

FAO: Tom Bell
Neighbourhood Planning Officer
Chichester District Council
East Pallant House
Chichester West Sussex

2nd September 2013

Dear Mr Bell,

Kirdford Neighbourhood Plan – Publicity of Proposal (Regulation 16)

Thank you for agreeing to receive all representations on the Kirdford Neighbourhood Plan and passing these to the Examiner of the Plan Proposal. Please treat this correspondence as the formal representation by the South Downs National Park Authority (SDNPA) on the Plan.

As you will be aware, SDNPA is the Local Planning Authority for approximately a third of Kirdford Parish. This coincides with the southernmost part of the Parish and includes the small settlements of Strood Green and Hawkhurst Court. The Mens Special Area of Conservation (SAC) is a significant designation applying to a large proportion of the Parish within the National Park.

I have grouped our outstanding issues in this representation, identifying policy numbers where appropriate. As a summary, it is considered that Kirdford Parish Council has produced a neighbourhood plan capable of meeting the Basic Conditions. The comments relate to the structure of the document, errors of fact, the proportionality of a small number of general policies and suggestions of additional criteria or amendments to criteria to strengthen the robustness of policy. SDNPA has not reviewed the site allocations as these do not impact on the National Park. Consideration has, however, been given to whether the Plan satisfactorily addresses housing need in the Parish, since any significant level of unmet need could place pressure for development on the National Park. As a matter of record, it is pleasing the Parish Council Steering Group has sought to engage with the Authority and Officers in the production of this important document.

The inclusion of non planning and land use related matters

Chapter 3 has sought to combine 4 different types of proposal into a single framework. Some of these have a clear planning intent, e.g. they promote particular sites for development with accompanying schematics to guide delivery. Other proposals have no relationship with town and country planning e.g. the production of a weight restriction map or preparation of a Marketing Strategy.

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As currently formatted, this would bring the neighbourhood plan into conflict with the legislation which is clear what matters fall within its scope. A further consequence is that the Plan contradicts the statement of compliance in 6.2 of the Basic Conditions Statement. It will be for the Examiner to determine the location of these non planning elements but two potential options seem to be available: either for them to be transposed to the “Action Plan” or a new Appendix. What is important is that the Plan contains a strong distinction between matters relevant to planning and other considerations (which might normally appear in a Parish Plan).

Leaving this content in situ would could create confusion regarding its status, namely whether these elements carry weight as part of the statutory development plan. There is also a distinction to make between end users. The site allocation proposals would be aimed partly towards a Development Management Officer to use in determining planning applications while the non-planning proposals are relevant to activity undertaken by the Parish Council, the local community and relevant partners. It is fully appreciated that neighbourhood planning stimulates discussion and debate which leads to the identification of aspirations and projects with only a limited planning dimension. It would be detrimental for the community for this content to be omitted from the document altogether (the Examiner of the St James Exeter Neighbourhood Plan supported the inclusion of planning policy alongside broader community objectives provided that the separation of each was achieved).

The status of the Western Weald landscape

The Plan makes a couple of references to the West Weald as being an international designation (page 17 and 42). It is not disputed that the landscape quality is high with a historic field pattern and extensive areas of open common often unchanged from medieval times. However, it is not designated in its own right. There are two Special Areas of Conservation (SAC) in the Western Weald close to Kirdford which are designated under EU Habitats Directive and seek to establish a European Network of important high quality conservation sites. They enjoy protection under EU and UK Law.

The Western Weald Landscape Project considers the whole landscape of the Western Weald to be of international significance in addition to the existing designations identified above (and other local and national designations such as SSSIs and SNCIs), however this has not yet been addressed through any designation process.

The Western Weald is part of the Low Weald, one of 159 distinct natural areas, which have been identified originally by the Countryside Commission and English Nature. The Character Area descriptions sets out the unique features and characteristics of this landscape type and can be found at: http://www.naturalengland.org.uk/publications/nca/low_weald.aspx

Within the Low Weald, the West Weald Partnership Project is seeking to co-ordinate management of habitats, enhance opportunities for wildlife for better connectivity and increase enjoyment, understanding and appreciation of the area. It would be worth signposting the project as a delivery mechanism in Chapter 6.

Housing delivery

The Chichester District Council (CDC) Draft Local Plan Key Policies – Preferred Approach (March 2013) identifies a “Plan Area (North)” - a cluster of parishes including (parts of) Northchapel, Ebernoe, Petworth, Wisborough Green, Plaistow and the whole of Loxwood. Within this area, “*no strategic allocations are planned and housing provision will be limited to parish housing sites, windfall allowance and existing planning permissions*”. The CDC Plan proposes that sites suitable for small scale housing will be identified at the parish level for a plan period up to 2029. Indicative housing numbers are set out for 5 of the aforementioned parishes of which Kirdford’s contribution is 60 dwellings. Para. 7.14 notes that “minor amendments” to housing numbers will be allowed where detailed

investigation and assessment of individual sites has been undertaken through the evidence gathering for a neighbourhood plan.

The Kirdford Neighbourhood Plan seeks to deliver a range of 62-76 units over the Plan Period (2013-2028). The Plan observes that the local sewerage capacity could limit the delivery above 70 units. The higher end of the range could also affect the ability of the Parish to plan for sustainable development considered integral to the successful delivery of the Plan's strategy. Rather than promoting land solely for housing, the Parish Council has investigated opportunities for sites to contribute to other local needs, such as employment space/premises and new and enhanced facilities and services which can improve the quality of place. A strategy reliant entirely on housing, without consideration of other land uses, would be at the risk of ever greater dependence on outward commuting.

Sustainability, and perhaps more precisely self-reliance, is a thread that runs convincingly and consistently throughout the Plan. It is clear that the loss of village services and facilities has already put at threat the social cohesion and 'togetherness' which is such a vital component and valued aspect of village life. The particular isolation of Kirdford village and its obvious ability to act, within the Parish cluster, as a service point for other parishes (some of which are in the South Downs) heightens the need to give special consideration to the provision of local services and facilities. The ambition for sustainable development is supported. It is also noted that the Parish has engaged with the Prince's Foundation (one of the Government's nominated providers of the Supporting Communities in Neighbourhood Planning programme 2011-13) in setting out principles to inform their development strategy.

The intention to deliver 53-65 units taking account of the need to enhance local infrastructure, supported by the site assessment work, appears to be reasonable approach and one that accords with emerging policy in the CDC Local Plan. As already noted, SDNPA has not analysed the site allocations in any detail but broadly, the neighbourhood plan has identified how the housing target in the Local Plan can be achieved. The Parish Council acknowledge in the supporting text that there may still be the potential to achieve a higher number of dwellings should be sewerage issues be resolved.

The commitment to review the Plan, at least every 5 years, and an apparent commitment to continued joint working with other parishes in the "Plan Area (North)" provides assurance that the overall target for Plan Area (North) of 200 dwellings (a further 139 is to be supplied from windfalls and existing planning permissions) can be delivered. The Plan also accords with the Local Plan's emphasis "*upon maintaining the rural character of the existing villages, whilst enabling the local communities to become more self-reliant in meeting their local needs*". A comment on the proposed housing mix is made later in this representation.

The Plan's treatment of the SDNP

All of the general development management policies have been reviewed. They provide a robust basis for decision making, subject to further minor modifications, and their intent and justification has generally been well explored. While the majority of the Parish sits outside the National Park, the Plan has been sufficiently ambitious to consider the needs of a wider sub-area (the cluster of parishes in NE Chichester District). Some of these are partly in the National Park. This has led to discussion of how infrastructure may be delivered to the common benefit to the parishes within the cluster. New facilities and services in Kirdford could potentially address shortfalls in provision over this wider area. As there is not a formal "Duty to Cooperate" for neighbourhood plans, this initiative seems particularly innovative and makes good sense where all the participants are engaged simultaneously in a community planning exercise (the Basic Conditions Statement Reports they are).

This willingness to look outside the Parish boundary has also been evident in the evolution of the sustainable tourism policy. The Plan seeks to capitalise on the Parish's position on the northern edge of the National Park by supporting appropriate expansion of the local tourist infrastructure. The policy is welcome and well conceived, drawing on the Defra Vision and Circular for its inspiration.

It is particularly welcome that the Plan includes two 'umbrella' policies to deal with development proposals in the part of the neighbourhood plan area within the SDNP and which may affect its setting. There is important acknowledgement of the National Park Purposes and Duty (from the Environment Act 1995), the South Downs Integrated Landscape Character Assessment and issues which may potentially impinge on the Park's special qualities if not successfully managed. As it is expected that all other policies in the Plan must be read in conjunction with SDNP.1 & SDNP.2, this policy support will ensure the Neighbourhood Plan aligns with the objectives of the South Downs National Park Management Plan (as drafted). SDNPA does not currently have an up-to-date development plan for the National Park in Chichester District. The inclusion of these policies addresses the distinct planning considerations which apply to one part of the Parish and are in line with national planning policy.

The proportionality of policies

A number of policies appear to impose a disproportionate burden on developers by seeking to apply their criteria to *all* development. While there may be simplicity from taking such a 'blanket' approach, it is likely to result in developers being asked to produce material to support their planning applications that has little value. Policy EM.1, for example states that "*all new developments will need to demonstrate they have a surface water management plan*": this is not likely to be necessary for householder applications. Para. 21 of the National Planning Policy Framework (NPPF) is clear that businesses should not be over-burdened by the "*combined requirements of planning policy expectations*". The issue of proportionality recurs in Policy CP.1 which states that "*any planning application for new development within the Plan Area must demonstrate how they can contribute towards the delivery of community development*". It is, however, recognised that in this instance reference has guidance set out in the NPPF relating to the use of planning conditions and obligations. Policy E.2 similarly requires a "Connectivity Statement" to be provided to support all planning applications.

The treatment of nature conservation designations

Policy EM.2 raises concern in that it elevates all nature conservation sites to the same level of protection. This is contrary to guidance set out in the NPPF in para. 113 which states "*Distinctions should be made between the hierarchy of international, national and locally designated sites, so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution that they make to wider ecological networks*". The Chichester District Council Draft Local Plan Key Policies document (March 2013) provides flexibility in "exceptions...where no reasonable alternatives are available and the benefits of development clearly outweigh the negative impacts" (para. 19.56). Such flexibility would normally apply to local designated assets, while development with potential to significantly affect a Special Area of Conservation, such as The Mens, (an international designation) would require special scrutiny and require a detailed "appropriate assessment". In this circumstance, the proposal must be refused unless the assessment concludes there would be no adverse effect on the integrity of the SAC. EM.2's approach is also at odds with the Policy EM.3 dealing with heritage assets, whereby they will be given "the requisite level of protection".

The use of local occupancy conditions

While this Policy H.1 may be controversial in that it embodies a relatively untested approach to market housing (outside of National Parks), justification points to the difficulty members of the local

community have in accessing housing. The policy appears to be focussed on affordable housing and 1 and 2 bedroom market housing which would normally be considered to be at the more affordable end of the housing spectrum. However, it should be clearer whether other property types i.e. 3+ bedrooms should be exempt: they potentially should be on any allocated sites. It is acknowledged the policy does not seek to apply the condition to all housing in schemes of 2+ units within the settlement policy area, rather this would be applied to a “proportion”. The risk of properties staying vacant is minimised by the requirement for “up-to-date evidence of need” as well as a consideration of viability. The intent behind this policy is supported.

The mix of housing being delivered

Policy H.2 could depress the numbers of social rented properties which may be delivered in the settlement policy area by prioritising the delivery of housing for older people. Affordable housing would normally need to be delivered in accordance with the criteria set out in the Local Plan. Affordable housing, of which there is a great need in the Chichester District, can provide vital relief for households, including older persons, responding to considerable personal hardship; cases of homelessness, overcrowding, housing exacerbating an existing illness and health and safety hazards are examples of circumstances prioritised through the Housing Authority’s Allocation Scheme.

On balance, it is considered an emphasis on general housing for a particular cohort of the population would have a detrimental effect since it would disadvantage those most in need. The policy is undesirable in that it would override the prioritisation of households who may require housing more urgently than older persons in less need. It should be noted that the direction of travel in the Chichester Local Plan is towards a situation where all residential development sites make an affordable housing contribution (Policy 35 of the Preferred Approach – March 2013). The Defra Vision and Circular also highlights that in National Parks there should be a particular emphasis on the delivery of affordable homes.

There are also concerns about the equity of positively discriminating against other population groups, such as young people, who themselves may be in housing need, for a type of housing normally available to anyone. There is also the unanswered question of what happens if there is only one member of the household over the State Retirement Age and they pass away or move into a retirement home. Does the property then remain for a potentially long period of time not occupied by older people? The policy could potentially neutralise the impact of CDC widening the scope of affordable housing requirements on development in their Plan area.

It is considered that there may be other means by which the intent of the policy could be explored without forfeiting needed affordable homes. The imposition of a Lifetime Homes standard across the Plan Area would increase the number of properties suitable for occupation by older persons. Lifetime Homes support the changing needs of individuals and families at different stages of life. The promotion of smaller properties, which the Plan already provides, will help deliver more properties which are affordable for both younger and older people – this would have the effect of freeing up larger homes. Lastly, the new Allocation Scheme for Chichester District gives prioritisation to people living in Registered Provider accommodation who are under-occupying family-sized accommodation by 2 bedrooms or more (through placing them in the highest priority band) –over time, releasing family homes.

The policy should also make reference to the Coastal West Sussex Strategic Housing Market Assessment (March 2012) which provides an up-to-date estimate of the need for different housing types.

Unnecessary criterion in agricultural occupancy policy

The final criterion refers to flood risk. No intensification of use is occurring and therefore, the criterion may not be required. Flood risk matters would be dealt with through strategic policy in the Local Plan.

Major developments in National Parks

DS.1 introduces the issues surrounding windfall development. It would be helpful if this section briefly referenced para. 116 of the National Planning Policy Framework which states that planning permission for major developments in National Parks would normally be refused except in exceptional circumstances and where it can be demonstrated they are in the public interest.

Acceleration of timetable to meet the Code for Sustainable Homes

The intent of the policy is supported providing this does not lead to unacceptable impacts on the setting of development. It is not clear why this approach is restricted to the settlement policy area.

Mapping of Local Green Spaces

This should be added to the document for clarity.

Appreciation of the National Park's special qualities

Policies R3 and R4 are supported however reference should be made to the positive benefits PROWs, walking and cycle routes provide in allowing residents and visitors to enjoy the special qualities of the National Park. This supports Park Purpose 2 and needs to be considered in addition to issues surrounding safety and impacts on residential amenity. The PROWs contribute to the area's historical characteristics and landscape quality and their role and function may be compromised by poorly conceived development schemes.

Renewable energy

Policy E.1 should include reference in the criteria to the potential negative impact transmission lines may have in connecting to renewable energy plant. It is vital that the impacts of such infrastructure are sensitively managed within the National Park, for instance through the undergrounding of cables where not in an archaeologically sensitive area.

Kind Regards

ANDREW TRIGGS

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South Downs National Park Authority