



MINUTES of a **Meeting** of the **Neighbourhood Plan Steering Group** (NPSG) held on **Tuesday 9th November 2021** at **20:00**, Kelsey Hall, Ifold.

Present Mrs. Sara Burrell (Chair of the NPSG); Cllr. Phil Colmer; Cllr. David Ribbens; Cllr. Jerusha Glavin; Mr. Bill Townsend and Catherine Nutting (Clerk & RFO)

1. **To receive apologies for absence**

Cllr. Paul Jordan (Chair of the Parish Council); Cllr. David Griffiths; Cllr. Nick Whitehouse.

2. **Declarations of Members' Interests.**

None received from Councillors.

3. **Purpose of meeting**

To discuss the Examiners response to the Neighbourhood Plan, due to the matter of water neutrality and imposing technical controls on development, and the requirement that the Plan is either withdrawn, or that it stands but cannot be recommended for Referendum.

4. **AECOM's new HRA and response to CDC's Legal opinion**

- Background information can be found in the NPSG's Report to full Council dated 13th October 2021, which is published on the Parish Council's website [here](#).
- AECOM'S updated HRA can be found [here](#), published on the Parish Council's website.
- On 13th October 2021, the full Council resolved to (1) endorse the conclusion of the AECOM HRA; (2) send the HRA to CDC and the Examiner and propose that the Neighbourhood Plan section on Infrastructure be amended with an additional Policy Ci3 Water Usage in New Residential Development. (3) Propose to CDC and the Examiner that the wording of AIM 4 (to Safeguard Water Resources) be extended and applied to measures undertaken by the Parish Council with the various Authorities to improve the reduction in use of water by existing households and businesses in the Parish, thus aiming for water neutrality. ([C/21/168 pg.6](#))
- CDC has received [legal advice](#) in relation to the [Examiner's Open Letter](#) dated 8 July 2021; and an [additional response](#) received in relation to

further queries raised on the initial legal opinion. This legal advice is published on CDC's website [here](#) and the Parish Council's website [here](#).

AECOM's updated HRA suggested a 'work-around' with a form of words in AIM 4 and an additional Policy Ci3 'Water Usage in New Residential Development' given the de minimis number of housing the Plan is 'responsible' for. However, CDC's legal advice contradicts AECOM's suggestions and is emphatic in its conclusion that the NP cannot make/suggest mitigation policy/wording. AECOM's views have been sought regarding CDC's legal opinion. AECOM acknowledges the conservative interpretation of the law by CDC's barrister but has advised that *"since [CDC] are competent authority (the ultimate deciding authority) for HRA I agree that I don't think your Plan can go forward..."*

CDC have invited the Parish Council to a meeting to discuss the implications of the legal advice and to consider the Examiner's two options for the Neighbourhood Plan: -

1. to withdraw the Plan from examination; or
2. continue with the examination on the understanding that it will not be recommended that it proceed to referendum.

5. **Legal Opinion received by CDC – does the PC accept it / challenge it?**

The NPSG acknowledged that it would be unable to recommend to the full Council that it invest time and resources in seeking alternative legal opinion, which would be costly to the taxpayer, particular in light of AECOM's view. However, Horsham DC has pending legal advice on the same matter, which the Parish Council would be interested in seeing. Likewise, Crawley BC. The NPSG discussed the possible scenario arising whereby the various Local Planning Authorities within the Sussex North Water Supply Zone receive conflicting legal advice and therefore deal with the situation in contradictory ways.

6. **Implications of withdrawal of the NP**

NPSG discussed withdrawing the Plan and amending it to remove all reference to housing allocation/development e.g., Policy H1, Land Opposite the Green and Policy EE4, Brownfield site at Little Springfield Farm. However, the NPSG are unsure if the Plan would need further 'sanitising' to remove Policy H2, Housing development within the Ifold Settlement boundary and other general housing policies which manage extensions/windfall development e.g., design/density etc. The NPSG agreed that a complete removal of these development management policies would be undesirable as they afford protection to the character of the area. Such alterations would be considered major and would result in further public consultation either at Regulation 14 and/or 16.

The NPSG discussed the benefit of withdrawing the Plan to revisit other aspects which have been flagged as needing 'tweaks' by the Examiner in her draft report such as non-designated heritage assets and open green space allocation. Withdrawing the Plan at this stage could afford the Parish Council time to update and amend more generally whilst CDC consider its Local Plan Review and the water neutrality issues.

However, to withdraw the Plan would be tantamount to expunging its existence and any benefit for its current stage in the Neighbourhood Planning process (at Examination stage) and the Parish would be entirely without the benefit of any Plan whatsoever.

7. **Continue through Examination and get 'not recommended to progress to referendum'**

The NPSG discussed and agreed that it would be helpful to receive the Examiner's full report, as it would provide an insight into the strength of the Plan and any other aspects which require amendments (not just the water neutrality issue). If the Plan fails on the water neutrality issue alone, then this will send a strong message to the Community and CDC that the Plan is otherwise sound. Plans which have been through Examination hold some weight and should be referenced by the LPA when making decisions. However, the NPSG will need to ascertain if this is the case for Plans which ostensibly 'fail' at Examination stage. This process would still avail the Plan to amendments post Examination and the NPSG agreed that both routes lead to the same outcome.

8. **Local Plan Review**

There is no timeframe for CDC (or Central Government) to rectify the water neutrality issue and find a way of working with Natural England's position statement. Therefore, the NPSG agreed that to withdraw the Plan to wait for the issue to be resolved could take years. The NPSG agreed that the Parish ought to have a Plan in the interim period; however, without answers from either CDC/Examiner regarding the best way forward it is unable to formulate recommendations to the full Council at this stage.

9. **Questions**

The NPSG agreed that the following questions should be asked of CDC/Examiner before a final recommendation can be made: -

1. Will the water neutrality matter impact windfall new development?
2. Will the water neutrality matter impact residential extension applications?

3. If the Plan completes Examination will CDC give it weight as a post-examination plan despite it failing due to water neutrality? Especially if all other areas of the Plan are deemed sound by the Examiner.
4. What does CDC deem as 'critical' planning applications as per Natural England's [Position Statement](#)?
5. If developers can demonstrate water neutrality, as per Natural England's Position Statement, will they be approved by CDC?
6. Will CDC receive the legal opinion sought by Horsham DC and Crawley BC in relation to water neutrality and, if so, will CDC share it with PIPC?
7. If the legal advice received by Horsham and Crawley LPAs differs from the opinion obtained by CDC, will CDC challenge their legal opinion/seek to align with Horsham/Crawley LPAs?
8. Can PIPC wait to see the outcome of this legal advice before deciding regarding the Plan?
9. Do we need to withdraw the policies supporting windfall/extension?
10. Can we amend the Plan to remove Policies H1 and EE4 only and is this sufficient to remove the water neutrality issue?
11. Will our amended Plan need to return to public consultation and, if so, Reg 14 and/or 16?
12. If we withdraw the Plan, can we take the opportunity to amend other aspects of the Plan as set out by the Examiner in her draft report (withdrawn)?
13. If we allow the Plan to conclude Examination, can we then, at that stage, amend other aspects of the Plan as set out by the Examiner's final report?
14. Would the Parish be more vulnerable to inappropriate development if the Plan is withdrawn? Will it be any 'safer' if the Plan concludes Examination?

The NPSG agreed that it would give CDC some advance notice of the questions to allow answers to be prepared so the meeting is useful. The NPSG will ask that District Cllr. Evans be invited to attend the meeting.

The meeting to be attended by Sara Burrell, Catherine Nutting and Paul Jordan. Any other members of the Steering Group can also attend if they so wish.

The Clerk to liaise with CDC to arrange a mutually convenient date/time for the meeting.

There being no further business, the meeting concluded at 21:30