

Report to	<b>Planning Committee</b>
Date	<b>11 May 2017</b>
By	<b>Director of Planning</b>
Title of Report	<b>SDNPA response to the Pre-Submission (Regulation 14) Consultation on the Petworth Neighbourhood Development Plan</b>
Purpose of Report	<b>To agree the content of the South Downs National Park Authority's (SDNPA) response to the pre-submission consultation on the Petworth Neighbourhood Development Plan</b>

**Recommendation: The Committee is recommended to agree the Table of Comments as set out in Appendix 3 of the report which will form the SDNPA representation to the Petworth Neighbourhood Development Plan pre-submission consultation.**

## **1. Introduction and Summary**

- 1.1 The SDNPA actively promotes and supports community led plans, particularly Neighbourhood Development Plans (NDPs) where growth needs to be accommodated and planning issues exist. On adoption, NDPs form part of the Development Plan for the neighbourhood area, alongside strategic planning policies which are prepared by the Local Planning Authority.
- 1.2 Petworth Town Council (PTC) is the 'qualifying body' with responsibility for preparing the Petworth Neighbourhood Development Plan (PNDP). PTC applied to have the parish of Petworth designated as a Neighbourhood Area in July 2013 (See **Appendix 1** for designated area map). This was agreed by the SDNPA at Planning Committee on 16 January 2014. Petworth Town Council set up a steering group and five working groups to prepare the PNDP, the steering group and working groups include members of the general public as well as Petworth Town Councillors. The steering group have been advised by planning consultancy, Nexus Planning throughout the process.
- 1.3 A minimum of 6 weeks formal consultation is required on all draft NDPs prior to submission to the local planning authority. SDNPA officers have worked closely with the PNDP group in the preparation of this Pre Submission plan to minimise the amendments required at pre submission stage. This approach allows significant matters to be dealt with during the preparation of NDPs, as significant changes at Pre Submission stage could result in repeating the pre submission consultation. The pre submission PNDP can be found at **Appendix 2** and the SDNPA response to this consultation at **Appendix 3**. Following the Pre Submission consultation, the PTC will amend the PNDP appropriately and submit the amended PNDP to the SDNPA for Submission consultation and Examination.
- 1.4 The PNDP is being considered by Planning Committee at pre-submission stage as it is one of the NDPs with a significant housing provision as set out in the South Downs Local Plan: Preferred Options.

## **2. Background**

- 2.1 The progression of the PNDP to pre-submission stage is to be welcomed and is a result of a

considerable amount of hard work by the Town Council and volunteers. We recognise that preparing the PNNDP has been a challenge as the group prepare policies which must be in general conformity with the saved policies of the Chichester Local Plan 1999, which is largely out of date but is the current development plan document, whilst taking account of policies in the emerging South Downs Local Plan.

- 2.2 We congratulate the steering group on the substantial amount of early consultation undertaken in preparing the draft PNNDP. A public consultation on Petworth's 'issues' was held in April and May 2015 which included a leaflet drop, questionnaire, drop-in sessions and consultation with young people. A further public consultation was carried out on options for the area between June and July in 2016. This included a drop-in event on the 17 June which was publicised extensively throughout the town. The consultation focused on three housing development options for the town: distributing development to the south or the north or west and east of the town. The majority of respondents (57%) considered that housing option 1 was their preferred choice which included sites adjacent to Petworth Primary School and to the south of the town. Many residents welcomed the proposal to build a new access road to the school as well as the proximity to the town's other facilities.

### **3. Pre-submission consultation**

- 3.1 The Neighbourhood Planning Regulations require all qualifying bodies (Petworth Town Council in this instance) to carry out pre-submission consultation on a draft of the NDP prior to submission to the local planning authority. The consultation must be for a minimum of 6 weeks and includes consulting statutory bodies. The PNNDP consultation draft was published on **3 April 2017** and the consultation runs for 6 weeks until **15 May 2017**. The pre-submission consultation was launched with a drop-in event at Leconfield Hall on Friday 31 March 2017 and over 430 people attended. PTC have also made available during the consultation details of two supporting projects to the PNNDP – revised traffic proposals for the Market Square and a Concept Masterplan outlining what future housing development might look like. These are separate from the pre-submission PNNDP and are not subject to the SDNPA response but they provide further detail of how the policies of the PNNDP may be delivered.
- 3.2 The Neighbourhood Planning Regulations state that a NDP must be in general conformity with the strategic policies contained in the Development Plan for the area. Therefore, it is a requirement that the PNNDP is in general conformity with the saved policies of the Chichester District Council Local Plan (1999).
- 3.3 While the PNNDP may come into force ahead of the South Downs Local Plan, all communities are being advised to make sure that their NDP policies are not in conflict with emerging Local Plan policies. This is because the degree with which the NDP reflects and accords with emerging Local Plan policies could affect the NDP's power to shape development in the future. Once a NDP comes into legal force after a successful referendum it will form part of the statutory development plan. The law requires decision makers to favour more recently adopted policies of the development plan where there is a conflict between two policies. This means that the shelf life of an NDP could be quite short if it does not consider the emerging South Downs Local Plan. Petworth is included in the list of settlements to have a defined settlement boundary in SD22 of the Local Plan: Preferred Options and there is a proposed housing requirement of 150 for the settlement as set out in draft policy SD23.
- 3.4 The pre-Submission plan is accompanied by a Sustainability Appraisal and Strategic Environmental Assessment. Comments on the SEA are being made separately by officers.

### **4. Petworth Neighbourhood Development Plan – SDNPA response**

- 4.1 The SDNPA formal representation to the Petworth NDP pre submission consultation is set out in **Appendix 3**. The following key points and overarching issues are raised in the representation:

- A number of policies refer to planning matters being determined to the 'satisfaction of Petworth Town Council'. The Town Council can only comment on planning applications. The NPA is the LPA that determines planning applications.
- Hampers Green to the north of the town is excluded from the settlement boundary. It may be appropriate to give this residential area a boundary in accordance with the SDNPA Settlement Boundaries Methodology.
- The plan contains housing mix, affordable housing policies, woodland and trees policies. These issues are now dealt with by the South Downs Local Plan so to avoid confusion and policy conflict it is suggested they are removed.
- Rotherlea (Policy H5): It is noted that the Neighbourhood Plan proposes a density of development that is lower than the current application. It is suggested that the policy should include reference to the Old Primary School Pond (which is proposed to be a Local Green Space) and the need to successfully integrate it into any scheme as well as the need to safeguard and enhance biodiversity.
- The Square Field (H6): This is a surviving historic field whose boundaries remain unchanged. These boundaries are mature and contribute to the character of this part of Petworth and should be retained.
- Petworth South (H7): The selection of this site for allocation exemplifies the conundrum of planning and localism in a protected landscape. This is an area which the SDNPA has had some concerns about developing but it meets many of the objectives of residents of Petworth and extensive consultation underpins its allocation. It is anticipated that with the strengthening of the policy as set out below, these objectives can be balanced with those of the National Park. However, it is considered that the allocation of this site may constitute 'Major Development' and as a consequence a major development test will need to be carried out.
- The three allocations are accompanied by a separate 'Concept Masterplan' designed to help illustrate how a comprehensive scheme might look.
- The Character and Design policy (ESD1) is rather generic and could be more locally specific.
- This plan sets density levels of between 25 and 35 dph.
- The requirements of a design and access statement is not a matter that can be required by policy through a Neighbourhood Plan. This occurs in regular places within the plan and needs amending. However, the intentions and guidance it provides are supported and it is suggested it is turned into an explanatory note.
- Land east of Hampers Lane Industrial Estate (WS4): This policy is dominated by the requirements for parking and access alongside screening and visual impact. It is suggested that the policy could be more ambitious.
- PNDP is one of the first to start to consider the implications and possibilities surrounding CIL. We congratulate them on starting to think about this at such an early stage and make some suggestions as to how it can better link with the Plans objectives.

## **5. Planning Committee**

- 5.1 This is the first occasion that the Petworth NDP has been presented to Planning Committee. It is being considered at this stage due to the level of development being proposed and the allocation of land.

## **6. Next steps**

- 6.1 If agreed the response will be sent to Petworth Town Council for them to consider alongside the other representations they receive. They will then amend the plan and submit it to the SDNPA for examination.

## 7. Other Implications

Implication	Yes/No
Will further decisions be required by another committee/full authority?	Yes – It is anticipated that Planning Committee will be asked to agree the SDNPA response to the NDP at all significant stages. The next occasion will be the SDNPA representation on the submitted plan.
Does the proposal raise any Resource implications?	<p>Yes - The SDNPA has invested staff resources in supporting the development of the PNDP by regularly attending steering group meetings and providing comprehensive feedback and comments on early drafts of the PNDP. Significant financial resource has been provided through the reallocation of the Governments New Burdens funding and the allocation of SDNPA funding amounting to £15,000. This funding has contributed to the cost of undertaking SEA and early preparatory work. The SDNPA have claimed £5,000 in new burdens funding from CLG to date and should be able to claim £20,000 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 CLG. However there are signs that these are going to start to reduce 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 Town 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 been taken of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010?	Due regard will be taken of the South Downs National Park Authority's equality duty as contained within the Equalities Act 2010. Petworth Town Council, who have the responsibility for preparing the neighbourhood plan, will be required to prepare a Consultation Statement to support the submission version of the PNDP setting out how all sections of the local community (people who live, work or carry out business in the neighbourhood area) including hard to reach groups, have been engaged in the plan's production.
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

Implication	Yes/No
<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"> <li>1. Living within environmental limits</li> <li>2. Ensuring a strong healthy and just society</li> <li>3. Achieving a sustainable economy</li> <li>4. Promoting good governance</li> <li>5. Using sound science responsibly</li> </ol>	<p>The qualifying body with responsibility for preparing the neighbourhood plan must demonstrate how its plan will contribute to the achievement of sustainable development. 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><b>Strategic Environmental Assessment</b></p> <p>It was concluded that an environmental assessment of the Petworth Neighbourhood Plan will be required due to the level development proposed in the plan. A Sustainability Appraisal of the plan has been published and officer level comments are provided.</p>

### 8. Risks Associated with the Proposed Decision

Risk	Likelihood	Impact	Mitigation
<p>Petworth Town Council does not take account of the recommendations proposed in the SDNPA representation, and the PNDP may not meet all the basic conditions for NDPs or the aspirations of the SDNPA.</p> <p>There is a reputational risk for the SDNPA associated with raising areas of concern about the PNDP. Communities are sometimes frustrated by the perception that their hard work and effort in producing such plans is not fully appreciated and taken into account. However, to not highlight the possible concerns of the Authority at this stage in the plan preparation would be failing in our duty to support such groups and potentially result in a plan that does not deliver outcomes that meet the needs of both the community and the SDNPA.</p>	<p>Medium</p> <p>Low</p>	<p>Medium</p> <p>Medium</p>	<p>Member and Officer representations on the PNDP will allow the SDNPA to encourage the full consideration of points raised by the SDNPA. However, there is no requirement for the Town Council to agree to all proposed amendments so the risk cannot be fully mitigated. However, at this stage it is anticipated that the PNDP is likely to meet the basic conditions.</p> <p>SDNPA planning officers have been contributing to the preparation of the emerging PNDP and will continue to do so as it progresses.</p>

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Appendices

1. Petworth Designated Neighbourhood Area Map
2. Petworth Pre-submission Neighbourhood Plan 2017-2032.
3. SDNPA Response to the Pre-submission Draft Petworth Neighbourhood Plan

SDNPA Consultees Planning Policy Manager, Legal Services, Monitoring Officer & Chief Finance Officer. Consultation with statutory bodies has been undertaken by PTC.

Background Documents [Petworth Town Council Neighbourhood Plan](#)



## Agenda Item 8 Report PC30/17 Appendix I: Designated Petworth Neighbourhood Area



