



**Horsham
District
Council**

Representation Form

West Chiltington Neighbourhood Plan (2031) Regulation 16 Consultation - The Neighbourhood Planning (General) Regulations 2012 (as amended)

West Chiltington Parish Council has prepared West Chiltington Neighbourhood Development Plan (WCNDP). The Plan sets out a vision for the future of the parish and planning policies which will be used to determine planning applications locally.

In accordance with Regulation 16 of the Neighbourhood Planning Regulations 2012 (as amended), the West Chiltington Neighbourhood Development Plan and associated supporting documents will go out to consultation from **18 October 2024 to 29 November 2024** for 6 weeks inviting representations on the submission draft WCNDP, basic conditions statement, consultation statement and the SEA/AA and HRA assessment. Copies of the West Chiltington Neighbourhood Plan and supporting documents are available to view on the Horsham District Council's website and at selected deposit points. To view the plan, accompanying documents and to download the comment form please view:

<https://strategicplanning.horsham.gov.uk/WestChiltingtonReg16/consultationHome>

Hard copies of the documentation are available upon prior request for inspection at **Horsham District Council offices**; Parkside, Chart Way, North Street, Horsham, RH12 1RL between 9am and 5pm Monday to Friday (01403 215398), **West Chiltington Parish Office**, The Parish Office, Church Street, West Chiltington, RH20 2JW, Opening 10am-1pm Tues & Wed (01798 817434). **West Chiltington Village Hall**, Mill Road, West Chiltington, RH20 2PZ.

There are a number of ways to make your comments:

1. Download and complete the comment form available from the link above and email it to: neighbourhood.planning@horsham.gov.uk ; or
2. Print the comment form available to download by clicking on the link above and post it to: Neighbourhood Planning Officer, Horsham District Council, Parkside, Chart Way, North Street, Horsham, RH12 1RL

All comments must be received by 5:00pm on 29 November 2024

NOTIFICATION

All comments will be publicly available, and identifiable by name and (where applicable) organisation. Please note that any other personal information provided will be processed by Horsham District Council in line with the Data Protection Act 1998 and General Data Protection Regulations. Horsham District Council will process your details in relation to this preparation of this document only. For further information please see the Council's privacy policy: <https://www.horsham.gov.uk/privacy-policy>

How to use this form

Please complete Part A in full, in order for your representation to be taken into account at the Neighbourhood Plan examination.

Please complete Part B overleaf, identifying which paragraph your comment relates to by completing the appropriate box.

PART A	Your Details
Full Name	SHARON DAVIS
Address	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
Organisation (if applicable)	N/A
Position (if applicable)	N/A
Date	04/12/2024

PART B

To which part in the plan does your representation relate?

<p>Paragraph Number:</p> <p>Section 1 of the submission draft WCNDP</p>	<p>Outdated Evidence Base</p> <ul style="list-style-type: none"> • Population Data: Section 3, Paragraph 3.12 • Housing Needs Surveys: Section 3, Paragraphs 3.29-3.31 • State of the Parish Report: Section 1, Paragraph 1.10 • Call for Sites and Assessments: Section 1, Paragraph 1.11 	
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	<p>❓ Sustainability and Accessibility Issues at Smock Alley</p> <ul style="list-style-type: none"> • Accessibility Concerns: Section 3, Paragraphs 3.37-3.39 (general transportation info) • Environmental Impact: Section 3, Paragraphs 3.14, 3.19 (environmental features) • Flood Risk: Section 3, Paragraph 3.24 (general flooding info) <p>❓ Contradiction with Core Objectives</p> <ul style="list-style-type: none"> • Housing and Environment: Section 4, Paragraphs 4.3 (points 1 and 2 under Core Objectives) <p>❓ Inaccuracies in the Plan</p> <ul style="list-style-type: none"> • Incorrect Police Station Location: Section 3, Paragraph 3.56 • Discrepancy in Number of Houses: Section 2, Paragraph 2.6 <p>❓ Publicity and Consultation Process</p> <ul style="list-style-type: none"> • Section 1, Paragraph 	
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<p>Section 2 of the submission draft WCNDP</p>	<p>1.14 (consultation process general info)</p> <p>❓ Key Contradictions with NPPF Objectives:</p> <ul style="list-style-type: none"> • Economic Objective: Section 6, Policy H2 (economic objectives outlined in Section 5.3) • Social Objective: Section 6, Policy H2 (social objectives outlined in Section 5.3) • Environmental Objective: Section 7, Environment and Heritage Policies, and Policy H2.12 (environmental objectives in Section 5.3) <p>❓ Historical Context of Refusal:</p> <ul style="list-style-type: none"> • Housing Policies (sections discussing policy compliance and appeal decisions) <p>❓ Conflict with Policy H2b: Land at Smock Alley:</p> <ul style="list-style-type: none"> • Policy H2b in Section 6, Housing Policies 	
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<p>Basic Conditions Statement of the West Chiltington Neighbourhood Development Plan ALL PARAGRAPHS</p> <p>Consultation Statement ALL PARAGRAPHS</p> <p>Submission draft WCNDP ALL PARAGRAPHS</p> <p>Environmental Report of the West Chiltington Neighbourhood Plan (SEA) ALL PARAGRAPHS</p> <p>Habitats Regulations Assessment of the West</p>	<p>Additional Conflicts with Relevant Policies:</p> <ul style="list-style-type: none"> • Policy H2.6 and H2.12 regarding housing density and environmental concerns (Section 6, Housing Policies) • Policy H2.4 and H2.6 about housing near shops and the design/layout conflicts with existing rural character (Section 6, Housing Policies) 	
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Chiltington Neighbourhood Plan ALL PARAGRAPHS		
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Do you support, oppose, or wish to comment on this plan? (Please tick one answer)

Support Support with modifications Oppose Have Comments

Please give details of your reasons for support/opposition, or make other comments here:

Section 1 of the submission draft WCNDP

Introduction

I am writing to provide feedback on the West Chiltington Neighbourhood Development Plan (NDP) as part of the Regulation 16 consultation. While I appreciate the significant efforts made by the Parish and District Councils in preparing the plan, I have deep concerns regarding outdated evidence, procedural inconsistencies, and contradictions within the plan that undermine its compliance with the basic conditions.

1. Outdated Evidence Base

The NDP relies heavily on evidence that is now significantly out of date, raising questions about its relevance to current community needs and planning requirements:

- Population Data: The most recent population figure cited in the plan is from 2013, when the Parish had 3,500 residents. This figure is over a decade old and does not account for subsequent population changes, including growth and shifts in demographic needs.
- Housing Needs Surveys: Surveys conducted in 2014 and 2018 are outdated and fail to reflect recent housing challenges, particularly following the COVID-19 pandemic, which has significantly altered housing demand and preferences.
- State of the Parish Report (2014): This foundational document is nearly 10 years old, and there is no evidence that it has been updated to reflect current conditions, including changes in infrastructure, environmental constraints, or community priorities.
- Call for Sites and Assessments: While a call for sites occurred in 2020, the original assessments from 2014 remain largely unchanged, despite the evolving context of local and national planning policies.

2. Sustainability and Accessibility Issues at Smock Alley

The inclusion of the Smock Alley site as a development location is inconsistent with the NDP’s stated objectives and evidence base:

- Accessibility Concerns: Smock Alley is located on a narrow single-track road with no footpath and is 15 minutes from the nearest bus stop or amenities. This makes it difficult, though not impossible, to access, but it heavily relies on private vehicles, which conflicts with sustainability goals.
- Unsustainable Location: The site has been rejected five times due to its unsuitability for development. Its inclusion now, without addressing the underlying reasons for previous rejections, raises concerns about the rationale behind this decision.
- Environmental Impact: The site’s development would harm the Parish’s rural character and biodiversity. It is adjacent to or within areas known to support rare and protected species, including [REDACTED], directly conflicting with the NDP’s commitment to protect and enhance biodiversity.

- Flood Risk: Development in this location could exacerbate flood risks in a sensitive rural setting, particularly due to increased impermeable surfaces.

3. Contradiction with Core Objectives

The inclusion of Smock Alley contradicts several of the NDP's own core objectives, particularly regarding housing and the environment:

- Housing:
 - It fails to support sustainable housing needs due to its remote and vehicle-dependent location.
 - It disrupts the character and distinctiveness of the rural setting.
- Environment:
 - It threatens to degrade green spaces and agricultural land.
 - It risks harming biodiversity by disrupting habitats for protected species.
 - It may exacerbate flooding risks, contrary to the plan's stated objectives.

4. Inaccuracies in the Plan

The plan contains factual inaccuracies that undermine its credibility:

- The claim that "The nearest police station is at Southwater" is incorrect; the nearest manned police station is in Horsham. Such inaccuracies cast doubt on the plan's attention to detail and the validity of other evidence.
- This is just one example. It also cites proposing 25 houses (2.6) yet has 29 houses in section 2 across 2 sites.

5. Publicity and Consultation Process

The Regulation 16 consultation has not been adequately publicised in a manner likely to bring it to the attention of the community:

- There are no visible notices in the village, no flyers, and no mention in local newsletters.
- The reliance on the district council's website alone does not meet the statutory requirements for effective public engagement.

Section 2 of the submission draft WCNDP

Section 2: Contradiction with the Presumption in Favour of Sustainable Development

The Neighbourhood Development Plan (NDP) explicitly supports the principles of sustainable development as defined by the National Planning Policy Framework (NPPF). These principles encompass economic, social, and environmental objectives, forming the foundation for creating balanced and sustainable communities. However, the inclusion of the Smock Alley site as a proposed development location directly contradicts these principles and the NDP's stated commitment to sustainability.

1. Key Contradictions with NPPF Objectives

- a) Economic Objective

The economic objective requires land to be of the right type, in the right place, at the right time to support growth and infrastructure. The Smock Alley site fails to meet this criterion:

- Its remote location on a single-track road with no footpath makes it unsuitable for integrating with existing economic or social hubs.

- Development on this site would increase dependency on private vehicles, contrary to the objective of fostering a low-carbon economy.

- b) Social Objective

The social objective aims to create vibrant, healthy communities with accessible services and infrastructure. The Smock Alley site contradicts this by:

- Being 15 minutes' walk from the nearest bus stop and shops, along an unsafe single-track road with no footpath. This limits accessibility for residents without private transport, particularly younger or older people.
- Failing to provide a built environment that fosters connectivity or accessibility for current and future generations.

- c) Environmental Objective

The environmental objective seeks to protect and enhance natural and built environments, minimize waste and pollution, and combat climate change. The Smock Alley site conflicts with this goal:

- Development would harm protected species and habitats, including bats, hazel dormice, badgers, wild birds and slow-worms, identified in the Parish's biodiversity survey and identified on or adjacent to the site (Sussex biodiversity records)
- It would degrade green spaces and agricultural land, essential components of the Parish's rural character.
- Increased car dependency would lead to higher carbon emissions, contrary to the goal of transitioning to a low-carbon economy.

2. Historical Context of Refusal

The Smock Alley site has a long history of being deemed unsuitable for development:

- The district council has refused planning permission three times, citing its unsustainability and incompatibility with planning policies.
- The Planning Inspectorate has dismissed two appeals, reinforcing its status as an inappropriate development site.
- Despite these decisions, no evidence has been provided to address the fundamental issues identified, and a fourth application is currently under review.

3. Conflict with Policy H2b: Land at Smock Alley

Policy H2b specifies strict criteria for development at the Smock Alley site, which are not met in the current application:

- Housing Mix (Criterion 3b): The proposal includes only two bungalows instead of the required six. These bungalows are disproportionately tall (6,178cm) and sited on land 10 meters above road level, making them overbearing and inappropriate for the site.
- Boundary Features (Criterion 3e): The proposal includes the removal of approximately 110 meters of hedgerow along the eastern boundary to create a visibility splay, directly contradicting the requirement to retain and enhance boundary features.
- Settlement Pattern (Criterion 3g): The proposed design does not reflect the ribbon development typical of Smock Alley, resulting in a suburban-style housing estate incompatible with the rural setting.
- Groundwater Protection (Policy H2.12): The site is located near a Source Protection Zone 1 area. The HDC Environmental Health Report (27/11/24) highlights significant concerns, stating:

"Southern Water's plan is to reinstate the borehole at West Chiltington in the near future. Given that this borehole is located in close proximity to the application site, this proposal is, in all likelihood, likely to have significant implications for the water supply to this site."

4. Additional Conflicts with Relevant Policies

- Policy H2.4
- Smock Alley's distance from shops and amenities makes it unsuitable for smaller households or residents without private transport, contrary to the policy's aim of providing housing for those reliant on local services.
- Policy H2.6
- The site's proposed density and layout are inconsistent with the large plots and mature planting characteristic of the area. The removal of mature hedgerows and introduction of cramped development harm the Parish's rural character.

Conclusion

The inclusion of the Smock Alley site in the NDP directly contradicts the presumption in favour of sustainable development as outlined in the NPPF and conflicts with multiple policies in the NDP. Its development would:

- Fail to meet economic, social, and environmental objectives.
- Harm biodiversity, rural character, and accessibility.
- Introduce unsustainable and out-of-character development inconsistent with local and national planning policies.

Given these conflicts, the allocation of the Smock Alley site should be reconsidered to ensure the NDP aligns with its stated commitment to sustainable growth and development.

Basic Conditions Statement of the West Chiltoningon Neighbourhood Development Plan

Introduction:

This rebuttal addresses critical concerns regarding the West Chiltoningon Neighbourhood Development Plan (WCNDP), specifically challenging the transparency and inclusivity of its formulation process as claimed in the Basic Conditions Statement. It has come to our attention that lay members of the community were either inadequately represented or entirely excluded from the Steering Group, contradicting the claims of extensive community involvement and stakeholder input.

Lack of Lay Member Inclusion in Steering Group:

The Basic Conditions Statement asserts that the Steering Group comprised both councillors and lay members, tasked with guiding the development of the WCNDP (Section 2.2). However, evidence suggests that lay members were not involved in the decision-making processes or on the steering group for more than 5 years. The exclusion of lay members from meaningful participation directly undermines the foundational democratic principles of neighbourhood planning, which emphasize community-led initiatives.

Transparency and Community Involvement:

Section 3.1 of the Basic Conditions Statement highlights extensive community and stakeholder input. Contrary to this assertion, the processes employed have not provided a transparent mechanism for community engagement. Key decisions appear to have been made without a broad base of community consultation, and the purported inclusion of lay members lacks substantiation. Such a lack of transparency not only questions the legitimacy of the WCNDP but also alienates the community it aims to serve.

Misrepresentation of Community Input:

The claim of community involvement in the planning process requires scrutiny. The consultation processes referenced (Section 3.1) did not adequately capture the diverse perspectives within West Chiltington, particularly from non-councillor community members. This misrepresentation in the planning process results in a plan that may not truly reflect the community's needs or its vision for future development.

The Purpose of Neighbourhood Plans and the Lack of Community Support for Smock Alley
Neighbourhood Plans (NPs) exist to empower local communities to have a significant say in shaping development within their areas. They are intended to be community-driven documents, reflecting the wishes, priorities, and needs of the local population, rather than being dictated by external pressures.

However, in the case of the West Chiltington Neighbourhood Plan, the inclusion of the Smock Alley site undermines these principles and demonstrates a failure to align with the community's expressed views.

1. The Role of Neighbourhood Plans

Neighbourhood Plans are designed to:

Enable communities to influence where and how development occurs in their local area.
Ensure that planning decisions respect the distinct identity and aspirations of a Parish or village.
Prioritise local knowledge and input to protect what is valued by residents, including open spaces, landscapes, and heritage.

This is the third iteration of the West Chiltington Neighbourhood Plan. The first two iterations did not include the Smock Alley site, reflecting the local community's consistent opposition to its development. The site was only added to the plan during this third iteration after the District Council applied pressure on the Parish Council, insisting that the site be included to align with the draft Horsham District Local Plan.

At a public meeting, the Chairman of the Parish Council acknowledged that the inclusion of the site was driven by pressure from Horsham District Council. The Parish Council, under this pressure, has prioritised alignment with the District Council's requirements over the clear, long-standing opposition of the local community.

2. Repeated Rejection of Smock Alley by the District Council and Planning Inspectors

The Smock Alley site has been contentious for over 10 years, with its inclusion consistently rejected by both the District Council and the Planning Inspectorate:

Application DC/14/2248: Rejected by the District Council and dismissed on appeal.

Application DC/15/1389: Rejected by the District Council and dismissed on appeal.

Application DC/21/2007: Rejected by the District Council (Unanimously in April 2024)

Third Appeal: Withdrawn in 2024, just before the fourth application was submitted (DC/24/1619), which mirrors the third application.

These repeated rejections underline the incompatibility of the site with planning policies and its unsuitability for development. The fact that it has been reintroduced into the Neighbourhood Plan despite this history demonstrates a disregard for both the planning framework and community sentiment.

3. Overwhelming Community Opposition

The strength of community opposition to the Smock Alley site is undeniable:

Each application has received hundreds of objection letters from residents, which are publicly available on the District Council's planning portal.

A Change.org petition opposing the development has gathered over 1,000 signatures, many of them from local residents.

In April 2024, District Councillors voted unanimously against the site, reflecting the widespread opposition within the Parish and beyond. District Councillor Circus commented at the meeting that he could not see the Neighbourhood Plan going through with such strong opposition to the site when over 50 Parishioners attended the Planning South meeting to hear the application be decided (refused).

The strength of feeling across the village—not just in Smock Alley or Haglands Lane, but throughout West Chiltington—demonstrates a clear and consistent consensus that this site should not be developed.

4. Failure to Represent Local Wishes

The decision to include the Smock Alley site in the Neighbourhood Plan is not reflective of the community's wishes:

This is a top-down decision imposed by Horsham District Council, with the Parish Council yielding under pressure to include the site in an attempt to progress the Neighbourhood Plan.

This approach contradicts the purpose of a Neighbourhood Plan, which should be locally driven and responsive to community needs and values.

If the Smock Alley site proceeds to referendum, there is a strong likelihood that the entire Neighbourhood Plan will be rejected by local residents, undermining years of work and effort. The plan will fail to meet its objective of gaining community support if it includes a site that has faced such overwhelming and sustained opposition.

5. Impact on Settlement Character

The Smock Alley site has been unused and rewilded for over 50 years, serving as an important buffer in the settlement separation area between the two parts of the village. Developing this land:

Contradicts the character of West Chiltington, which values open spaces and green landscapes.

Eliminates an important separation area, fundamentally altering the spatial identity of the Parish.

6. Support from the Local MP Andrew Griffith

The inclusion of the Smock Alley site has also faced consistent opposition from our local MP, who has publicly defended the community's position on this matter.

In a letter dated 14 November 2024, the MP stated:

"I remain wholly opposed to the development of this site, and I will resubmit my previous opposition."

This is not the first time the MP has opposed the development. He has written several letters to Horsham District Council expressing his concerns and reiterating the community's overwhelming objections to this site.

The MP's continued advocacy against this site demonstrates that the opposition extends beyond local residents to include elected representatives at the national level, further underscoring the lack of consensus and support for Smock Alley.

Conclusion

The inclusion of the Smock Alley site in the Neighbourhood Plan does not reflect the principles of community-led planning. It has been:

Repeatedly rejected by the District Council, Planning Inspectors, and local residents.

Imposed through pressure from Horsham District Council rather than driven by the wishes of West Chiltington's residents.

Opposed by hundreds of residents, district councillors and our MP, as demonstrated by public objection letters and petitions.

The Examiner should carefully review the objections submitted for previous applications and consider the overwhelming opposition across the community. The Smock Alley site does not meet the criteria of a community-led initiative and risks jeopardising the success of the entire Neighbourhood Plan.

Consultation Statement

Lack of Proper Consultation and Misrepresentation in the Neighbourhood Plan Process

The Neighbourhood Planning process is legally required to be community-led and inclusive, ensuring that local residents are meaningfully consulted and their views incorporated into the draft plan. However, the preparation of the 2021 Regulation 14 Draft Neighbourhood Plan (NDP) for West Chiltington demonstrates significant failings in consultation, transparency, and adherence to legal requirements.

1. Outdated and Misleading Consultation Statement

The Consultation Statement, a core document supporting the NDP, is dated July 2021 but relies on outdated and misleading information. Specifically:

The photographs included in the Consultation Statement are from an open event held in November 2016, which was part of the consultation for the second iteration of the NDP, not the third. This event was intended to re-start the NDP process but was poorly attended, despite the statement that over 150 residents participated.

No new consultation events were held for the third iteration of the NDP leading to the July 2021 draft. Using these photographs to imply community involvement for the third version of the NDP is misleading and inaccurate.

2. No Public Consultation on Site Selection

In preparing the 2021 draft NDP, the Parish Council failed to conduct pre-Regulation 14 public consultation on which sites should be included. This includes:

No public meetings held in the Village Hall to discuss or inform site selection.

No communication via posters, emails, or other notices to engage parishioners in the process.

No opportunity for residents to influence or provide feedback on which sites should be allocated.

The lack of pre-Regulation 14 engagement directly violates the community-led principle of Neighbourhood Planning, as set out in The Neighbourhood Planning (General) Regulations 2012 and Government Guidance.

3. Misleading Use of Consultation Materials

The Parish Council included photographs and information from previous consultation events for earlier iterations of the NDP, falsely implying that these represented consultation for the July 2021 draft. The consultation materials:

Did not represent new or updated community engagement specific to the third version of the NDP.
Misrepresented the extent of community involvement and input into the 2021 draft.

4. The Smock Alley Site: A Top-Down Decision

The inclusion of the Smock Alley site in the 2021 draft was a decision made by the Parish Council Planning Committee, not the local community. This decision was:

Agreed upon on 11 February 2021 without consulting parishioners or seeking their input.
Communicated to adjacent residents via a letter dated 3 June 2021, well after the site selection decision had been made.

Confirmed in a survey sent to parishioners on 26 July 2021, long after the site had been approved for inclusion in the plan.

This timeline demonstrates that residents were informed only after the decision had been made, undermining the fundamental requirement for inclusive and transparent consultation.

5. Survey Process Flaws

The Regulation 14 survey sent to parishioners on 26 July 2021 was flawed in its design and interpretation:

The initial question on the survey asked, "Do you agree with Policy H2 wording and the elements of the masterplan?" This question was misleading, as many parishioners would not have understood that Policy H2 referred to housing site allocations.

Parishioners who agreed with this initial question but disagreed with the inclusion of Smock Alley were still counted as supporting the plan overall, as confirmed in correspondence from the Parish Clerk dated 9 May 2022.

Misrepresentation of Survey Results:

While the survey received over 700 responses, only 160 responses were published on the Parish Council website.

Of those responses, a third explicitly disagreed with the inclusion of Smock Alley, yet the site remained in the plan.

The Parish Council counted agreement with the initial question as support for the overall plan, even when parishioners explicitly objected to Smock Alley in their comments.

6. A Misleading and Influential Statement

The front page of the survey included the statement:

"We do not have the option to refuse to allocate land for this housing, and if we suggest other sites, it is almost certain that the sites we have identified will be built on anyway, so the village would end up with more housing overall." Bob Gustar Parish Council (Chairman).

This statement was misleading, influential, and scaremongering. Parishioners were led to believe that opposing the plan would result in additional housing, discouraging them from raising objections. Such tactics undermine the democratic process and the integrity of the Neighbourhood Plan.

Conclusion

The preparation and consultation process for the 2021 Regulation 14 NDP was fundamentally flawed:

The Consultation Statement is out of date and relies on misleading photographs and data from earlier iterations of the plan.

There was no meaningful public consultation on site selection for the 2021 draft, violating the community-led principles of Neighbourhood Planning.

The survey process was flawed, with misleading questions and selective reporting of results that obscured the true level of opposition to the Smock Alley site.

The inclusion of Smock Alley was a top-down decision by the Parish Council Planning Committee, not a reflection of community wishes.

These failings undermine the credibility of the plan and raise serious concerns about its compliance with the Neighbourhood Planning (General) Regulations 2012. The Smock Alley site should be removed from the NDP to ensure the plan genuinely reflects the priorities and aspirations of the community.

Submission draft WCNDP – (Appendix 9 Settlement Separation) Policy EH10 Settlement Separation

Rebuttal Regarding Settlement Separation and the Inclusion of Smock Alley in the draft WCNDP Neighbourhood Plan

Settlement separation zones exist to protect the distinct identities of settlements by preserving the openness and rural character of the landscape between them. This principle is clearly established in Appendix 9 of the West Chiltington Neighbourhood Plan (NP), the Horsham District Local Plan, and previous appeal decisions. However, the inclusion of the Smock Alley site in the NP directly undermines these objectives. Below, I provide a detailed analysis and rebuttal, arguing why this site must be removed from the plan.

1. The Purpose of Settlement Separation Zones

Appendix 9 of the NP states that Policy EH10 aims to:

"Strongly resist proposals for development requiring planning permission within the Settlement Separation Zone unless it is for essential utility infrastructure or where the benefits outweigh any harm."

The Smock Alley site lies directly within this Settlement Separation Zone, which is critical in maintaining the distinct identities of West Chiltington Village and West Chiltington Common. Development on this site would:

Erode the visual and physical separation between these two settlements.

Contribute to coalescence, merging two distinct areas into one sprawling settlement, contrary to Policy EH10 and Strategic Policy 15 of the emerging Horsham District Local Plan.

Undermine the sense of 'leaving one place and arriving at another,' a key element of maintaining rural identity as outlined in Policy 15 of the Local Plan (Appendix 9 - West Chilt...)(Settlement Separation D...).

2. Historical Rejections Based on Settlement Separation

The Smock Alley site has been consistently rejected in previous planning applications and appeals, with settlement separation repeatedly cited as a reason for refusal:

Appeal Decision APP/Z3825/W/15/3022944 (2015):

The Inspector concluded that the development would:

"Introduce development into the open land separating the two parts of the settlement... eroding that settlement separation to a degree and conflicting with Policy 25 of the HDPF"(Settlement Separation D...).

Appeal Decision APP/Z3825/W/16/3146231 (2016):

The Inspector noted that a housing estate on this site would:

"Encroach into the countryside between the two parts of settlement... altering the individual settlement characteristics"(Settlement Separation D...).

Planning Refusal DC/21/2007 (2024):

Horsham District Council refused the application, stating that:

"The development results in coalescence between West Chiltington Village and West Chiltington Common (Policy 27 HDPF)"(Settlement Separation D...).

These consistent refusals highlight the importance of the settlement separation zone and the unsuitability of Smock Alley for development.

3. Contradictions in the Neighbourhood Plan

While Appendix 9 acknowledges the importance of preserving settlement separation, it paradoxically supports the inclusion of Smock Alley, which lies within this zone. The Parish Council has justified this by claiming:

"It is better to have some control over how the site is developed than to leave it to the developers to decide"(Appendix 9 - West Chilt...).

This rationale is fundamentally flawed:

It undermines the principles of the Settlement Separation Zone by prioritising short-term control over long-term preservation.

It ignores the clear policy mandate to resist development that would harm the separation zone unless it is for essential infrastructure or the benefits clearly outweigh the harm. No such exceptional justification has been provided for Smock Alley.

4. Harm to Local Identity and Countryside Character

The development of Smock Alley would:

Eliminate a key buffer zone between West Chiltington Village and Common, destroying their distinct identities.

Contravene the Village Design Statement, which emphasises:

Low-density housing to protect rural character.

Retaining clear separation zones to preserve tranquillity and wildlife habitats(Settlement Separation D...).

Introduce urbanising effects, including:

Increased traffic and artificial lighting.

Ribbon development along Smock Alley, further reducing the rural character of the area(Settlement Separation D...).

5. Call to Action: Remove Smock Alley from the Neighbourhood Plan

The inclusion of Smock Alley in the Neighbourhood Plan conflicts with its stated objectives and relevant planning policies. To uphold the principles of settlement separation, the following actions are necessary:

Remove Smock Alley from the NP:

The site directly contravenes Policy EH10 and Settlement Coalescence Policy 15 of the Horsham Local Plan. Maintaining this allocation undermines the credibility of the NP and risks failure at referendum.
Reaffirm Commitment to Settlement Separation Zones:

The Parish Council must prioritise protecting the distinct identities of West Chiltington Village and Common.

Reassess Site Selection:

Engage with parishioners to identify alternative sites outside the Settlement Separation Zone that align with the NP's objectives and retain community support.

Conclusion

The Smock Alley site's inclusion in the Neighbourhood Plan is a significant and unjustifiable breach of the settlement separation principles that underpin the local and district-level planning framework. Developing this site would irreparably harm the rural character and distinct identities of West Chiltington Village and Common, setting a dangerous precedent for future coalescence.

The Examiner is strongly urged to recommend the removal of Smock Alley from the plan to preserve the integrity of the Settlement Separation Zone and ensure compliance with both local and national planning policies. I also strongly urge the Examiner to make a site visit.

Rebuttal Regarding the Environmental Report of the West Chiltington Neighbourhood Plan (SEA)

Introduction: This rebuttal addresses concerns regarding the Environmental Report for the West Chiltington Neighbourhood Plan (WCNP), dated July 2021. This document fails to incorporate significant legislative updates that have been enacted post-July 2021, notably the Environment Act 2021. These omissions call into question the report's compliance with current environmental standards and planning requirements.

Deficiencies in the Current Environmental Report:

1. Exclusion of the Environment Act 2021:

- The Environment Act 2021, enacted in November 2021, introduces comprehensive reforms across various environmental domains that are not accounted for in the WCNP's Environmental Report. Key aspects of the act that impact local planning include:
 - **Biodiversity Targets:** The Act establishes legally binding "biodiversity targets" aiming to halt the decline of species by 2030. Local planning documents are required to align with these objectives to ensure developments contribute positively to biodiversity conservation.
 - **Resource Efficiency and Waste Reduction:** The Act outlines measures to enhance resource efficiency and reduce waste, particularly plastics, which must be integrated into local waste management strategies within development plans.
 - **Enhanced Air and Water Quality Standards:** The Act aims to elevate the standards of air and water quality. These enhancements necessitate corresponding adjustments in local infrastructure and construction practices to meet the new standards.
 - **Conservation and Enhancement of Natural Environments:** It emphasizes the need for local plans to actively support the conservation and enhancement of natural environments, a critical component that should guide the planning and execution of local developments.

2. Legal and Policy Compliance Risks:

- By not incorporating these significant legislative updates, the WCNP risks non-compliance with national environmental policies and regulations, potentially exposing the plan to legal challenges and policy conflicts. This oversight undermines the plan's ability to provide a sustainable framework for development that aligns with the UK's current environmental governance landscape.

Conclusion: The Environmental Report for the West Chiltoningon Neighbourhood Plan, as it stands, does not meet the comprehensive environmental standards required under the Environment Act 2021. It is imperative that the plan be revised to incorporate these statutory requirements to ensure that it not only complies with the law but also effectively contributes to the broader goals of environmental sustainability and conservation. We recommend immediate action to address these deficiencies and update the plan accordingly.

Rebuttal to the Habitats Regulations Assessment of the West Chiltoningon Neighbourhood Plan

Introduction: This rebuttal provides an in-depth critique of the June 2021 Habitats Regulations Assessment (HRA) accompanying the West Chiltoningon Neighbourhood Plan, with a particular focus on the proposed development at Smock Alley. This development poses serious ecological threats to protected species and habitats, directly contradicting recent environmental legislation and local biodiversity strategies. The assessment is outdated and fails to incorporate significant legislative updates and current ecological data, leading to substantial underestimations of potential ecological impacts.

Outdated Aspects of the Habitats Regulations Assessment:

- **Non-Inclusion of the Environment Act 2021:** The HRA does not consider the Environment Act 2021, which mandates biodiversity net gain for all developments and emphasizes enhancing habitats.
- **Lack of Current Data:** Since the HRA's publication, there have been updates in local and national environmental policies focusing on increased protection for habitats and species which are not reflected in the assessment.
- **Insufficient Cumulative Impact Assessment:** The HRA fails to adequately address the cumulative effects of multiple developments and environmental pressures, potentially exacerbating impacts on biodiversity.

Detailed Ecological Concerns:

1. Significant Ecological Value of Smock Alley:

- The site encompasses ecologically sensitive and protected habitats, including BAP protected woodland and hedgerows, critical for the conservation of wildlife. It serves as a vital green buffer, providing essential ecosystem services and supporting over 2,513 records of 121 protected species within a 1km radius.

2. Protected Species at Risk:

- **Badgers:** Active badger setts are threatened by construction, potentially violating legal protections which prohibit disturbing setts.
- **Bats, Including Barbastelle:** The diverse bat population, including sensitive species like Barbastelle, is at risk from habitat changes due to development, necessitating rigorous impact assessments.
- **Birds:** Species like nightingales could suffer significant habitat loss, impacting their survival and breeding.

- **Hazel Dormice:** Recent records highlight the presence of dormice near the site, necessitating careful protection of their habitats to prevent net loss of habitat quality.

3. Inadequacy of Proposed Mitigations:

- Proposed mitigation measures, such as relocating species and creating artificial habitats, are insufficient and unlikely to provide long-term sustainability for the affected populations. The planned "sensitive lighting" does not comprehensively address the potential disturbances from increased human activity.

4. Contradiction with Environmental Policies:

- The development contradicts the objectives of the Environment Act 2021 and local conservation efforts, potentially leading to a net loss of biodiversity and undermining regional biodiversity strategies.

Conclusion: The development proposed for Smock Alley based on an outdated and insufficient HRA poses unacceptable risks to local wildlife and their habitats, contravenes current environmental legislation, and undermines national biodiversity goals. A thorough re-evaluation of the plan, with a strong focus on ecological preservation and sustainable development principles, is urgently needed to protect this ecologically rich and sensitive area.

What improvements or modifications would you suggest?

Section 1 submission draft WCNDP

Suggested Improvements and Modifications

To ensure the West Chiltington Neighbourhood Development Plan is consistent with its objectives and meets the basic conditions required for approval:

- The Smock Alley site should be removed from the list of development locations. Its inclusion directly conflicts with the plan’s stated goals of protecting biodiversity, minimizing flood risks, and ensuring sustainable development.
- The evidence base should be updated, including population data, housing needs surveys, and environmental assessments, to reflect current conditions and community priorities.
- The consultation process should be revisited to ensure compliance with statutory publicity requirements, including wider community engagement through physical notices and local newsletters.
- Factual inaccuracies, such as the location of the nearest police station, should be corrected to improve the plan’s credibility and reliability.

By addressing these concerns, the NDP can better serve the community, align with national and local policies, and achieve its goal of sustainable growth.

Section 2 submission draft WCNDP

Suggested Improvements and Modifications

While I strongly recommend the removal of the Smock Alley site from the NDP due to its unsuitability, there are alternative strategies that align better with the principles of sustainable development and the policies within the plan:

1. Prioritise Smaller Sites on Brownfield Land

Brownfield sites within the Parish should be re-evaluated as they inherently cause less harm to the natural environment and biodiversity.

Development on brownfield land aligns with national

policy and the NPPF's guidance to make effective use of previously developed land, reducing pressure on greenfield and rural areas.

2. Reconsider Sites within the Built-Up Area Boundary

Smaller sites located within the Built-Up Area Boundary (BUAB) have already been deemed more suitable for development in principle, as they are:

Closer to existing infrastructure and services, reducing reliance on private vehicles.

Less intrusive on the rural character and open spaces of the Parish.

More likely to align with the Parish's landscape character assessments and settlement patterns.

The Parish Council should revisit sites previously dismissed in these areas to assess their viability in light of the significant harm posed by developing the Smock Alley site.

3. Adopt a Phased Approach to Development

Rather than allocating a single contentious site, the NDP could adopt a phased development strategy, dispersing housing needs across smaller, less harmful sites.

This would help meet housing requirements while minimising the ecological, environmental, and visual impact on any one location.

4. Promote Public Engagement and Transparency in Site Selection

Ensure that the process of site selection is transparent and community-driven, with clear justifications for dismissing brownfield sites or locations within the BUAB.

Conduct further consultation with residents to identify overlooked opportunities for sustainable development that better meet the Parish's needs and objectives.

Conclusion

The inclusion of the Smock Alley site in the NDP directly contradicts the presumption in favour of sustainable development as outlined in the NPPF and conflicts with multiple policies in the NDP. Its development would:

Fail to meet economic, social, and environmental objectives.

Harm biodiversity, rural character, and accessibility.

Introduce unsustainable and out-of-character development inconsistent with local and national planning policies.

I recommend the removal of the Smock Alley site from the NDP and propose the following alternatives:

Reassess smaller brownfield sites that have less environmental and visual impact.

Revisit sites within the Built-Up Area Boundary, which are more sustainable and align better with the Parish's policies and objectives.

Consider a phased development approach to minimise harm and better distribute housing needs.

Ensure the site selection process is transparent and engages the local community to build a plan that reflects shared priorities and values.

By implementing these modifications, the NDP can better meet its objectives, minimise harm, and provide a sustainable framework for the Parish's growth and development.

The Parish Council should remove the Smock Alley site from the NDP.

The Parish Council should re-engage with parishioners to ensure site selection is carried out in a transparent and credible way, adhering to the legal requirements for community-led consultation.

A new consultation process should include:

Public meetings and events to discuss site options.

Clear, unbiased surveys to capture parishioners' genuine views.

Publication of all consultation responses to ensure transparency.

These steps will ensure that the Neighbourhood Plan aligns with its core purpose: to represent the aspirations of the local community and provide a credible framework for sustainable development.

The West Chiltoningon Neighbourhood Plan is based on outdated assessments and fails to align with recent advancements in national policies across environmental, housing, and community planning sectors, significantly undermining its relevance and effectiveness in addressing current and future needs.

(Continue on separate sheet if necessary)

If you have additional representations feel free to include additional pages. Please make sure any additional pages are clearly labelled/ addressed or attached.

Do you wish to be notified of the local planning authority's decision under Regulation 26 of the Neighbourhood Plan (General) Regulations 2012 (as amended) in relation to the West Chiltonon Neighbourhood Development plan?

Please tick here if you wish to be to be notified: