

Report to	<b>Planning Committee</b>
Date	<b>10 September 2015</b>
By	<b>Director of Planning</b>
Title of Report	<b>Petersfield Neighbourhood Plan Decision Statement</b>
Purpose of Report	<b>To agree the Examiner's recommended modifications to Petersfield Neighbourhood Plan and publish these in the Authority's 'Decision Statement'.</b>

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**Recommendation: The Committee is recommended to:**

- 1) Note the Examiner's Report and recommended modifications to make the Petersfield Neighbourhood Plan meet the basic conditions.**
  - 2) Agree the 'Decision Statement' which sets out the modifications that will be made to the Petersfield Neighbourhood Plan in response to the Examiner's recommendations.**
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**1. Introduction and Summary**

- 1.1 After considerable hard work by Petersfield Town Council (PTC) and the neighbourhood plan steering group, the Petersfield Neighbourhood Plan (PNP) has successfully been through an independent examination. The Examiner's report concludes, that subject to a number of modifications, the PNP can proceed to referendum. Before doing so, the SDNPA must issue a 'Decision Statement' setting out how the PNP will be modified in response to the Examiner's Report.

**2. Background**

- 2.1 In January 2015 Petersfield Town Council submitted the PNP and supporting documents to the South Downs National Park Authority (SDNPA). The SDNPA subsequently published the PNP for consultation and appointed an independent Examiner – Mr Christopher Lockhart-Mummery QC, to assess whether the PNP meets certain legal requirements known as the 'Basic Conditions' and consider representations made on the PNP.
- 2.2 In April 2015 the Examiner issued an Initial Note with comments and a number of queries on certain aspects of the PNP (**Appendix 1** – Examiner's Initial Note). The Examiner invited a joint response to his queries from the SDNPA and Petersfield Town Council. The response was made publicly available ahead of the examination hearing held on 4 June 2015 (**Appendix 2** – SDNPA & PTC Response). The public hearing was followed by an accompanied site visit on 5 June 2015.
- 2.3 In July 2015, Mr Lockhart-Mummery QC provided his Examination Report to the SDNPA and Petersfield Town Council. His report concludes, that subject to a number of modifications the PNP meets the Basic Conditions and other statutory requirements. The Examiner also recommends that subject to modifications proposed, the PNP should proceed to a referendum.

**3. Recommended modifications to the PNP to meet the Basic Conditions**

- 3.1 The Examiner was appointed to assess whether the PNP meets certain legal requirements for NDPs, known as the 'Basic Conditions', these state NDPs should:
- i). Have regard to national policies and advice contained in guidance issued by the Secretary of State,

- ii). Contribute to the achievement of sustainable development,
  - iii). Be in general conformity with the strategic policies contained in the development plan for the area,
  - iv). Not breach, and be otherwise compatible with, EU obligations
- 3.2 The Examiner has identified a number of modifications which are necessary to ensure the PNP meets the basic conditions. In addition to the modifications identified by the Examiner, a number of the modifications proposed by the SDNPA and Petersfield Town Council in their response to the Examiners Initial note have also been recommended by the Examiner. All recommended modifications are set out in the Examination Report (**Appendix 3**).
- 3.3 Officers have reviewed the Examiners report in detail and would highlight the following recommendations as the key modifications proposed in the Examiners report:
- The removal of a maximum density and maximum number of dwellings for Land South of Durford Road (H8), which is a site proposed for a continuing care and retirement community. The modification has been proposed as the nature of continuing care and retirement communities means a maximum density and maximum number of dwellings is not appropriate.
  - An increase in the proposed housing allocation for Causeway Farm (site H1) from 159 homes proposed in the Submission version of the PNP to a maximum of 200. This also includes a modification to the proposed site boundary. **Appendix 5** of this report shows three lines to help explain this modification. The blue line is the development line proposed by the developer and endorsed by the Examiner in his report. The red line is a public right of way (footpath 37) to the south of the development. The yellow line is the line of sight from footpath 37 to be maintained in order to allow views to the open countryside. It should be noted that **Appendix 5** also shows the extent of new housing proposed by the developer, which had been dismissed at appeal previously.
  - This modification at Causeway Farm will increase the overall housing allocation for the PNP. This will allow for some uncertainty in the deliverability of a number of other sites identified in the PNP, including Hampshire County Council Depot (H9) and The Community Centre (H10). The modification also allows for some uncertainty in the deliverability of 112 self-build units across Petersfield.
  - Modification to policy HP6 (affordable housing) to ensure that the policy is clear in its intention to deliver affordable housing. The proposed affordable housing policy reflects the affordable housing policy in the South Downs Local Plan: Preferred Options.
  - The examiner has referred to some uncertainty in the deliverability of 112 self/custom build properties. However, the examiner has maintained this allocation in the PNP, which reflects the aspiration for such development as expressed by the PNP group and the wider community
  - The examiner has agreed to all proposed local green space designations, which support the vision and objectives of the PNP to maintain strong links with the surrounding countryside.
- 3.4 It should be noted that Policy SD23 of the South Downs Local Plan: Preferred Options sets out a housing requirement for a minimum of 700 dwellings for Petersfield. This housing requirement has been carried forward from the East Hampshire Joint Core Strategy Policy CP10. A revised figure for Petersfield will be included in the Publication version of the South Downs Local Plan in autumn 2016. This will reflect the revised figure in the PNP.

#### 4. Decision Statement

- 4.1 The Neighbourhood Planning (General) Regulations state that a Local Planning Authority must publish what action will be taken in response to the recommendations of an Examiner. This is known as the 'Decision Statement'. The Decision Statement outlines the alterations made to the PNP in response to each of the Examiner's recommendations (**Appendix 4 - Decision Statement**). Once agreed, the Decision Statement will be published on the SDNPA

website.

## **5. Next steps**

- 5.1 Following the publication of the Decision Statement, the PNP can proceed to referendum which will be organised by East Hampshire District Council. It is currently anticipated that the referendum will be held on Thursday 19 November 2015. If over 50% of those voting, vote in favour of the PNP, then the Plan can be 'made' (adopted) by the SDNPA and will form part of the statutory Development Plan for Petersfield.

## **6. Resources**

- 6.1 EHDC have indicated the referendum will cost £16,225, this will be covered by the 'new burdens' grant SDNPA can draw down from DCLG.
- 6.2 The Examination cost £10,800, this was also covered by the new burdens grant.

## **7. Risk management**

- 7.1 Risk: The Examiner has recommended modifications to ensure the PNP meets the Basic Conditions. If these modifications are not implemented the PNP would be at risk of legal challenge on the basis it does not meet the legal requirements for NDPs.
- 7.2 Mitigation: The Examiners recommended modifications are agreed by the SDNPA and the PNP proceeds to referendum

## **8. Crime and Disorder Implication**

- 8.1 It is considered that the proposal does not raise any crime and disorder implications.

## **9. Human Rights Implications**

- 9.1 The Examiner has considered the PNP's compliance with European Union obligations, which include human rights and has found the PNP to be in compliance with these.

## **10. Equality Act 2010**

- 10.1 Due regard has been taken of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010.

## **11. External Consultees**

- 11.1 None.

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Appendices

1. Examiner's Initial Note
2. SDNPA & PTC Response
3. Examination Report
4. Decision Statement
5. Causeway Farm Site plan

SDNPA Consultees Director of Planning, Planning Policy Manager, Minerals and Waste Manager, Legal Services, Monitoring Officer & Chief Finance Officer.

Background Documents SDNPA response to Petersfield Neighbourhood Plan – submission version  
[http://www.southdowns.gov.uk/wp-content/uploads/2015/03/plan\\_2015March12-Agenda-Item-10.pdf](http://www.southdowns.gov.uk/wp-content/uploads/2015/03/plan_2015March12-Agenda-Item-10.pdf)

