

NEWICK NEIGHBOURHOOD PLAN

“Newick Now to 2030”

A Report to Lewes District Council
of the Examination into the Newick Neighbourhood Plan

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1. Introduction

The Neighbourhood Plan

This Report provides the findings of the examination into the Newick Neighbourhood Plan (referred to as the Neighbourhood Plan).

Neighbourhood planning provides communities with the ability to establish their own policies to shape future development in and around where they live and work.

“Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need.”

(Paragraph 183, National Planning Policy Framework)

Newick Parish Council is the *qualifying body*¹ responsible for the production of this Neighbourhood Plan. This is in line with the aims and purposes of neighbourhood planning, as set out in the Localism Act (2011), the National Planning Policy Framework (2012) and Planning Practice Guidance (2014).

Newick Parish Council established a Neighbourhood Plan Steering Group, comprising six Parish Councillors, to lead on the production of the Neighbourhood Plan. The Neighbourhood Plan is one of the earliest neighbourhood plans to come forward in East Sussex.

This Examiner’s Report provides a recommendation as to whether or not the Neighbourhood Plan should go forward to a Referendum. Were it to go to Referendum and achieve more than 50% of votes in favour, then the Plan would be *made* by Lewes District Council. The Neighbourhood Plan would then be used to determine planning applications and guide planning decisions in the Newick Neighbourhood Area.

Role of the Independent Examiner

I was appointed by Lewes District Council, with the consent of Newick Parish Council, to conduct an examination and provide this Report as an Independent Examiner. I am independent of the qualifying body and the local authority. I do not have any interest in land that may be affected by the Neighbourhood Plan and I possess appropriate qualifications and experience. I am a chartered town planner and am an experienced Independent Examiner of Neighbourhood Plans. I have extensive land, planning and development experience, gained across the public, private, partnership and community sectors.

¹The qualifying body is responsible for the production of the Plan.

As the Independent Examiner, I must make one of the following recommendations:

- a) that the Neighbourhood Plan should proceed to Referendum, on the basis that it meets all legal requirements;
- b) that the Neighbourhood Plan, as modified, should proceed to Referendum;
- c) that the Neighbourhood Plan does not proceed to Referendum, on the basis that it does not meet the relevant legal requirements.

If recommending that the Neighbourhood Plan should go forward to Referendum, I must then consider whether or not the Referendum Area should extend beyond the Newick Neighbourhood Area to which the Plan relates.

In examining the Plan, I am also required, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, to check whether:

- the policies relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act (PCPA) 2004;
- the Neighbourhood Plan meets the requirements of Section 38B of the 2004 PCPA (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one Neighbourhood Area);
- the Neighbourhood Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.

Subject to the contents of this Report, I am satisfied that all of the above points have been met.

Neighbourhood Plan Period

A neighbourhood plan must specify the period during which it is to have effect. The title of the Neighbourhood Plan sets out that it runs to 2030. I find that it would add clarity if there was also a clear reference to the plan period at the beginning of the Neighbourhood Plan. I recommend:

- **Foreword, first sentence to read “The Newick Neighbourhood Plan covers the period from 2015 to 2030.”**

Taking the above into account, I confirm that the Neighbourhood Plan satisfies the relevant requirement in this regard.

Public Hearing

According to the legislation, *when the Examiner considers it necessary* to ensure adequate examination of an issue, or to ensure that a person has a fair chance to put a case, then a public hearing must be held.

However, the legislation establishes that it is a general rule that neighbourhood plan examinations should be held without a public hearing – by written representations only.

Further to consideration of the written representations submitted, I confirmed to Lewes District Council that I was satisfied that the Newick Neighbourhood Plan could be examined without the need for a Public Hearing.

From consideration of the evidence before me, I am satisfied that people have had a fair chance to put a case, whether in support of the Neighbourhood Plan, in objection to it, or whether simply providing general comments about it.

I note that one representation not only states that *“this is a case that would be suitable for a hearing”* but goes on to set out an Agenda for a hearing, together with information dictating how it should be run.

With apologies for repetition, legislation is not unclear in this regard. A hearing should be held *when the Examiner considers it necessary*.

2. Basic Conditions and Development Plan Status

Basic Conditions

It is the role of the Independent Examiner to consider whether a neighbourhood plan meets the “basic conditions.” These were *set out in law*² following the Localism Act 2011. In order to meet the basic conditions, the 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 European Union (EU) and European Convention on Human Rights (ECHR) obligations.

I have examined the Neighbourhood Plan against all of the basic conditions above.

EU and ECHR Obligations

The Basic Conditions Statement submitted with the Neighbourhood Plan states that it does not breach, and is compatible with, all European obligations.

I am satisfied that the Neighbourhood Plan has regard to fundamental rights and freedoms guaranteed under the ECHR and complies with the Human Rights Act 1998. There is no substantive evidence to the contrary.

According to European legislation, a Habitats Regulations Assessment (HRA) is required when it is considered that likely negative, significant effects could occur on protected European sites as a result of the implementation of a plan or project. Much of the Neighbourhood Area falls within the 7km zone of influence for the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC), a European-designated site.

A HRA Screening Report was undertaken by Lewes District Council. This found that the Neighbourhood Plan would not cause a likely significant effect to the Ashdown Forest SPA and SAC.

However, as a consequence of the location of the Neighbourhood Area in relation to the SPA, relevant development proposals must provide mitigation measures that include the provision of Suitable Alternative Natural Green Space (SANGS). In this regard, I note that the Neighbourhood Plan recognises that

² Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990.

“Sustainable Alternative Natural Green Spaces (SANGS) must be developed before any new housing is developed...” (page 8)

Consequently, the Neighbourhood Plan acknowledges that the SPA and the provision of SANGS present relevant development constraints to be taken into account. I consider the matter of carrying this acknowledgement through into Neighbourhood Plan Policy in Section 6 of this Report below.

Whilst the National Planning Policy Framework requires sustainability appraisals which meet the requirements of the European Directive on Strategic Environmental Assessment (SEA) to be an integral part of the plan preparation process, this is not a blanket requirement for neighbourhood plans. However, the Neighbourhood Plan allocates land for development and the allocation of development land comprises one of the circumstances, referred to by the Planning Practice Guidance, whereby a strategic environmental assessment (SEA) *may* be required.

An SEA Screening Report was prepared.

Lewes District Council forwarded the SEA Screening Report to statutory consultees. The Report found that there would be no significant environmental effect caused by the Neighbourhood Plan and that there was no need to carry out a full SEA.

With regards to Scoping Reports, Planning Policy Guidance states that

“a formal scoping report is not required by law but is a useful way of presenting information at the scoping stage...consultation bodies must be consulted...”
(Para 034)

Whilst an SEA was not considered to be required, a substantial (relative to neighbourhood planning) Sustainability Appraisal of the Neighbourhood Plan has been carried out. This assessed sustainability issues and formed part of the robust consultation process, fundamental to the Neighbourhood Plan, referred to below. It includes a relatively detailed assessment of twelve potential development sites, a process which itself was invigilated by a planning officer from Lewes District Council.

I note that representations have been received highlighting that it would have been possible for the potential development sites to have been assessed or “scored” differently. Whilst this may be the case, I note above that, whilst a Sustainability Appraisal is not a requirement, a substantial one has been carried out and has been subject to consultation. Furthermore, Lewes District Council had significant involvement in the process and considers that:

“Sustainability is at the heart of producing the Neighbourhood Plan. A sustainability framework was developed which helped focus policy-making with the aim of achieving sustainable development. In particular, the framework assessed potential housing sites which allowed the Parish Council to determine their most desirable

options, in terms of sustainability. The most sustainable sites, as shown in their sustainability work, were chosen as their allocations in their plan.”

Lewes District Council considers that the Neighbourhood Plan meets the basic conditions.

Taking all of the above into account, whilst I acknowledge that different people will have different views about the sustainability, or otherwise, of different sites, I am satisfied that the housing sites in the Neighbourhood Plan have emerged through a process entirely appropriate to neighbourhood planning.

In its Chapter on neighbourhood planning, SEA and sustainability appraisal, Planning Policy Guidance is clear in stating that:

“There is no legal requirement for a neighbourhood plan to have a sustainability appraisal...However, a qualifying body must demonstrate how its plan or order will contribute to achieving sustainable development. A sustainability appraisal may be a useful approach for doing this...” (Para 026)

The Sustainability Appraisal demonstrates how the Neighbourhood Plan contributes to the achievement of sustainable development.

Whilst a representation has been submitted to the Neighbourhood Plan stating that there are breaches of the SEA and Habitats Directives, Planning Practice Guidance is explicit in stating:

“The local planning authority must decide whether the draft neighbourhood plan is compatible with EU regulations...” (Para 031)

Lewes District Council has decided that the Neighbourhood Plan is compatible with EU regulations.

Further to the above, English Heritage, Natural England and the Environment Agency have all been consulted, as appropriate. None of these statutory consultees to the Neighbourhood Plan have raised any objections in respect of European obligations.

In summary, Lewes District Council has, in line with the approach set out in Planning Practice Guidance, determined that the Neighbourhood Plan is compatible with EU regulations. No concerns with regards European obligations have been raised by Natural England, the Environment Agency or English Heritage.

Taking all of the above into account, I am satisfied that the Neighbourhood Plan is compatible with EU obligations and that it does not breach, nor is in any way incompatible with the ECHR.

3. Background Documents and Newick Neighbourhood Area

Background Documents

In undertaking this examination, I have considered each of the following documents in addition to the Examination Version of the Newick Neighbourhood Plan:

- National Planning Policy Framework (The Framework) (2012)
- Planning Practice Guidance (2014)
- Town and Country Planning Act 1990 (as amended)
- The Localism Act (2011)
- The Neighbourhood Planning Regulations (2012)
- Lewes District Local Plan (Adopted 2003)
- Basic Conditions Statement
- Consultation Statement
- Habitats Regulations Screening Opinion
- Sustainability Scoping Report (incorporating an SEA Screening Opinion)
- Sustainability Appraisal

Also:

- Representations received

In addition, I spent an unaccompanied day visiting the Newick Neighbourhood Area.

Newick Neighbourhood Area

The Newick Neighbourhood Area coincides with the Parish boundary. There is a helpful and clear Ordnance Survey Plan on page 3 of the Neighbourhood Plan showing the Parish boundary.

Further to an application made by the Parish Council, Lewes District Council approved the designation of Newick as a Neighbourhood Area on 1st October 2012.

This satisfied a requirement in line with the purposes of preparing a Neighbourhood Development Plan under section 61G (1) of the Town and Country Planning Act 1990 (as amended).

4. Public Consultation

Introduction

As land use plans, the policies of neighbourhood plans will become the basis for planning and development control decisions.

Legislation requires the production of neighbourhood plans to be supported by public consultation. Successful public consultation enables a neighbourhood plan to reflect the needs, views and priorities of the local community. It can create a sense of public ownership, help achieve consensus and provide the foundations for a successful 'Yes' vote at Referendum.

Newick Neighbourhood Plan Consultation

Newick Parish Council submitted a Consultation Statement to Lewes District Council.

In order to meet the requirements of the neighbourhood planning *regulations*³, a Consultation Statement should set out who was consulted and how, together with the outcome of the consultation. The Consultation Statement meets this requirement.

It is clear from the information submitted with the Neighbourhood Plan that a tremendous amount of consultation took place over a considerable time period. In addition, there is evidence to demonstrate that significant efforts were made, on a sustained basis, to involve a wide range of people and interested parties from the very beginning of the process.

In October 2012, invitations to a Consultation Day were delivered to all households in the Parish. Interestingly and possibly uniquely, invitations were also left with estate agents – “for potential residents of Newick.” This indicates that, from the beginning, plan-makers recognised that sustainable development incorporates sustainable growth.

Around 200 people attended the first Consultation Day and around 300 people attended a second one, some eight months later. Meetings were held with numerous groups and individuals, including landowners and developers, and local clubs and societies. Questionnaires were sent to local businesses and a meeting was held with 10-25 year olds. Notably, a debate was held at Newick School and the resulting report was taken into account by plan-makers.

The Draft Plan was consulted upon during April and May 2014. Consultation was accompanied by three events, held in two different locations and these were

³Neighbourhood Planning (General) Regulations 2012.

attended by a total of 212 people. 144 people completed questionnaires relating to the Draft Plan and these included the opportunity to “vote” on whether or not policies were supported. I note that the level of support indicated was generally high.

Comments received were considered and discussed, and agreement was reached on whether, or how, to alter the Draft Plan as a result. The conclusions reached are set out in the Consultation Statement.

I note that the above activities were supported by hand-delivered flyers, banners on the village green, email alerts and notices on the Parish Council’s website and notice boards.

The Consultation Statement and its supporting information provides evidence to demonstrate that, throughout the plan-making period, there was sustained communication, whereby people were continually updated on the progress of the plan. All relevant stages, meetings and events were well publicised.

It is evident that public consultation formed an essential part of the production of the Newick Neighbourhood Plan. Consultation was ongoing and transparent, and there were plentiful opportunities for comment, with comments duly considered and reported.

The consultation undertaken reflects the significant efforts made by all involved in the production of the Neighbourhood Plan. I am satisfied that the consultation process was significant and robust.

5. The Neighbourhood Plan – Introductory Section

Where modifications are recommended, they are presented as bullet points and highlighted in bold print, with any proposed new wording in italics. It should be noted that changes may require the subsequent re-numbering of Policies and paragraphs in the Neighbourhood Plan.

The policies of the Neighbourhood Plan are considered against the basic conditions in Chapter 6 of this Examiner’s Report. In this Chapter, I consider the Introductory Section of the Neighbourhood Plan. I make recommendations aimed at making it a clear and user-friendly document.

Introduction

The content of the Foreword and the Vision Statement is generally interesting and helpful.

The second paragraph contains an error along with generally unnecessary information – it is not a requirement for neighbourhood plans to conform with emerging District-wide plans.

- **Delete second paragraph**

The last paragraph on the first page relates in part to pre-examination matters and ends with an erroneous reference to “conformity.”

- **Final paragraph on first page, delete first sentence and start “*The Neighbourhood Plan will form...*”**
- **End final paragraph “*...planning applications are considered.*”**

Newick Past and Present

This is an interesting section, distinctive to Newick. It is enhanced by numerous photographs.

- **No changes proposed to this section**

Producing the Newick Neighbourhood Plan

The first part of this section is unnecessary. It simply repeats much of the content of the Consultation Statement. I find that it presents an imbalance within the

Neighbourhood Plan between background information, provided in full elsewhere, and the Neighbourhood Plan's Policies.

- **Delete all text on pages 10 to 14 inclusive. Replace with *“In accordance with legislation, this Neighbourhood Plan is supported by a Consultation Statement and a Basic Conditions Statement. A Sustainability Appraisal has also been produced. These documents and other information are available on the Parish Council website.”***

What the Community Wants

This section is more relevant and appropriate for inclusion, as it provides a direct link between the consultation undertaken and the Policies of the Neighbourhood Plan.

- **No changes proposed to this section**

The Neighbourhood Plan – Policies

The Policy section begins by setting out the Neighbourhood Plan’s Objectives. It provides a helpful follow-on from the preceding section and an appropriate introduction to the Policies that follow.

The final paragraph of this introductory section refers to “most” Policies of the Neighbourhood Plan being “land use policies.” However, there is no scope for the Neighbourhood Plan to include non-land use policies. Consequently, none of the proposed Policies labelled “(Parish Council)” Policies should form Policies of the Neighbourhood Plan.

Rather than lose sight of these non-land use “policies,” which reflect community aims and aspirations, I recommend the following:

- **Replace all “(Parish Council) Policies” (for reference, EN5, EN6, TC3, TC5, TC6 and CF3) with the heading “Community Action.” (Thus, “Community Action EN5, Community Action EN6” etc)**
- **For clarity, the above “Policies” will not comprise Neighbourhood Plan Policies, but will be “Community Actions.”**

Environment

Policy EN1

The Framework protects local character (para 17). Also, in seeking to protect local character, the policies of the Lewes Local Plan conform to the Framework. Consequently, in seeking to protect local character, Policy EN1, has regard to national policy and is in general conformity with the strategic policies of the Lewes Local Plan.

However, the Policy states that a “green gap” should be maintained without providing any reference or detail with regards what this green gap comprises, or where it is located. This fails to have regard to paragraph 154 of the Framework, which requires policies to provide a clear indication of how a decision maker should react to a development proposal.

- **Policy EN1, delete that part of the second sentence stating “...and the green gap...should be maintained.”**

The Policy goes on to refer to the character assessment, but fails to provide an appropriate reference in the Policy. Furthermore, it requires all areas identified in the character assessment as valued landscapes and visual amenities to be “protected and enhanced.” This introduces a requirement significantly more onerous than anything contained in national or local strategic planning policy. In addition, no clarity is provided with regards how, or even whether, such landscapes and amenities should, or can, be enhanced. Consequently, this part of the Policy fails to meet the basic conditions.

- **Policy EN1, delete final sentence**

Policy EN2

The wording of Policy EN2 is unclear, as there is no indication of when it would, or would not, be “possible” to protect and enhance wildlife opportunities. To make the Policy clearer, I recommend:

- **Policy EN2, re-word “*The protection and/or enhancement of wildlife opportunities by retaining...verges to roads, will be supported.*”**

Subject to the above, Policy EN2 has regard to the Framework, which supports biodiversity and contributes to the achievement of sustainable development.

Policy EN3

Again, the wording of this Policy is unclear – there is no indication of how new developments can “take advantage” of footpaths and twittens or any definition of “wherever possible.” However, the intention of the Policy is clear and has regard to the Framework, which promotes sustainable patterns of movement. I recommend:

- **Policy EN3, re-word “*The extension of the existing network of footpaths and twittens will be supported.*”**

Policy EN4

As worded this Policy effectively requires the provision of cycle paths everywhere. Its wording is unclear. However, its intention has regard to the Framework, which promotes sustainable patterns of movement. I recommend:

- **Policy EN4, re-word “*The provision of cycle paths will be supported.*”**

Subject to the above, Policy EN4 meets the basic conditions.

Housing

The introduction, or supporting text, to this section is simply wrong. It states that the Neighbourhood Plan has to accord with the allocation of housing in the emerging Local Plan. This fails to reflect national legislation.

Much of the supporting text goes on to include wording set out as though it were a series of Policies, stating what “should” occur and so on. For clarity, supporting text is not the same thing as a Policy. Furthermore, much of the rest of the supporting text simply repeats information set out earlier in the Plan.

The supporting text to the housing section appears poorly thought out and is inappropriately worded. It detracts from the Neighbourhood Plan.

- **Delete all text on pages 22 and 23**

It is not my role as an Independent Examiner to re-write the supporting text of neighbourhood plans. I note that earlier information in the Neighbourhood Plan provides some relevant supporting information to the housing section. I recommend:

- **Replace deleted text (above) with a brief paragraph summarising the earlier housing-related information in the Neighbourhood Plan**

Policy HO1

In seeking to protect local character, Policy HO1 has regard to national policy and guidance, and is in general conformity with the strategic policies of the Lewes Local Plan. In this way, it contributes to the achievement of sustainable development.

The final sentence of Policy HO1.1 states that a Design Guide covering an area within which the Neighbourhood Area is not located “shall be used to determine what is good design.” Whilst I acknowledge that there are some similarities between the Neighbourhood Area and Wealden, it is inappropriate for the Neighbourhood Plan to use guidance specific to another District to “determine” applications.

- **Policy HO1, delete final sentence of HO1.1**

Generally, parts HO1.2 to HO1.5 protect local character whilst allowing for flexibility. I note that part HO1.6 states that the construction of homes in gardens will not be supported, but that it does not, in itself, prevent such development from going ahead where it may, for example, be sustainable. However, part HO1.7 does seek to prevent housing development being equipped with street lighting. No evidence is presented to demonstrate that such an approach would be safe or appropriate in all circumstances and consequently, HO1.7 fails to have regard to the Framework,

which seeks to secure a good standard of amenity (para 17) and safe environments (para 58).

- **Policy HO1, delete HO1.7**

I note above that the Neighbourhood Plan recognises the need to provide SANGS. As a consequence of the location of the Neighbourhood Area in relation to the Ashdown Forest SPA, relevant development proposals must provide mitigation measures to be delivered prior to occupation and in perpetuity. Any such measures should include the provision of Suitable Alternative Natural Green Space (SANGS).

It is not the role of a neighbourhood plan to set policy requirements for matters that need to be considered on a more strategic basis. The Neighbourhood Plan does not, in itself, seek to allocate SANGS, but it does highlight the need for them. I consider that, in the interest of clarity, it would be appropriate to set this out within Policy HO1.

- **Policy HO1, add “HO1.7 Due to the Neighbourhood Area’s location, relevant development proposals must provide mitigation measures to be delivered prior to occupation of the development and in perpetuity. Measures should include the provision of Suitable Alternative Natural Green Space (SANGS).”**

I note that there is no substantive evidence to demonstrate that it would not be possible to meet the proposed requirements resulting from the above. I also note in this specific regard that Lewes District Council is working towards the provision of SANGS and that this is recognised within the Neighbourhood Plan.

Policies HO2 to HO5

Policies HO2 to HO5 refer to the “planning boundary.” I found this to be a confusing reference, but I note that this term is referred to in Local Plan policy CT1. For clarity, I recommend the introduction of the following explanation:

- **Under the heading “Housing Policies, add: “The term “planning boundary” referred to in the following policies reflects terminology used in the Lewes District Local Plan and relates to the settlement boundary.”**

Together, Policies HO2 to HO5 set out very specific months and years for the “movement” of boundaries to incorporate housing allocations. There is no evidence to demonstrate that, without the proposed phasing, the release of the allocated sites for development would fail to comprise sustainable development. I find that such an approach fails to have regard to the Framework, which is clear in its requirement for sustainable development to go ahead, without delay (Ministerial foreword).

Further to the above, setting specific time slots, as the Neighbourhood Plan seeks to do, would severely limit its ability to be flexible. In this regard, I also note that the housing allocations provide for affordable housing. The Framework requires affordable housing policies to be sufficiently flexible to take account of changing market conditions over time (para 50).

Taking all of the above into account, I find that the housing allocation Policies HO2 to HO5 fail to have regard to the Framework and consequently, do not meet the basic conditions. However, this is a matter that can be remedied by the following recommendations:

- **Policy HO2, re-word Policy HO2.1 “This 1.39 hectare site is allocated for housing.”**
- **Policy HO3, re-word Policy HO3.1 “This 1.23 hectare site is allocated for housing.”**
- **Policy HO4, re-word Policy HO4.1 “This 1.94 hectare site, including buffer zones requiring tree and shrub planting, is allocated for housing.”**
- **Policy HO5, re-word Policy HO5.1 “This 0.1 hectare site is allocated for housing.”**
- **Page 22, second paragraph, delete last sentence (which refers to “the required 100 homes”)**

Subject to the above, Policies HO2 to HO5 provide for the delivery of a wide choice of high quality homes, having regard to the Framework. In so doing, the Policies contribute to the achievement of sustainable development. Whilst I note that site HO4.1 is currently in commercial use, there is no evidence to demonstrate it cannot come forward during the Neighbourhood Plan period.

Representations have been received highlighting that the Neighbourhood Plan “only” plans for 100 houses. However, this is not the case. The Neighbourhood Plan helpfully includes specific allocations for housing. This provides for a high degree of certainty with regards the delivery of around 100 houses. Nowhere does the Neighbourhood Plan seek to place a cap, or a maximum limit on the number of dwellings to be built in the Neighbourhood Area during the plan period. This approach has regard to the Framework’s presumption in favour of sustainable development.

I consider that Southern Water have submitted a helpful representation in respect of sewerage capacity, having regard to the Framework's requirement for development to be supported by the co-ordinated provision of appropriate infrastructure (para 7). In the light of this, I recommend the following:

- **Add bullet point to each of Policies HO2, HO3 and HO4: *“Development should provide a connection to the nearest point of adequate capacity in the sewerage network.”***

The Local Economy

The supporting information for this section of the Neighbourhood Plan is informative and sets the scene for the Policies that follow.

Policy LE1

This Policy supports the expansion of retail and business premises, subject to respecting local character. This has regard to the Framework, which supports a prosperous rural economy (Chapter 3) and promotes the growth and development of all types of businesses and local services in rural areas (para 28). Policy LE1 contributes to the achievement of sustainable development. It meets the basic conditions.

Policy LE2

Policy LE2 supports the development of industrial units at the site of the former milk processing plant. This has regard to the Framework's support for the growth of business in rural areas (para 28). The Policy goes on to support such development "on any other suitable site" but does not define "suitable." Consequently, this part of the Policy is unclear and fails to have regard to paragraph 154 of the Framework, which requires policies to provide clarity for decision makers.

- **Policy LE2, delete "...and on any other suitable site..."**

Subject to the above, Policy LE2 meets the basic conditions.

Policies LE3 and LE5

Policies LE3 and LE5 are vague and simply state a preference. They do not set out what would happen should this preference not be reflected in a planning application. The Policies do not provide decision makers with clarity and thus fail to have regard to paragraph 154 of the Framework. They do not meet the basic conditions.

- **Delete Policies LE3 and LE5**

Policy LE4

This Policy supports the appropriate provision of home working facilities. It has regard to the Framework, which recognises that reducing the need to travel can form part of a sustainable approach to movement (Chapter 4); and which states that

planning is a creative exercise in finding ways to enhance and improve the places in which people live their lives (para 17). It meets the basic conditions.

Transport and Communications

This supporting text to this section sets out local views concerning transport and communications.

Policy TC1

Whilst this Policy seeks to limit the impact of traffic resulting from development, it is confusingly worded. For example, it suggests traffic calming as a means of avoiding additional traffic. It goes on to require provision of an “adequate” amount of parking space, but does not indicate what this might be. Taking all of this into account, I find that Policy TC1 fails to have regard to the Framework’s requirement for policies to provide decision makers with clarity (para 154). It fails to meet the basic conditions.

- **Delete Policy TC1**

Policy TC2

The Framework states that the transport system needs to be balanced in favour of sustainable transport modes (para 29) and promotes public transport, walking and cycling (para 17). Policy TC2 encourages sustainable modes of transport and promotes opportunities for walking and cycling. It meets the basic conditions.

Policy TC4

This Policy requires all developments to be designed to accommodate broadband. This would create a situation where, for example, the replacement of double glazing in a listed building would be required to be designed to accommodate broadband. Consequently, the Policy makes little sense. Furthermore, no indication is given as to how a design should “accommodate broadband.” Is this the same as requiring all development to provide a telephone point ?

The Policy is not clear and fails to have regard to paragraph 154 of the Framework.

- **Delete Policy TC4**

Community Facilities

The supporting information to this section provides interesting background. The second part of the final paragraph is written as though it is a Policy, which is not the case.

- **Delete second part of final paragraph in the supporting text on page 34, from “The 2003 Local Plan...recreational use.” Also, delete the unclear “blue blob” on the plan underneath the text showing the location of existing playing fields.**

Policy CF1

Policy CF1 safeguards widely recognised community facilities. This Policy has regard to paragraph 28 of the Framework, which promotes the retention and development of community facilities in villages, such as meeting places, sports venues and cultural buildings.

Taking the above into account, the Policy contributes to the achievement of sustainable development, the social role of which – in supporting strong, vibrant and healthy communities – is recognised by national policy.

Policy CF1 meets the basic conditions.

Policy CF2

This Policy supports the provision, or enhancement, of footpaths and the provision of play areas and/or allotments. It has regard to national policy, which recognises that supporting strong and healthy communities by providing a high quality environment forms an important part of sustainable development.

Policy CF2 contributes to the achievement of sustainable development and meets the basic conditions.

8. Summary

The Newick Neighbourhood Plan is the result of a major, sustained community effort. It demonstrates a passion for neighbourhood planning.

Further to consideration of its Policies against the basic conditions, I have recommended a number of modifications to the Neighbourhood Plan.

Subject to these modifications, the Newick Neighbourhood Plan

- has regard to national policies and advice contained in guidance issued by the Secretary of State;
- contributes to the achievement of sustainable development;
- is in general conformity with the strategic policies of the development plan for the area;
- does not breach, and is compatible with European Union obligations and the European Convention of Human Rights.

Taking the above into account, I find that the Newick Neighbourhood Plan meets the basic conditions. I have already noted above that the Plan meets paragraph 8(1) requirements.

9. Referendum

I recommend to Lewes District Council that, subject to the modifications proposed, **the Newick Neighbourhood Plan should proceed to a Referendum.**

Referendum Area

I am required to consider whether the Referendum Area should be extended beyond the Newick Neighbourhood Area. In this regard, I acknowledge Lewes District Council's comment that the Neighbourhood Plan has attracted particular interest from residents of the eastern part of Chailey Parish, adjacent to, but outside, Newick's western boundary.

During my site visit, I travelled around the Neighbourhood Area and found there to be various nearby communities outside but close to the Neighbourhood Area. Whilst I note that there has been interest from outside the Neighbourhood Area, this is not an unusual circumstance. I see no reason to include some people who may live nearby to the Neighbourhood Area, but not others.

I consider the Neighbourhood Area to be appropriate and there is no substantive evidence before me to demonstrate that this is not the case.

I recommend that the Plan should proceed to a Referendum based on the Newick Neighbourhood Area as approved by Lewes District Council on 1 October 2012.

Nigel McGurk, December 2014
Erimax – Land, Planning and Communities

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