

21 February 2020

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**POSITION STATEMENT IN RESPECT OF THE SOUTHWATER NEIGHBOURHOOD PLAN  
ON BEHALF OF SOUTHWATER PARISH COUNCIL**

This statement has been prepared to inform proceedings and clarify the Parish Council's (PC) position in relation to the matters to be discussed at the Examination Hearing scheduled for 28<sup>th</sup> February 2020.

**1. Agenda Item 3: GENERAL CONFORMITY WITH HORSHAM DISTRICT PLANNING  
FRAMEWORK (HDPF) STRATEGIC POLICIES**

- 1.1. The PC has set out in the Basic Conditions Statement and the Plan how the Plan would be in general conformity with the strategic policies of the development plan.
- 1.2. Dealing with the specific policies raised by the Examiner, Policy 2 provides the overarching strategy for development across the district in 14 criteria. Importantly, it confirms the primacy of the settlement hierarchy in relation to the distribution of new development as per Policy 3. The Plan's parish wide spatial strategy is set out in SNP1 which compliments Policy 2. As to the concern that Policy SNP1.3 (which seeks to prevent coalescence of our unique settlements) amounts in effect to a 'gap' policy and would preclude any development between the built-up areas, this is not the case. The policy does not preclude development but merely seeks to prevent coalescence which will require a straightforward judgment to be made on a case by case basis.
- 1.3. Policy 4 sets out that the growth of settlements across the District will continue to be supported in order to meet identified local housing, employment and community needs. Outside built-up area boundaries, the expansion of settlements will be supported where they meet five criteria, one of which is that the site is allocated in a Neighbourhood Plan and adjoins an existing settlement edge. The allocation in the Plan accords with this requirement.
- 1.4. Policy 15 identifies a need to deliver at least 16,000 homes during the plan period of which at least 1500 are to be allocated through Neighbourhood Planning. An allocation for in excess of 400 dwellings towards that number would be in general conformity with the policy.
- 1.5. Some Regulation 16 consultees have questioned whether the allocation of in excess of 400 dwellings is of itself a "strategic" matter which should be the subject of the Local Plan Review, rather than the neighbourhood plan. It is notable that HDC does not share this concern.

- 1.6. The issue to be determined is whether the allocation of land for housing in SNP2 would be in 'general conformity' with the strategic policies of the HDPF. Two main principles arise out of those strategic policies. First, the provision of a certain amount of housing including, as identified in policy 15, 1500 homes through neighbourhood plans. Clearly, an allocation for in excess of 400 dwellings towards that number is strongly supportive of that strategic principle. The second principle that arises out of the strategic policies is the need to protect the countryside outside the built up area boundaries. However, as policy 4 makes clear, one of the circumstances in which development outside the built-up boundary is permissible is where that development is allocated in a neighbourhood plan. Therefore, it must be that an allocation of in excess of 400 dwellings outside the settlement boundary is consistent with that general principle from the strategic policy.
- 1.7. There is otherwise no 'conflict' between the proposed allocation and the strategic policies. Some consultees have suggested that there would be some conflict because the glossary of the HDPF refers to a strategic site allocation as being 'a location for development of around 200 homes or more' and makes clear that neighbourhood development plans should not cover 'strategic issues.' The PC submits that these contentions are obviously wrong for a number of reasons.
- 1.8. First, the glossary to the HDPF is not 'policy' and general conformity should not be measured against any of the definitions in it. While a glossary may be used to help interpret the policies in a planning policy document (see for example Carolyn Brown (an officer of the Hanwell Community Forum) v London Borough of Ealing Council [2018] EWCA Civ 556), it cannot constitute policy, let alone strategic policy in its own right.
- 1.9. Secondly and in any event, what is a 'strategic issue' is not further defined by the glossary and there is nothing to suggest that a 'strategic site allocation' for the purpose of the HDPF is necessarily a 'strategic issue' for the purpose of a neighbourhood plan.
- 1.10. Thirdly, while policy 15 identifies that a certain quantum of development will be delivered through 'strategic sites', that does not mean that any site over 200 dwellings will be a 'strategic' matter for the purpose of a neighbourhood plan. Policy 15 does not even use the term defined by glossary, 'strategic site allocation', (but rather 'strategic site'). The glossary does not even 'define' all sites with over 200 dwellings as being strategic sites and the consultation responses all ignore the fact that, as defined by the glossary, a strategic site allocation is not merely a question of the number of dwellings but is referable to the '*site specific details*' as '*specified within the policies in the HDPF.*' At most, therefore, the glossary provides that the strategic site allocations are those specific allocations for strategic sites made by the HDPF (in the case of housing by policy 15). Other than define those specific allocations, the glossary does not introduce any broader definition for a '*strategic site.*'
- 1.11. Finally, but most importantly, policy 15 clearly delineates between the delivery of housing through strategic sites and the delivery of 1500 homes through neighbourhood plans in accordance with the settlement hierarchy. Whatever is meant by 'strategic site', there is nothing in policy 15 to state that there is any size limit for an allocation in a neighbourhood plan. To identify any 'conflict' with policy 15, it would be necessary to 'read into' policy 15 a limitation on the size of neighbourhood plan allocations a limitation which does not appear on the face of the policy. It would be wrong to read in such a limitation and identify a conflict

arising from it. Given the place of Southwater in the settlement hierarchy, it cannot sensibly be said that an allocation for over 400 dwellings is inappropriate.

- 1.12. As to the quantum of proposed residential development in the Neighbourhood Plan area during the Plan period (2019-2031) as set out in Section 4 of the Plan in relation to the adopted HDPF policies and the emerging Horsham Local Plan Review, as set out above, PC considers (and HDC is satisfied) that the Plan would make an appropriate contribution to meeting the 1500 homes earmarked for delivery through neighbourhood plans as set out in policy 15.
- 1.13. So far as the Local Plan Review is concerned, the Council is currently consulting on a Regulation 18 version of the Plan which is intended to cover the period 2019 – 2036. It will be for the Review to identify what the housing requirement for the Plan will be and what will be the strategy to meet that housing requirement. That is quite clearly a strategic matter to be addressed through the Review.
- 1.14. As planning policy, the Local Plan Review cannot sensibly carry any meaningful weight in decision- or plan-making at this time given the early stage in its preparation. Thus, even having regard to the housing need which might be identified through the evidence base for the Plan and the strategy proposed by the Local Plan Review to meet that need, this Plan cannot sensibly be premised on anything other than the current adopted plan requirements set out in the HDPF. Subject to the outcome of Local Plan Review, any further housing need proposed to be met within the Plan area will need to be addressed in the Council's Local Plan and/or through a review of this Plan.

## **2. Agenda Item 4: POLICY SNP1 (b) – BUILT UP AREA BOUNDARIES (BUAB)**

- 2.1. The justification for the BUAB review is set out in the evidence base for the Plan (see the 'Built-Up Area Review') which addresses the points made by objectors to the Plan.
- 2.2. Horsham District Council (HDC) have objected to the review on the basis that *'...the establishment of BUABs is... an important and well-established strategic policy mechanism in the adopted HDPF with significant development implications" and should be dealt with through the Local Plan Review.*
- 2.3. As set out in greater detail in the Built-Up Area Review, the PC accepts that the identification of those settlements which have the capacity to absorb further development (and thus warrant the establishment of a BUAB) is a "strategic" matter. However, once it has been established that a settlement should have a BUAB, the detailed alignment of the boundary is clearly not a strategic matter. There is nothing in the HDPF or national policy to suggest that the detailed alignment of a BUAB is a strategic matter and nothing which would prohibit a neighbourhood plan from reviewing the alignment of BUABs within its plan area. The fact that HDC is reviewing the BUABs in its district demonstrates that they may be out of date and require review.
- 2.4. The refinements made to the BUABs within Southwater are relatively minor, based on a sound methodology and detailed work which is likely to be more detailed than HDC would be able to undertake given the number of BUABs they have to manage and review. As to HDC's

suggestion that its own methodology for its Local Plan Review should be given little weight, the PC does not agree. It considers that the HDC methodology is robust, irrespective of the stage that the Plan itself has reached.

- 2.5. As to the various comments made about specific refinements to the alignment of the BUABs, the PC relies on the Built-Up Area Review which, as noted above, sets out and applies a clear methodology and provides specific justification for the changes proposed in each case.
- 2.6. By proposing these refinements, no conflict with strategic policies in the HDPF has arisen.

### **3. Agenda Item 5: POLICY SNP2 – ALLOCATION FOR RESIDENTIAL DEVELOPMENT**

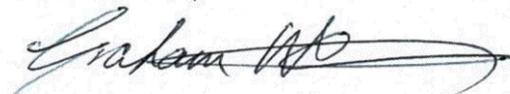
- 3.1. Having addressed the principle of the allocation made by Policy SNP2, the PC maintains that the detailed policy criteria are in general conformity with the HDPF and otherwise fulfil the basic conditions, notwithstanding the preferences of consultees for variations to the wording of the policy.

### **4. Agenda Item 6: OTHER RESIDENTIAL DEVELOPMENT SITES PROPOSED IN REG. 16 REPRESENTATIONS**

- 4.1. The Parish Council does not consider all the alternative sites to be without merit. In fact, some of them are considered to have merit as is evidenced in the documentation. However, that does not mean that the Plan does not fulfil the basic conditions.
- 4.2. A range of alternatives have been considered by the Steering Group and an appropriate strategy for the community chosen for the reasons set out in the documentation

### **5. Agenda Item 7: POLICY SNP5 – LOCAL GREEN SPACE**

- 5.1. The PC relies on the assessments within the 'Review of Public Open Spaces in Southwater' in support of the designation of Local Green Space.

*Reviewed. 21/2/20*  
  
*Graham Webb*  
*Chairman. S.P.C.*