

Agenda Item X
Report PCXX/16

Report to	Delegated to Director of Planning
Date	12 April 2018
By	Claire Tester, Plan4Localism working on behalf of the SDNPA
Title of Report	Petworth Neighbourhood Development Plan: Consultation on Site H8
Purpose of Report	To consider the responses to the consultation on H8 and agree final Decision Statement

Recommendation: The Director of Planning in consultation with the Chair of Planning Committee is recommended to:

- 1) Note the representations made in response to the consultation.**
- 2) Agree the proposed Decision Statement, with the inclusion of policy H8 and supporting text.**
- 3) Publish the Final Decision Statement.**

I. Introduction

1.1 Petworth Town Council (PTC) submitted the Petworth Neighbourhood Development Plan (PDNP) to the South Downs National Park Authority (SDNPA) for examination in September 2017. An Independent Examiner was appointed to examine the Plan, this took place in November and December 2017. The Examiner considered representations and determined that no public hearing was required. The Examiner issued his final report on 9 January 2018 concluding that, subject to a number of modifications, the PDNP can proceed to Referendum. Due to the Examiner's proposal to include a new allocation (H8 land south of Rothermead), the Planning Committee on the 8 February 2018 resolved to:

- 1) Note the comments of the Examiner.
- 2) Agree the proposed Decision Statement, with the exception of proposed policy H8.
- 3) Invite representations on proposed policy H8 for a period of 6 weeks.
- 4) Delegate authority to the Director of Planning, in consultation with the Chair of the Planning Committee, to review the representations on policy H8, amend the policy if necessary and publish the Final Decision Statement.

2. Background

- 2.1 The following stages in the preparation of the neighbourhood development plan (NDP) have been completed. Links to all relevant Planning Committee reports are included below and more detailed information on each stage is also on the website at

<https://www.southdowns.gov.uk/planning/communityplanning/neighbourhood-development-plans/>

Stage	Detail
Designated a Neighbourhood Area	16 January 2014
Pre - submission consultation on the plan (Reg 14)	The SDNPA response to the Pre Submission consultation was agreed by Planning Committee on the 11 May 2017
Submitted to SDNPA and published for consultation (Reg 16)	The SDNPA response to the Submission consultation was agreed by Planning Committee on the 12 October 2017
Independent Examination	Undertaken by Mr John Slater November / December 2017. Report issued January 2018
Consultation on H8	Undertaken for 6 weeks

3. Recommended modifications to the PNDP to meet the Basic Conditions

- 3.1 The Examiner was appointed to assess whether the PNDP 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 otherwise be compatible with, EU obligations.

- 3.2 The Examiner identified a number of modifications which he considers are necessary to ensure the PNDP meets the basic conditions. The report to the Planning Committee on the 8 February highlighted these modifications and most were agreed. However, the proposed modifications included the following:

Site PW19 (to be called 'H8: Land south of Rothermead) should be allocated for approximately 10 homes and the settlement boundary adjusted accordingly. The site selection analysis has recognised that it meets various sustainable development criteria and the landscape impact will be minimal. The level of housing within the NDP should be based on the development of acceptable sites, rather than being constrained to an overarching figure. The development will make a small contribution towards meeting objectively assessed needs, including affordable homes.

- 3.3 There was no legal requirement to consult further if the local planning authority decided to accept all the Examiner's proposed modifications. However, this was considered to be an exceptional case by the Planning Committee because the inclusion of site H8 had not been part of any formal consultation process and therefore the opportunity to comment was limited. This is an NDP and it is important that issues of local concern are considered, insofar as is possible, at a local level and in the spirit of localism.
- 3.4 It was therefore decided to invite representations on this allocation alone to allow residents to identify any key issues. This consultation was carried out from 9 February to 23 March 2018 for a six week period. A revised Sustainability Appraisal / Strategic Environment Assessment and an update to the Habitats Regulation Assessment screening opinion were also issued and consulted on at the same time.
- 3.5 The Planning Committee agreed that, following the consideration of any representations received, to delegate to the Director of Planning with the Chair of the Planning Committee the approval of the final Decision Statement.

4. Summary of Representations Received

Statutory Consultees

- 4.1 Responses were received from Historic England, Natural England, the Environment Agency, Highways England, Southern Water and West Sussex County Council. None of these bodies raised objection to the proposed allocation of the site, but the following detailed comments were made:
- Historic England: "According to our records, this site does not contain, nor is within the setting of, any designated heritage assets. Nevertheless, your Archaeologist should be consulted for any potential archaeological interest of the site".
 - Natural England: "In relation to the amended HRA, I note that Natural England previously provided comments in relation to the original HRA under our reference 227767 and these comments remain valid. If the Neighbourhood Plan changes and there is the potential for environmental impacts, Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) screening exercises may need to be undertaken.
 - Environment Agency: "Flood Risk - We are pleased to see that the proposed allocation H8 is located in an area at the lowest probability of flooding (Flood Zone 1). Wastewater Treatment - Site H8 is on the edge of a sensitive groundwater protection area (Source Protection Zone 3) with a very small part of the site within SPZ3. We would expect that the site would be connected to the mains foul sewer".
 - West Sussex County Council: "Regarding more detailed matters, although reference is made to access being achieved from Rothermead, which is a preferred option, it is unclear what land falls within the promoters control and therefore whether this is deliverable. The alternative is for access onto Station Road. It is considered that a suitable vehicular access could be delivered to the site. There is the matter of pedestrian access and an access onto Station Road would necessitate the extension of the existing footway southwards so as to provide a continuous route. If the site is to be allocated, then it is suggested that the policy wording be broadened so as to reference pedestrian access and not just vehicular. Matters of details (i.e. the footway extension) can then be assessed in more detail as part of any planning application. The allocation of this additional site would further support proposals 3,4 and 5 on the 'suggested new routes to support the local Public Rights of Way network',

provided with our previous comments, to be considered to come forward in order to enhance local access and connectivity”.

Representations against the proposed allocation

4.2 A total of 14 individual letters were received within the consultation period objecting to the proposed allocation. The issues raised in these letters are set out in Appendix I and come under the following headings:

- Public Opposition
- Level of Housing Development
- Landscape and Countryside Impact
- Details of development
- Access
- Impact on amenity of adjacent residents
- Alternative sites for housing
- Alternative uses for proposed allocation site
- Extension of time / additional information required

4.3 Signed identical letters were received from a total of 203 people. A copy of this letter is included in Appendix 2 and the issues raised come under the following headings:

- Services (such as surgery, schools etc.)
- Parking
- Transportation
- Traffic, congestion and public safety
- Loss of ‘green space’ / wildlife corridors and habitats for flora and fauna / tranquillity / dark night skies and footpath / dog walking facilities
- Loss of landscape amenities
- Permanent loss of valuable agricultural, greenfield, land (with likelihood of further infill development)
- Access to site via small cul – de - sac (off Rothermead), with potential parking and public safety issues and limited access for large service vehicles (ambulances, fire - engines, refuse vehicles etc).

Representations in support of the proposed allocation

4.4 One letter of support was received from the agent acting on behalf of the owners setting out the way the site was promoted through the neighbourhood planning process and supporting the Examiner’s conclusions that it should be allocated. Two further letters of support were received from individuals, one on the proviso that the site was accessed from Station Road not Rothermead.

Representations received outside the consultation period

- 4.5 Seven letters were received between the publication of the Examiner's report and the start of the consultation period. For the most part these raised the same issues as those summarised in Appendix I. However, there was one detailed representation from an agent on behalf of a resident raising the following additional concerns:
- Lack of opportunity to comment on the proposed allocation during the neighbourhood plan process;
 - Illogicality of Examiner's reasoning in recommending the allocation; and
 - The unsuitability of the site (reasons included in Appendix I).

5. Analysis of Representations

- 5.1 Many of the issues raised have already been considered by the Examiner in making his recommendation to allocate the site. The purpose of the consultation was to give the community the opportunity to raise new issues that might not have already been considered by the Examiner.

Public Opposition

- 5.2 It is understandable that many people feel that the Petworth NDP should be based solely on the community's choices expressed through voting for options during the preparation process. Whilst this is an important component of neighbourhood planning, decisions must also be taken for good planning reasons. Although site H8 was not included in the favoured southern strategy option, this does not mean that the site is not suitable for development in its own right. Furthermore, the Examiner quite rightly argues that site H8 could quite legitimately have been included as part of the southern focused strategy due to its location to the south of the town. An NDP becomes part of the statutory development plan for the area and therefore must contribute to achieving sustainable development as this is the main purpose of the planning system.

Level of Housing Development

- 5.3 The strategic issues around the level of development proposed for Petworth and the infrastructure requirements were not part of this consultation, which was specifically focused on the proposed allocation of the site south of Rothermead (H8). The issue of the overall level of housing development was considered at length in the Examiner's Report (p9 - 11) and he concluded that "the level should be based on the development of acceptable development sites, rather than being constrained to an arbitrary figure, which was already based on an assessment of deliverable sites". This was a reference to the 150 homes proposed for Petworth in the South Downs Local Plan, which has yet to be tested at examination.

5.4 It is noted that one objector to the inclusion of Site H8 stated that ‘There is no need for this development to meet the housing requirement for Petworth, the Examiner in his report stated that the plan as submitted met the basic conditions without this site’. This is not correct. The Examiner on p8 of his report stated that the SA / SEA met the basic conditions in regard to compliance with EU regulations. However, on p25 he makes it clear that only if amended in line with his recommendations will the Plan meet all the statutory requirements including the basic conditions test. This was because he believed that restricting development to 150 homes was contrary to the basic conditions requiring NDPs to:

- i) Have regard to national policies and advice contained in guidance issued by the Secretary of State; and
- ii) Contribute to the achievement of sustainable development.

Suitability of the Allocation Site

5.5 The Examiner summarised on p12 –

5.6 13 his views on the site south of Rothermead (H8) as follows:

“This site selection analysis has recognised the site meets various sustainable development criteria, such as being within easy walking distance to both the school and the town centre. I consider that its landscape impact will be minimal, particularly when considered against the scale of the southern incursion of the Petworth South allocation. Indeed, with appropriate landscaping this could offer a softer urban edge to the town compared to the existing houses in Rothermead”.

5.7 The site selection analysis referred to is documented in the Petworth Neighbourhood Plan Site Assessment July 2017. The assessment for the site south of Rothermead (PW19) is on p42 - 43 of this document and concluded that the site was suitable for development. This included consideration of landscape sensitivity, value and capacity in the Chichester District AONB landscape Capacity Study 2009 and the Petworth Neighbourhood Plan Landscape Character and Visual Analysis of Potential Development Sites 2016. The Examiner was also cognisant of the South Downs National Park Authority’s Strategic Housing Land Availability Assessment (SHLAA), which also assessed this site (CH100) as suitable for development subject to appropriate landscape measures.

5.8 The issues raised by objectors about landscape and countryside impact have therefore already been considered by the Examiner in coming to his conclusion on this site, and he has recommended detailed criteria in the policy wording to address any potential impact.

Detailed Design and Access Issues and Impact on Residential Amenity

5.9 The Examiner recommended the following policy wording for the allocation:

“The Land south of Rothermead site, as defined on the Housing Site Allocation Plan, is allocated for approximately 10 dwellings. Development proposals on the site should be landscape led and should:

- i) Provide for vehicular access either across the adjacent Grain dryer site to Station Road or from the cul - de - sac from Rothermead through the site of 11 Rothermead.*
- ii) Deliver a planting and landscape strategy to minimise landscape impact along the southern and western boundary.*

Development proposals must be accompanied by a Landscape and Visual Impact Assessment.

The proposal should demonstrate how an assessment of views has been taken account of in the design of the development. Any visual impact should be minimised through the site layout, building and planting and screening strategy.”

- 5.9 Many of the representations against this proposed allocation concern the impact on the residential amenity of properties in Rothermead, both from the development itself and the potential for an access through 11 Rothermead. There are also concerns about the safety of such an access for other users of Rothermead. Any development of this site would need to comply with other relevant development plan policies with regard to the detailed design of the proposal. In particular, depending on the timing of the planning application in relation to the adoption of the South Downs National Park Local Plan, the following policies would be relevant:
- Saved Policy BE11 of the Chichester District Local Plan 1999 which requires that new development does not detract from its surroundings, including taking into account its relationship to and effect on neighbouring development; and saved Policy TR6 which says that planning permission will be refused for proposals which would adversely affect highway safety.
 - Draft Strategic Policy SD5 of the emerging South Downs Local Plan (Pre - submission November 2017 version) requires design principles to be followed including having regard to avoiding harmful impact upon, or from, any surrounding uses and amenities; Draft Strategic Policy SD19 requires that development proposals must demonstrate the continued safe and efficient operation of the strategic and local road networks; and Draft Development Management Policy SD21 requires proposals to protect and enhance highway safety and site layout must be designed to protect the safety and amenity of all road users.
- 5.10 It is recommended that the supporting text for this policy includes cross - references to these policies to reassure residents that these issues will be considered at the planning application stage.
- 5.11 It should also be noted that the detailed points raised by some of the statutory consultees are already covered by existing or emerging Local Plan policies – for instance archaeological investigations, appropriate drainage and pedestrian access – and would be considered at the detailed planning application stage. Similarly, detailed issues raised by other representations about design, density, lighting, and biodiversity are covered by other development plan policies.

Alternative Sites and Uses

- 5.12 Some representations suggest that other sites should be re - considered or that alternative uses be considered for the proposed allocation site. If the local planning authority sought to agree a neighbourhood plan that differed from the Examiner’s recommendations, then this would require further consultation. Moreover, if this included proposals that were not considered through the neighbourhood plan process then it is likely that Petworth Town Council would need to go back to an earlier stage in the process and repeat the Regulation 14 consultation and resubmit the revised Plan for a further Examination. This is not considered necessary or desirable given the conclusions above about the acceptability of the site for its proposed use.

The Sustainability Appraisal (SA / SEA)

- 5.13 The detailed representation received from the agent acting on behalf of a resident before the consultation started has in part been addressed by the consultation carried out from 8 February to 22 March in that this provided an opportunity for the public to comment on the proposal. However, the representation also raised concerns about the rationality of the Examiner's recommendations in relation to the Sustainability Appraisal. In particular, his conclusions on p8 - 9 as follows:

"In terms of the methodology adopted by the Qualifying Body, I share some of the criticisms raised in relation to the groupings of actual sites, as to whether they are offering "reasonable alternatives". I consider that some, in particular Option 2, lack any real coherence in terms of an alternative spatial strategy and it would have been just as logical to include PW19 as a site with an option for a southern focused strategy for the growth of the town. The arbitrary decision on this point, inevitably led to a lack of support for the development of land to the south of Rothermead, which is acknowledged to be capable of accommodating development, in a way that is consistent with the objectives of the Plan. Its impact in terms of the overall level of residential development taking place in Petworth is minimal but its exclusion is driven by the limit, of needing to only achieve approximately 150 new homes.

Despite my concerns on this one point, I have concluded that the assessment does meet the basic condition, set out in Paragraph 8 (2)(f) of Schedule 10 of the Localism Act 2012 and it meets the requirements imposed by EU Directive 2001/42/EC which is enshrined into UK law by the "Environmental Assessment of Plans and Programmes Regulations 2004". Despite my reservations as to the site groupings, my recommendations, which are set out in the next section of the plan relating to the overall housing numbers and the proposal to allocate Site PW19, have allowed me to conclude that the objector's interest will not have been prejudiced, if the plan is made, by the inclusion of my recommended changes. It is a matter for the SDNPA to come to a view, prior to any decision as to whether the plan can be "made", to consider the adequacy of the Sustainability Report, in the light of the changes I am recommending".

- 5.14 The resident's agent argues that the Examiner should not have considered whether anyone's interests were prejudiced in coming to a view on whether the SA / SEA met EU obligations as this was a separate matter.
- 5.15 This is correct, however it is considered to be a misinterpretation of the Examiner's reasoning. The text reproduced above makes it clear that the Examiner's consideration of whether the SA/SEA met EU obligations related primarily to whether it assessed 'reasonable alternatives'. Whilst he had some reservations about the options considered, the Examiner concluded that it met the basic condition relating to EU obligations – in this case the SEA Regulations. However, his reservations about the options and his concerns about prejudice led to his recommendation to allocate the site south of Rothermead. This was because he believed that restricting development to 150 homes was contrary to other basic conditions – that is the need to have regard to national policies and advice contained in guidance issued by the Secretary of State; and the need to contribute to the achievement of sustainable development.

- 5.16 The Examiner was also correct in saying that it is a matter for the local planning authority to come to a view on the adequacy of the Sustainability Appraisal before coming to a final decision. The Sustainability Appraisal was updated in February 2018 to consider the Examiner's recommended changes to:
- a) Extend the settlement boundary to include the Grain Dryer site (Site PW18) and extend the boundary to the east to include the access drive to the south of the grain dryer building; and
 - b) Include the Land south of Rothermead site (Site PW19) as a housing allocation within the Petworth Neighbourhood Plan.
- 5.17 The updated Sustainability Appraisal considered a 'Focused Changes Option' which comprised Sites PW19 (land south of Rothermead), PW23, PW24, PW25 and PW31, a small western portion of Site PW30 and a de minimis portion of Site PW32. This option was assessed against the other previously considered options and it was concluded that the Focused Changes Option had more positive sustainability outcomes than the alternatives.
- 5.18 The overall conclusion of the updated Sustainability Appraisal is that "the Petworth Neighbourhood Plan should deliver positive effects for local residents and businesses as Petworth meets its development needs in the period up to 2033. Reasonable alternative Focused Change policy options have been assessed to compare and contrast the options chosen, but in no case does the alternative perform better, and in most cases as well, against the chosen policy and there is therefore no case for policy changes as a result".

6. Recommendations

- 6.1 It is recommended that the site south of Rothermead (H8) be allocated in accordance with the Examiner's recommendations and that supporting text, (which is set out in the attached PNDP Decision Statement Insert at Appendix 3), be added to accompany the policy H8. This includes cross - references to the existing and emerging development plan policies that protect the residential amenity of neighbouring properties and the safety of access arrangements.

7. Other Implications

Implication	Yes / No
Will further decisions be required by another committee / full authority?	Yes – Agreement to Make the PNDP at a Planning Committee if a Referendum is successful.
Does the proposal raise any resource implications?	<p>Yes - The SDNPA has claimed £5,000 in new burdens funding from Housing and Communities Local Government (HCLG) to date. SDNPA have provided a series of grants to PTC to support the cost of preparing the PNDP and SDNPA have paid £6,200 for the cost of the NDP Examination. To date the plan has cost £21,200 which is £16,200 more than the grants received. However, the SDNPA will be able to claim £20,000 shortly to cover the cost of the Examination and Referendum.</p> <p>The cost of Neighbourhood Planning to the SDNPA is currently covered by the grants received from HCLG. However these grants are starting to be reduced as Neighbourhood Planning increasingly becomes part of the mainstream. Currently within the National Park the cost of producing a plan ranges from around £8,100 (including the Examination and referendum) to £50,000.</p> <p>Once a NDP is made, a Parish Council is entitled to 25% of Community Infrastructure Levy (CIL) collected from development within the neighbourhood area, as opposed to the capped 15% share where there is no NDP. The Parish Council can choose how it wishes to spend these funds on a wide range of things which support the development of the area.</p>
Has due regard has been taken of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010?	Due regard has been taken of the SDNPA's equality duty as contained within the Equalities Act 2010. Petworth Parish Council who has the responsibility for preparing the neighbourhood plan has also prepared a Consultation Statement

	demonstrating how they have consulted the local community and statutory consultees. The Examiner was satisfied that the consultation and publicity undertaken meets regulatory requirements. The consultation carried out is also in compliance with the SDNPA's Statement of Community Involvement (SCI).
Are there any Human Rights implications arising from the proposal?	None
Are there any Crime & Disorder implications arising from the proposal?	None
Are there any Health & Safety implications arising from the proposal?	None
<p>Are there any Sustainability implications based on the 5 principles set out in the SDNPA Sustainability Strategy:</p> <ol style="list-style-type: none"> 1. Living within environmental limits 2. Ensuring a strong healthy and just society 3. Achieving a sustainable economy 4. Promoting good governance 5. Using sound science responsibly 	<p>The qualifying body with responsibility for preparing the neighbourhood plan must demonstrate how its plan will contribute to the achievement of sustainable development. This is set out in the Basic Conditions Statement. The Examiner who assessed the plan considered that it met the requirements if a number of modifications were made. Please note that the sustainability objectives used by qualifying bodies may not be the same as used by the SDNPA, but they will follow similar themes.</p> <p>Strategic Environmental Assessment</p> <p>It was concluded that an environmental assessment of the Petworth Neighbourhood Plan was required as the scale of development may have a significant effect. The modifications made as a result of the Examiner's report have been considered in terms of any resultant changes to the Strategic Environmental Assessment. None of the changes are considered to have a significant effect on the overall appraisals but the SEA has been updated to reflect the inclusion of the small site south of Rothermead. The updated SEA is available to accompany the final plan.</p> <p>Habitats Regulations Assessment (HRA)</p> <p>The PNDP was screened out as requiring a Habitats Regulations Assessment, this</p>

	screening has been updated to incorporate the site south of Rothermead.
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8. Risks Associated with the Proposed Decision

Risk	Likelihood	Impact	Mitigation
The Examiner has recommended modifications to ensure the PNDP meets the Basic Conditions. If these modifications are not implemented the PNDP would be at risk of legal challenge on the basis it does not meet the legal requirements for NDPs.	Low	Medium	The Examiner's recommended modifications are agreed in full, including those relating to site H8, Land South of Rothermead.

Appendices

- 1) Summary of individual representations against the allocation
- 2) Copy of the petition letter
- 3) PNDP Decision Statement Insert

Appendix I: Summary of Individual Representations against the Allocation

Public Opposition

- Petworth Town Council and the SDNPA both opposed the inclusion of this site when the matter was raised by the Examiner in his initial questions of the qualifying body.
- The site was not included in the option which Petworth voted as the preferred area for development.
- Examiner assumption that public vote on site influenced by inclusion in larger option is disproved by the number of people who have signed the petition against H8.
- Gross waste of public money asking people to vote on options if the views of the public are disregarded in favour of the Examiner.

Level of Housing Development

- The Government decided to make the South Downs a National Park which means it does not have to meet the same open - ended view to planning.
- Examiner dismissed importance of National Park in restricting housing. If housing numbers not restricted, then what is the point of being in a National Park?
- Government recognises that National Parks don't have to meet general housing targets.
- There is no need for this development to meet the housing requirement for Petworth, the Examiner in his report stated that the plan as submitted met the basic conditions without this site.
- The allocation of land to the south of Petworth only justified by improved school access, Examiner uses this location to justify allocation of H8.
- Do not agree with the supposition that extra houses are needed than the 150. This is not necessary. Examiner's figure of 163 would also then be arbitrary as he has used the same 150 houses figure as a base to base his figure of 163 houses.
- Objection to change of wording to current plan of maximum of 150 houses to minimum. The town voted on the maximum as 150 and this has been met.
- There are a number of houses empty in Petworth and less than 150 people on the housing register for the town.
- The town is lacking in grocery shopping, retail capacity and other services, ensuring large numbers of residents have to drive to other towns causing additional traffic.
- Examiner's comparison with Petersfield, Liss, Midhurst and Lewes is inappropriate: Petworth is a very much smaller town with less facilities.
- The 10 dwellings would almost certainly be open market homes at the higher end of the price market. This is not in keeping with the views given by the majority of people who were consulted as houses for local people at realistic and affordable prices were requested as a priority.
- The site could come forward in later stages but is not needed for the first stage.

Landscape and Countryside Impact

- The site lies on a sensitive southern approach to Petworth and will be prominent in views from the wider landscape to the south (including Duncton Hill) and the A285 as you approach Petworth.
- Land rises from north to south of site so any additional houses will be more prominent than existing houses.
- Greenfield land on most sensitive southerly edge of the town, outside the settlement boundary.
- Adjacent to high grade agricultural land used for crops.
- Part of Area 38 (South Petworth Farmland) in landscape study, identified as negligible to low capacity for strategic development and having substantial landscape value and sensitivity.
- Triangular meadow used to graze sheep.
- Disagree with Examiner's assertion that more houses will provide a softer boundary than houses existing currently provide as a soft boundary to the SDNP, more houses will only create a harder boundary.
- Existing dwellings are already at the most extreme southern boundary of Petworth.
- The grain dryer is on agricultural land and as such has to remain so. It is also a feature in this part of Petworth which has a lack of agricultural features.
- Effect on appearance of area directly facing open agricultural land. Additional houses will only increase or make worse any appearance towards South Downs, they cannot improve it.
- Planning has been turned down for a single dwelling on site previously so clearly a view of non - acceptability has been taken in the past.
- Hawks have been seen in the field with butterflies and a multitude of different types of birds which will be disturbed by the development.

Details of Development

- Development would need to be restricted to single storey to mitigate the impact. Any dwellings on this site should be single storey to minimise impact upon views of the edge of the settlement from the countryside to the south.
- The shape and general topography of this site does not accommodate the 10 dwellings currently suggested, particularly at a density that is consistent with the character of the surrounding area and the peripheral location of this site.
- The criteria in the policy need to be tightened to ensure that adverse impacts are mitigated as far as possible.
- There should be no development to the East of Rothermead, the site narrows significantly and abuts the boundary of 9 Rothermead, also the ground rises to the South before dropping away (see attached photograph). Any development in this part of the site would be harmful to our amenity by virtue of overshadowing, overbearing and loss of privacy.
- There should be no street lighting to protect dark night skies.

- Need for landscape mitigation such as a hedge or tree line or a minimum of 10 metres landscape buffer.
- Open space / play areas and other community benefits should be provided as per the other allocations.

Access

- Access to this site should only be from Station Road via the old grain store site where visibility is believed to be good.
- Traffic impacts should be mitigated and sufficient parking provided.
- The option of access through the cul - de - sac off Rothermead is not viable. This is a narrow cul - de - sac, which is currently used for parking by residents in Rothermead, there is no turning space and access for large vehicles is virtually impossible.
- Proposal would add at least another 20 / 30 car movements to Rothermead.
- Static traffic frequently precludes a two way flow along Rothermead. Difficulties of access arising from parked cars opposite driveways and fast traffic running down the hill.
- Rothermead acts as a local children's safe play area.
- Builders' heavy traffic would add to this problem during construction.
- Rothermead already takes traffic from other housing including Meadow Way, Martlet Road, various flats as well as Station Road.
- To gain access one dwelling would need to be demolished and possibly an area of another property needed to make a roadway in. The demolition would cause disturbance, noise, dust and potential asbestos issues.
- The elevation of this entrance to site H8 would bring polluting vehicle noise and exhausts close to the roof level of 9 Rothermead (a low lying bungalow).
- The use of Rothermead as an access would be detrimental to the amenity of existing residents from traffic movements, noise and pollution and loss of privacy to adjacent gardens.
- Poor road access, with difficult turning and causing danger in highway safety to pedestrians walking into the cul - de - sac to / from their homes.

Impact of the development on amenity of adjacent residents

- Detrimental to tranquillity, privacy and health and well - being of adjacent residents.
- Headlights from new access would be directed at opposite property.
- Need to mitigate impact on residents' right to light and quiet.

Alternative Sites for Housing

- Other rejected sites are in less sensitive locations - there are far less conspicuous sites in Petworth available to build on.
- The Examiner's view that the site for H8 should have been looked at individually means all the sites in Petworth should also have been looked at individually. The legal opinion cited by Vail Williams would apply to every individual site that was included within housing options 2 and 3 and identified as appropriate for development within the SHLAA, should each now be reassessed on its own merits?

Alternative uses for proposed allocation site

- If the land south of Rothermead is to be allocated for development it should be for a use which will benefit the local economy, provide employment and training opportunities in a sustainable way in support of policy WSO6.
- Respondent previously suggested that the south end of the town, perhaps even the grain dryer area, could be looked at for a petrol station and convenience store.

Extension of time / Additional Information Required

- Sufficient extension of time requested in order to seek legal advice regarding this matter, prior to any final decision being undertaken.
- Details of the means of access and planting and landscape strategy should be available prior to the closing of the consultation period for comment.

Appendix 2: Copy of the Petition Letter

Representation on amended Petworth Neighbourhood Plan.

Date: 18/3/2018

There has been a late change made to the Petworth Neighbourhood Plan, requested by the independent examiner.

I/we are responding, opposing the **examiner's recommendation** to include an **additional** site on an area of land to the south of Rothermead, *(new policy H8)*.

This site had formed part of 'Housing Option 2', in the Petworth Neighbourhood Plan, and following the Public Consultations held in 2016 and 2017, was voted by far the least favoured site of the three Housing Options presented.

Housing Option 1, (providing housing close to the local school and extending south below it), was the favoured choice and will provide the target requirement of 150 new houses.

This number of new houses, (required by the authorities), is well above the number required to accommodate local need and the recommendation for even more is totally unnecessary and inappropriate.

The examiner appears to have a degree of disregard for the fact that our town lies within the South Downs National Park, in an area of 'Outstanding Natural Beauty', is an historic market town (attracting many visitors, contributing to the town's economy) and retains its appeal because it hasn't **yet** been spoilt by excessive development, on its most sensitive edges, as has happened already to several of the nearby neighbourhoods.

Petworth **already** has problems regarding the amount and size of the traffic passing through it, (which unfortunately can't realistically be resolved), causing increased air pollution, traffic noise and car-parking issues, which can only get worse by adding further, unnecessary housing.

If approved, this intrusion into the National Park will bring more traffic through Rothermead and could then open up the southern and western area for further development.

The overall housing number will create pressure on the town's infrastructure affecting :-

- Services, (such as surgery, schools etc.)
- Parking
- Transportation
- Traffic congestion and public safety.
- Loss of 'green space' / wildlife corridors and habitats for fauna and flora/tranquillity/dark night skies and footpath/dog walking facilities.
- Loss of landscape amenities.
- Permanent loss of valuable agricultural, greenfield land, (with likelihood of further infill development).
- Access to site via. small cul-de-sac (off Rothermead), with potential parking and public safety issues and limited access for large service vehicles, (ambulances, fire-engines, refuse vehicles etc.)

I/we are requesting that the proposed site south of Rothermead should not be included into the Petworth Neighbourhood Plan, as it was most definitely not chosen by the residents, (following the Public Consultations) or indeed by Petworth Town Council. The area where it's located, is classified as having 'Substantial Landscape value'.

Appendix 3: Petworth Neighbourhood Development Plan - Decision Statement Insert

Policy PPI: Settlement Boundary Figure 3		
Recommended Modification to the PNDP	Justification	Decision
Amend settlement boundary to include the new site H8 and extend the boundary to the east to include the access drive to the south of the Grain dryer building.	To reflect the addition of new site H8 and the Examiner's conclusion that it is logical to extend the boundary so that it follows the south alignment of the access road.	Accept modification
Policy HI: Allocate land for approximately 150 new homes		
Recommended Modification to the PNDP	Justification	Decision
Insert the following text at the end of 5.24: "The land south of Rothermead (Policy H8) is a greenfield site on the southern edge of Petworth, within close proximity to the town centre and existing community facilities and services. It was added to the Neighbourhood Plan following an assessment and recommendation by the Examiner".	To reflect the addition of H8.	Accept modification

Proposed new Policy H8: Land South of Rothermead		
Recommended Modification to the PNDP	Justification	Decision
<p>Insert the following policy:</p> <p>“The Land south of Rothermead site, as defined on the Housing Site Allocation Plan, is allocated for approximately 10 dwellings.</p> <p>Development proposals on the site should be landscape led and should:</p> <ul style="list-style-type: none"> (i) Provide for vehicular access either across the adjacent Grain dryer site to Station Road or from the cul - de - sac from Rothermead through the site of 11 Rothermead. (ii) Deliver a planting and landscape strategy to minimise landscape impact along the southern and western boundary. <p>Development proposals must be accompanied by a Landscape and Visual Impact Assessment.</p> <p>The proposal should demonstrate how an assessment of views has been taken account of in the design of the development. Any visual impact should be minimised through the site layout, building and planting and screening strategy.”</p>	<p>Restricting development to 150 homes is considered contrary to the basic conditions requiring neighbourhood plans to:</p> <ul style="list-style-type: none"> (i) Have regard to national policies and advice contained in guidance issued by the Secretary of State, and (ii) Contribute to the achievement of sustainable development. <p>The level of development should be based on the development of acceptable development sites, rather than being constrained to an arbitrary figure, which was already based on an assessment of deliverable sites.</p> <p>The site selection analysis recognised that the site south of Rothermead meets various sustainable development criteria. Its landscape impact will be minimal, particularly when considered against the incursion of the Petworth South allocation. With appropriate landscaping this could offer a softer urban edge to the town.</p>	<p>Accept modification</p>

<p>Insert the following supporting text after the policy:</p> <p>“5.36. The land south of Rothermead is a greenfield site on the south side of Petworth and to the west of Station Road. It currently comprises the curtilage of a dwelling house (11 Rothermead) and a triangular field. The allocation is for the construction of approximately 10 dwellings.</p> <p>5.37. Access to the site should either be via Station Road through the Grain dryer site or through the site of 11 Rothermead. In either case the access would need to meet highway safety standards and the requirements for safety and amenity of other highway users such as pedestrians as set out in other development plan policies (in particular Chichester District Local Plan 1999 Policy TR6 and emerging South Downs National Park Local Plan Strategic Policy SD19 and Development Management Policy SD21).</p> <p>5.38. The design of the development will need to take into account the relationship with neighbouring properties to avoid loss of privacy and to protect residential amenity and the character of the area as required by other development plan policies (in particular, Chichester District Local Plan 1999 Policy BE11</p>	<p>The South Downs SHLAA had identified the site as suitable. If allocated, it could achieve a modest additional contribution to meeting local housing need and delivering affordable housing.</p>	
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<p>and emerging South Downs National Park Local Plan Strategic Policy SD5).</p> <p>5.39. Development proposals must be accompanied by evidence, including a Landscape and Visual Impact Assessment, demonstrating how the design takes account of views of the site from the open countryside to the south and west and mitigates any visual impact through the site layout, building and planting and screening strategy. The landscape strategy should seek to achieve a softer urban edge to the town compared to the existing houses in Rothermead.”</p>		
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Figure 4: Housing Site Allocations

Recommended Modification to the PNDP	Justification	Decision
Amend Figure 4 Housing Site Allocation Plan to include site H8	In view of the Examiner’s conclusion that site H8 should be allocated for residential, this will require an amendment to the Housing Site Allocation Plan.	Accept modification

Appendix 1.0: Key Diagram

Recommended Modification to the PNDP	Justification	Decision

Amend Appendix 1.0 Key Diagram to include site H8	In view of the Examiner's conclusion that site H8 should be allocated for residential, this will require an amendment to the Key Diagram.	Accept modification
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