

Minutes of the Hassocks Neighbourhood Plan Working Group Meeting 24th November 2016

Attendees: Ian Weir (Acting Chair) Nick Owens; Frances Gaudencio; Sue Hatton; Bill Hatton; Justine Fisher (JF) arrived during item 6, and Judith Foot (JAF).

Dale Mayhew (Consultant, Dowsett Mayhew Consultancy).

Jane Bromley (Administration).

Two members of the public present.

1. Apologies for absence: Georgia Cheshire; Adrian Batchelor; David Withycombe.

Not present Virginia Pullan; Victoria Standfast.

2. Declarations of Interest: Nick Owens sites 1, 2, 15 and 17; Frances Gaudencio site 8.

Local Green Space Declarations of Interest: Nick Owens LGS2; Frances Gaudencio LGS 5.

Schools Interest: Frances Gaudencio Windmills Junior; Sue Hatton Downlands and Windmills Junior.

3. The minutes of the meeting on 26th May 2016 were discussed and DM advised LB had an amendment to make with regard to her comments and these would be amended and agreement sought for the minutes at the next meeting of the Working Group.

4. To elect a Chair of the Neighbourhood Plan Working Group following the resignation of Ian Credland.

FG proposed Bill Hatton and this was seconded by SH and all were in favour.

BH INDICATED HIS WILLINGNESS TO ACCEPT THE CHAIRMANSHIP AND TOOK OVER AS CHAIR OF THE MEETING AT THIS POINT.

5. Review of the list of potential sites in preparation for the meeting with WSCC and D of E. WSCC are offering a meeting on 2nd December 2016 at Chichester.

DM, BH, IW and FG were to attend the meeting on 2nd December 2016 at WSCC County Hall in Chichester.

DM set out what had occurred to date. WSCC had commissioned work by Reformat to consider various sites for a new two form entry primary school for Hassocks. HNPWG had identified some issues with the report and following a meeting with WSCC and Reformat had written to WSCC with comments and a letter had been received from WSCC in October with further queries on the Neighbourhood Plan. DM's objective was to achieve a complete report as soon as possible. He was concerned WSCC continued to indicate that they believe the NP process will deliver a new school site. This will not occur. The NP seeks to facilitate the process, but requires WSCC to lead negotiations with land owners/developers etc. Minutes of the meeting of the HNPWG 24th November 2016

FG asked DM whether there were any cases of NPs delivering a school. DM confirmed that he was not aware that any had been delivered via a NP in isolation of development. A development of 600 or more houses would typically trigger the need for a school and often to be provided by the developer. In the case of Hassocks no one development triggered the need although cumulatively with 'pent-up' need the need was triggered. A developer would be required to mitigate the 'need'/impact of their scheme not address a pre-existing shortfall.

IW felt it was worth pointing out to WSCC that the number of children per household in Clayton Mills was unusually high and that with additional housing coming forward the demand for schooling may well create above average need.

FG felt there were three parties involved in this process: WSCC; D of E; and the NP. She was unsure of the relationship that existed but it appeared that the NP was constrained with regard to choosing a school site, WSCC did not have the funding and only the D of E had the ability to move the situation forward but required a sponsor for a new free school.

DM advised that there was a criteria based policy within the NP for the choice of a school site and cautioned the Parish Council from moving away from this policy. Such a policy had been necessary in the first place because at the time of drafting the Plan WSCC would not engage with the NP to facilitate the choice of a site for the new school and this was a means to allow the NP process to move forward but at the same time for it to support a new school. DM felt the way forward was for WSCC to understand that they needed to engage with developers either those coming forward with planning applications or those from sites chosen in the Neighbourhood Plan.

IW understood this to mean to engage with sites with a realistic possibility of being delivered and DM confirmed that this was the case and would narrow down the search for WSCC or D of E.

FG suggested the D of E could use its powers for compulsory purchase but DM explained that this was a long process and reluctantly used.

IW summarised the three points that needed to be made at the meeting on 2nd December:

1. Discuss unusually high level of children per household and that the need may be greater than average;
2. WSCC to be made to understand that a school site was not going to come forward through the NP process per se and that they needed to embrace the criteria based policy in the Plan;
3. WSCC's need to engage with site owners/developers.

BH confirmed the NP needed to find out where WSCC were in the process and whether anything under point 3. had yet been achieved.

6. Review of the current progress of the Neighbourhood Plan and to discuss ways of keeping it moving forward to Examination.

DM explained that a six week consultation period was shortly to be undertaken with regard to the Sequential Flood Risk Test for the Neighbourhood Plan (SFRT) that he had prepared with regard to the National Tyre site in the NP. This had been necessary as the EA had reviewed the flood risk for that area and Minutes of the meeting of the HNPWG 24th November 2016

amended the extent of flood risk for the site. MSDC had previously omitted to undertake the SFRT upon submission of the NP. However this has not occurred and so now needs to be undertaken by DM. A draft has been informally submitted to the EA and their feedback awaited. Upon receipt and subject to its detail, the formal 6 week consultation could begin. If a more detailed Flood Risk Assessment is required this might cost in the order of £3000 to £5000. FG pointed out that she was deeply dissatisfied with the process that had occurred where the goal posts appeared to have been moved after the NP was completed. This had a huge impact on the NP both in time and money.

BH agreed with this but felt there was no option but to accept the change and in fact the 6 week consultation had not held up the NP as it was difficult to move forward without the results of the Ham Field appeal and the Friars Oak 'Call in' being known.

IW mentioned that MSDC had lined up an Examiner to start on the NP at the beginning of February and were the Group happy for him to give the go ahead for this?

BH felt there were lots of unknowns as mentioned and that he did not want the NP to go forward without everything being in order.

DM confirmed that an Examination in process would not help at Appeal as unresolved issues would still be unresolved until the Examination was complete.

IW asked whether there was anything that the Group could be working on in the meantime.

NO mentioned a policy to facilitate the Parish Council Green Homes policy recently adopted.

DM advised that the Code for Sustainable Homes was no longer a planning requirement but a requirement for building control. He further advised it was difficult for the NP process to require developers to do more than was required by Government guidance. He thought at best it could be an aim and not a policy

BH thought it could be included as an aim in the NP so long as it did not hold up the NP process.

7. West Sussex Highways (Peter Hayward's) response on the Stone Pound crossroads air quality modelling- DM/16/17753975 application. Implications for the Neighbourhood Plan. (Attached: Appendix 1)

DM advised that whilst WSCC had accepted the traffic modelling for the Friar's Oak planning application they had not accepted that for the Golf Course. He confirmed that Peter Hayward appeared to be looking at planning applications sequentially without regard to the fact that the Golf Course had been included in the NP as a selected site. Thus the Golf Course traffic modelling was now to include the Friars Oak development albeit that it was awaiting a decision as to whether it was to be called in by the Secretary of State. DM mentioned the Friar's Oak traffic modelling appeared to have been more bespoke than that of the Golf Course agents who appeared to have in part relied upon the Ham Fields model.

JF asked what the PC could do with regard to the fact that the planning applications had been considered sequentially and that no regard to the allocation of the Golf Course site had been made when looking at the traffic model for Friar's Oak? Minutes of the meeting of the HNPWG 24th November 2016

DM advised that if the Plan had been 'made' at the time of considering the Friar's Oak application then it would have been necessary to have regard to the site allocation at the Golf Course. The Plan gathers weight as the process moves along.

SH wanted it made clear that the Group were not happy with the sequential process of considering planning applications without consideration for the overall picture and all agreed to record the Groups dissatisfaction.

8. To discuss seeking legal advice on the request for Judicial Review on planning approvals not in the Neighbourhood Plan.

IW pointed out that the Parish Council had received a 600 signature petition for a Judicial review of the process leading up to the Friar's Oak planning application being permitted by MSDC, albeit that this decision was frozen pending the Secretary of State considering the Call in of the planning application.

NO felt that the outcome of the Ham Field Appeal and Friars Oak decision would need to be known before going ahead with a Judicial Review

DM confirmed that once a decision had been made on the Friar's Oak site there would be a six week period in which to seek a Judicial Review. If the Secretary of State called in the planning application then the hearing would be some way down the line. If not then since it was possible that the S106 agreement was already being worked on to allow the decision to be issued quickly on the full planning application then there might be little time to prepare a brief to see if a Judicial Review had any chance of success.

DM was asked whether he would have the time to prepare such a brief.

DM advised that a brief would take approximately a month allocation of time over which he would spend approximately one week in preparing it and cost approximately £3000. He would be able to do this. The Working Group would need to consider the questions that needed to be put forward to the Barrister/QC in the brief to enable a decision to be made as to whether there was a case for a Judicial Review. DM would look at these questions and prepare the back ground notes to facilitate an answer from the Barrister/QC.

BH suggested that in view of the timescale described by DM and the fact that, if the Secretary of State decided not to call in the application, MSDC could issue the planning permission almost immediately, it would be sensible to commence preparing a brief as soon as possible.

IW thought that the Parish Council needed to be ready with a brief and JF supported this.

SH reminded the Group that the decision lay with the Parish Council.

FG queried whether the petitioning group could be ask the help out with the brief.

DM cautioned against involving a third party as in his experience the interests of the parties may not align.

IW felt that members of the public who had expertise in certain areas may be helpful to DM. FG confirmed that David Withycombe a member of the Working Group was happy to support the Neighbourhood Plan with further work and may be useful to DM. Minutes of the meeting of the HNPWG 24th November 2016

BH proposed to the Group to go to the Parish Council requesting a budget for £5000 for DM to produce a brief. Seconded by NO and all in favour.

BH and IW would suggest to the Parish Council that they meet together to set out a preliminary brief from which DM would prepare a brief, should the Parish Council agree to the budget.

9. Correspondence. None received.

10. Date of next meeting Thursday 5th January 2017

The meeting ended at 9.30pm

Signed: Chairman-----

Dated-----

(BH agreed informally to draft a public statement reflecting the fact that the Working Group were to recommend a budget for the preparation of a brief for a barrister to test the likelihood of success of a Judicial Review ahead of the Friar's Oak decision. The wording would be agreed with the Locum Clerk and sent out on the website and Facebook notice board tomorrow, 25th November 2016).