

Petersfield Neighbourhood Plan Modification Statement

9 January 2018

Recommendation: To modify the Petersfield Neighbourhood Plan to rectify an error in the designation of Local Green Space G8: Land either side of Borough Hill

Background

The Petersfield Neighbourhood Plan (PNP) was prepared by Petersfield Town Council, with volunteer support from members of the Petersfield Community.

The PNP was 'Made' by the South Downs National Park Authority (SDNPA) at a Planning Committee on 21 January 2016, and became a formal part of the Development Plan.

On the 8th October 2017 a resident of Petersfield became aware that a Local Green Space designation made in the Petersfield Neighbourhood Plan included a large proportion of their private garden. The resident became aware of the situation when the SDNP Pre Submission Local Plan was published for Regulation 19 (Pre Submission) consultation and the allocations and designations in the Petersfield Neighbourhood Plan were included on the policies map.

The resident's agent contacted the SDNPA to seek a modification to remove their private property from the Local Green Space G8 as set out in the PNP.

To make a modification to a Neighbourhood Plan the SDNPA are required to contact the Qualifying Body who were responsible for preparing the Neighbourhood Plan, in this instance this was Petersfield Town Council (PTC).

Modifying the PNP

The mechanism for correcting errors in a Neighbourhood Development Plan (NDP) is as set out in S.61M TCPA 1990 (inserted by Schedule 9, Part 1 (2) of Localism Act 2011). For information, while S.61M TCPA 1990 is drafted by reference to Neighbourhood Development Orders, S.38C Planning and Compulsory Purchase Act 2004 provides that S.61M TCPA 1990 applies in relation to NDPs, as if the words "by order" wherever they occur, were omitted (S.38C (3) PCPA 2004).

S.61M (4) TCPA 1990 is the relevant part which allows modification of an error in an NDP. This provides that "a local planning authority may at any time by order modify a NDP that they have made for the purpose of correcting errors"

The SDNPA asked PTC to confirm whether the inclusion of a private garden within the designation of Local Green Space G8 was error.

Petersfield Town Council confirmed in a letter of 8 November 2017 (**Appendix 1**) that the boundary of the Local green Space was drawn in error. The intention was to include land at High Meadow on the Eastern side of Borough Hill, but not land in private ownership on the western side of the road. The PTC confirmed that this had been a simple mapping oversight that had been missed when checking the final proofs of the PNP prior to publication.

Appendix 2 shows the original G8 designation at part A, and the modified designation at part B

To modify the PNP, the SDNPA must contact all those who had requested updates on the PNP at Pre Submission and Submission consultations of the PNP. The SDNPA wrote to all consultees on 29 November 2017, including the statutory bodies who were consulted at the formal consultations of the PNP (**Appendix 3**). The SDNPA asked all consultees to confirm that they had no objection to the modification of the PNP as set out above and shown in Appendix 2. There was a 28 day period for responses to be made. There were 3 responses to the consultation, none of these representations objected to the modification proposed. The responses to the consultation are available on request from the SDNPA.

Decision

The SDNPA Planning Committee Terms of Reference stipulate that the Planning Committee is required to decide planning policy matters of local, or non-strategic, significance, including neighbourhood plans and development orders. Certain matters can be dealt with by way of delegated authority by the Director of Planning (i.e. all decisions and all actions necessary in the discharge of functions falling within the remit of the Planning Committee, except where the particular matter falls within various descriptions).

The SDNPA legal advice has confirmed that the modification to the PNP can be made under delegated authority providing there have been no objections to the modification identified in the consultation period. Therefore this paper sets out the proposed modification and the decision is taken under delegated authority by the Director of Planning.

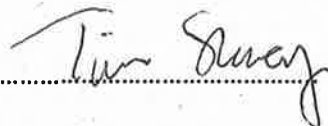
Once approval has been given, the Neighbourhood Planning (General) Regulations 2012 (as amended) provide at Part 8 (Reg 30) that as soon as possible after modifying a NDP, under S.61M TCPA 1990 (S.38C PCPA 2004) the LPA must –

- (a) Publish on their website and in such other manner as they consider is likely to bring the order to the attention of people who live, work or carry on business in the neighbourhood area –
 - (i) A document setting out details of the modification (“the modification document”) and
 - (ii) Details of where and when the modification document may be inspected; and

- (b) Give notice of the modification to the following –
 - (i) The qualifying body or community organisation as the case may be; and
 - (ii) Any person the authority previously notified of the making of the plan

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Signed by Director of Planning



Date: 09/01/18

Chris Paterson

From: Neil Hitch <clerk@petersfield-tc.gov.uk>
Sent: 08 November 2017 13:12
To: Chris Paterson
Cc: John Palmer
Subject: FW: Message from "RNP002673633E06"
Attachments: 201710301744.pdf

Hi Chris

Following our various discussions over the attached allocation of local green space in the Neighbourhood Plan, indicated as space G8, I can confirm the following.

It would seem that the boundary of this local green space was drawn in error for which I apologise. The intention was to include the land at High Meadow on the eastern side of Borough Hill but not the land in private ownership on the western side of the road. This appears to have been a simple mapping oversight that was missed when checking the final proofs of the Plan prior to its publication.

I trust that this message is sufficient to enable you to proceed with the modification of the Plan.

Kind regards

Neil R Hitch
Town Clerk
Petersfield Town Council
The Town Hall, Heath Road, Petersfield, GU31 4EA
Tel: 01730 264182 Fax: 01730 231164

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-----Original Message-----

From: scanner@petersfield-tc.gov.uk [mailto:scanner@petersfield-tc.gov.uk]
Sent: 30 October 2017 16:45
To: Neil
Subject: Message from "RNP002673633E06"

This E-mail was sent from "RNP002673633E06" (Aficio MP C5502).

Scan Date: 30.10.2017 17:44:43 (+0100)
Queries to: scanner@petersfield-tc.gov.uk

Appendix 2. Petersfield Neighbourhood Plan Modification Statement – Map showing modified Local Green Space

Part A – original extent of G8 Local Green Space designation




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Scale at A4 1:1,750

-  Local Green Space Designation
-  Incorrect Local Green Space Designation

Part B – amended G8 Local Green Space



 Local Green Space Designation

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Scale at A4 1:1,750

Chris Paterson

From: Chris Paterson
Sent: 29 November 2017 17:04
Subject: Amendment to Petersfield Neighbourhood Plan
Attachments: 201710301744.pdf; PTC Confirmation_G8.pdf

Dear all,

I am writing to you as you requested updates relating to the Petersfield Neighbourhood Plan (PNP).

The PNP was 'made' by the SDNPA on 21 January 2016. Following a successful referendum in November 2015.

The SDNPA have been notified of an error in one of the Local Green Space designations in the Neighbourhood Plan.

The error is in relation to Local Green Space G8 'Land either side of Borough Hill' The map attached shows the Local Green Space as designated in the Neighbourhood Plan. All of the land shown West of Borough Hill has been incorrectly designated as Local Green Space. The SDNPA has written to Petersfield Town Council, the Qualifying Body for confirmation that the designation was made in error, the Town Council have confirmed this designation was made in error in the attached email.

The Local Green Space can be seen on the policies maps which supports the Neighbourhood Plan, you can find those maps [here](#). Map E1, overall site allocations shows the Local Green Space at G8.

To correct this error, the SDNPA must first receive confirmation from the Qualifying Body (Petersfield Town Council) that this was indeed an error, we have this confirmation. Following this the SDNPA are required to contact all those who requested updates on the PNP, to inform them of the SDNPA intention to modify the plan for the purposes of correcting an error. If you have any comment to make in relation to this matter please email me at this email address. You must submit your comment within 28 days (27 December 2017).

If you have any questions in relation to this matter please do not hesitate to contact me.

Kind Regards
Chris Paterson
Communities Lead
South Downs National Park Authority

Tel: 01730 819286 | Mobile: 07872 410447
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