

9. LINDFIELD AND LINDFIELD RURAL NEIGHBOURHOOD PLAN BUILT UP AREA BOUNDARY CONSULTATION

REPORT OF: HEAD OF ECONOMIC PROMOTION AND PLANNING
Contact Officer: Mark Bristow, Neighbourhood Planning Officer
Email: Mark.bristow@midsussex.gov.uk Tel: 01444 477391
Wards Affected: High Weald, Lindfield
Key Decision: Yes
Report to: Cabinet
30 November 2015

Purpose of Report

1. The independent Examiner appointed to hold the examination into the Lindfield and Lindfield Rural Neighbourhood Plan ("the Plan") recommended that the Plan should proceed to referendum, subject to a number of modifications, including amendment of the Built up Area Boundary to include two additional sites, one previously granted planning permission and under construction at Gravely Lane and a new site known as Site 6 on the corner of Gravely Lane and Scamps Hill.
2. On 8 September 2015 Cabinet provisionally agreed to accept the recommendations of the Examiner with the exception of the amendment of the Built Up Area Boundary to include the additional new site (Site 6). Cabinet agreed to consult on an alternative modification. This took place from 17 September until 8 October 2015.
3. The purpose of this report is for Cabinet to consider the representations received, decide how to modify the Plan in this respect and whether to proceed to Referendum.

Recommendations

4. **It is recommended that Cabinet agrees to modify the Lindfield and Lindfield Rural Neighbourhood Plan in accordance with the Examiner's recommendations with the exception of amending the Built Up Area Boundary to include SHLAA site 6.**
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Background

5. The Neighbourhood Planning process was introduced by the Localism Act 2011. This Act allows Parish/Town Councils and other designated bodies to promote a Neighbourhood Plan for their designated area.
6. The Neighbourhood Plan is a locally prepared document, in the case of Mid Sussex by a Town or Parish Council, for managing development. The Plan includes a number of design related policies and allocates land for the Local Green Space designation.
7. Lindfield Parish Council along with Lindfield Rural Parish Council successfully applied for both Parishes to be designated as a combined Neighbourhood Area, under the Neighbourhood Planning (General) Regulations 2012 ("the 2012 Regulations"), which came in to force on 6 April 2012. A single Neighbourhood Area was subsequently designated on 9 July 2012 by Mid Sussex District Council to cover both parishes.

8. The draft Plan was published by both Lindfield and Lindfield Rural Parish Councils for the consultation (under Regulation 14 of the 2012 Regulations) during November and December 2013.
9. A further six week consultation period took place in September and October of 2014. This resulted in an additional 20 representations on the draft Plan which resulted in some minor amendments to the Plan.
10. Following the submission of the Lindfield and Lindfield Rural Neighbourhood Plan (Submission Version) to the District Council, the Plan was publicised and comments were invited from the public and stakeholders for a further six weeks. The consultation period closed on 25 March 2015.
11. Mid Sussex District Council appointed an Independent Examiner; Graham Self, in agreement with the two Parish Councils to review whether the plan met the "Basic Conditions" required by legislation and that the Plan should proceed to referendum.

Examiner's Recommendations

12. The Examiner in paragraph 96 of his report states:

"Although neighbourhood plans can precede local plans, I have found that in this instance the submission version of the plan would not provide for a housing need identified by its own research and would not have appropriate regard for the emerging District Plan. Therefore I find that unless it is amended, the Neighbourhood Plan would not comply with national policy about positive planning to support local development needs, and would not be "aligned with the strategic needs and priorities of the wider local area". 26 Objections have been raised to the plan along these lines, and the objections have weight."
13. The Examiner recommended a number of modifications to policies in the Plan to ensure (in the Examiner's view) that the Basic Conditions have been met and to ensure compliance with national planning policy.
 - a) A "Proposals Map" showing the built-up area boundary clearly for Policies 1 and 2 should be included in the plan.
 - b) The boundary of the built-up area should be amended so that the 2013 planning permission site) and the land immediately to the north-west (Site 6 in the Strategic Housing Land Availability Assessment April 2015) are included in the built-up area.
 - c) Assuming the above recommendation is accepted, no amendment to the wording of Policy 1 would be necessary. In Policy 2, the restriction to "10 or fewer net new homes" should be omitted.
 - d) A "re-screening" should be carried out to assess the possible need for a strategic environmental assessment resulting from the amendments recommended above.
 - e) The text of the plan should be reviewed so that references to the built-up area and to sites allocated for housing development in the paragraphs explaining Policies 1 and 2 are amended in line with the changed built-up area boundary. References in the Foreword to the 10-unit threshold for affordable housing provision and to the absence of any allocated sites for affordable or other housing should also be amended for consistency.
 - f) The last paragraph of Policy 6 should be re-worded so that it reads:

"Proposals for development which would not be ancillary to the use of Local Green Spaces for public recreational purposes and would not be permitted under development plan policies in respect of protecting open spaces will be resisted unless it can be shown that there is an exceptional public interest need."

- g) References in the text of the plan to places or locations such as "Lindfield", "Lindfield village" and "the Gravelye Lane settlement" should be reviewed to try to remove any possible ambiguity about which specific areas are being referred to.
 - h) The map showing the designated Local Green Space area off Lyoth Lane should be amended so that it shows only the area subject to a Section 106 agreement for the provision of public open space.
 - i) The reference to proposals "contained in the plan" should be amended to make it clearer that the "proposals" do not have the same status as the policies.
14. The Examiner recommended that subject to the above amendments, and provided that their implementation would not conflict with any environmental assessment which may be required following a screening exercise, the Plan as amended should be taken forward to a referendum covering the area of the two parishes.
15. In response to the above recommendations further clarification from the Examiner was sought. A Supplementary Note was subsequently provided in which the Examiner considered that in light of the evidence about housing need and site suitability, the built up area boundary should be amended to include the housing development (south-east of Gravelye Lane) permitted in 2013 and Site 6.
16. The examiner goes on his Supplementary Note to state *"The difficulty which then arises is that the submission version of the plan was not subject to a strategic environmental assessment (SEA) because no sites were specifically allocated for development, and the effect of my recommended modification, if accepted, would be to allocate a site for development. It was therefore necessary for me to add provisos to allow for the possibility that an environmental assessment might be needed and that its outcome might prevent development on the site in question. Having reached my judgment on the key issues, the only other alternative would have been to recommend that the plan as it stood should not proceed to a referendum."*

The "conflict" in paragraph 99 of my report referred to those possible circumstances. Given the findings of the SHLAA that Site 6 was suitable for development, it seemed unlikely that screening and environmental assessment procedures would reach a different conclusion, but I considered it necessary to allow for the uncertainty. By "conflict" I meant the situation which might conceivably arise if a screening and SEA were to result in the development of Site 6 being prevented.

I clarify what my recommendation would be if there were any such conflict, as follows. If Site 6 were not to be included within a modified built-up area boundary or if the development of this site were to be prevented as a result of SEA procedures, I recommend that the proposal should be refused and that the Neighbourhood Plan should not be submitted to a referendum."

Cabinet's Decision on 8 September 2015

17. On 8 September 2015 Cabinet resolved to provisionally accept the recommendations of the Independent Examiner in relation to the Plan with the exception of amending the Built Up Area Boundary to include SHLAA site 6.
18. It also resolved to consult on an alternative modification to amend the Built Up Area Boundary to include the extant planning permission at Gravelye Lane, but not SHLAA site 6. This consultation took place from 17 September until 8 October 2015.

Responses to the Consultation

19. As a result of the consultation 26 individuals or organisations provided responses either using e-mail or by letter. All of the responses are reproduced in Appendix 1.
20. Lindfield and Lindfield Rural Parish Council's submitted a joint representation supporting the Built Up Area Boundary to be amended as suggested by Mid Sussex District Council.
21. The Development Industry submitted a variety of representations some broadly in support of Mid Sussex District Council's proposal. Some were in support of amending the Built up Area Boundary to include additional land, but not necessarily SHLAA site 6. Only 1 respondent was in full support of SHLAA site 6 being included within the Built Up Area Boundary. Rrepresentations were largely indicating that the Built Up Area Boundary should not be amended to include SHLAA site 6 but further work should be undertaken on the Neighbourhood Plan to include a further call for sites, and appraisal of those sites through the Strategic Environmental Assessment process.

Developer/Site Promoter	Land Interest	Summary of what the Council should do (Members are referred to Appendix 1 for copies of the full consultation responses)
14681. Judith Ashton Associates acting on behalf of Wates Developments Limited.	Land South of Scamps Hill/Scaynes Hill Road and west of Snowdrop Lane. Currently the land is being actively promoted for development of up to 200 dwellings, a park and land for ½ FE Primary School. A valid outline application has now been received (DM/15/4457) which is pending consideration.	Consider only recourse open to MSDC is to include a formal housing allocation in the L&LRNP. They indicate this does not however mean they support the allocation of SHLAA site 6.

	<p>The land in question immediately adjoins the site which benefits from extant permission which the District Council propose to move the Built Up Area Boundary to include.</p>	
<p>14909. DMH Stallard on behalf of Greenplan Designer Homes.</p>	<p>DMH stallard are representing clients who have a land interest at Scaynes Hill (Barn Cottage), within Lindfield Rural Parish.</p> <p>Pre Application advice has been sought on this site.</p>	<p>We strongly recommend the allocation of site(s) within the Lindfield and Lindfield Rural Neighbourhood Plan. Object to the Examiners recommendation to include Site 6, above others. Recommend the allocation of Barn Cottage and Land Adjacent to Barn Cottage.</p>
<p>15399. Barton Willmore on behalf of Reside Developments Ltd.</p>	<p>Reside have a land interest in a site to the east of High Beech Lane Lindfield (Also known as Portsmouth Wood Close).</p>	<p>It is Reside's position that the LLRNP cannot be amended at this stage to include land that has not been granted planning permission.</p> <p>Reside's preferred remedy is to withdraw the Plan to allow for the proper consideration of new housing sites including their site. Alternatively, MSDC could proceed on the basis that further sites including theirs will need to be found in Lindfield through the formal site allocation process.</p>
<p>15600. Strutt & Parker</p>	<p>Strutt and Parker is a property specialist that works throughout the UK providing professional support on all matters relating to land and</p>	<p>Strutt and Parker support the modification proposed by the Council.</p> <p>Strutt and Parker do not consider the LLRNP can be</p>

	property. It is not known if the organisation is acting for any clients with Lindfield and Lindfield Rural at this time who may have land to promote for development.	amended at this stage to include land that has not been granted planning permission.
20359. Robinson Escott Planning on behalf of Crest Nicholson.	Crest Nicholson have land interests at Birchen Lane which straddles Lindfield Rural and Haywards Heath boundaries.	Crest Nicholson's view is that the Council should accept all of the Examiner's recommendations if it intends to proceed to referendum. Crest Nicholson believe that, in view of the Examiner's recommendations, it would be appropriate to make a further modification to the built up area boundary to include their site.
20366. Woolf Bond Planning on behalf of Taylor Wimpey.	Woolf Bond on behalf of Taylor Wimpey are the site promoters of SHLAA site 6	Strongly object to the Council's proposal to differ from the recommendation of the Examiner in relation to SHLAA site 6 and believe the proposed course of action by the District Council would not meet the basic conditions. The Examiner's modifications should be taken forward in full to include SHLAA site 6.

22. Various matters were raised in the representations from developers including the need to deliver more homes to comply with National Planning Policy and that the plan should not proceed to Referendum until this further work had been undertaken implying a questioning of the regard that has been had to national policy and guidance, one of the basic conditions. A number of respondents suggested that their respective site should be included within the Neighbourhood Plan in order to meet the basic conditions. A small number of representations raised concerns about the legality of

both following the Examiner's Recommendation in regards to the SEA process as required by EU Obligations, and also with following the Mid Sussex District Council proposal highlighting that in their view it would be likely that a legal challenge was mounted if the District Council were to proceed to Referendum as reasonable alternatives, i.e. their respective site, hadn't been considered for allocation as part of the neighbourhood plan. In addition some respondents queried whether proceeding with the examiner's recommendation or the District Council's proposed alternative would adequately contribute to sustainable development and thus one of the basic conditions. There was some debate as to the weight to be applied to the Emerging District Plan which is yet to be tested at examination and the issue of the neighbourhood plan being in general conformity with the Development Plan.

23. The Statutory Bodies that submitted representations indicated a neutral position to both the Examiner's modification and the alternative suggested by Mid Sussex District Council. No alternatives were suggested for consideration by this group.

Statutory Consultee	Interest	Summary
70. Lindfield Parish Council and Lindfield Rural Parish Council (joint representation)	The Parish Councils have worked on the Neighbourhood Plan for some time, putting a lot of effort and thought into the process. The Parish Council's believe they have the correct plan for their area taking into account the wishes of their respective communities.	The Parish Councils agree to the MSDC proposal to amend the boundary to include all approved developments. However, the Parish Councils disagree with any proposal to include any additional land such as SHLAA site 6 for which no planning approval has been given.
117. Highways England	Highways England has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the strategic road network (SRN). The SRN is a critical national asset and as such Highways England works to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in	Do not have any comments.

	providing effective stewardship of its long-term operation and integrity.	
20070. Natural England.	Natural England are a statutory Consultee concerned with the protection of the natural environment.	No serious concerns on the environmental impacts of either suggestion based on the evidence available.

24. Analysis of the representations received indicated a high level of support among residents for the Built Up Area Boundary to be amended as proposed by Mid Sussex District Council with several objecting to the Examiner's proposal. Residents overwhelmingly believed that the Neighbourhood Plan Area had in recent years had already made a reasonable contribution to meeting the overall housing need of the District.

Resident	Interest	Summary of what the Council should do
1411. Mr and Mrs Godman	Mr and Mrs Godman are residents of Lindfield	Supports the modification proposed by the Council.
1994. Ms Hilary May	Ms May is a resident of Lindfield	Does not consider there should be expansion or re-drawing of built up boundaries save for the Wates development at Gravelye Lane at Lindfield.
15104. Mr Alan Stephens	Mr Stephens is a resident within the Neighbourhood Plan area. His property would be likely to be directly affected by the inclusion of SHLAA site 6 within the BUAB	Expresses strong objections to the inclusion of site 6 within the Lindfield built up area.
15308. Mr Neil Kerlake	Mr Neil Kerlake is a resident of Lindfield and has a keen interest in local planning matters.	Considers it is not legally possible for MSDC to issue an order for the joint neighbourhood plan to proceed to a referendum and considers it is open to a legal challenge as it

		stands.
16667. Mr Uwe Frohmader	Mr Frohmader is a resident within Ardingly Parish.	Supports the modification proposed by the Council.
20179. Mr and Mrs Falls.	Mr and Mrs Falls are residents of the Neighbourhood Plan area.	Supports the modification proposed by the Council.
20197. Mr de Lande Long	Mr de Lande Long is a resident of Lindfield Rural Parish.	Supports the modification proposed by the Council.
20337. Mr Gossage.	Mr Gossage is a resident of Walstead which is likely to be impacted by development of SHLAA site 6	Supports the modification proposed by the Council.
20358. Mr Cox.	Mr Cox is a resident of Lindfield Rural and is in close proximity to SHLAA site 6.	Supports the modification proposed by the Council.
20360. Ms Payne.	Ms Payne is a local resident living in close proximity to SHLAA site 6.	Supports the modification proposed by the Council.
20361. Ms McLachlan and Mr Hughesdon.	Ms McLachlan and Mr Hughesdon are residents of Walstead and are likely to be directly impacted by any development of SHLAA site 6.	Supports the modification proposed by the Council.
20362. Mr Filmer.	Mr Filmer is a resident of Walstead in Lindfield Rural Parish	Supports the modification proposed by the Council.
20363. Ms Sayers.	Ms Sayers is a resident of the neighbourhood plan area.	Supports the modification proposed by the Council.
20364.	Ms Tilston is a resident of Walstead is likely to be	Supports the modification

Ms Tilston.	directly affected by any further development in this location.	proposed by the Council.
20365. Mr South	Mr South is a resident within the Neighbourhood Plan area.	Does not consider additional land should be included in the Plan.
20367. Mrs de Lande Long	Mrs de Lande Long is a resident of Lindfield Rural Parish.	With reference to the development between Gravelye Lane and Walstead, expresses about encroachment on greenfield land, potential impact on the local natural environment and strain on local services. Considers it would be wrong for the opinion of Examiner to carry more weight than the views of local people.

Recommended Way Forward

25. Cabinet has the option of accepting all, some or none of the Examiner's recommendations. However in doing so the District Council must publish its reasons for coming to a different view to the Examiner and consult on the proposed alternative. In considering whether to accept the Examiners recommendations the Council must consider each recommendation, the reasons for them and decide what action to take in response to each recommendation as required by paragraph 12(2) of the 2012 Regulations. The legal context is set out in more detail in Appendix 2.
26. Paragraph 13 of this report sets out the modifications to policies in the Plan recommended by the Examiner. Officers consider that the Council should accept the majority of the Examiner's recommendations. These were identified in the Plan draft Decision Statement appended to the Cabinet Report dated 8 September 2015 which set out the recommendations, the reason for the recommendations and the action proposed to be taken by the District Council. Officers consider the recommendations a, b (insofar as it relates to the inclusion of the 2013 planning permission site), c, e, f, g, h and i (see paragraph 13 of this report) meet the Basic Conditions which are set out at Paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990. These modifications were considered and accepted by Cabinet at its meeting on 8 September 2015 and there is no reason to reconsider those recommendations.

27. Paragraph 12(6) of Schedule 4B to the Town and Country Planning Act 1990 set out the basis on which modifications can be made by an authority and this includes modifications to secure the Basic Conditions are met. These basic conditions are:
- a) having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the order (or neighbourhood plan).
 - b) having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the order. This applies only to Orders.
 - c) having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the order. This applies only to Orders.
 - d) the making of the order (or neighbourhood plan) contributes to the achievement of sustainable development.
 - e) the making of the order (or neighbourhood plan) is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).
 - f) the making of the order (or neighbourhood plan) does not breach, and is otherwise compatible with, EU obligations.
 - g) prescribed conditions are met in relation to the Order (or plan) and prescribed matters have been complied with in connection with the proposal for the order (or neighbourhood plan).

It is considered that the Examiner's recommendation b insofar as it relates to the inclusion of Site 6 within the built-up-area boundary and recommendation d (see paragraph 13 of this report) fail to meet the Basic Conditions in respect of (f) and is not necessary to meet the rest of the Basic Conditions in particular (a), (d) or (e).

28. Accepting the Examiner's recommendation to include Site 6 within the Built up Area Boundary would effectively allocate that site for up to 150 homes. The Plan was not required to go through strategic environmental assessment (SEA) because it did not allocate sites for development. A change in this approach would require re-screening under SEA and is likely to necessitate a full SEA. SEA involves the evaluation of the environmental impacts of a Plan or Program to ascertain if there are likely to be significant effects on the environment and is a requirement of EU Directive 2001/42/EC as transcribed into UK law as Environmental Assessment of Plans or Programmes Regulations 2004. This would mean reviewing the environmental impacts of Site 6 against any alternative site options and potentially going back to Regulation 14 consultation stage as SEA is supposed to inform plan preparation, not be undertaken at the end of the process. It is therefore considered that the Examiner's recommendation to include site 6 within the Built Up Area Boundary would not meet the Basic Conditions in relation to paragraph 8(2)(f) of Schedule 4B to the Town and Country Planning Act 1990.

29. It may be noted that the objections from the promoters of Site 6 acknowledge the need to re-screen under SEA procedures and that this may require additional consultation or re-drafting of evidence base documents, but do not believe that this justifies not accepting the Examiner's modification to include Site 6 within the Built Up Area boundary. It is your officers' view that the Examiner's role is to review a neighbourhood plan against the Basic Conditions and recommend whether it should go forward to referendum as it is; be modified and then go forward to referendum; or not go forward to referendum. On reviewing the unintended consequences of the Examiner's proposed modification, the District Council is recommending a way forward which would allow the Neighbourhood Plan to move to referendum. To include Site 6 at this stage in the process would be incompatible with the Basic Conditions, namely in relation to the lack of compliance with the EU obligations as reasonable alternatives to this site would not have been adequately assessed and discounted.
30. The promoters of Site 6 also refer to the District Council's view that the Examiner places an inappropriate level of weight on the emerging District Plan, but believe that the Examiner's view is that the Plan does not comply with national policy, Basic Condition (a), and that a failure to bring forward needed housing development in the Neighbourhood Plan would not contribute towards sustainable development, Basic Condition (d) and consequently the neighbourhood plan would breach this basic condition as well.
31. It is your officers' view that the Examiner has placed an inappropriate level of weight on the emerging District Plan and misinterpreted the intentions of that Plan. The Basic Conditions, namely paragraph 8(2) (e) of Schedule 4B to the Town and Country Planning Act 1990, require Neighbourhood Plans to be in general conformity with the approved Development Plan, which in this case is the 2004 Local Plan and the Small Scale Housing Allocations Document. The District Plan is not yet adopted and there is no legal requirement for the Neighbourhood Plan to be in conformity with it. It should be noted that the District Plan does not allocate housing targets to parishes. It states that the preference is that sites will be allocated through Neighbourhood Plans, but that, if this does not happen or insufficient sites are proposed, the District Council will prepare a site allocations document to make up the shortfall. There is no legal requirement for Neighbourhood Plans to allocate sites and it would not be appropriate to force them to do this. It is therefore considered that the Examiner's recommendation to include site 6 within the Built Up Area Boundary would not be necessary in order to meet the Basic Conditions in relation to paragraph 8(2)(e) of Schedule 4B to the Town and Country Planning Act 1990.
32. It is also your officers' view that the approach of the neighbourhood plan is in line with national and local policies, particularly those aimed at preserving the countryside and local distinctiveness, and the essence of the neighbourhood plan is seeking to achieve this. Furthermore the neighbourhood plan as a whole supports the strategic needs of the area by seeking to accommodate some growth within the Built up Area Boundary, by allowing for windfall development and positively protecting the locality's historic and heritage assets. There is no requirement in national policy for neighbourhood plans to allocate sites or address strategic elements of the Development Plan. It is accepted that a neighbourhood plan forms **part** of the Development Plan and it is reasonable for strategic issues, such as housing provision, to be picked up by other parts of the Development Plan. In this case, the emerging Mid Sussex District Plan tackles the issue of housing need and provision at a strategic level. Whilst it encourages neighbourhood plans to allocate sites for development, it does not require this and

puts in place the mechanism of a Site Allocations Document by which it can make up any shortfall in housing numbers.

33. The Council's proposed alternative modification is has appropriate regard to national and local policies, contributes to the achievement of sustainable development, is compatible with EU obligations and meets the Basic Conditions in all other respects.
34. It is therefore recommended that Cabinet agrees to modify the Neighbourhood Plan in accordance with the Examiner's recommendations with the exception of amending the Built Up Area Boundary to include SHLAA site 6. The Plan should then be put to Referendum based on the area defined by the two parish boundaries.

Alternative Options Considered

35. The legislative guidance supporting Neighbourhood Planning also offers alternative options which Cabinet is advised to consider although these are not without risk as outlined:
 - (a) Cabinet could decide to accept the examiners recommendations in full, redrawing the Built up Area Boundary to include SHLAA site 6. This would require screening under the SEA Regulations and is likely to require the plan to revert back to Regulation 14 stage.
 - (b) Cabinet could decide not to amend the Built Up Area Boundary at all. However, this would not reflect the existing permitted development at Gravelly Lane.
 - (c) Cabinet, in consultation with the Parish Councils, could decide not to proceed to Referendum and the Parish Councils could either restart the Neighbourhood Plan process by going back to Regulation 14 stage or abandon it. This would be unfortunate given the amount of time and effort the local community has given to preparing their Neighbourhood Plan and could undermine the District Council's preferred approach of allowing communities to influence the type and location of development by making use of the provisions of the Localism Act 2011.

Policy Context

36. The Sustainable Communities Strategy supports

Protecting and Enhancing the Environment
Ensuring Cohesive and Safe Communities
Promoting Economic Vitality and
Supporting Healthy Lifestyles

The Strategy identifies the District Plan as a key complementary document and states "Neighbourhood plans drawn up by the Town and Parish Councils will sit alongside the District Plan. These set out how local communities would like their neighbourhoods to evolve".

37. Acceptance of most of the recommendations in the examination report and the recommendation contained in this Report to Cabinet, to partially implement the Built up Area Boundary modification will allow for a Referendum to take place. This would provide certainty for the community and for those in the development sector at the earliest opportunity. This action would be consistent with the National Planning Policy Framework and the Localism Act 2011 which are supportive of Neighbourhood Planning.

Financial Implications

38. There are no financial implications of this decision.

Risk Management Implications

39. Strategic Risk 2 for this year is “Failure to approve a District Plan which meets community needs and aspirations and protects Mid Sussex from inappropriate development” and which, “meets the tests of soundness at examination”. The recommended option may result in a challenge by those with land interests in SHLAA site 6, so it is important that the Council follows all the necessary procedures carefully and is clear and reasonable in its justification for not accepting the Examiner’s recommendations on this site.

Equality and Customer Service Implications

40. It is considered that there are no equality and customer service implications.

Other Material Implications

41. No other material considerations.

Appendices

1. Representations Received
2. Legal Background

Background Papers

- [Cabinet Report - 8 September 2015](#)
 - [Lindfield and Lindfield Rural Examiner’s Report](#)
 - [Lindfield and Lindfield Rural Examiner’s Supplementary Note](#)