

Report to	Planning Committee
Date	14 September 2017
By	Director of Planning
Title of Report	SDNPA response to the Pre-Submission (Regulation 14) Consultation on the Rogate & Rake Neighbourhood Development Plan
Purpose of Report	To agree the content of the South Downs National Park Authority's (SDNPA) response to the pre-submission consultation on the Rogate & Rake Neighbourhood Development Plan

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 Rogate & Rake 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. Following a referendum, 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 Rogate Parish Council (RPC) is the 'qualifying body' with responsibility for preparing the Rogate & Rake Neighbourhood Development Plan (RRNDP). Rogate Parish Council applied to have the parish of Rogate designated as a Neighbourhood Area in March 2013 (see **Appendix 1** for designated area map). This was agreed by the SDNPA at the Planning Committee on 14 March 2013. The parish is located entirely within the National Park. Rogate Parish Council appointed a project manager who with a team of volunteers formed a steering group to prepare the Rogate & Rake NDP.
- 1.3 A minimum of 6 weeks formal consultation is required on all draft NDPs prior to submission to the local planning authority. Rogate Parish Council undertook a first pre-submission consultation in October to December 2015. Following the consultation the Parish Council decided to make a major change to the RRNDP by including site allocations. The revised RRNDP therefore required a second pre-submission consultation. The SDNPA's response to this second consultation is being considered by Planning Committee because the RRNDP allocates sites for housing development over and above the requirement in the emerging South Downs Local Plan (SDLP).
- 1.4 The SDNPA is providing a comprehensive review and comment on the RRNDP (the Plan forms **Appendix 2** and the comments **Appendix 3**) at this stage in order to highlight any concerns or issues as early as possible in the process. If these issues can be addressed at this stage in the process it will avoid having to raise them at submission stage after which all representations will be considered by an independent examiner.

2. Background

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

a considerable amount of hard work by the Parish Council and volunteers. We recognise that preparing the RRNDP has been a challenge at a time when adopted Local Plan policy for the Parish is largely out of date (Chichester Local Plan 1999) and draft policies for the South Downs Local Plan have been emerging.

- 2.2 The draft RRNDP has been through many iterations and the steering group have actively taken on the suggestions of SDNPA officers throughout their work on the draft plan. We congratulate the authors on this draft plan which contains many good ideas and supports landscape management and function both directly and indirectly. The plan is well presented, providing succinct contextual information on the parish and clearly drafted planning policies which can be used in the determination of planning applications.

3. Pre-submission consultation

- 3.1 The Neighbourhood Planning Regulations require all qualifying bodies (Rogate Parish 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 RRNDP consultation draft was published on 20 June 2017 and consultation ran for 8 weeks until 18 August 2017. The NDP group have agreed to accept a late consultation response from the SDNPA which will be provided following agreement from the Planning Committee.
- 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 Rogate & Rake NDP is in general conformity with the saved policies of the Chichester District Council Local Plan (1999).
- 3.3 While the Rogate & Rake NDP may come into force ahead of the South Downs Local Plan (SDLP), 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 an 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 SDLP. Rogate is included in the list of settlements where the principle of development will be supported within a defined settlement boundary in draft policy SD25 of the Pre-Submission Local Plan that was approved for Regulation 19 consultation on 11 July 2017 and there is a proposed housing requirement of 11 for the settlement as set out in draft SDLP policy SD26.
- 3.4 A Strategic Environmental Assessment (SEA) Screening Opinion has been prepared based on the contents of the pre-submission plan. The neighbourhood plan has been screened out as requiring SEA given the small proportional increase in the number of dwellings and resident population in the parish resulting from the Neighbourhood Plan. Also given the 18 year time period for delivery, it is anticipated that the significance of potential effects on the environmental designations in the parish will be minimal.
- 3.5 A Habitats Regulations Assessment (HRA) screening statement has also been prepared. It is the conclusion of this screening statement that the Rogate and Rake NDP is not likely to result in significant effects with regard to Rook Clift Special Area of Conservation (SAC), East Hampshire Hangers SAC and Wealden Heath Phase II Special Protection Area, via recreational pressure or urbanisation pathways, subject to a number of recommended amendments which are incorporated into the SDNPA response to this consultation.
- 3.6 Air quality is another issue considered by the HRA. Given the strategic nature of in combination traffic and air quality, this issue is by definition, one that cannot be fully explored and resolved by an individual neighbourhood plan and is most appropriately addressed through the Local Plan. The National Park Authority has commissioned new work on air quality as part of the HRA of the Pre-Submission Local Plan, which has considered these in-combination effects. This impact has therefore been screened out as it has been

assessed and addressed through the HRA of the Local Plan, which will be formally published in September 2017.

4. Rogate & Rake Neighbourhood Plan – SDNPA response

- 4.1 The SDNPA formal representation to the RRNDP pre-submission consultation is set out in **Appendix 3**. Several minor amendments and clarifications are recommended, however the following key points are highlighted as needing greater attention and potentially more substantial change to the Plan:
- 4.2 **Local Housing Need** – The plan states the SDNPA, using data from Chichester District Council’s affordable housing needs register, identifies an appropriate level of development in Rogate over the plan period would be 11-25 homes. This is not accurate as the emerging SDLP has set a requirement for Rogate of just 11 homes. The housing figure for Rogate, as with other settlements in the National Park is landscape-led and in line with the first purpose of the National Park to ensure that any housing development does not detract from the natural beauty, wildlife or cultural heritage of the National Park. A wide ranging evidence base has been used in support of this including Viewshed, Tranquillity and Habitat Connectivity. These all fed into the Strategic Housing Land Availability Assessment (SHLAA) along with other evidence for example on highways and flooding.
- 4.3 Criterion 4 of the emerging SDLP Policy SD26 states NDPs may accommodate higher levels of housing than is set out in the Local Plan, providing they meet local housing need and are in general conformity with the strategic policies of the development plan.
- 4.4 Reference is made in the Plan to a 2011 Housing Needs Survey – this should be included in the Evidence Base. The Plan states that the Housing Needs Survey identified a need for 14-26 affordable homes. Further details should be provided as the 2014 Chichester Housing Register recorded 12 households with a local connection to the parish, of which 7 (58%) are in bands A-C and considered to have a priority need for housing.
- 4.5 **Affordable Housing thresholds** - Paragraph 4.5.4 of the Plan includes the emerging SDLP draft thresholds for affordable housing provision. These figures are subject to change, and have been revised since the Neighbourhood Plan has been drafted. We would therefore recommend that the Plan simply cross-refers to the SDLP which would then ensure the information in the submission NDP is correct and confirms with the Local Plan. We would also advise that the draft affordable housing thresholds are removed from the allocations.
- 4.6 **Allocation of Sites for Development** - The plan states that 11 homes are considered insufficient to meet local needs and that instead allocations are proposed to enable up to 15 homes to be allocated over the plan period. The supporting evidence should provide detail on all the sites considered and the rationale for selecting particular sites. Some of this is covered in the Potential Development Sites Background Paper, although this needs to be updated as the Plan now allocates sites. It is recommended that a map showing the location of both site allocations is included in the Plan.
- 4.7 Site layouts have been included in the Plan and it is understood these have been prepared to establish the capacity of each site. It may be that there are other appropriate layouts and we would advise that the Plan makes clear these are only indicative layouts and not mandatory.
- 4.8 **Site Allocation (a) Renault Garage and bungalow south of A272, Rogate**
- Confirmation on the availability of this site is required. It is currently in active use. It is also queried whether the garage provides services (i.e. servicing/repairs) other than car sales. If so, then should the loss of the services be taken into account? Preference should be made for the two sites being developed as one to ensure they relate well to one another and allow for more space within the development for mitigation measures. The site is adjacent to the Conservation Area and Rogate Lodge – a locally important historic parkland, is on the opposite side of the A272. The rear boundary of the site is a historic landscape feature and should be conserved where possible. Locally Important Viewpoint 15 (identified in the Plan) could be improved by development at this site. Additional criteria in the policy should ensure pedestrian access to the village is improved as well as to the wider countryside.

4.9 Site Allocation (b) Land on north side of B2070 London Road west of Flying Bull PH, Rake

There are a number of concerns with this site - it will possibly result in the loss of trees, it is at a higher level than the adjacent road, and the layout plan in Figure 4.6 shows garden land outside of the Parish/Designated NDP area, and thus beyond the remit of the NDP to allocate. There is potential for landscape archaeology to be present along the historic administrative boundary (ditches/banks/mature marker trees etc.) which should be conserved. Any rear boundary should not be walls but instead trees and the design of the plots should be driven by the wooded character of the area.

4.10 Development of this site could be considered if a case was being made for the housing being essential in order to “enable” retention/continued viability of the pub (which is identified as a Community Facility in Policy CHI and which the NDP Group intend to register as an Asset of Community Value) – but no such justification appears to have been given.

4.11 It should be noted that the site is located close to the boundary of the parish with Liss. The housing provision figures set out in draft SDLP policy SD26 relate to settlements rather than parishes. The draft allocation is in Rake and not the village of Rogate. The allocation would not therefore contribute to meeting the housing provision figures set in SD26 for Rogate. It is recommended that Rogate Parish discuss this emerging allocation with Liss Parish.

5. Resources

5.1 The SDNPA has invested staff resources in supporting the development of the Rogate & Rake NDP by attending meetings and commenting on early drafts of the plan. In addition financial resource has been provided to support an early Enquiry by Design workshop and general costs of preparing the plan.

6. Risk management

6.1 Risk - Rogate Parish Council does not take account of the recommendations proposed in the SDNPA representation, and the Rogate & Rake NDP may not meet all the basic conditions for NDPs or the aspirations of the SDNPA.

6.2 Mitigation - Member and Officer representations on the Rogate & Rake NDP will allow the SDNPA to encourage the full consideration of points raised by the SDNPA. However, there is no requirement for the Parish Council to agree to all proposed amendments so the risk cannot be fully mitigated. However, at this stage it is anticipated that the Rogate & Rake NDP is likely to meet the basic conditions.

7. Crime and Disorder Implication

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

8. Human Rights Implications

8.1 This draft NDP has been considered in light of statute and case law and there are not considered to be any interference with any individual's human rights.

9. Equalities Act 2010

9.1 Rogate Parish Council will be required to prepare a Consultation Statement to support the submission version of the Rogate & Rake NDP 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. In addition, the SDNPA will carry out an Equalities Impact Assessment on the submission version of the RRNDP.

10. External Consultees

10.1 Consultation with statutory bodies has been undertaken by Rogate Parish Council.

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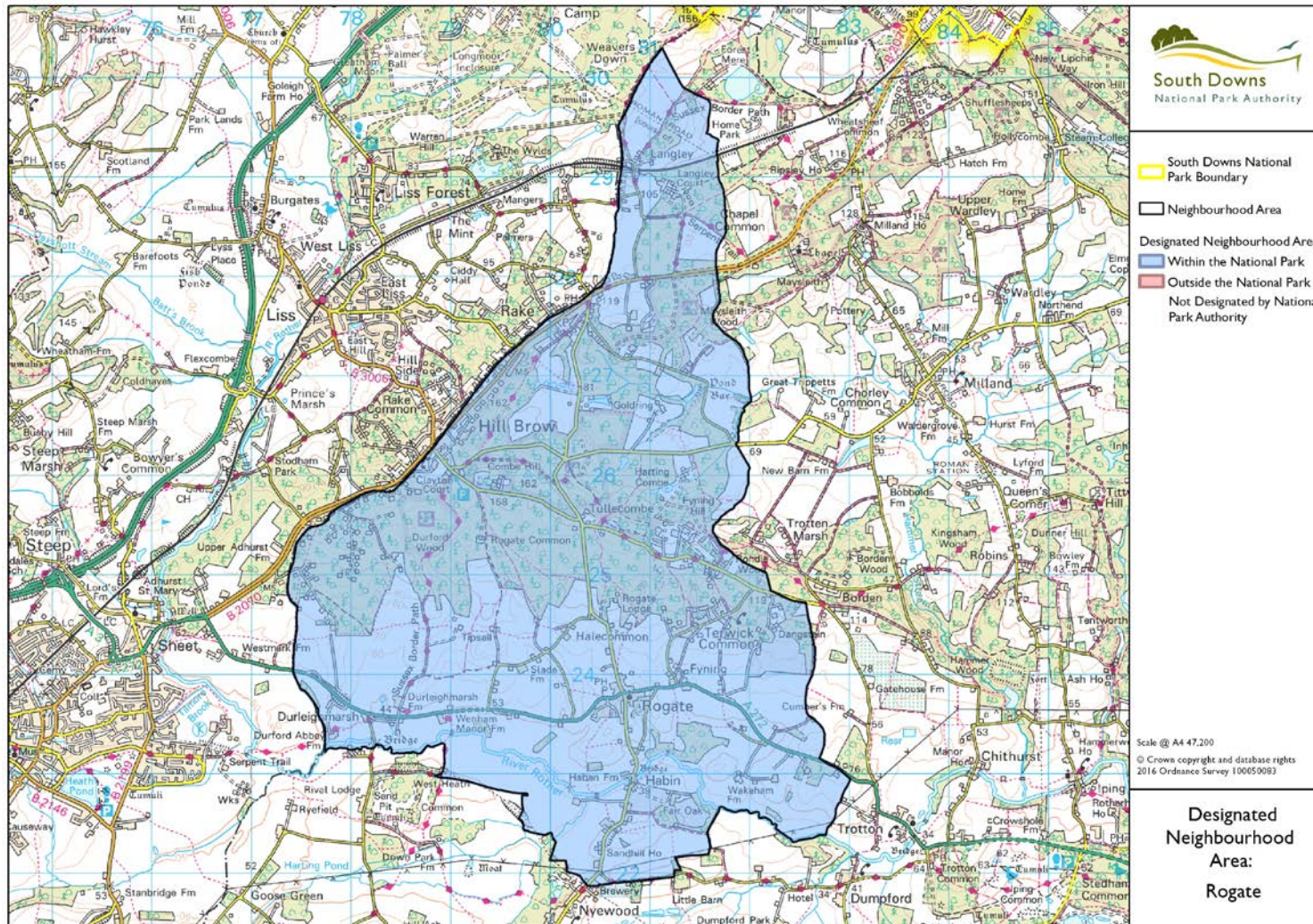
Appendices

1. Rogate Designated Neighbourhood Area Map
2. Rogate & Rake Neighbourhood Plan 2015-2035 – Pre-submission Document 2017-2035
3. SDNPA Response to the Pre-submission Draft Rogate & Rake Neighbourhood Plan

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

Background Documents [SDNPA designation of Rogate Neighbourhood Area – Planning Committee Report 14 March 2013](#)
[Neighbourhood Planning \(General\) Regulations 2012](#)

Rogate Designated Neighbourhood Plan Area



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