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# **Report on Slinfold Neighbourhood Plan 2014 - 2031**

**An Examination undertaken for Horsham District Council with the support of the Slinfold Parish Council on the April 2017 submission version of the Plan.**

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Date of Report: 29 January 2018

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## **Main Findings** - Executive Summary

From my examination of the Slinfold Neighbourhood Plan and its supporting documentation, including the representations made, I have concluded that subject to the policy modifications set out in this report, the Plan meets the Basic Conditions.

I have also concluded that:

- The Plan has been prepared and submitted for examination by a qualifying body – the Slinfold Parish Council;
- The Plan has been prepared for an area properly designated – the whole of the Parish of Slinfold as shown on page 1 of the submitted Plan;
- The Plan specifies the period during which it is to take effect: 2014 - 2031; and
- The policies relate to the development and use of land for a designated neighbourhood area.

I recommend that the Plan, once modified, proceeds to Referendum on the basis that it has met all the relevant legal requirements.

I have considered whether the referendum area should extend beyond the designated area to which the Plan relates and have concluded that it should not.

## **1. Introduction and Background**

### *Slinfold Neighbourhood Plan (NP) 2014 - 2031*

- 1.1 Slinfold lies in countryside about six kilometres west of the centre of Horsham. The village is located within a rough triangle of main roads; to the north is the A281 between Guildford and Horsham; just to the west is the A29 which extends from the south coast towards Dorking. The A264 linking Billingshurst with Horsham and beyond crosses to the south east of Slinfold.
- 1.2 Slinfold, with a population of 2,055 in 2011 (Census), is the local centre, with a good range of facilities and a traditional historic village centre and recently built housing development, mostly to the south.
- 1.3 The character and appearance of the NP area outside the village is predominantly rural, gently undulating, open farmland. Small irregular fields mingle with well-defined hedgerows and small areas of woodland typical of the Low Weald.
- 1.4 The preparation of the NP began in 2013 with an appropriate resolution by the Slinfold Parish Council and the appointment of a NP Working Group

(NPWG). The NPWG met many times thereafter, circulated questionnaires and information leaflets and held open meetings and drop in sessions. The NP now represents over nearly 5 years' work for those who have been involved over the entire period of its preparation.

- 1.5 The vision for the area derived from the results of questionnaires and local meetings is included on page 10 of the NP and states that "Our vision is to ensure a sustainable rural community for everyone within the Parish, embracing the countryside whilst providing for the future."
- 1.6 Fifteen Strategic Objectives were developed and listed in the NP, which then resulted in five policy areas: environment and heritage; housing; economy; transport and community infrastructure. Each policy area is considered separately, setting the relevant Objectives, an introduction, reasoning and policies. The exception to this pattern is transport, for which the NP defines aims rather than policies.

#### *The Independent Examiner*

- 1.7 As the Plan has now reached the examination stage, I have been appointed as the examiner of the Slinfold Neighbourhood Plan by Horsham District Council (Horsham DC), with the agreement of the Slinfold Parish Council (SPC).
- 1.8 I am a chartered town planner with over 40 years' planning experience in local and central government. As a former Planning Inspector, I dealt with a wide variety of casework, ranging from small scale housing appeals to the examination of development plans and nationally significant infrastructure projects. I am an independent examiner, experienced in examining neighbourhood plans, and do not have an interest in any of the land that may be affected by the draft plan.

#### *The Scope of the Examination*

- 1.9 As the independent examiner, I am required to produce this report and recommend either:
  - (a) that the neighbourhood plan is submitted to a referendum without changes; or
  - (b) that modifications are made and that the modified neighbourhood plan is submitted to a referendum; or
  - (c) that the neighbourhood plan does not proceed to a referendum on the basis that it does not meet the necessary legal requirements.
- 1.10 The scope of the examination is set out in Paragraph 8(1) of Schedule 4B of the Town and Country Planning Act 1990 (as amended) ('the 1990 Act'). The examiner must consider:

- Whether the Plan meets the Basic Conditions;
- Whether the Plan complies with provisions under s.38A and s.38B of the Planning and Compulsory Purchase Act 2004 (as amended) ('the 2004 Act'). These are:
  - it has been prepared and submitted for examination by a qualifying body, for an area that has been properly designated by the local planning authority;
  - it sets out policies in relation to the development and use of land;
  - it specifies the period during which it has effect;
  - it does not include provisions and policies for 'excluded development';
  - it is the only neighbourhood plan for the area and does not relate to land outside the designated neighbourhood area;
  - whether the referendum boundary should be extended beyond the designated area, should the Plan proceed to referendum; and
- Such matters as prescribed in the Neighbourhood Planning (General) Regulations 2012 (as amended) ('the 2012 Regulations').

1.11 I have considered only matters that fall within Paragraph 8(1) of Schedule 4B of the 1990 Act, with one exception. That is the requirement that the Plan is compatible with the Human Rights Convention.

### *The Basic Conditions*

1.12 The 'Basic Conditions' are set out in Paragraph 8(2) of Schedule 4B of the 1990 Act. In order to meet the Basic Conditions, the neighbourhood plan must:

- 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 of the development plan for the area;
- Be compatible with and not breach European Union (EU) obligations; and

- Meet prescribed conditions and comply with prescribed matters.
- 1.13 Regulation 32 of the 2012 Regulations prescribes a further Basic Condition for a neighbourhood plan. This requires that the neighbourhood plan should not be likely to have a significant effect on a European Site (as defined in the Conservation of Habitats and Species Regulations 2017) or a European Offshore Marine Site (as defined in the Offshore Marine Conservation (Natural Habitats etc.) Regulations 2007), either alone or in combination with other plans or projects.

## **2. Approach to the Examination**

### *Planning Policy Context*

- 2.1 The Development Plan for the NP area, not including documents relating to minerals and waste development, is the Horsham District Planning Framework (HDPF). The HDPF was adopted in November 2015. Other than land within the South Downs National Park, the HDPF replaces the policies contained in the Horsham District Core Strategy and General Development Control Policies which were adopted in 2007. The HDPF sets out the planning strategy for the years up to 2031 to deliver the social, economic and environmental needs for the district (outside the South Downs National Park).
- 2.2 Horsham DC is now gathering evidence for the Local Plan Review. The first consultation as part of the Local Plan review will focus on the employment and rural strategy, and it is envisaged that this will be published for consultation in Spring 2018. Subsequent stages of the Local Plan review, including development proposals for new homes, will follow in 2019.
- 2.3 The planning policy for England is set out principally in the National Planning Policy Framework (NPPF). The Planning Practice Guidance (PPG) offers guidance on how this policy should be implemented. PPG makes clear that whilst a neighbourhood plan is not tested against the policies in an emerging Local Plan, the reasoning and evidence informing the Local Plan process is likely to be relevant to the consideration of the Basic Conditions against which a neighbourhood plan is tested. It cites, as an example, that up-to-date housing needs evidence is relevant to the question of whether a housing supply policy in a neighbourhood plan contributes to the achievement of sustainable development. Paragraph 184 of the NPPF also provides, "The ambition of the neighbourhood should be aligned with the strategic needs and priorities of the wider area".
- 2.4 Policy 2 of the HDPF recognises Horsham as the primary town for the District, in and around which development will be focussed. The policy also states that the HDPF will allow for growth in the rest of the district in

accordance with the settlement hierarchy. Three strategic development areas are identified in the HDPF which would accommodate at least 2,500 dwellings immediately to the north of Horsham Town, around 600 dwellings west of Southwater and around 150 dwellings south of Billingshurst.

- 2.5 HDPF Policy 3 sets out the hierarchy of settlement types with Horsham as the Main Town, eight Small Towns and Larger Villages, eight Medium Villages, six Smaller Villages and an unidentified number of Unclassified settlements. Slinfold is classified as a Medium Village. Policy 15 seeks the provision of at least 16,000 homes within the period 2011 – 2031, at an average of 800 homes per annum. In addition to the housing completions up to 2015 and the three strategic development areas, at least 1500 homes should be provided throughout the district in accordance with the settlement hierarchy and allocated through neighbourhood planning. The HDPF does not allocate housing numbers across the range of settlements, other than at Horsham and the strategic development areas.
- 2.6 The HDPF also explains the significance of the boundaries of built-up areas which, together with planned expansion of existing settlements through the Local Plan or Neighbourhood Planning, are seen as the tools to ensure that development takes place in a manner which would retain and enhance the settlement pattern and the rural landscape character. Within built-up area boundaries development is acceptable in principle, whereas land outside these boundaries is considered to be in countryside, where development will be more strictly controlled.<sup>1</sup>

### *Submitted Documents*

- 2.7 I have considered all policy, guidance and other reference documents that I consider relevant to the examination, including those submitted, which comprise:
- the draft Slinfold Neighbourhood Plan 2014 - 2031;
  - the map (Figure 1) on page 1 of the Plan which identifies the area to which the proposed neighbourhood development plan relates;
  - the Consultation Statement, dated April 2017;
  - the Basic Conditions Statement, dated April 2017;
  - all the representations that have been made in accordance with the Regulation 16 consultation;
  - the Sustainability Appraisal (incorporating the Strategic Environmental Assessment) dated April 2017; and
  - the request for additional clarification sought in my letter of 7 November 2017 and the responses on 28 November and 1 December

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<sup>1</sup> HDPF paragraphs 4.6 and 4.7.

2017 provided by the District and Parish Councils, which are available on both the District and Parish Council website respectively<sup>2</sup>.

#### *Site Visit*

- 2.8 I made an unaccompanied site visit to the NP area on 15 December 2017 to familiarise myself with it and visit relevant sites and areas referenced in the Plan and evidential documents.

#### *Written Representations with or without Public Hearing*

- 2.9 This examination has been dealt with by written representations. I considered hearing sessions to be unnecessary as the consultation responses clearly articulated the objections to the Plan, and presented arguments for and against the Plan's suitability to proceed to a referendum. As noted in paragraph 2.7 above, the Parish Council helpfully answered in writing the questions which I put to them in my letter of 7 November 2017. No requests for a hearing session were received.

#### *Modifications*

- 2.10 Where necessary, I have recommended modifications to the Plan (**PMs**) in this report in order that it meets the Basic Conditions and other legal requirements. For ease of reference, I have listed these modifications separately in the Appendix.

### **3. Procedural Compliance and Human Rights**

#### *Qualifying Body and Neighbourhood Plan Area*

- 3.1 The Slinfold Neighbourhood Plan has been prepared and submitted for examination by Slinfold Parish Council which is a qualifying body. It extends over the whole of the Slinfold Parish, which constitutes the area of the Plan designated by Horsham DC in May 2015. The NP includes Figure 1 at page 1 on which the Designated Neighbourhood Plan Area is marked.
- 3.2 It is the only neighbourhood plan for Slinfold Parish and does not relate to land outside the designated neighbourhood area.

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<sup>2</sup> View at: <https://www.horsham.gov.uk/planning/neighbourhood-planning/parish-neighbourhood-plans>



### *Plan Period*

- 3.3 The Plan specifies clearly the period during which it is to take effect, which is from 2014 to 2031. The end date aligns with the adopted HDPF, which is also 2031.

### *Neighbourhood Plan Preparation and Consultation*

- 3.4 The Consultation Statement, completed in April 2017, indicates that the Parish Council commenced preparation of the Plan in June 2013 with the appointment of a Neighbourhood Plan Working Group. The Consultation Statement includes a Chronology of the Consultation Process which, together with the Appendices, provides comprehensive documentation of events involving the public from the initial consultation in November 2013 through to November 2015. A Neighbourhood Plan Questionnaire was circulated to each household in the Parish in 2014 and a local business survey was carried out in 2015. Meetings were held with Horsham DC in 2014 and in July and October 2015.<sup>3</sup> Public Consultation events were held in April, May and November 2015. The Consultation Statement and Appendices helpfully provide details of the consultations and notes of meetings, those with Horsham DC being especially useful.
- 3.5 The Draft Plan was published for consultation under Regulation 14 of the 2012 Regulations on 25 April 2016. The consultation period ran for 6 weeks until 6 June 2016. The publicity included notifying all stakeholders, such as residents and businesses who had previously been involved in the engagement process, those who had provided an email address and asked to be kept updated and a website entry from which the NP could be downloaded. Posters explaining the consultation process and the NP were displayed in the village shop. About 70 responses were received, of which 8 were from statutory consultees/public bodies.
- 3.6 Consultation in accordance with Regulation 16, when the Plan was submitted to Horsham DC, was carried out for a 6-week period ending on 21 July 2017, with a further period from 11 September until 23 October<sup>4</sup>. 40 responses were received. I am satisfied that a transparent, fair and inclusive consultation process has been followed for this Neighbourhood Plan that has had regard to advice in the PPG on plan preparation and is procedurally compliant in accordance with legal requirements.

### *Development and Use of Land*

- 3.7 The Plan sets out policies in relation to the development and use of land in accordance with s.38A of the 2004 Act.

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<sup>3</sup> Consultation Statement Appendix 10.

<sup>4</sup> An administrative error was made by Horsham DC, initially publishing the February 2017 version of the draft Plan. This was subsequently rectified by the publication of the April 2017 version.

### *Excluded Development*

- 3.8 The Plan does not include provisions and policies for 'excluded development'.

### *Human Rights*

- 3.9 The Basic Conditions Statement advises that, in preparing the NP, regard was had to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and that it complies with the Human Rights Act 1998. Horsham DC has not alleged that Human Rights might be breached. I have considered this matter independently and I have found no reason to disagree with that position.

## **4. Compliance with the Basic Conditions**

### *EU Obligations*

- 4.1 All NPs have to be the subject of Strategic Environmental Assessment (SEA). Although there is no obligation to carry out a Sustainability Appraisal (SA), the NPWG commissioned a full SA incorporating the SEA process. The Scoping Report of the SA was published for consultation in 2015 with the statutory consultees, which include Historic England, the Environment Agency and Natural England. Natural England had no specific comments at the Regulation 14 Consultation stage with no added comments at the Regulation 16 Consultation. The Environment Agency had no detailed comments to make, other than the (reasonable) expectation that allocated sites (for housing) would be connected to the mains foul sewer. No adverse comments were received about the NP from Historic England at the Regulation 16 Consultation.
- 4.2 Horsham DC did not find it necessary to carry out a Habitats Regulations Assessment (HRA) and having read the information provided and considered the matter independently, I agree. Therefore, I am satisfied that the NP is compatible with EU obligations.

### *Main Issues*

- 4.3 Having considered whether the Plan complies with various procedural and legal requirements, it is now necessary to deal with whether it complies with the Basic Conditions; particularly the regard it pays to national policy and guidance, the contribution it makes to the achievement of sustainable development and whether it is in general conformity with strategic development plan policies. I test the Plan against the Basic Conditions by considering specific issues of compliance of all the Plan's policies.

4.4 As part of that assessment, I consider whether the policies are sufficiently clear and unambiguous, having regard to advice in the PPG. The NP should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence<sup>5</sup>.

4.5 Having regard to the Slinfold Neighbourhood Plan, the consultation responses, other evidence<sup>6</sup> and the site visit, I consider that there are three main issues relating to the Basic Conditions for this examination. These are:

*Issue 1: Whether the proposals for homes and jobs are in general conformity with the adopted strategic planning policies, whether they would contribute to the achievement of sustainable development and whether they have regard to national policy and guidance?*

*Issue 2: Whether the proposals for safeguarding the character and appearance of the countryside, landscape and built environment have regard to national guidance, contribute to sustainable development and generally conform with strategic statutory planning policies, striking the right balance with rural economic needs?*

*Issue 3: Whether the remaining policies (other matters) in the Plan provide an appropriate framework to shape and direct sustainable development whilst maintaining the essential character of the Plan area and supporting essential facilities and services in meeting the Basic Conditions?*

Issue 1: Whether the proposals for homes and jobs are in general conformity with the adopted strategic planning policies, whether they would contribute to the achievement of sustainable development and whether they have regard to national policy and guidance?

4.6 Policy 15 of the adopted HDPF seeks the provision of at least 16,000 homes within the period 2011 – 2031, at least 1500 of which throughout the district should be in accordance with the settlement hierarchy and allocated through Neighbourhood Planning. This is in addition to the allocations made for at least 3,250 homes at the Strategic Sites, homes which are already permitted or agreed for release, housing completions for the period 2011 – 2015 and 750 windfall units. The HDPF states that the objectively assessed needs for both market and affordable housing for the district in the plan period to 2031 will be met through this housing target<sup>7</sup>.

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<sup>5</sup> PPG Reference ID: 41-041-20140306.

<sup>6</sup> The other evidence includes my letter to the Parish Council seeking clarification and the replies: see footnote 2.

<sup>7</sup> HDPF paragraph 6.5.

- 4.7 Therefore, at least 1500 new homes are required to be allocated across the hierarchy of the eight Small Towns and Larger Villages, eight Medium Villages, of which Slinfold is one, six Smaller Villages and an unidentified number of Unclassified settlements. The Slinfold NP has allocated five sites for housing which, according to the details of the NP, would accommodate about 77 dwellings, and which is within the range of 60 – 100 dwellings identified in the Housing Needs Assessment. Horsham DC considers that the allocation in the NP is in proportion to the scale and size of the village in accordance with the settlement hierarchy as defined in Policy 3 of the HDPF<sup>8</sup>.
- 4.8 I note that from 2001 to 2011, there was an increase of 172 homes in the Parish and therefore, if the NP housing allocations came to fruition, the building rate for the plan period would be lower<sup>9</sup>. In addition, a representation also suggested that housing needs for the NP were underestimated due to not employing the appropriate methodology<sup>10</sup>. However, the representation then indicated that the housing need is likely to be between 176 and 320 dwellings over the period 2011 to 2031. The HDPF figure of at least 1500 dwellings is to be shared across the range of 22 settlements (Small Towns, Larger Villages, Medium Villages and Smaller Villages) which indicates an average of 70 dwellings per settlement, ignoring those which are unclassified.
- 4.9 It is reasonable to expect that Slinfold, as one of the eight Medium Villages, would accept more new housing than one of the six Smaller Villages, but less than one of the eight Small Towns or Larger Villages. Therefore, in my opinion, the suggested quantity of between 176 and 320 for Slinfold would be disproportionate. Consequently, I agree with Horsham DC that the overall allocation of housing in the NP is in proportion to the scale and size of the village and its function as described in the HDPF.
- 4.10 NP Policy 6 is to be applied to all development proposals and seeks to respect the design, density and layout of the surrounding area. The policy links to the Slinfold Parish Design Statement (July 2006). The HDPF includes Policy 33 which is also entitled Development Principles and contains a comprehensive list of eleven considerations which would be taken into account when dealing with proposals for development.
- 4.11 The HDPF explains that Policy 33 is to ensure that development is of high quality, well designed and takes account of the existing character of the area. The policy will apply to all new development. Applicants must

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<sup>8</sup> Letter dated 31 October 2017 from Horsham DC.

<sup>9</sup> Letter dated 20 July from Savills.

<sup>10</sup> Email dated 21 July 2017 from Boyer on behalf of Taylor Wimpey.

consider the relevance of all the criteria within the policy to their proposal, and may be asked to justify why they do not consider a specific element relevant to their application. I consider that NP Policy 6 is compatible with HDPF Policy 33, alongside which it would be read for development management purposes, and introduces the valuable connection to the Parish Design Statement.

- 4.12 NP Policy 7 considers housing mix. This is also dealt with in the HDPF Policy 16, which states that development should provide a mix of housing sizes, types and tenures to meet the needs of the district's communities as evidenced in the latest Strategic Housing Market Assessment in order to create sustainable and balanced communities. Furthermore, the appropriate mix of different housing types and sizes for each site will depend upon the established character and density of the neighbourhood and the viability of the scheme.
- 4.13 The NP reports on 2011 Census data, which shows the range of households in the Parish, 66% consisting of one or two persons. I do not dispute the contention that the demand from the resident population is likely to be more toward medium sized properties, rather than larger ones. However, the restriction in the policy to three bedrooms or less seems too severe, considering that the NP (paragraph 5.20) refers to the 2015 public consultation where preferences were for single person properties and 3/4 bed roomed homes and that families with growing children may wish to live in properties with more than 3 bedrooms. Therefore, I shall recommend a modification to Policy 7 to increase the housing mix to include 4 bed roomed dwellings **(PM1)**.
- 4.14 The NP has allocated five sites for housing which are each identified in Policies 8, 9, 10, 11 and 12, with one policy being dedicated to one site. The sites have been selected on the basis of evidence in the Site Unit Assessment Background Paper (SUABP) and the Strategic Housing and Economic Land Availability Assessment (SHELAA) produced by Horsham DC. Further very useful clarification was supplied by Horsham DC in answer to my questions to the Parish and District Council<sup>11</sup>.
- 4.15 Each site has between six and nine criteria listed which would be applied to a planning application in order to gain the support of the NP in the development management process. Furthermore, each site has a limit on the number of dwellings which would be supported. The criteria and housing numbers are quite detailed and relevant to each site. Nevertheless, I am concerned that they could be applied too onerously and in so doing adversely affect the viability of any scheme which might come forward<sup>12</sup>.

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<sup>11</sup> Email and attachment from Horsham DC, dated 1 December 2017.

<sup>12</sup> PPG Reference ID: 10-001-20140306.

4.16 So far as the housing limit for each site is concerned, little regard appears to have been paid in the NP to the affordable housing items in HDPF Policy 16 other than the statement that the application of Policy 16 would be supported. Policy 16 states that:

3. In order to meet the proven needs of people who are not able to compete in the general housing market, all residential developments of 5 dwellings or more will be expected to include an appropriate proportion of affordable homes in accordance with the following thresholds and targets:

a. On sites providing 15 or more dwellings, or on sites over 0.5 hectares, the Council will require 35% of dwellings to be affordable.

b. On sites providing between 5 and 14 dwellings, the Council will require 20% of dwellings to be affordable or where on-site provision is not achievable a financial contribution equivalent to the cost of the developer of providing the units on site.

4.17 The District and Parish Councils submitted to me a list containing the size of each NP site allocation as shown in the Table below, to which I have added the proposed dwelling limits for each site from the NP.

Name	Site	Area (Ha)	No. of dwellings (NP)
PDS8	East of Hayes Lane	1.6	Up to 15
PDS9	End of West Way	1.1	Up to 18
PDS10	Crosby Farm	1.1	Up to 24
PDS11	West of Spring Lane	2.0	Up to 10
PDS12	The Cobblers	0.3	An additional 10

4.18 The practical application of Policy 16 would be that for each site, other than The Cobblers, Horsham DC through the HDPF would require 35% of the dwellings to be affordable. Therefore, in order for development in a site allocation to be viable as advised in PPG<sup>13</sup>, and deliverable, I consider that there should be sufficient flexibility to ensure that Policy 16 is not compromised. This could have the consequence of increasing the housing density on any specific allocation. It seems to me that the extent of affordable housing and the number of dwellings per scheme would be best determined by the development management process of the local planning authority, to which the Parish Council would be a statutory consultee in any event. Accordingly, in order not to prejudice the implementation of the affordable housing element of HDPF Policy 16, I shall recommend the deletion of the dwelling limits for each allocation.

<sup>13</sup> PPG Reference ID: 41-005-20140306.

4.19 The HDPF includes Strategic Policy 32 (The Quality of New Development) which seeks high quality and inclusive design for all development. The HDPF also includes Policy 33 (Development Principles) which lists eleven requirements for development which include respecting the character of the surroundings, taking account of relevant Design Statements and the retention of important landscape features. I believe that with Policies 32 and 33 of the HDPF most, if not all, of the detailed items listed under the NP site allocations in Policies 8 to 12 may be omitted, especially as the HDPF expresses the considerations more comprehensively. Furthermore, the application of HDPF Policies 32 and 33, in combination with Policy 16 will determine the number of dwellings on the site which could even be less than the indicative limits in the NP, depending on the circumstances of the case.

4.20 Turning in detail to each allocation:

(i) *Policy 8: East of Hayes Lane.*

- (a) In general, I agree with the assessment in the SA and the selection of the site as a housing allocation<sup>14</sup>. The SHELAA notes that the site is available and developable in the longer term, albeit this refers to a larger site which was the subject of a recently refused planning application. Policy 8.1 seeks to mirror the development on the opposite side of Hayes Lane. However, I consider the requirement is too restrictive, in that there could be improvements in design and layout which would assist sustainability without seeking to replicate what already exists. Similarly, I consider that the height restriction to no more than two and a half storeys to be overly prescriptive. Such considerations would be part of the development management process using HDPF Policy 33.
- (b) Parking requirements are covered in HDPF Policy 41.2. Any flood risk assessment would be made by the Environment Agency when consulted about a planning application. The retention of trees and hedges would be covered by HDPF Policy 33, as would the creation of a buffer and access to the Downs Link, together with HDPF Policy 40.3. The protection and enhancement of biodiversity can be achieved through Policy 5 of the NP. I shall deal with Local Green Space LGS2 below (paragraph 4.37).
- (c) Therefore, I shall recommend the deletion of the limitation on the number of dwellings on the site and the deletion of all the items 1 to 8 from the Policy, with the consequent deletion of paragraphs 5.27 and 5.28 from the NP **(PM2)**.

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<sup>14</sup> Sustainability Appraisal (incorporating SEA) April 2017 Appendix 2.

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(ii) *Policy 9: End of West Way*

- (a) The SA describes the effect on the objective to conserve/enhance the rural character as a possible negative, or slight negative, impact on the sustainability objectives. I disagree. Based on my inspection of the site and the semi-rural nature of the surroundings, I would assess the site as having a negative impact. In addition, the SA marks the site as having no impact, or neutral impact, where the highways safety objective is concerned. Again, I disagree and, because of difficulties of access mentioned in the SHELAA, would assess the effect as negative, although I note the comment from Horsham DC that the local green space would act as a buffer to the Conservation Area and overcome concerns expressed in the SHELAA<sup>15</sup>.
- (b) I realise that each element of the SA assessment might be weighed differently. Nevertheless, in my opinion, the cumulative effect of the negative impacts on rural character, biodiversity and highways safety lead me to conclude that the allocation should be deleted from the NP due to the weight of evidence against it (**PM3**). I shall deal with Local Green Space LGS1 below (paragraph 4.36).

(iii) *Policy 10: Crosby Farm.*

- (a) I agree with the assessment of the SA and the selection of the site as a housing allocation, despite the SHELAA (2016) conclusion of being not developable. The site relates better to the centre of the village than allocation PDS8: East of Hayes Lane. I also believe that a well-designed scheme would enable the development to respect the setting of the nearest part of the adjoining Conservation Area.
- (b) Detailed site requirements under Policy 10.1, 10.2, 10.4, 10.5 and 10.7 can be dealt with under HDPF Policy 33. Housing mix is already covered by NP Policy 7. Parking requirements are dealt with by HDPF Policy 41.2. Policy 10 requires that the site facilitates the development of a new cricket pavilion and the provision of a scout hut. Any housing development on the allocation will already have to accommodate affordable housing and I consider that the addition of a "wish list" comprising a cricket pavilion and a scout hut might challenge a scheme's viability.
- (c) The cricket ground adjoins the site and the provision of a new pavilion would be a matter to be dealt with in the development management process when a planning application is made, particularly as it appears from the evidence that an arrangement

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<sup>15</sup> Email and attachment, dated 1 December 2017.



would be required from the cricket club to gain a satisfactory access.

- (d) I have read the Slinfold Scout Hut Background Paper May 2017 and appreciate the reasons why the existing hut should be replaced and acknowledge the apparent demand for its use for scouting and other purposes. As shown in the Background Paper, there is no shortage of opportunities for a site for a hut, given the desire of potential developers to fit one into their possible developments.
- (e) A location for a hut and car park is identified on the edge of the Crosby Farm allocation, but the site is peripheral to the village compared to one which would be more central, for example, at the Cobblers. Therefore, I am not convinced that the Crosby Farm location is the most suitable. In any event, there is no guarantee that any development at Crosby Farm would be compatible with the timescale of the needs of the scouts and it would seem unwise to tie the provision of a scout hut to one specific location when others might be possible.
- (f) Accordingly, I shall recommend the deletion of the limitation on the number of dwellings on the site, the deletion of all the items 1 to 9 from the Policy, with the consequent deletion of paragraph 5.37 from the NP, and the deletion of the Proposed Open Space and Proposed Scout Hut with Car Parking from Map PDS10 **(PM4)**.

(iv) *Policy 11: West of Spring Lane*

- (a) The Site Unit Assessment Background Paper notes that, according to the SHELAA, the site is considered unsuitable for residential development because it is located in a fairly isolated position beyond the existing settlement boundary. It does not relate well to the village and would have an adverse impact on the setting of the village.
- (b) Nevertheless, the proposed allocation is closer to the centre of the village than the allocation at PDS 8: East of Hayes Lane and I consider that development here would have less of an impact on the setting of the village than housing proposed at PDS 10: Crosby Farm, provided that dwellings are not built at a high density and they are focussed on the northern section of the site.
- (c) Therefore, I agree with the assessment of the SA and the selection of the site as a housing allocation. Due to the need to respect the semi-rural character and appearance of the immediate surroundings, and also the narrow access, I would expect the housing numbers to be low, as shown on the NP, and the access to

be from the northern end of the allocation onto Spring Lane. Detailed site requirements under Policy 11.1, 11.2, 11.3, 11.4, 11.5 and 11.6 can be considered under HDPF Policy 33 in the development management process when any planning application is received.

(d) Accordingly, I shall recommend the deletion of the limitation on housing numbers and all the items 1 – 6 in the policy, with the consequent amendment of paragraph 5.38 **(PM5)**.

(v) *Policy 12: The Cobblers*

(a) The Cobblers site is centrally located within the village and comprises residential units with a single storey garage compound immediately south of the Conservation Area. The site is in the current Built Up Area Boundary (BUAB) where development is acceptable in principle under Policy 3 of the HDPF and I agree with the assessment of the SA and the selection of the site as a housing allocation.

(b) The housing limitation of 10 units should be deleted in order to enable the allocation to be developed flexibly, perhaps in association with other adjoining land. The requirements listed under Policy items 12.1, 12.2, 12.3, 12.5 and 12.6 can be dealt with under HDPF Policy 33. Policy item 12.4, relating to a mix of dwelling types is covered by NP Policy 7, which could also be used to focus on the elderly.

(c) Therefore, I recommend Policy 12 be modified by the deletion of the reference to housing numbers and the deletion of all the items 1 – 6 in the policy, with the consequent amendment of NP paragraph 5.42 **(PM6)**.

4.21 The summary of my recommended modifications to the housing site allocations is: to delete PDS9: End of West Way; to delete all references to housing numbers on the allocations and to delete the detailed site requirements at each allocated site. The effect on overall NP housing numbers and the estimated 77 dwellings to be delivered would be to lose up to 18 units from PDS9, but create flexibility on the remaining sites which, in all probability, would enable any perceived shortfall to be made good.

4.22 A consequence of the inclusion of the housing allocations at PDS8, PDS10 and PDS11 is that the BUAB should be extended to include them. I recommend that this is illustrated on a plan in the NP document similar to that which was received from Horsham DC on behalf of the Parish Council

in answer to one of my questions<sup>16</sup> (**PM7**). The Plan should indicate the revised BUAB, the housing allocations and Local Green Spaces as modified, the SNCI and Ancient Woodland, the Employment Centres and the other background information such as the Conservation Area, Listed Buildings and the Downs Link. The Quiet Lanes are not proposals and should be omitted.

- 4.23 The NP lists the two main employment centres and other clusters of industrial or commercial units. The Parish Council wishes to continue to support economic activity and growth in the Parish, recognising, quite correctly, that this is an integral component of sustainable development and contributes to a healthy and viable community.
- 4.24 Policy 13 of the NP seeks to maintain or enhance existing employment centres at Nowhurst Business Park, Maydwell Avenue, Spring Copse, Lyons Farm and Bramble Hill which are shown on PDS13 in the Plan. This policy is consistent with HDPF Policy 7.6 and I consider that it therefore meets the Basic Conditions for a NP.
- 4.25 However, NP Policy 14, which aims to support small scale businesses, falls short of the provisions of HDPF Policy 10. Proposals in keeping with the character and vitality of the local area (NP Policy 14.5) would include farming and other country-based enterprises (HDPF Policy 10.1), but there are other locations in the countryside outside the BUAB, not in existing buildings, or on previously developed land, where sustainable economic development would be encouraged. HDPF Policy 10 also allows new economic development in a rural area, provided that it supports sustainable economic growth and the use of suitably located buildings or land within an established industrial estate has been considered first.
- 4.26 HDPF Policy 10 is comprehensive and covers many eventualities which make it consistent with national policy. It is possible to make a modification to NP Policy 14 to make it generally compatible with HDPF Policy 10 by the addition of the phrase “appropriate locations in the countryside” (**PM8**).
- 4.27 Accordingly, with the recommended modifications, I consider that the policies concerning the provision of homes and jobs would generally conform with strategic policies, would contribute to the achievement of sustainable development and have due regard to national policy and guidance. Therefore, the Basic Conditions are met.
- 4.28 Several other sites for possible housing allocations were considered during the preparation of the NP, some of which were the subject of representations at the stage of the Regulation 16 Consultation. I have

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<sup>16</sup> Email from Horsham DC, dated 27 November 2017.

considered each of the representations but, given that I consider the NP as modified will be in general conformity with the housing policies of the HDPF, there is no reason to make further modifications to include additional allocations.

Issue 2: Whether the proposals for safeguarding the character and appearance of the countryside, landscape and built environment have regard to national guidance, contribute to sustainable development and generally conform with strategic statutory planning policies, striking the right balance with rural economic needs?

- 4.29 The protection of the separate identity of Slinfold is a key objective of the NP, especially in view of the recent expansion to the east in the area of Broadbridge Heath and Horsham. Policy 1 seeks to prevent the coalescence of Broadbridge Heath and Slinfold by resisting development between the two settlements, unless there would be no significant reduction in openness and proposals would contribute to the conservation and enhancement of the area.
- 4.30 The Parish Council has produced a helpful paper which outlines the background to the policy and provides evidence in support of the inclusion of it in the NP<sup>17</sup>. I support the maintenance of the gap between the settlements. Indeed, HDPF Strategic Policy 2 includes the requirement to manage development around the edges of existing settlements in order to prevent the merging of settlements and to protect the rural character and landscape.
- 4.31 The HDPF gives even greater emphasis to avoiding the coalescence of settlements in Strategic Policy 27, where it seeks to ensure that settlements retain their unique identity and the undeveloped nature of the landscape between towns and villages. The HDPF states that Horsham DC will consider how proposals fit within the wider topography and whether landscape features such as the network of fields, trees and hedgerows are conserved, and therefore maintain the break between settlements. It will also seek to limit other urbanising impacts including increased lighting, traffic movements and ribbon development along road corridors.
- 4.32 There are similarities between the provisions of NP Policy 1 (a) and (b) and HDPF Policy 27 (1) and (4). However, Policy 1 omits reference to three key strands of Policy 27: the avoidance of urbanising effects within the settlement gap, including artificial lighting; development along key corridors and traffic movements; and the support which would be given to the redevelopment of existing sites which seek to reduce the existing

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<sup>17</sup> Anti-Coalescence Gap Background Paper: November 2016.

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urbanised character and appearance of the area between settlements, particularly along road corridors<sup>18</sup>.

- 4.33 Therefore, in my opinion, NP Policy 1 does not generally conform with HDPF Strategic Policy 27 and so does not meet one of the Basic Conditions. I could suggest modifications to Policy 1 to rectify the omissions, but the result would be to replicate what is already in the text of the HDPF with no added value. Moreover, the NP includes Map PDS1 with Policy 1 which aims to identify where, between Slinfold and Broadbridge Heath, the policy would apply. Whereas the eastern and western boundaries shown on PDS1 extend along the edge of the respective built-up areas, those to the north and south appear as arbitrary lines across the countryside with little recognition of physical features such as roads or field boundaries. Therefore, in my opinion, in its present form, PDS1 would be an unworkable tool for development management purposes.
- 4.34 In addition, I am not convinced about the consistent application of the policy on the map. For example, immediately to the north east of Slinfold, land where "Newbuildings" is written is within the gap, but land to the south east around "Gaskyns" is outside it. Accordingly, I shall recommend the deletion of Policy 1 and PDS1 (**PM9**). I do not consider that the wishes of the Parish Council to prevent coalescence will be frustrated by the modification. HDPF Policy 27 is clear and comprehensive and will avoid the uncertainty introduced by an ambiguous map.
- 4.35 The NP defines six areas as Local Green Space (LGS) under Policy 3, including them on separate maps as LGS1 to LGS6. LGSs are enabled in neighbourhood plans under the NPPF, with further advice given in the PPG<sup>19</sup>. NPPF advises that LGS will not be appropriate for most green areas or open space and criteria are described which should be met for designation to occur. The Parish Council has also produced a comprehensive background paper on open spaces and LGSs in the village<sup>20</sup>.
- 4.36 LGS1: Central Fields. I have read the various comments about the Central Fields area as a result of the consultations under Regulations 14 and 16 and appreciate the evolution of the LGS from its earlier extent to the 1.8ha which is now proposed in the NP. I accept the land is in close proximity to the community which it would serve, is local in character and has some historic significance. It may also have recreational value, albeit there is no right of public access across or around the site. Given that I have recommended deleting PDS9 as a housing allocation, there is little

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<sup>18</sup> HDPF Policy 27 (2) and (3).

<sup>19</sup> NPPF Paragraphs 76 – 78; PPG Reference ID:37-005 (to 022)-20140306.

<sup>20</sup> Open Spaces and Local Green Spaces Background Paper November 2016.

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logic to the contorted western boundary. LGS1 would be part of the countryside outside the redrawn BUAB and protected from inappropriate development by HDPF Policy 26. Therefore, I shall recommend the deletion of LGS1 **(PM10)**.

- 4.37 LGS2: Field East of Hayes Lane. The area of land is attractive and has interesting biological diversity. However, it seems relatively peripheral to the village, other than properties along Hayes Lane and just north of the Downs Link public right of way. The NPPF advises that LGS designation will not be appropriate for most green areas or open space and it also expects LGS to be in reasonably close proximity to the community it serves. LGS2 is located outside the BUAB in open countryside and whilst the area of land is attractive and has interesting biological diversity, it seems relatively peripheral to most of the village. Whilst some local residents use the area to walk their dogs, the space is not as immediately accessible as, for example, LGS4, LGS5 or LGS6. Therefore, I shall recommend deleting it from the NP **(PM11)**.
- 4.38 LGS3: The Llama Field. The 0.8ha field lies to the south of Park Street at the western edge of the village and appears to have no very special features other than being attractive with a mixture of pasture and woodland. No doubt those residents who overlook the field value its presence but LGS3 is outside the BUAB and again is peripheral to most of the village. In my opinion, there is no overwhelming evidence to suggest that it is so demonstrably special to the local community that it merits definition as LGS. Accordingly, I shall recommend deleting from the NP **(PM12)**.
- 4.39 LGS4: Land by Stone Cottages; LGS5: Land fronting Lyons Close; LGS 6: Lowfield Green. Each LGS is within the built-up area and, given the proximity of nearby dwellings, I consider that each of them is close to and demonstrably special to the community they serve; none is an extensive tract of land, all are local in character and each holds particular local significance. Therefore, I consider that their definition as LGS meets the NPPF criteria for inclusion in the NP.
- 4.40 Policy 4 aims to protect and retain green infrastructure and, where appropriate, enhance it. The policy is consistent with HDPF Policy 31(1) and so meets the Basic Condition criterion of generally conforming to the strategic policies for the area.
- 4.41 Policy 5 deals with biodiversity but whereas the policy is entitled "Protect and Enhance Biodiversity", NPPF uses the phrase "Conserving and Enhancing the Natural Environment". Therefore, to ensure the NP has due regard to national policy, the use in this section of the NP of the verb "protect" should be replaced by "conserve" **(PM13)**. In addition, in order to be compatible with HDPF Policy 31, the NP should refer to the balancing

of the need for the development against any adverse effect on the value of a site and also the possibility of mitigation or compensation. I shall recommend the inclusion in the NP of the relevant clause from HDPF Policy 31 **(PM14)**.

4.42 Policy 2 considers the effect of development on the Slinfold Conservation Area. In order to have due regard to the PPG, I shall recommend **(PM15)** that the phrase "or appearance" should be added to the first sentence after the word "... character".<sup>21</sup> In addition, so that the policy can be applied consistently and with the minimum of uncertainty, the final sentence should be deleted **(PM16)**. No doubt there are important views into and out from the Conservation Area which should be protected. However, there would be uncertainty about which views are "important" and their location, especially when The Street and the Parish Church are points from which views could be widespread. The significance of the views can be ascertained when any development proposal is considered under HDP Policy 33 and particularly Policy 34(7).

4.43 Therefore, with the recommended modifications, I consider that the countryside, landscape and built environment policies are in general conformity with the statutory policies, have regard to national guidance, would not unacceptably inhibit rural economic growth and would contribute to the achievement of sustainable development, thereby meeting the Basic Conditions.

Issue 3: Whether the remaining policies (other matters) in the Plan provide an appropriate framework to shape and direct sustainable development whilst maintaining the essential character of the Plan area and supporting essential facilities and services in meeting the Basic Conditions?

4.44 The Transport section of the NP differs from other sections in that policies are replaced by Aims. PPG provides that a neighbourhood plan can include wider aspirations than those relating to the development and use of land, provided that those actions are clearly identifiable<sup>22</sup>. The Aims of the Transport section are clearly identifiable within the text of the NP.

4.45 The NP refers to the definition of "quiet lanes" with an accompanying footnote suggesting an origin in the West Sussex Transport Plan 2006 – 2016. The most recent Transport Plan is dated 2011 – 2026 and no such designation is described. Nevertheless, as the highway authority indicate in their representation, so long as the quiet lanes are community aspirations rather than policies, there is no objection to referring to them in the NP<sup>23</sup>.

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<sup>21</sup> PPG Reference ID: 18a-023-20140306.

<sup>22</sup> PPG Reference ID: 41-004-20170728.

<sup>23</sup> Email from West Sussex County Council, dated 11 August 2017.

- 4.46 Policy 15 seeks to resist the loss of community facilities. The policy is broadly compatible with HDPF Policy 43. However, it may not be feasible to replace like for like, should a facility such as the Chapel closes. Therefore, to be reasonable and realistic, the qualification "Where feasible..." should be included in Policy 15 (1) **(PM17)**.
- 4.47 Policy 16 seeks to resist development proposals which would result in a net loss of Open Space. The policy is consistent with NPPF Paragraph 74 and therefore, I consider that Policy 16 complies with the Basic Conditions.
- 4.48 Policy 17 provides support for new buildings and facilities to serve the Slinfold Primary School. I consider that the policy is consistent with NPPF paragraph 72 and also that the consideration of the effects on the nearby heritage assets such as the Parish Church and the Conservation Area is consistent with HDPF Policy 34 (7).
- 4.49 Therefore, with the recommended modifications, I consider that the policies on other matters would be in general conformity with the strategic statutory policies and would both contribute to the achievement of sustainable development and have regard to national policy and guidance. Accordingly, the Basic Conditions are met.

## 5. Conclusions

### *Summary*

- 5.1 The Slinfold Neighbourhood Plan has been duly prepared in compliance with the procedural requirements. My examination has investigated whether the Plan meets the Basic Conditions and other legal requirements for neighbourhood plans. I have had regard to all the responses made following consultation on the NP, and the evidence documents submitted with it. I have made recommendations to modify a number of policies and text to ensure the Plan meets the Basic Conditions and other legal requirements. I recommend that the Plan, once modified, proceeds to referendum.

### *The Referendum and its Area*

- 5.2 I have considered whether or not the referendum area should be extended beyond the designated area to which the Plan relates. The Slinfold NP, as modified, would have no policy or proposal which I consider significant enough to have an impact beyond the designated neighbourhood plan boundary, requiring the referendum to extend beyond the Plan boundary. I recommend that the boundary for the purposes of any future



referendum on the Plan should be the boundary of the designated NP area.

- 5.3 I realise that Slinfold has been subjected to recent pressure to accommodate new house building, the evidence of which is seen in the representations and other documentation connected to the preparation of the NP. The recent adoption of the HDPF should reduce the pressure considerably by enabling the demand to be focussed elsewhere in the Horsham area.
- 5.4 The Working Group and the Parish Council are to be commended for their efforts in producing a clear and concise document which, incorporating the modifications I have recommended, will make a positive contribution to the development plan for the area and help to find the right balance between the protection of the character and appearance of Slinfold and the surrounding countryside, whilst enabling necessary development to proceed. The high quality of the NP was also enhanced by the cooperation between the Parish Council and Horsham DC, the results of which were evident in the comprehensive notes of the meetings between the two parties.

*Andrew Mead*

Examiner

## Appendix: Modifications

Proposed modification number (PM)	Page no./ other reference	Modification
PM1	Policy 7	<p>Replace Policy 7 with <b>“Housing developments which provide a suitable mix of one, two, three and four bed dwellings will be supported. This also includes centrally located level sites suited to older residents.”</b></p> <p>There will be a consequent modification to paragraph 5.21 by the addition of <b>4 bedroom dwellings</b> to the first sentence.</p>
PM2	Policy 8	<p>Delete the policy and insert: <b>“Residential development at PDS8: East of Hayes Lane will be supported.”</b></p> <p>Delete paragraphs 5.27 and 5.28.</p>
PM3	Policy 9	Delete Policy 9 and paragraphs 5.29 to 5.32 incl.
PM4	Policy 10	<p>Delete Policy 10 and insert: <b>“Residential development at PDS10: Crosby Farm will be supported.”</b></p> <p>Delete paragraph 5.37.</p> <p>Delete the Proposed Open Space and Proposed Scout Hut with Car Parking from Map PDS10.</p>
PM5	Policy 11	<p>Delete Policy 11 and insert: <b>“Residential development at PDS11: West of Spring Lane will be supported.”</b></p> <p>Amend paragraph 5.38 by the deletion of “...up to 10 dwellings...” and the inclusion of <b>“low density”</b> before “residential development.”</p>

PM6	Policy 12	<p>Delete Policy 12 and insert:  <b>“Residential development at PDS12: The Cobblers, Hayes Lane will be supported.”</b></p> <p>Amend paragraph 5.42 by substituting the last two sentences with: <b>“Support is also offered for the development of additional units on the site which are likely to have a focus on the provision of housing for the elderly.”</b></p>
PM7	New Map	<b>Include a Map (1:5000: At A3) similar to that dated 27/11/2017 on which is marked the revised BUAB, housing allocations, Local Green Spaces, etc.</b>
PM8	Policy 14	<p>Add to the policy:</p> <p>“3....., or</p> <p><b>4. Are in appropriate locations in the countryside.”</b></p>
PM9	Policy 1	<p>Delete Policy 1.</p> <p>Insert at end of paragraph 4.5 <b>“This will be achieved by offering full support to Horsham DC in implementing HDPF Policy 27.”</b></p>
PM10	Policy 3	Delete LGS1 and paragraphs 4.16 and 4.17.
PM11	Policy 3	Delete LGS2.
PM12	Policy 3	Delete LGS3.
PM13	Policy 5	<p>Policy title: replace “Protect” with <b>“Conserve”</b>.</p> <p>First sentence of the policy: replace “protect” with <b>“conserve”</b>.</p> <p>Second sentence of the policy: replace “protecting” with <b>“conserving”</b>.</p>
PM14	Policy 5	<p>Add to the policy:</p> <p><b>“Where development is anticipated to have a direct or indirect adverse</b></p>

		<p><b>impact on sites or features for biodiversity, development will be refused unless it can be demonstrated that:</b></p> <p><b>i. The reason for the development clearly outweighs the need to protect the value of the site; and,</b></p> <p><b>ii. That appropriate mitigation and compensation measures are provided.”</b></p>
PM15	Policy 2	The phrase <b>“or appearance”</b> should be added to the first sentence after the word “... character”.
PM16	Policy 2	Delete final sentence.
PM17	Policy 15	Add to item 1: <b>“Where feasible,</b> equivalent (in qualitative and quantitative terms) etc”.