Health Check
Haywards Heath Neighbourhood Plan
October 2015

Prepared by

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1. Introduction

I have been commissioned by Haywards Heath Town Council (HHTC) to provide a health check on the draft Haywards Heath Neighbourhood Plan (HHNP) prior to consultation under Regulation 14 of the Neighbourhood Planning (General) Regulations 2012.

In April 2015, I carried out a health check on the proposed housing policies in the Neighbourhood Plan and set out recommendations in my report. This current health check report should be read alongside the earlier report as I have considered it unnecessary to repeat certain sections.

During this health check I was provided with the following documents:-

- Draft Neighbourhood Plan.
- Draft Sustainability Assessment and Strategic Environmental Assessment.
- Various plans to be included in the Neighbourhood Plan.
- Delivery Strategy.
- Basic Conditions Statement.
- 6 Appendices.
- Evidence Base.
- Housing Site Assessments of various dates (updated on 25th and 29th September).

During the preparation of my report I liaised with Steven Trice, Clerk to Haywards Heath Town Council and Mark Bristow Neighbourhood Planning Officer at Mid Sussex District Council (MSDC).

2. The Basic Conditions

My report of April 2015 set out the Basic Conditions with which the Neighbourhood Plan must comply if it is to pass independent examination. I have now been supplied with a draft Sustainability Appraisal and Strategic Environment Assessment required by EU obligations and a draft Basic Conditions Statement. I comment on these two documents later in my report. The Development Plan for the area still comprises the 'saved' policies of the Mid Sussex Local Plan 2004 and the Mid Sussex District Plan is still under preparation.

3. Other Regulatory Requirements

The examiner of a Neighbourhood Plan must also satisfy him/herself that the Neighbourhood Plan meets the following requirements:-

- The planning policies relate to the development and use of land for the designated neighbourhood area.
- The Neighbourhood Plan meets the requirement to specify the period for which it is to have effect, not to include provision relating to 'excluded development' and not to relate to more than one neighbourhood area.

- The Neighbourhood Plan has been prepared for an area that has been properly designated and has been developed and submitted for examination by a qualifying body.
- Adequate arrangements for notice and publicity have been made in connection with the preparation of the Neighbourhood Plan.

I have not been provided with a Consultation Statement which would cover the final bullet point but this document is not a requirement at this stage of the Plan preparation.   I have a minor comment on policy L4 and whether it is a land use policy. Otherwise the regulatory requirements appear to have been complied with.

4. Overall Structure of the Plan

The general structure of the Plan is good with all the necessary sections included and set out on the contents page. The front cover requires amending with correct date and period that the Plan will cover. There is no chapter on the Neighbourhood Plan process. Whilst this is not obligatory and is something for HHTC to decide, I consider that as the HHNP has already undergone a previous 'Regulation 14' consultation, it would be clearer if there was a short section which covers the stages that have already been undertaken and what the next stages will be. This process chapter could also include a <u>summary</u> of how the Plan has developed through consultation. However the majority of this information will be included in the Consultation Statement so it is not necessary to go into great detail.
There are some paragraphs which appear to be in the 'wrong place' and are highlighted later in the report.

5. Vision and Objectives

Chapter 4 sets out the 'Vision Statement' and aims of the Plan. As the Vision is an important part of the Plan, I would set this out in bold/highlighted text which commences 'Our Vision is for Haywards Heath to be (and then list bullet points)'. This is followed by 6 aims or objectives and in the policy section each policy is preceded by an individual objective. There needs to be clearer links between the issues you have identified in the earlier stages of the Plan to produce your vision and objectives. The objectives will deliver the vision and should be broad statements of intent. This then provides the framework to produce your planning policies. I therefore recommend that you re-write Chapter 4 showing clearly these links through your different topic areas.

6. Planning Policies

Planning policies have been grouped under the different topic areas and each group pre-fixed with a letter.   I recommend that you highlight each policy so it is clear which is the policy itself and which is the supporting information.   In some areas this is not the case and later in my report I will highlight instances where this is not clear. The policy section does not appear to have a consistent approach. In some cases the introduction to the policy is overly long. A clear format for each policy could be as follows (although this is not prescriptive):-

- Overview of the issues you are seeking to address.
- Policy intent.
- The planning policy.
- Evidence to support the policy.

A planning policy should be clear and unambiguous and drafted with sufficient clarity that a decision maker can apply with consistency and with confidence when determining planning application. It should be concise, precise and supported by appropriate evidence. If this is not the case then the policy is not in accordance with the NPPF and is likely to be modified or deleted by examiners. Whilst I understand that your policies have been 'checked' by MSDC, there are instances where wording is not clear and I highlight these later in my report.

7. Reference to other documents

The following is a summary of my recommendations regarding references in the text and policies to other documents. I have highlighted instances where these occur later in my report.

- Reference to the Mid Sussex Local and District Plans is not always clear and needs to be amended.
- It is preferable that policies 'stand on their own two feet' and do not reference other documents within the policy itself but maybe you could include it in the supporting text.
- Some documents are referred to in the text but need further explanation.

8. Housing Allocations

My previous report set out my recommendations on the housing policies. One of those recommendations related to robust evidence of available sites and how they have been assessed including the numbers of dwellings to be accommodated on each site. Although I now have site appraisal forms for sites assessed, the presentation makes it difficult to compare sites. There is no information of each site area or the minimum number of dwellings it is expected to accommodate. A composite table should be provided so that it is possible to see how each site has been 'ranked'.

I also recommended a further consultation on proposed sites in my previous report but whilst I understand this has been undertaken, there is no information in the Plan.

Other recommendations in section 6 (Housing Allocations) of the April report should also be considered.

9. Detailed comments on the text and policies

This section of my report sets out detailed comments based on the general areas of concern I have mentioned in sections 4 to 7 above.

Page 4 Paragraph 1

Explain what is the 'opportunity'. Correctly reference District Plan.

1st bullet point – meaning of 'alongside'

Last bullet point insert 'Council' after Town in 2nd line

Page 4 and beyond

Define acronyms where first used.

Page 5 Paragraph 1

Clarification of pre-submission stage and District Plan.

Page 5 Overview of HHTC

 Is this relevant here?

Paragraph 1.2

Clearly indicate that the NP area includes the HHTC administrative boundary in addition to the area outside.

Paragraph 1.3

Clearly set out the Basic Conditions here.

Paragraph 1.5

The expression is that a NP is 'made'.

Paragraph 2.2

Is there to be a separate section on projects? This needs to be clarified.

Paragraph 2.4

Use topics in place of matters. 'Meet' the Mid Sussex District Plan requirements and perhaps a brief explanation here.

Paragraph 2.7

Careful about using the expression 'recent'.

Paragraph 2.9

Should this be located earlier in this section?

Paragraph 2.18 to 2.21

Should be under different headings not leisure and recreation.

End of Section 2

You have missed out housing (see paragraph 2.4 last bullet point).

Paragraph 4.1

Explain the Forward Plan (also in subsequent paragraphs.) Highlight the Vision.

Paragraph 4.9

Clarify whether the objectives above are the final ones.

Background to Chapter 6

I find this confusing – consider re-writing.

Policy E1

Some policies such as this one begin 'Planning applications', others begin development proposals' others 'HHTC supports', the latter being more of a statement than a policy.

Try to be consistent in policy wording. Also note MSDC comments.

Policy E2

An example of where the policy should be highlighted.

Use of an SPD in a policy is not appropriate. An SPD is only supplementary planning policy. By lifting it into the NP policy it gives it more weight without the policies going through the same procedures as a NP. (Note - the SPD is also referred to in later policies.)

Paragraph 6.5
Repeats policy. Do not include page numbers as likely to change in published document.
Objective 6C
An example where an objective is not a statement of intent. (See my comments above)
Policy E6
Use of word 'must' is not recommended. (Use elsewhere too.) Suggest change to 'should'.
Paragraph 6.12
Repetition of the policy.
Paragraph 6.13
This is a repeat of the policy below and not an explanation.
Policy E8
Need to define the word 'major' and provide necessary evidence.
Paragraph 6.18
Explain what is the 'Sustainable Town Plan'.
Paragraph 6.23
Paragraph in the wrong place.
Policy E9
Second sentence refers to listed buildings and conservation areas. Does the remainder of policy E9 refer to these? It is not clear.
Policy E10
The first sentence is a statement and not policy.
Policy E11
Define major (Note in other policies too.) High spot is ambiguous.
Paragraph 6.35
Merely repeats policy E13
Policy E13
See MSDC comments.
Objective 7A
An example of a wordy objective.
Policy B1
Evidence required for the 300m2 threshold.
Paragraph 7.8
Where is the secondary retail frontage and is there a policy for it?
Policy B2
Requirements are onerous for all new development. Suggest re-wording.
Paragraph 7.9 to 7.11
Are these paragraphs part of the policy?
Policy B3
Is this policy necessary if standards exist? Also refer to updated NPPF on car parking.
Paragraph 7.15 to 7.16
Is this a policy?
Paragraph 7.17
Do not use Use Classes Order as likely to change over the life of the Plan.
Policy B5
Opening sentence is a statement. The word 'novel' is ambiguous.
Objective 8A and Policy T1
Housing only or other development too?

Objective 8B
Does this duplicate 8A?
Policy T2
Explain qualifying development, section 106 agreements and where they can be used and the use of CIL in the text.
Policy T3
'Much improved' is ambiguous.
Paragraph 8.15
Is this part of the policy?
Policy T4
First part is a statement not a policy.
Objective 9A
Explain what is meant by Mid Sussex Planning Policy.
Paragraph 9.10
Explain approved Scoping Report.
Paragraph 9.30 and 9.32
Are these policies?
Policy H9
Delete word 'building'.
Background to Chapter 10
Uses the word vision and is confusing and very lengthy.
Policy L2
This is not a land use policy.
Policy L3
There is no introduction.   Check wording.
Policy L4
This is an aspirational policy to include in projects.
Policy L8
What is meant by 'needs'?
Policy L9
Unsure that this is an allocation?
Paragraph 11.5
Is this in the right place?
Policy D1
Needs supporting information as to when section 106 contributions etc are appropriate. (See NPPF).

10. Sustainability Appraisal and Strategic Environmental Assessment

This document includes the main elements required. However the appraisal referred to in paragraph 6.1 is missing and appraisal of housing sites (paragraph 6.3). See Section 8 for assessment requirements.

11. Basic Conditions Statement

This document does not need to be prepared until the Neighbourhood Plan is submitted to the District Council. Nevertheless it is good that a start has been made.

The 4 Basic Conditions need to be set out at the beginning of the document. Currently they include other regulatory requirements that the examiner must consider.

The section on the NPPF/NPPG would be better in a tabular form with specific reference to relevant paragraphs of these 2 documents.

References to the SEA/SA could be made under sustainable development.

It is not a requirement for the Neighbourhood Plan policies to be compliant with the emerging District Plan and this should be made clear.

12. Other documents

I wonder if the Delivery Strategy could be part of Chapter 11 rather than a separate document?

The Evidence Base needs to ensure documents are correctly referenced with title and date. Maybe an explanation as to how the evidence base has been used at the start of this document would be useful?

I would question whether Appendices (apart from the glossary) are needed.

13. Conclusion

It is clear that an enormous amount of work has gone into progressing the Neighbourhood Plan so far. The main elements of the Plan are in place. However the following are the main points which should be addressed:-

- The Plan should show clearly how the policies have been developed from the key issues identified and the vision and objectives.
- Objectives need to be broad statements of intent.
- Policies should be clearly identified and distinguished from supporting text. Consider the framework for each policy suggested in Section 6.
- Policy wording needs to be amended where indicated to make them clear.
- Consider a Chapter on 'Process'.
- Editing of the document to ensure paragraphs are in correct place, grammar and typos etc. are corrected.