

**Upper Beeding Neighbourhood Development Plan Regulation 16  
Consultation Re-run - Summary of Representations**

Reference	Policy No. Paragraph	Summary
Ref #1 Waverly Borough Council	General Support	No further comment.
Ref #2	Policy 4 7.32-7.35 Support	<i>'meets the agreement between the Parish Councils of Upper Beeding and of Henfield not to "over-allocate" sites for Small Dole (para. 7.32)'.</i>
Ref #3 Southern Water	General	No further comment.
Ref #4 Highways England	General	No further comment.
Ref #5 WSCC	General	No further comment.
Ref #6	Policy 3 Oppose	The respondent makes further objections, The SA/SEA Non-Technical summary being omitted from the original Regulation 16 consultation is unacceptable. Mentions their objection against the following three sites; Strip of Land Smugglers Lane, Land east of Pound Lane and Little Paddocks. They argue that the sites continue to not be developable as all sites are in Flood Zone 3 and flood significantly annually. This contradicts the vision <i>'improve the quality of life for those who live in the villages of Upper Beeding'</i> . The sites have also been rejected previously due to confliction with then <i>'Policies CP1 and CP5 of the Core Strategy (2007), Policies 2, 3 and 4 of the Horsham District Planning Framework (HDPF) and Paragraph 7 of the National Planning Policy Framework (NPPF) (2012)'</i> .

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		<p>Respondent quotes letter from Campaign to Protect Rural England (CPRE) to Horsham District Council dated 22 December 2018, describing the sites as contrary to HDPF Policy 4 as they are in the open countryside, which would have significant landscape impacts and HPPF (believed to be NPPF) paragraph 170 with landscape harm to the National Park and 170b ‘not recognising intrinsic beauty. Also contrary to HPDF policies 25 and 26.</p> <p>Respondent also argues that the allocations is a contradictory to the plan’s own countryside and environment SWOT analysis, which states most land adjacent to the Built Up Area Boundary is in Flood Zone 3. The Vision’s ‘modest growth’ contradicted by Policy 3. The Sequential Test criteria is failed, despite claims from the plan that it meets this. Notes that Rydon withdrew applications on the sites due to objections made by Environment Agency in November 2018.</p> <p>The EA has concluded that these sites are high flood risk, and subsequently the developer Rydon Homes has withdrawn their planning applications based on this information made available by the EA In November 2018. Objection was raised on not complying with the Planning policy Guidance for Flood Risk, Rydon’s Flood Risk Assessment (FRA) was seen as not a suitable assessment and failure <i>‘to take the impact of climate change into account for fluvial and tidal flood risk’</i>. Also the respondent notes:</p> <p style="text-align: center;"><i>‘EA projects that the total anticipated change for the 2020s (2015-2039) peak river flow allowances in the upper end will increase 25%. This will further increase to 50% in the 2050s and 105% in the 2080s in the South East River Basis District. Therefore flood risk will only get worse for these sites’.</i></p> <p>The sites in Policy 3 being brought forward comprehensively is seen as a contradiction with the SA/SEA Non-Technical Issues A, B and further argues that the allocations contradict the plan’s Heritage Objective 5. The respondent notes and quotes objections raised by HDC Conservation Officer, South Downs National Park Authority, South Downs Society and the HDC Landscape Officer in the Development Management Committee 20 October 2015.</p> <p>Argues that the plan contradict SA/SEA Objective 6: Flooding, with Rydon’s proposed mitigation with water pumps is not sustainable. The site allocations would be in conflict with West Sussex LLFA Policy for the Management of Surface Water 2018 SuDS Policy 2, 5.3.7, 5.3.10, SuDS Policy 3.1 which states that <i>“...pumps should...not form part of drainage schemes.”</i> Which was proposed in Rydon’s plans’ and 5.3.7.</p>

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		<p><i>'The sites also conflict with policy LOC2 of the adopted West Sussex Structure Plan 2001-2016. The sites also represent an unsympathetic form of development detrimental to visual amenities in particular to Policy DEV1 of the West Sussex Structure Plan 2001-2016'.</i></p> <p>In 2014 two members of the Neighbourhood Plan were completely against the then proposed development on Pound Lane sites, yet are wanting to see the sites allocated in the Neighbourhood Plan, arguing this to be a contradiction.</p> <p><i>'Due to all these reasons, the NP classification of the Pound Lane sites being "developable" is clearly not the case, and should be re-classified as "not developable". The projected housing figures for these sites is now wrong as between and third and half the sites are in Flood Zone 3 and undevelopable. Therefore the Plan is wrong. Once again, I urge the Plan to be rejected as it is plugging clearly unsuitable flood risk sites (acknowledged by the NP Chair and PC Chairs themselves) which will not only cause flooding of any new housing, but will also deflect flooding to our existing houses, particularly the Grade II listed building, and therefore will not improve the quality of life for residents'.</i></p> <p>The respondent attaches hard copies to their representation of the following:</p> <ul style="list-style-type: none"> <li>• Their representation</li> <li>• Letter from WSCC Cllr. David Barling to DC regarding DC/14/1744 and 1745 received 7 October 2014</li> <li>• Picture of flooded fields (no site name given nor date)</li> <li>• Email from Steering Group Chair to Upper Beeding Parish Councillors</li> <li>• HDC Development Management report on DC/14/1744 dated 20 October 2015</li> <li>• Picture of Little Paddocks Stables in foreground with site flooding</li> </ul>
Ref #7 SDNPA	General	No further comment.
Ref #8 Woodmancote Parish Council	General	<i>'Woodmancote Parish Council is in support of this plan'.</i>
Ref #9	General	<i>'I write as landowner of the site at Pound Lane in Upper Beeding. I can confirm that the land at Pound Lane is still available for development and I have a contract in place with a local developer to bring the site forward'.</i>

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Ref #10 Surrey Count Council	General	No comments.
Ref #11 Environment Agency	General	<i>'can confirm we have no comment to make on the SA/SEA technical summary'.</i>
Ref #12	Policy 3 Oppose	<p>The Respondent still opposes the allocation of sites on Pound Lane as stipulated in Policy 3 as the plan <i>'has become fragmented and less robust'</i>. The site allocations in Policy 3 contradict the Vision's <i>'modest growth and on small clusters'</i> with up to 157 homes on Pound Lane sites. Sites are in Flood Zone 3 failing the sequential test, falling short of exception and have no mitigation.</p> <p>The volume of housing conflicts with paragraph 2.11 and 2.18 as the volume of housing will have an <i>'adverse impact on the SDNP'</i>. Whilst policy 3 conflicts with other parts of the plan and the respondent believes that this will not pass referendum.</p> <p><i>'Removal of the 3 proposed sites at policy 3 and provision of a plan that is more cohesive and consistent and includes an honest summary that can be understood by all the potential voters'.</i></p>
Ref #13 Henry Adams	Policy 3 Support	<p>The respondent is responding on behalf of their client, the landowner of land at Smugglers Lane, West Sussex County Council. The site has been allocated in Policy 3 as part of a comprehensive development along with 2 other sites which the land, with the landowner supporting the proposed allocation with wishes to make comments with reference to <i>'specific areas of the NPPF'</i>.</p> <p>Respondent describes site, with 0.66 hectares, a small portion in a flood zone, listed building to the west, National Park to the west and capacity for 10-26 units. Distances to local services are given in supporting the sites sustainability. Respondent states that support is given to access off Smugglers Lane from West Sussex County Council who are quoted as saying:</p> <p><i>'The WSCC owned land at Smugglers Lane has the potential for development with access in principle achievable from Smugglers Lane, which is not a private drive in third party ownership. It may be possible to upgrade and widen the existing lane using land within the control of WSCC to provide an acceptable means of access to a number of dwellings. This would require the completion of an agreement under Section 38 of the Highways Act 1980 and be subject to the completion of the current investigation over the legal status of Smugglers Lane.'</i></p>

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		<p>The respondent suggests paragraph 7 of Policy 3 sees the removal of the wording <i>'provided it is necessary'</i> as the landowner can demonstrate the site is accessible which <i>'will ensure both physical and visual connectivity between the site and existing Settlement Boundary'</i>. Such access would be in line with the current wording in policy 8 <i>'enhanced pedestrian and new cycle links from the site to Upper Beeding village centre are to be provided to improve connectivity from the site to the wider village'</i>. Due to the sites proximity to the SDNP the landowner agrees that the scheme should be landscape led, with a landscape buffer to the east of the site comprising of open space and heavy tree line. The landowner agrees with the rest of the wording in Policy 8.</p> <p>NPPF (2019) paragraphs 11, 13, and 29 are quoted a long with the 'basic conditions' as set out in Paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to Neighbourhood Plans by section 38A of the Planning and Compulsory Purchase Act 2004. Respondent concludes that in their view the plan has been positively prepared and would avoid harm to a listed building and the SDNP. Finally, subject to recommended changes to policy wording and an appropriate landscape led approach, the respondent considers the plan to meet the achievement of sustainable development and to be sound.</p>
Ref #14 Gladman Developments Limited	General Oppose	<p>The respondent wishes <i>'to highlight the issues with the plan as currently presented and its relationship with National and local planning policy'</i>. The describes how plans must test against the 'basic conditions' as set out in 8(2) of Schedule 4b of the Town and Country Planning Act 1990 (as amended) before proceeding to referendum. The respondent notes paragraph 214 of the revised NPPF which states that which states that plans submitted on or before 24 January 2019 will be examined against the old NPPF 2012. The respondent then argues <i>'Submission of the UBNP ultimately occurred after this date, and the comments below reflect the relationship between Neighbourhood Plans and the National Planning Policy Framework adopted in 2018 and corrected in February 2019'</i>.</p> <p>The respondent notes the publication of the revised NPPF by MHCLG on 19 February 2019, setting out the Government's planning policies for England. Stating that</p> <p><i>'Crucially, the changes to national policy reaffirm the Government's commitment to ensuring up to date plans are in place which provide a positive vision for the areas which they are responsible for to address the housing, economic, social and environmental priorities to help shape future local communities for future generations'</i>.</p> <p>Noting that the revised NPPF states that Neighbourhood planning empowers local communities to deliver a shared vision <i>'for their area in order to shape, direct and help deliver sustainable development needed to meet identified housing needs'</i>. They also</p>

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		<p>state other requirements such as general conformity with Local planning policies, not promoting less development and request a housing number from the LPA where one cannot be obtained.</p> <p>Respondent notes the updated Planning Practise Guidance published on 13 September 2018 providing clarity on the revised NPPF (June 2018). Whilst a draft neighbourhood plan must be in general conformity with policies of the adopted development plan, it must also provide flexibility and consider the reasoning and emerging evidence base informing the emerging Local Plan. For example, taking consideration for the up-to-date housing needs.</p> <p><i>‘Where a neighbourhood plan is being brought forward before an up-to-date Local Plan is in place, the qualifying body and local planning authority should discuss and aim to agree the relationship between the policies in the emerging Neighbourhood Plan, the emerging Local Plan and the adopted Development Plan’ (PPG Reference ID: 41-009-20160211).</i></p> <p>This should be carried out in a positive and proactive fashion, ensuring the Neighbourhood plan is not overridden by a new local plan. All Neighbourhood Plans should set out a positive approach to development</p> <p><i>“... All settlements can play a role in delivering sustainable development in rural areas – and so blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless their use can be supported by robust evidence” (Paragraph: 001 Reference ID: 50-001-20160519).</i></p> <p>Respondent quotes the Section38(5) of the Planning and Compulsory Purchase Act 2004 which states that if there is confliction a policy within a development plan area (e.g. Neighbourhood Plan) with a policy in the development plan the his <i>‘must be resolved in favour of the policy which is contained in the last document to be adopted, approached, or published (as the case may be)’</i>. The respondent objects to Policy 1 as it is in confliction, it <i>‘limits to arbitrarily restrict suitable development from coming forward on the edge of settlements does not accord with the positive approach to growth required by the Framework and is contrary to basic condition (a) and (d)’</i>. The following suggestions made to Policy 1:</p> <p><i>“When considering development proposals, the Neighbourhood Plan will take a positive approach to new development that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. Applications that accord with the policies of the Development Plan and the Neighbourhood Plan will be supported particularly where they provide:</i></p> <p style="padding-left: 40px;"><i>- New homes including market and affordable housing; or</i></p>

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		<p style="text-align: center;">- Opportunities for new business facilities through new or expanded premises; or - Infrastructure to ensure the continued vitality and viability of the neighbourhood area.</p> <p style="text-align: center;"><i>Development adjacent to the existing settlement will be permitted provided that any adverse impacts do not significantly and demonstrably outweigh the benefits of development.”</i></p> <p>The respondent notes that the same approach was taken in Godmanchester Neighbourhood Plan, with the Examiner recommending this approach. The respondent concludes:</p> <p style="text-align: center;"><i>‘Gladman is concerned that the plan in its current form does not comply with basic condition (a) in its conformity with national policy and guidance and is contrary to (d) the making of the order contributes to the achievement of sustainable development for the reasons set out above’.</i></p>
Ref #15	Policy 3 Oppose	<p>Respondent argues that this part of the South Downs National Park should not be developed. <i>‘The scale of the proposed development is disproportionate for the size and nature of the village and will despoil the location for residents’.</i> There is insufficient road access from Hyde Lane nor in or out of the village, with no access from Smugglers Lane. The sites are in a flood zone. The respondent also argues that the site allocation sees insufficient consideration towards environmental impacts, with short-eared owls in the area, <i>‘which are protected by The Wildlife and Countryside Act 1981 and are on the RSPB Amber List’.</i> It is argued that the village of Upper Beeding has insufficient capacity for sewage, with development likely to compound the issue. The respondent observes that <i>‘The local housing market is not active and properties remain unsold for some time, as opposed to other areas with better transport links’.</i></p> <p>The following recommendation is made:</p> <p style="text-align: center;"><i>‘Ideally don't build anything on this site and instead allow it to remain an undisturbed home for nature and the wildlife who really need it. If you absolutely must build on it, despite a lack of local demand, something around 10 homes would be the limit, not 70!’</i></p>
Ref #16 Reside Developments Ltd	Community Aspiration 5 3.6	<p>The representation is made up of 4 parts.</p> <p>Part 1 – Community Aspiration 5 is supported with modifications as the supporting text implies that there is currently no broadband locally. The following recommendation is made:</p>

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	Policy 3	<p><i>'The text should be altered to read that where there is broadband accessible within the village the scheme/homes will be expected to be connected to the broadband. Where broadband is not currently available in the village, then all homes should be cable of being connected at a later date through proper future proofing of schemes to include service ducting'.</i></p> <p>Part 2 – Supports with modifications paragraph 3.6, arguing that the allocations should be included in the Built-up Area Boundary as the sites will form part of the new urban area and <i>'having the houses outside of the BUAB will be administratively difficult for your new residents to deal with their own planning matters'</i>. The respondent recommends that the BUAB is amended to include allocations.</p> <p>Part 3 – Policy 3. Reside Developments Ltd now controls Land East of Pound Lane (middle site). <i>'Whilst the landowner had previously stated that he was not any long supporting the site being brought forward, we confirm on our and the landowner's behalf the that site is being formally promoted for residential development, in accordance with the emerging Neighbourhood Plan'</i>.</p> <p>Part 4 – Policy 3. The respondent fully supports the allocation in Policy 3. They suggest that some more flexibility is needed. Therefore, <i>'Policy 3 should be requiring a comprehensive masterplan and transport statement, which each individual site can produce for the wider allocation'</i> as some parcels might have to come forward sooner than others. The respondent believes that Policy 3 should refer to the comprehensive development ensuring each site delivers connectivity to adjoining site with comprehensive design, layout and landscaping. The policy should show the extent of the allocation not separate sites. Respondent notes Point 8 of Policy 3, referring to enhancement of pedestrian and new cycle links, the respondent argues that it is difficult to see how both can be improved as they already extensive. The respondent seeks clarification on what is needed for both, as the current wording does not put them in a position to know what is required or expected in pedestrian and cycle improvements.</p> <p>The following suggestion is made:</p> <p><i>'Policy 3 should be updated refer to the site being planned comprehensively, adhering to an allocation-wide masterplan, but allowing some flexibility for individual parcels to be brought forward individually, subject to them not precluding development on the other. Additionally, include a plan of the allocation as part of the Policy 3 allocation this site'.</i></p>