisages neighbourhood plans allocating a significant proportion of the housing land needed to meet the plan's targets.
- 3.4.6 Policy C1 of the MSLP protects the countryside for its own sake, and resists development beyond the built-up area boundaries (BUAB) defined by the plan. Policy C2 defines strategic gaps within which development is strictly controlled, in order to prevent coalescence and retain the separate identity and amenity of settlements. Clearly these policies are out of date to the extent that the BUAB are so tightly drawn that there is little land available outside them to allow development for housing. On the other hand, the Framework says that planning should recognise the intrinsic character and beauty of the countryside. I do not think that it would be reasonable to discount entirely the objectives underlying either of these policies simply because there is not, for the present, a formally identified five-year land supply. The MSDP, which is at an advanced stage of preparation, sets out the LPA's strategy for housing provision. The amount of housing currently envisaged by the LPA as needing to be provided in and around the smaller settlements in the district could clearly be accommodated without developing all of the open countryside between the settlements. This would be true even if the examination of the MSDP were to result in a higher level of housing provision than that which is currently proposed. The draft MSDP proposes policies to protect the countryside and the strategic gaps between settlements, and in my judgement it is reasonable to give the objectives underlying the saved policies some weight. I deal with the consequences for the THNP below.
- 3.4.7 The defined BUAB of Turners Hill is tightly drawn. Most of the land beyond it is open countryside, and is either part of the Strategic Gap separating Crawley and East Grinstead or part of the AONB.

### **3.5 Fundamental objection to the THNP**

- 3.5.1 One representation (Gladman, reference 20272) sets out at length a fundamental objection to the THNP, arguing that its preparation is premature, based upon the facts that: the adopted local plan is out of date; the housing requirements set out in the emerging district plan have not yet been tested, and may become higher; the THNP allocates only a relatively small area of housing land, and its policies constrain further development in the NP Area.
- 3.5.2 These criticisms might be levelled at many other neighbourhood plans, both made and at various stages of the planning process. It is clear that both national guidance and the courts accept that these factors are not sufficient to render neighbourhood plans *ultra vires*.
- 3.5.3 The objector draws my attention to the case of *Woodcock Holdings Limited v Secretary of State for Communities and Local Government* and another [2015] EWHC 1173 (Admin). In the course of that judgement, the following principles are set out.
- 3.5.4 Although a neighbourhood plan must be in general conformity with the strategic policies of the local plan and should not provide for less development than is promoted by the local

plan, these principles do not apply where a neighbourhood plan is progressed in advance of the adoption of any local plan. The absence of a local plan does not preclude the preparation and formal approval of a neighbourhood plan. The body responsible for a neighbourhood plan does not have the function of preparing strategic policies to meet assessed housing needs.

- 3.5.5 The basic conditions do not include the issue of whether the plan is ‘sound’ in the sense in which that term is used when dealing with development plan documents. Therefore, where a neighbourhood plan precedes a local plan, the examination of a neighbourhood plan cannot consider whether it is based upon a strategy to meet objectively assessed housing needs. Nor can the examination consider whether the proposed strategy is the most appropriate or justified by a proportionate evidence base.
- 3.5.6 The Examiner is limited to testing whether the neighbourhood plan meets the basic conditions and is not testing the soundness of a neighbourhood plan or examining other material considerations. The statutory scheme for the preparation of neighbourhood plans has been designed so as to make the evidential and procedural requirements, and the intensity of independent examination, less onerous for the promoting body than in the case of a local plan.
- 3.5.7 Even against the background of these principles, I recognise that it would be unreasonable if I were not to take into account in my examination the manifest shortage of available housing land in the District, or the housing requirements set out in the emerging District Plan. I deal with those matters in more detail below, and I reach reasoned conclusions as to the appropriateness of the policies set out in the THNP, bearing in mind the particular local character of the village and its surroundings.
- 3.5.8 I set out, as I am required to do, my assessment of the way in which the policies of the THNP meet the basic conditions. If it transpires that, in practice, the housing needs of the District cannot be met without the allocation of further land within the THNP Area, then clearly the matter will be rectified either by a review of the NP, or by a Site Allocations Development Plan Document, or by decisions made on individual planning applications, in the first instance or on appeal.

## **4. Policies**

### **4.1 Introduction**

- 4.1.1 The plan sets out a clear vision: ‘It is intended that through a process of careful evolution and considered design our history and heritage will continue to be maintained. Our aim is for Turners Hill to thrive as a modern and flourishing village which maintains the rural feel and setting of which we are rightly proud’.
- 4.1.2 As can be seen from my description of the physical characteristics of the parish (section 2 above), the attractive rural setting of the village and the quality of its built fabric justify a particular emphasis upon the protection of its heritage and surroundings. At the same time, the vision recognises that further evolution of the village will take place, and embraces modernity and vitality. In my opinion this vision strikes the right balance bearing in mind local and national policy.

- 4.1.3 The land use policies are helpfully distinguished from five ‘non land use policies’ (THP15 - THP19) which set out the PC’s aspirations for improving highway safety, rights of way, and local infrastructure. As they are not land-use policies they are not before me for consideration. However, the impact of traffic upon the village, its volume, nature and speed, and the lack of footways in critical areas, are clearly issues of crucial importance to the future of the village. West Sussex County Council (reference 15014) point out that implementation of the package of traffic improvement measures and pedestrian safety enhancements set out in the THNP is subject to funding and the outcome of further consultation, design work and safety audits, and it would be helpful to readers for this to be stated within the plan.
- 4.1.4 Throughout the THNP, there are references to the policies of the emerging MSDP. This is potentially helpful, but the policy numbers are not those of the latest (June 2015) version of the MSDP. Moreover, the draft policies themselves might change before the MSDP is adopted. I therefore **recommend** that all references to the draft policies of the emerging MSDP should be removed from the THNP policies, and either deleted altogether, or incorporated into the supporting text of the THNP.

## **4.2 Policy THP1 Housing Site Allocations**

- 4.2.1 This policy says that the development of Old Vicarage Field and the Old Estate Yard will be permitted provided that they meet the site-specific conditions set out in Policy THP2.
- 4.2.2 Policy THP2 is effectively a design brief for the allocated housing site, which would accommodate 44 dwellings.
- 4.2.3 The Clock Field site to the east of the village centre has outline planning permission for 47 homes.
- 4.2.4 The Housing Survey carried out by the PC showed that there was strong support for additional housing, especially for those at either end of the age spectrum, and particularly for those with a local connection (paragraph 7.3 of the THNP).
- 4.2.5 The emerging MSDP sets a housing provision figure for the District of 11,050 homes in the MSDP plan period (2014-31). 630 homes were completed between 2014 and 2015, there are 5,405 existing commitments, and 3,500 will be delivered in the strategic development around Burgess Hill, leaving a residual figure of 1,515. The draft MSDP does not distribute the residual figure of 1,515 between the parishes. These sites are to be identified in the twenty neighbourhood plans which cover the district. If the neighbourhood plans do not deliver sufficient housing, MSDC will prepare a Site Allocations Development Plan Document.
- 4.2.6 Gladman (reference 20272) argue that the combination of policies THP1, THP2, THP4, THP8, THP10 and THP11 in effect places a cap upon the level of development permitted by the THNP. The objector criticises the design elements of those policies, as well as the protection of open countryside and rights of way.
- 4.2.7 There is no policy in the THNP which explicitly places a cap upon development. However, I accept that the vision of the THNP, which is based upon a fair assessment of the particular attractiveness of the locality, already set out in the adopted Village Design Statement, and the significant policy constraints imposed by the AONB and the Conservation Area, do not suggest that the NP Area is likely to be an early candidate for new housing development on a

large scale. As I have said already, if it transpires that, in practice, the housing needs of the District cannot be met without the allocation of further land within the THNP Area, then clearly the matter will be rectified either by a review of the THNP, or by a Site Allocations Development Plan Document, or by decisions made on individual planning applications, in the first instance or on appeal. In my judgement it would be perverse, at this stage in the planning process, to dismantle the individual policies of the THNP, which on the evidence appear to be well-founded, simply because they lead to a justifiably cautious approach to the development of the locality.

- 4.2.8 National policy is not simply concerned with the provision of housing and economic growth, but also recognises the intrinsic character and beauty of the countryside, seeks to conserve landscape and scenic beauty in Areas of Outstanding Natural Beauty, seeks to conserve heritage assets such as conservation areas and listed buildings, and places great importance on good design. The THNP aims to strike a balance between creating much-needed new homes, and conserving the best of the locality's natural assets and built heritage.
- 4.2.9 The SA is criticised by Gladman (reference 20272) partly on the grounds that it does not set out alternative development strategies for the parish. However, given the severe policy constraints in the locality, it is difficult to see what such an exercise would achieve. Until it has been demonstrated that the housing land required by the district as a whole cannot be accommodated in less sensitive areas, there would be little value in going beyond the sites evaluated by the SA.
- 4.2.10 Gladman refer on several occasions to the words 'there are other more suitable sites in Turners Hill to meet the local housing need' (page 26 of the SA), and go on to say that these sites should be identified and evaluated. However, from my reading of the SA, those words (taken from the overall conclusion on Site C set out in the MSDC Strategic Housing Land Availability Assessment) clearly appear to refer to sites A and B, which have been evaluated in the SA and found to be more suitable than Site C.

### **4.3 Policy THP2 Development of Vicarage Field**

- 4.3.1 This policy sets out conditions for the development of both Old Vicarage Field and the Old Estate Yard. To avoid doubt or confusion I **recommend** that the policy title should be changed to 'Development of Old Vicarage Field and the Old Estate Yard'.
- 4.3.2 I **recommend** that the reference to the emerging MSDP be deleted from the policy, since (a) the quoted draft policy number is incorrect and (b) the draft policy itself might change before the MSDP is adopted.
- 4.3.3 Historic England (reference 519) say that the Village Design Statement is an important document for influencing the quality of design within the village, particularly within the Conservation Area, which lacks an up to date conservation area appraisal. For that reason they suggest that the policy should contain an additional criterion, referring to the Conservation Area and to the Village Design Statement. I therefore **recommend** that the following sentences be added to the policy: 'Development should be designed to preserve or enhance the character or appearance of the Turners Hill Conservation Area and its setting.'

Proposals should take into account the guidance of the adopted Village Design Statement and any conservation area appraisal which may be adopted by the Council’.

#### 4.4 **Policy THP4 New Homes**

- 4.4.1 For the reasons set out in paragraph 4.3.3 above, I **recommend** that the words ‘Applications for new development must demonstrate how they have incorporated the guidance of the adopted Village Design Statement’ be inserted after the first sentence of the policy.
- 4.4.2 The second sentence of this policy says that ‘all new homes *must* comply with Code Level 3 of the Code for Sustainable Homes *as a minimum, or* [such] equivalent regulations as are assimilated into Building Regulations in the future’ (my emphasis). Whilst I understand the intent of this criterion, as it stands it requires compliance with minimum standards which no longer enjoy national support (reference 20272). If equivalent standards are incorporated into Building Regulations, then developers will be required to comply with them in any event. I **recommend** that the sentence be deleted, or at least reworded to reflect accurately current national planning policy on the matter. Support for high standards of energy efficiency and sustainability is set out in the penultimate sentence of the policy, and this is acceptable.
- 4.4.3 I **recommend** that the reference to the emerging MSDP be deleted from the policy, since (a) the quoted draft policy numbers are incorrect and (b) the draft policies themselves might change before the MSDP is adopted.

#### 4.5 **Policy THP6 Protection of Car Parking**

- 4.5.1 A shortage of parking provision is perceived as a significant issue in Turners Hill (paragraph 4.13 of the THNP). This policy seeks to prevent the loss of off-street car parking.
- 4.5.2 It would be possible to preface the policy with the words ‘Subject to the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification)’. This would avoid any conflict with statutory provisions, and I so **recommend**.
- 4.5.3 Except in the case of formally laid-out established car parks, it might be difficult to interpret and apply the proposed policy. It would be helpful to define more precisely the meaning of ‘recognised off-road parking spaces’, and I so **recommend**.

#### 4.6 **Policy THP7 Building Extensions and Infill Development**

- 4.6.1 Although the title of the policy is ‘Building Extensions and Infill Development’, the first sentence of the policy itself refers only to ‘building extensions’. Assuming that the title accurately conveys the intention of the policy, the words ‘and infill development’ need to be inserted after the words ‘building extensions’ in the first sentence of the policy, and I so **recommend**. The sentence should read: ‘Building extensions and infill development which require planning permission will be permitted where they meet the following criteria:’.
- 4.6.2 Criterion (a) refers only to ‘the existing building’, criterion (b) refers only to ‘the extension’ and ‘the building’, and criterion (e) refers only to ‘the existing building’. All three criteria require re-wording so that they apply to infill development as well as extensions, and I so **recommend**.

- 4.6.3 In criterion (b), Turners Hill is referred to as ‘Turners’ Hill’. The modern spelling of the village does not contain an apostrophe.
- 4.6.4 For the reasons set out at paragraph 4.3.3 above, I **recommend** that the words ‘taking into account the guidance of the adopted Village Design Statement’ be added to criterion (a) of the policy.
- 4.6.5 In my opinion the word ‘compatible’ in criterion (e) encompasses the notion of sympathetic appearance, and I do not consider that amendment is necessary (reference 519).

#### **4.7 Policy THP8 Countryside Protection**

- 4.7.1 The policy refers to ‘the Built Up Area Boundary’ (BUAB), ‘our Strategic Gaps’ [*sic* - there is in fact only one in this locality, it being the Strategic Gap between Crawley and East Grinstead], and the ‘High Weald Area of Outstanding Natural Beauty’ (AONB). There is nothing to tell the reader where the *proposed* BUAB is defined (it is different from the existing BUAB shown on the Turners Hill Inset Map of the MSLP), and the reader is referred to the MSLP for guidance as to the location of the Strategic Gap and the AONB. In my view all this is unhelpful, and potentially confusing, to the reader of the THNP, and I **recommend** that there should be a cross-reference in the policy to the map on page 24 of the THNP which shows the proposed BUAB and the AONB. I also **recommend** that that map should be annotated to show the location of the Strategic Gap.
- 4.7.2 I **recommend** that the reference to the emerging MSDP be deleted from the policy, since (a) the quoted draft policy numbers are incorrect and (b) the draft policies themselves might change before the MSDP is adopted.

#### **4.8 Policy THP10 Brownfield Sites**

- 4.8.1 I **recommend** that the policy should be prefaced by the words ‘Subject to the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification):’.

#### **4.9 Policy THP11 Recreational Spaces**

- 4.9.1 The first sentence of the policy refers to ‘defined built-up areas’. This implies that there is more than one defined built-up area within the NP Area. This is not the case. The existing BUA for planning purposes is that shown on the Turners Hill Inset map of the MSLP. The THNP proposes to replace that BUA with a slightly larger one, shown on the map on page 24 of the THNP. For the sake of clarity, I **recommend** that the wording of Policy THP11 should be amended. If it is meant to refer only to the proposed BUA shown on page 24, then it should refer to BUA in the singular, giving a cross-reference to the map on page 24. If it is meant to refer to additional areas, these should also be clearly defined and cross-referenced.
- 4.9.2 The policy also lacks clarity in other respects. The first paragraph applies to proposals for new sporting and recreational development, including allotments, in defined built-up areas. The second paragraph sets out the circumstances in which open space, sports and recreational buildings and land might be lost. However, the third paragraph begins: ‘Within the countryside proposals will be permitted ...’. It is not clear which kinds of development

are contemplated by this paragraph, and as it stands the policy is likely to create uncertainty, confusion and unnecessary debate. In my view it is essential that the types of development to which the third paragraph applies are precisely identified after the word 'proposals', and I so **recommend**.

- 4.9.3 Southern Water (reference 164A) point out that waste water and water supply infrastructure may in exceptional circumstances have to be provided on land which would otherwise be protected from development, a position supported by national policy. I therefore **recommend** that the words 'unless it is to meet a need for essential water supply or wastewater infrastructure which cannot reasonably be located elsewhere' be added to the final sentence of the policy.
- 4.9.4 Gladman (reference 20272) objects to the final paragraph of the policy, on the grounds that rights of way may be successfully integrated into new development. In such circumstances the policy would not be breached, as the rights of way concerned would still exist. It is therefore unnecessary to modify the policy.

## 5. Other matters

- 5.1 Paragraph 7.20 of the THNP says that new and improved utility infrastructure will be encouraged and supported in order to meet the identified needs of the community. Southern Water (reference 164) propose that, so far as water supply and wastewater infrastructure are concerned, this commitment should be given the status of an additional policy. They do not explain how this would benefit any proposals which they might bring forward, since their proposed policy would contain the words 'subject to other policies in the development plan'. On balance I do not think that it is necessary for such a policy to be introduced in order for the THNP to meet the basic conditions, but there is no reason why the PC should not take up the suggestion if they so wish.

## 6. Conclusions on the basic conditions

- 6.1 Insofar as the strategic policies of the MSLP are still up to date, the THNP is in general conformity with them. However, as demonstrated above, the critical housing and open land policies are out of date, and on those matters the THNP must look to national policy for guidance.
- 6.2 In my judgement the THNP has appropriate regard to national policy, which is not simply concerned with the provision of housing and economic growth, but also recognises the intrinsic character and beauty of the countryside, seeks to conserve landscape and scenic beauty in Areas of Outstanding Natural Beauty, seeks to conserve heritage assets such as conservation areas and listed buildings, and places great importance on good design. The THNP aims to strike a balance between creating much-needed new homes, and conserving the best of the locality's natural assets and built heritage.
- 6.3 The THNP will in my view contribute to the achievement of sustainable development. It explicitly recognises the need to provide for sustainable development, intending that Turners Hill should thrive as a modern and flourishing village, whilst at the same time maintaining its history, heritage and rural setting.

- 6.4 There is no evidence before me to suggest that the THNP is not compatible with EU obligations, including human rights requirements.
- 6.5 Part of the NP Area lies within 7 km of the Ashdown Forest SAC and SPA, a 'European site' under the Conservation of Habitats and Species Regulations 2010. The THNP does not contain policies concerning Ashdown Forest, but it sets out, at paragraphs 8.15 to 8.17, the actions which MSDC, as local planning authority, take to mitigate any adverse effects. Provided that those mitigation measures are followed by MSDC, the THNP is not likely to have significant adverse effects on any 'European site' identified under the Conservation of Habitats and Species Regulations 2010.

## **7. Formal recommendations**

- 7.1 I have concluded that, provided that the recommendations set out above are followed, the THNP would meet the basic conditions.
- 7.2 I therefore recommend that the THNP, as modified, should proceed to a referendum.
- 7.3 There is no evidence to suggest that the area of the referendum should be anything other than the Neighbourhood Plan Area, as defined by the map on page 51 of the THNP.

*Brian Dodd*

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23 October 2015