

Response by Petworth Town Council (PTC) and the South Downs National Park Authority (SDNPA) to Examiner John Slater's questions.

The Examiner's questions are shown in the boxes.

Plan Period

3. It is necessary, in order to meet the requirements set out in legislation, for the Plan to identify the period it is to have effect. I would ask the Town Council to clarify the start and finish date of the neighbourhood plan.

The Plan Period is 2015 – 2033, this could be added to the front cover of the plan.

Sites PW18 and 19

4. I would invite the Qualifying Body's response to the comments made in Vail Williams's Regulation 16 representation, both in general terms and particularly whether the putting together of the sites PW18 and PW19 into an alternative option along with other sites, would have prevented them from being considered as reasonable alternative locations. Why was it done this way?

In particular, I would appreciate views as to whether their development would constitute a logical "rounding off" of the urban area to the south of the town, especially when compared to the extent of the expansion of the Petworth South site to the south of the town on the opposite side of the road.

Prior to any consideration of factors such as landscaping, design and layout, which will ultimately influence the extent of the developable area, the Site Assessment work estimated that collectively Sites PW18 and PW19 have a potential to deliver, at best, between 18-25 dwellings. Set within the context of a housing requirement to deliver approximately 150 dwellings, Sites PW18 and PW19 in isolation are not considered to constitute a reasonable alternative option.

As set out within the PNP Sustainability Appraisal (paragraphs 5.24 -5.25), an approach based on a simple ranking and selection of the highest scoring sites which may have included sites PW18 and PW19 along with other sites, was not considered a reasonable alternative option. This is because it would be based on a flawed assumption that all assessment criteria are equal, or on a potentially arbitrary ranking and weighting of criteria.

It is evident from the sites identified as potentially suitable through the Site Assessment process that the inclusion of at least one large greenfield site within any site options developed would be necessary to deliver the required level of housing growth at Petworth (approximately 150 dwellings). In light of this, given the small size of Sites PW18 and PW19 (individually or collectively and before any land required for landscape mitigation, etc, is taken into account), it was considered that they would have a limited role in making any meaningful contribution towards the approximately 150 dwellings figure.

The PNP Sustainability Appraisal sets out the rationale behind how the three options were developed and the sites chosen for inclusion within each option, in summary these being:

Option 1: Allocate a large site to the south of Petworth that creates a new southern access to the school thereby facilitating the delivery of two smaller sites near the centre of the town, one of which is a longstanding, previously developed site.

Option 2: Allocate the majority of development on a large site to the west of the town, with smaller sites around Rothermead, Rotherbridge Lane and an extension to Sheepdown Close

Option 3: Allocate the development to the north of the town around Hampers Green. The option includes a large strategic site opposite Hampers Green and smaller sites accessed from Northend Close.

Petworth Town Council does not accept that the inclusion of Site PW19 would make a logical 'rounding off' of the urban area, particularly given a significant proportion of the small site would be required for landscape buffering to make any development acceptable in landscape terms.

5. Are there any points contained in the attached legal opinion from Andrew Parkinson in Vail William's representations that the Town Council or the SDNPA would wish to challenge or comment upon?

The Town Council and the SDNPA do not accept the conclusions reached in the legal opinion. We have responded to the overall summary set out in paragraph 2 of the Legal Opinion.

1) Policies PPI and H1 of the NDP fail to meet the basic conditions because they impose an unlawful 'cap' on development outside of the allocations in policies H5 to H7.

Policy PPI: Settlement Boundary is a very standard approach to ensuring that appropriate development takes place within Petworth and that the countryside beyond is protected from inappropriate development for its own sake. This is even more important within the context of a National Park where development is highly restricted and where it is recognised in national policy that it is not a suitable location for unrestricted housing growth. This follows the approach set out in the emerging South Downs Local Plan Policy SD25: Spatial Strategy, the adopted Chichester Local Plan 1999 Policy RE1: Development in the Rural Area Generally and the purposes and duty of a National Park.

Policy H1 is entitled 'Allocate land for approximately 150 new homes'. It therefore sets no absolute cap and the table 5.1 in the plan sets out how that can be achieved. In addition, the PNP sets out a sequential process that will be followed to ensure any additional housing growth allocated to Petworth, following the outcome of the South Downs National Park Local Plan process, is delivered.

Finally Policy H2 supports appropriate windfall development which will take place within the settlement boundary in addition to the allocations and specifically names five potential sites it considers suitable for development over the plan period, should such development proposals be forthcoming.

To not give an indication of the level and location of development would not provide any level of certainty for the community or developers. To allow for an unlimited amount of development within the Parish would be contrary to national policy.

2) The SA/SEA does not assess reasonable alternatives to the housing allocation strategy set out in the plan and fails to give reasons.

Section 5 of the Sustainability Appraisal (incorporating Strategic Environmental Assessment ("SEA")) clearly gives: (i) Outline reasons for the housing allocation options considered during the SEA process; and (ii) How the alternatives were identified and how the reasonable alternatives were taken forward and why the options not considered as reasonable alternatives were rejected.

The NDP group have published the Site Assessment paper as a background to the NDP. It clearly sets out the methodology that has been used and the reasoning behind the options they have considered. This methodology is also summarised within paragraphs 3.4 – 3.13 and Section 5 of the

SA/SEA. The Site Assessment is referred to on a number of occasions within the SA/SEA rather than repeat its contents in its entirety. This is not considered to be unlawful.

The assessment of alternative housing figures has been considered through the SA/SEA of the South Downs Local Plan and does not need to be undertaken again by the Neighbourhood Plan.

The following further detailed points are commented on:

Para 5) Part b. sets out the wrong sites and should read PW18, PW19, PW21 and PW26.

Para 7) The 'aspirational sites' considered by the Steering Group were previously developed land for which there was no certainty about their delivery. The discussion revolved around ensuring that if proposals came forward on some of these prominent sites in the town, a proactive approach could be taken to setting out what the key issues might be versus having a policy that identified sites that were not currently deliverable. The site south of Rothermead did not form part of these discussions.

Para 49) To clarify, there is no new roundabout being proposed.

<p>6. Does the Town Council or the SDNPA have a view on the points raised by Savills in their Regulation 16 submission as to the drawing of the settlement boundary in relation to the grain dryer?</p>

As illustrated within Figure 3 of the Savills representations, the Town Council accepts that there is a minor cartographical error associated with the settlement boundary. The Town Council agrees that the small area of land illustrated within Figure 3 should be included within the defined settlement boundary.

However, the Town Council does not accept the submission that the dwelling to the immediate south, Mile Cottage, should also be included within the defined settlement boundary (Figure 4). This dwelling has always been outside of the defined settlement boundary, like numerous other properties surrounding the defined urban area of Petworth. It also includes a moderate sized garden, the development of which could be harmful to the entrance of Petworth from the south.

The Town Council agrees with the Savills submission that the gap between the Policy E1 site and the Policy E2 site is a cartographical error. The boundary of the Policy E2 site should have been tightly drawn against the Policy E1 site. Indeed, Policy WS4 refers to access to the Policy E2 site being through the existing adjoining Hampers Common Industrial Estate area (the Policy E1 site).

However, the Town Council does not accept the submission that land between the Policy E2 site and Northend Close should be included within the defined settlement boundary. Throughout the preparation of the PNP this area of land has always been shown to be outside of the defined settlement boundary. Its inclusion has never been the subject of any public consultation and therefore would be wholly inappropriate for its inclusion now.

Should this area of land be required for future development then the appropriate time for its consideration and inclusion within the defined settlement boundary would be as part of any PNP review process.

<p>7. Does the Town Council and the SDNPA consider that there would be a value in considering these sites as a Reserve Site(s) if, for example, the preferred sites did not come forward or the housing numbers in the draft Local Plan were to be changed as it goes through its examination?</p>
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The SDNPA and PTC would be concerned about the introduction of reserve sites into any Development Plan within the National Park for the following reasons:

- The National Planning Policy Framework sets a strategy to significantly boost housing. For the most part, this is focused on meeting the objectively assessed housing needs for the area. However it also makes very clear that where specific policies in it indicate development should be restricted, then this requirement to meet the full need does not apply (footnote 9 to paragraph 14, specifies that national parks are one such area).
- Paragraph 78 of the Defra Circular and Vision for National Parks states that “*The Government recognises that the Parks are not suitable locations for unrestricted housing and does not therefore provide general housing targets for them. The expectation is that new housing will be focused on meeting affordable housing requirements, supporting local employment opportunities and key services.*”
- The purpose of reserve sites is to ensure that housing targets can be met, should issues be experienced with the delivery of those that are allocated. This is not in line with national guidance on planning for housing in National Parks.
- There is no need for reserve sites within a NDP to allow for the scenario whereby housing numbers for a community are increased through the examination of a Local Plan. As set out within paragraphs 5.9 and 5.10 of the PNP there is a clear sequential approach that would be applied by the Town Council should: (a) The housing number at Petworth ultimately be meaningfully increased through the South Downs National Park Local Plan process; or (b) one of the allocated sites does not come forward.

In relation to the Petworth NDP:

- Site PW18 (Grain Dryer) is within the settlement policy boundary and therefore there is no reason that it could not be delivered at any point. It does not need to be allocated to enable this to happen.
- The major landowner (Leconfield Estate) has indicated a willingness to develop the sites within the plan period and therefore there should be no significant delivery constraints to overcome.
- Site PW19 is a small site and would not contribute significantly towards delivering additional homes and therefore its role as a reserve site would be limited.

8. I would also invite the Qualifying Body to comment on the points made in Mr Colin Harris’s representations regarding possible confusion between sites PW18 and 19 in the final submission version and whether Site PW19 could be accessed from the Rothermead cul de sac.

Having reviewed Mr Colin Harris’s representations, the Town Council does not accept that there has been any confusion between site PW18 and PW19 within the Site Assessment process or the Sustainability Assessment process.

Mr Harris’s submission (Appendix 3 - handwritten title) highlights that prior to submission of the PNP the technical supporting evidence base was a ‘working draft’. Indeed the SA process is an iterative process that is updated and refined as plan-making progresses. For this reason, it is considered wholly reasonable and justified for the Site Assessment criteria outcomes to be updated in light of new information and evidence coming available etc.

In response to a number of site-specific points raised, the Town Council has the following observations to make:

- (i) In light of updated proximity analysis, it became evident that Site PW18 and Site PW19 are both just within 400 metres of the primary school. The RAG assessment outcomes for these sites were therefore accordingly updated;
- (ii) Rotherbridge Lane does form the southern boundary of Site PW18 (**Appendix 1**);

- (iii) It is evident from aerial photography (e.g. Google Maps) (**Appendix 2**) that Site PW19 cannot be accessed from the Rothermead cul de sac without the demolition of at least one existing residential property. Taking into account the requirements for affordable housing and landscaping, this starts to question the viability of any scheme and the contribution it might make to meeting the objectives of the PNP.

Overall Housing Numbers

9. I would like to understand from the SDNPA, the basis on which the figure for new housing proposed in Petworth, as set out in the emerging Local Plan, was arrived at – is the figure related to a housing need assessment for the town or the availability of sites?

The Petworth housing provision in the emerging South Downs Local Plan is 150 dwellings, to be delivered over the Local Plan period to 2033. There are two main drivers behind these figures:

- a) Petworth is amongst the largest of the settlements in the National Park, and has a number of facilities and services which make it one of the more sustainable locations for growth in the National Park. It ranked 8th in the Settlement Facilities Study. However it is also particularly sensitive to change in landscape terms, given long views afforded to parts of the settlement from the surrounding downland, the important contribution the town makes to the setting of Petworth House and Park, and the historic significance of much of the town.
- b) The SHLAA 2015 found there to be potential development sites to deliver approximately 154 dwellings. The assessment of all sites took into account potential impacts on the landscape. Whilst the review of the SHLAA published in 2016 found a reduced potential of 128 dwellings, it was nevertheless considered that the work of the Petworth Neighbourhood Plan Steering Group had demonstrated good potential for some 150 dwellings based on locally-specific evidence of site availability and capacity.

The Sustainability Appraisal indicated that a figure of 150 for Petworth fitted well with the spatial strategy of the South Downs Local Plan for a medium level of dispersed growth distributed across the towns and villages of the National Park.

In terms of housing need, the latest data held by the National Park Authority indicates there were 44 people on the housing register with a local connection to Petworth, as of March 2017.

Evidence on the approach taken to apportioning housing provision to settlements in the National Park is contained in the Supply of Homes background paper which has been published at https://www.southdowns.gov.uk/wp-content/uploads/2017/10/SS_Background-Paper-Supply-of-Homes.pdf.

Major Development

10. I would like to know the SDNPA's view as to how the allocation of 100 houses in the neighbourhood plan at Petworth South sits in relation to Paragraph 116 of the NPPF.

Please see supplementary note supplied previously

Rotherlea

11a. I am aware that there is a current planning application on the Rotherlea site. Can the SDNPA give me any indication when this planning application is likely to be considered?

This application is likely to be considered at the January Planning Committee.

I lb. I also note that the application is for more development than is proposed in the neighbourhood plan. I would ask the Town Council if planning permission were to be granted for a higher number, how that would affect the other two sites allocated and / or whether the wording of Policy H1 should be changed to refer to “at least 150 dwellings” to allow some flexibility.

The Town Council has submitted objections to the current Rotherlea planning application on the basis that the proposed development fundamentally conflicts with the policies set out within the PNP (**Appendix 3**).

Should, ultimately, planning permission be secured on the site for the current level of development proposed, then the Town Council considers that Policy H1, H6 and H7, as drafted, are clear over how decision-makers should appropriately determine planning applications, namely:

- The Square Field site (Policy H6) is allocated for approximately 30 dwellings; and
- The Petworth South site (Policy H7) is allocated for approximately 100 dwellings.

As set out within the PNP (paragraph 5.9), the use of the word ‘approximately’ ahead of all housing figures within the PNP is intended to provide the appropriate policy flexibility to accommodate changing circumstances. The 150 dwellings figure stated within Policy H1 should not be viewed as a ceiling.

To amend the policy to say ‘at least 150 dwellings’ only allows for the flexibility to increase the level of housing. It does not allow for a minor adjustment downwards if there is a need to mitigate any landscape harm, more than is currently anticipated. Therefore we do not support the suggested change to the title of the policy and consider that the term ‘approximately’ when used in the context of a National Park is sufficiently flexible.

Old Primary School Pond

12. On my site visit I was unable to access Old Primary School Pond. I note the ecological justification set out but I would welcome elaboration from the Town Council as to why this area is “demonstrably special to the local community and hold particular local significance”.

Appendix 3 of the Submission Draft Petworth Neighbourhood Plan outlines the important local historical significance of the Old Primary School Pond, being that it was a gift to the town’s children from Lord Egremont.

As set out within the PNP (paragraphs 5.25 to 5.27) the site within which the Old School Pond is located (the Rotherlea site [Policy H5]), has for some time been awaiting redevelopment. Due to safety issues associated with the site awaiting redevelopment, public access to the Old School Pond has had to be restricted.

It is of serious concern to the local community that the current planning application on the site proposes to develop over the Old School Pond (as illustrated on the revised masterplan for the Site submitted in early November 2017 - **Appendix 4**). However, as set out within Policy H5 and Policy ESD4, the local community wish to preserve and safeguard the Old School Pond. As referred above, the Town Council has submitted objections to the South Downs National Park, amongst other things, on this matter (Appendix 3).

The designation of the Old School Pond as a Local Green Space is therefore considered by the Town Council to be demonstrably in conformity with national policy (namely NPPF, paragraph 77) given that it is:

- (a) Within close proximity to the community it serves;
- (b) Is special to the local community due to its historical significance, recreational value, and richness of wildlife; and
- (c) It is not an extensive tract of land.

Appendix 1: Plan showing Rotherbridge Lane along southern boundary of Site PW18

Appendix 2: Plan showing Rothermead cul-de-sac and Site PW19

Appendix 3: Copy of the Town Council's objection letter to the Rotherlea Site planning application

Appendix 4: Copy of the latest masterplan for the Rotherlea Site showing proposed development over the Old School Pond.