

John Slater Planning Ltd

Petworth Neighbourhood Development Plan

Submission Version

A Report to the South Downs National Park Authority and Chichester District Council on the Examination of the Petworth Neighbourhood Development Plan

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Introduction

Neighbourhood planning is a process, introduced by the Localism Act 2011, which allows local communities to create the policies which will shape the places where they live and work. The Neighbourhood Plan provides the community with the opportunity to allocate land for particular purposes and to prepare the policies which will be used in the determination of planning applications in their area. Once a neighbourhood plan is made, it will form part of the statutory development plan alongside the Chichester Local Plan which was adopted in 1999. In due course the latter Plan will be replaced by the South Downs Local Plan, when it is adopted. The area outside the National Park, is already covered by the adopted Chichester Local Plan Key Policies 2014-2029. Decision makers are required to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.

The neighbourhood plan making process has been led by Petworth Town Council. A Neighbourhood Plan Steering Group was appointed to undertake the plan preparation made up of Town Councillors and residents and was assisted by 5 Working Groups. Petworth Town Council is the “qualifying body” under the Neighbourhood Planning legislation.

This report is the outcome of my examination of the Submission Version of the Petworth Neighbourhood Development Plan. My report will make recommendations based on my findings on whether the Plan should go forward to a referendum. If the plan then receives the support of over 50% of those voting at the referendum, the Plan will be “made” by the South Downs National Park Authority and Chichester District Council, which are the Local Planning Authorities for the neighbourhood plan area. A small area at the north-east corner of the Plan area does not lie within the National Park. The South Downs National Park Authority has been identified as the “lead authority” in terms of the liaison between the Town Council and the local planning authorities, in accordance with Government advice set out in the Planning Practice Guidance.

The Examiner’s Role

I was formally appointed by the South Downs National Park Authority in September 2017, with the agreement of Petworth Town Council, to conduct this examination. My role is known as an Independent Examiner.

In order for me to be appointed to this role, I am required to be appropriately experienced and qualified. I have over 39 years’ experience as a planning

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practitioner, primarily working in local government, which included 8 years as a Head of Planning at a large unitary authority on the south coast, but latterly as an independent planning consultant. I am a Chartered Town Planner and a member of the Royal Town Planning Institute. I am independent of both South Downs National Park Authority, and Petworth Town Council and I can confirm that I have no interest in any land that is affected by the Neighbourhood Plan.

Under the terms of the neighbourhood planning legislation I am required to make one of three possible recommendations:

- That the plan should proceed to referendum on the basis that it meets all the legal requirements.
- That the plan should proceed to referendum, if modified.
- That the plan should not proceed to referendum on the basis that it does not meet all the legal requirements.

Furthermore, if I conclude that the Plan should proceed to referendum, I need to consider whether the area covered by the referendum should extend beyond the boundaries of area covered by the Petworth Neighbourhood Plan.

In examining the Plan, the Independent Examiner is expected to address the following questions:

- a. Do the policies relate to the development and use of land for a Designated Neighbourhood Plan area in accordance with Section 38A of the Planning and Compulsory Purchase Act 2004?
- b. Does the Neighbourhood Plan meet the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004, namely that it specifies the period to which it is to have effect? It must not relate to matters which are referred to as “excluded development” and also that it must not cover more than one Neighbourhood Plan area.
- c. Has the Neighbourhood Plan been prepared for an area designated under Section 61G of the Localism Act and has been developed and submitted by a qualifying body?

I am able to confirm that the Plan, if amended in line with my recommendations, does relate to the development and use of land. It covers the area designated by the South Downs National Park Authority on 16th January 2014 and by Chichester District Council on 23rd September 2013 The plan area coincides with the Town Council’s boundary.

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The plan did not initially indicate a period to which it covered. I therefore raised the issue with the Town Council. They confirmed to me that the period over which the plan should have effect is between 2015 and 2033. The front cover of the Plan needs to be amended accordingly.

I can confirm that the plan does not cover any “excluded development”.

There are currently no other neighbourhood plans covering the area subject to the Plan designation.

Recommendation

That the period 2015-2033 should be inserted onto the cover page after Petworth Neighbourhood Plan.

The Examination Process

The presumption is that the neighbourhood plan will proceed by way of an examination of written evidence only. However, the Examiner can ask for a public hearing in order to hear oral evidence on matters which he or she wishes to explore further or if a person has a fair chance to put a case.

I am required to give reasons for each of my recommendations and also provide a summary of my main conclusions.

I am satisfied that I am in a position to properly examine the plan without the need for a hearing. No parties have requested a hearing.

I carried out an unaccompanied visit to the town and the Plan area on 13th November 2017 to familiarise myself with the area and I visited all the sites referred to in the Plan. I also drove around the surrounding countryside including appreciating the landscape setting of the town in the wider South Downs context, from the Duncton Hill viewpoint.

I did have a number of matters that I wished to raise with the Town Council and the SDNPA. These were set out in a note dated 17th November and I received a joint response dated 6th December 2017. These are available on the respective websites.

After I had finished drafting my report, and whilst awaiting responses to a fact check version of my report, I was sent an email from one of the Regulation 16 objectors commenting on the Town Council responses to questions I had raised. This contribution had not been requested by me, however I have read it but I can confirm that its contents have not persuaded me to change any of the recommendations which I have made in this report.

The Consultation Process

The Neighbourhood Plan Steering Group was set up in 2012 comprising residents and town councilors, assisted by 5 working groups.

The first public event was an Issues Development consultation which took place between 24th April and 29th May 2015. This involved questionnaires, distributed to every household, online questionnaires, 3 drop-in sessions plus two consultation sessions with young people. These events were attended by around 150 residents and overall the exercise generated 195 responses. The summary of these responses is set out fully in the Consultation Statement. They were used to inform the preparation of an overall plan's vision and core objectives.

The next stage of plan preparation was an Options Development Consultation, which covered the plan's overall vision, key principles, objectives and potential housing sites. This took place between 17th June and 8th July 2016. Information was collated via a questionnaire plus a drop-in session held at the Leconfield Hall, attended by over 400 residents and produced 276 responses.

All this preparatory work culminated in the publication of a Regulation 14 Pre-Submission Consultation document, consultation upon which ran from 3rd April and 15th May 2017. Over 450 people attended the drop-in session held on 31st March 2017 and 144 responses were received. All this engagement has been fully set out in the Consultation Statement and Appendices. I am satisfied that all parties have been able to contribute to the development of the neighbourhood plan.

Regulation 16 Consultation

Once the Neighbourhood Plan was formally submitted under Regulation 15, the National Park Authority carried out the formal Regulation 16 Consultation. This ran from 4th September 2017 until 16th October 2017. In total, 12 representations were received from South Downs National Park Authority, West Sussex County Council, Chichester District Council, Historic England, Southern Water, the Environment Agency, National Grid, Natural England, two local residents plus Savills on behalf of the Leconfield Estate and Vail Williams on behalf of the Jupp Family.

I have had regard, in carrying out this examination, to all the comments made in these responses.

The Basic Conditions Test

The Neighbourhood Planning Examination process is different to a Local Plan Examination, in that the test is not one of “soundness”. The Neighbourhood Plan is tested against what is known as the Basic Conditions which are set down in legislation. It will be against these criteria that my examination must focus.

The six questions which constitute the basic conditions test, seek to establish that the making of the Neighbourhood Plan: -

- Has had regard to the national policies and advice contained in the guidance issued by the Secretary of State and it is appropriate to make the Plan?
- Will contribute to the achievement of sustainable development?
- Be in general conformity with the strategic policies set out in the Development Plan for the area?
- Does not breach or is otherwise incompatible with EU obligations or human rights legislation?
- Whether prescribed conditions are met and prescribed matters have been complied with?
- Will have a significant effect upon a European site or a European offshore marine site, either alone or in combination with other plans and projects?

Compliance with the Development Plan

To meet the basic conditions test, the Neighbourhood Plan is required to be in general conformity with the strategic policies of the Development Plan, which in the case of the majority of the plan area, within the National Park are the saved policies contained in the Chichester Local Plan adopted in 1999. Work is still currently being progressed on the emerging South Downs Local Plan which is at its Pre-Submission stage. That version of the Plan allocates a housing figure of approximately 150 dwellings to Petworth. This is an emerging policy which has not been tested at Public Examination. When it is finally adopted, then this Plan will replace the 1999 adopted Chichester Local Plan. However, in terms of the Basic Conditions Test, I am required to assess the neighbourhood plan against the test of general conformity with the strategic policies in the adopted development plan. For the plan area, outside of the National Park the development plan is the Chichester Local Plan – Key Policies 2014-2029. That part of the plan area is designated countryside.

Compliance with European and Human Rights Legislation

The Steering Group, at an early stage, decided to subject the emerging plan to a Sustainability Appraisal, as a means to refine and make decisions on options. The published report included a Strategic Environmental Assessment. The scope of that assessment was the subject of a formal Scoping Report, which was consulted upon. The Scoping Report incorporated the comments made by South Downs planners and responses to representations made.

I have considered carefully the representations set out in the Vail Williams Regulation 16 letter with its accompanying legal opinion from barrister, Andrew Parkinson, dated 4th May 2017, which was made on behalf of the Jupp Family, in particular that the Plan has failed to consider and explain how all reasonable options for the housing distribution had been considered. I have also had regard to the changes that were subsequently incorporated in the submission version of the Sustainability Appraisal dated July 2017. I have also had regard to the Town Council's comments, in response to my invitation to respond to the Vail Williams's criticisms.

My conclusions on this matter are, however, heavily influenced by my recommendations which I will be outlining in the relevant sections of this report and the reasons that lead to them which I set out in depth in the Plan Overview section of this report. This is in terms of the overall quantum of housing which the town should be planning for and also the acceptability of Site PW19 as an allocation site, with the consequent adjustment to the settlement boundary.

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.

In terms of the Habitat Regulations, I have now been provided with a Screening Report dated January 2017, issued by the South Downs National Park Authority confirming that a Habitat Regulation Assessment was not required. The level of housing and employment land allocation for the town had already been tested by the Habitat Regulation Assessment for the emerging Local Plan.

I have seen no representations that anyone's human rights have been affected by the Plan's policies or proposals.

The Neighbourhood Plan: An Overview

Whilst this neighbourhood plan proposes policies covering a wide range of issues, at the heart of the plan is the establishment of a level of new residential development and the allocation of housing land. This goes to the crux of whether the plan will deliver sustainable development and has regard to the Secretary of State advice. The basic condition test in respect of the plan being in general conformity with the strategic policies of the development plan are less relevant to my examination.

Level of Housing Development

At the present time, there is no up-to-date, adopted local plan which establishes a housing requirement for the neighbourhood plan to comply with. The South Downs National Park is preparing a new local plan and this has reached its Pre-Submission stage. That has recently been out to public consultation, which ended on 21st November 2017. The intention is that the Plan will be submitted in the spring and it is likely that the examination will be held later in 2018. It is inevitable that the housing policies will be closely scrutinised and it is possible that the housing numbers or their distribution could change.

The absence of a recently adopted local plan is not a reason to prevent the preparation of a neighbourhood plan. There is specific advice set out in the Neighbourhood Planning section of the Planning Practice Guidance. This states that "the reasoning and evidence informing the Local Planning process is likely to be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested". It gives the example of the collection of up-to-date housing need

evidence, being relevant to the housing supply policy. I am very conscious, that the Town Council has been working to the housing numbers set out in the emerging National Park Local Plan and equally the work carried out in relation to the neighbourhood plan, has influenced the housing figures for Petworth within the emerging local plan.

I note that the overall level of housing being proposed for the National Park, in its Local Plan, is less than the objectively assessed housing need (OAN). That is a tenable position to be taking, as recognised in paragraph 29 of the Housing and Economic Land Availability Assessment section of the PPG, which states that local plans should be meeting OAN unless “any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.” It gives the specific example of policies and sites within the National Park.

I consider it highly likely that the extent to which the National Park’s Local Plan’s housing policies contribute to meeting OAN, will be at a topic for consideration at the local planning inquiry. However, my judgement is that, to be delivering sustainable development, it should be incumbent on communities to be seeking to achieve as close to their area’s housing need, as it is capable of meeting, so long as that is consistent with the overarching duties and responsibilities of National Park designation, in particular the protection of the landscape.

I am also conscious that Petworth is one of the largest settlements within the South Downs National Park alongside Petersfield, Liss, Midhurst and Lewes. It ranked 8th in the Settlement Facilities Study carried out by the SDNPA. As such it will be one of the more sustainable locations for new homes, with its range of existing social infrastructure such as schools etc. This consideration must be tempered with protecting the town’s wider landscape setting, which is sensitive.

I have sought clarification from the SDNPA as to how the housing figure of approximately 150 for Petworth, had been arrived at. It appears that the figure had been in response to the sustainability of the town as a sustainable location for growth and also by site availability. When the National Park Authority carried out a review of its assessment of suitable land for development, it arrived at a figure of 128 dwellings in the 2016 SHLAA. That assessment included some sites which the neighbourhood plan is now allocating for development, it identified as acceptable some sites which the neighbourhood plan has rejected for development, and it excluded some sites that the neighbourhood plan has now identified for development. The most obvious example is the largest allocation site, Petworth South which was rejected by the SHLAA 2016 on landscape impact grounds but which the neighbourhood plan is now promoting. This choice has been driven by the

community's desire to achieve broader benefits, in particular the new access to the primary school. On my site visit, I did get an appreciation of the impact that the southern expansion of the town, will have on the wider landscape, especially when viewed from higher ground to the south. However, that is a legitimate choice that the community has articulated and which clearly the National Park Authority is prepared to go along with. Some of this impact can be mitigated, to some extent, by careful landscape design.

This creates a situation where a site, PW19 which the SDNPA has judged as being suitable for development in its SHLAA, but which the neighbourhood plan, despite considering it suitable for residential development in its Land Availability Assessment, has chosen not to allocate, partly on the basis that the plan is now able to meet the housing figure for Petworth which the draft local plan is promoting and accordingly feels that it does not need to consider further.

Therefore, the Petworth allocation in the draft Local Plan, of approximately 150 new homes, appears to be driven in part by an analysis of the availability of a number of potential housing sites, which the neighbourhood plan is choosing not to allocate but which the Town Council acknowledges, as well as the SHLAA, could be acceptable for development. This then leads to the question of whether the figure of 150 should be expressed as a *minimum* figure or an *approximate* figure, when there is an additional developable land available, which in turn, could allow the plan to make a greater contribution to achieving its OAN - one of the indicators of the basic condition test of whether the plan is delivering sustainable development.

I have seen no specific evidence submitted which assesses the actual level of housing need for the town. Other neighbourhood plans have commissioned their own specialist Housing Need Assessments, particularly where there is not an up-to-date, adopted local plan. The only specific evidence relating to quantifying housing need is contained in the National Park Authority's latest response to my questions, which indicated a figure of 44 people who are on the housing register with local connections to the town. It seems that the figure adopted in the neighbourhood plan for new residential development in Policy H1, is solely based around the approximate figure contained in the emerging local plan, in draft Policy SP 26.

I have received representations at Regulation 16, on behalf of the Jupp family, which is accompanied by a counsel's opinion, concluding that the plan does not meet Basic Conditions on the basis that it sets a target figure which can appear as a ceiling and therefore the policy is not consistent with Secretary of State policy and advice. I do not consider that the situation is quite as "black-and-white" as suggested. Whilst on the one hand the Government is seeking a significant increase in housebuilding and that plans should be aiming to meet OAN, that has to be set against other policies in the NPPF which states that great weight is attached concerning landscape and

scenic beauty in national parks and I note, paragraph 14 of the Framework refers specifically to areas where development should be restricted— see footnote 9. Furthermore, the Government’s document “English National Parks and the Broads: UK Government Vision and Circular 2010” states that “major development should not take place in the park, except in exceptional circumstances”. It goes further in paragraph 78 - “the Government recognises that the Parks are not sustainable 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 policy refers to an “approximate” housing number. The objection is seeking a wording that refers to *at least* 150 units. The QB has responded by saying they would be concerned that this would not provide for an upper limit on housing numbers to be built in the town. My conclusion is that that fear is overstated, as the potential for housebuilding is effectively limited to the capacity of the allocation sites within the neighbourhood plan. Overall housing supply will again be supplemented by the capacity of the windfall sites that come forward under either scenario. The Town Council recognise that there needs to be some flexibility in their response to my question about the impact of higher numbers being promoted by the planning application on the Rotherlea planning application.

I am conscious that the Examiner when considering the Petersfield Neighbourhood Plan examination, which is a town that plays a similar role in the settlement hierarchy as a larger settlement within the South Downs National Park, proposed a wording that refer to a figure of *at least* 700 units. He then went on to allocate sites with a total capacity that would exceed that figure. I believe that such an approach is justified at Petworth as it recognises that housing in larger settlements can be more sustainable locations for residents to access services.

The allocation of Site PW19

The objection from Vail Williams relate to the decision of Petworth Plan not to allocate their client’s site which is referred to as Site PW 19 for housing. The site is adjacent to former grain dryer, which is within the proposed settlement boundary, whilst their site which is adjacent to it and covers approximately 0.5 ha, lies outside the proposed boundary. The South Downs SHLAA had previously identified that site as having a capacity of 11 units (a net gain of 10). If this site was to be allocated, it could assist the town in being able to achieve a modest additional contribution to meeting its overall OAN.

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.

The site has been discounted from the public's expressed preference, as it was included in Option Two, which included the development of land to the west, which had included some patently unacceptable sites, which would not have led residents to vote for that option. The issue raised by the objectors, is that the site was not rejected on the grounds of its own suitability, but because of its collective inclusion with other unacceptable sites. Their legal opinion states that the plan fails to comply with the requirements set out in the SEA Directive as it did not properly look at "reasonable alternatives".

My conclusions regarding the achievement of a level of housing is 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. I will be recommending that Site PW 19 should be allocated for a relatively small number of additional housing units. It will be a matter for the LPA to conclude whether a revised SEA is required, based on the addition of that site before the plan can be "made".

The plan is proposing a major development of approximately 100 units on the basis of achieving a new school access. On my site visit I saw for myself, conditions associated with the current access, at the start of the school day. I believe that it is a commendable aspiration and a method of achieving a number of complementary objectives. There is a general presumption against major development in National Parks and I note that the SDNPA consider that this would be a major development. I concur with their conclusion, but I also support their analysis relating to the community choosing to weigh the benefits, against any landscape harm associated with this scale of a single housing development, which will shift the built-up boundary of the town south into the surrounding countryside.

Summary

My central conclusion is that the housing policy should refer to *at least* 150 units and that Site PW19 should be allocated and that the settlement boundary should be adjusted accordingly.

Other Matters

My examination and its recommendation is concentrating on the wording of the actual development plan policies, as these are what is to be used for the determination of planning applications. However, my recommendations will lead to the need for changes to be made to the supporting text and justifications, in order

that the Plan reads as a cogent development plan document. I will leave these changes to be agreed between the SDNPA and the Town Council.

The Neighbourhood Development Policy

Policy PP1–Settlement Boundary

The new plan has reviewed the settlement boundary which was set out in the 1999 Chichester Local Plan. The review has been carried out using the standard South Downs National Park methodology.

I have received representations from Savills in relation to the site to the south of the employment allocation at Hampers Green. Whilst the Plan includes a new employment allocation, which is to be contained in the settlement boundary, I do not consider there to be justification for including the field to the south, as proposed by their representations, even though it was included within the 1999 Local Plan settlement boundary.

Savills have also suggested that a minor realignment to the settlement line where the grain dryer is currently situated. I agree that it would be logical to extend the boundary so that it follows the south alignment of the access road. This could then line through to the southern boundary of the Site PW19 which should also be included within the settlement boundary, in view of my previous conclusions.

Recommendations

Extend the settlement boundary on Figure 3 to include the site shown as PW19 and extend the boundary to the east to include the access drive to the south of the grain dryer building.

Policy PP2 Core Planning Principles

A neighbourhood plan should be capable of being used with confidence by decision-makers. Policies are required to be clear and concise, as set out in the Planning Practice Guidance. In this respect, I considered it is impractical to require applicants, when preparing their proposals, “to take account of any cumulative impacts taking with other known commitments within the plan area”. This would apply to all development proposed within Petworth and I consider it to be unreasonable as well as unrealistic to require an applicant to consider all similar but unimplemented proposals in the whole town, when submitting their planning application. This element of policy does not meet basic conditions, as it is not a reasonable requirement to be imposed on all applicants.

I have no comments to make of criteria (i) and (ii). I do not consider that an applicant would need, in every case, to demonstrate that they will not be affecting the town centre and its historic core. Such a policy is only relevant for proposals that fall within the town centre or which affect its setting.

Similarly, there will be some development within the plan area, particularly in the surrounding countryside, where it is totally impractical for the development to be within an acceptable walking distance of the town centre.

Recommendations

Delete the first sentence of the policy.

Delete criteria (iii) and (iv).

Policy H1: Allocate land for approximately 150 new homes

In view of my conclusions set out in the earlier section, I propose to refer a housing requirement of *at least* 150 dwellings. I will also include a revised table that includes the site of PW19 which will be subject to a separate policy.

Recommendations

In title replace “approximately” with “at least”.

In Table 5.1 add a further row “H8 - Land south of Rothermead- 10 dwellings” and change the total at the bottom of the table to “163 dwellings”.

Policy H2: Integrate Windfall Sites

My only issue is that the policy refers to *small* residential development windfall sites, however the plan does not identify what it considers to be *small*. The scale of development will be dependent upon the size of the site that becomes available within the settlement boundary, especially in terms of redevelopment schemes. I propose to delete *small*. It is not necessary to differentiate policies in the plan, from those in the “development plan” as the neighbourhood plan, once made, will form part of the development plan.

Recommendations

Delete “small”.

Delete “this Plan and “.

Policy H3: Housing Type and Mix

I believe it is appropriate for the plan to set out expectations in terms of house types and mixes. SDNPA claim that this matter is already covered by Policy SD 27 of the Local Plan. However, that is only an emerging draft policy so I disagree with their comment. Nevertheless, I do not consider that the test should be to satisfy the Town Council, which would only be a consultee on any planning application. The key test would be for any application and its supporting evidence, to be satisfying the Local Planning Authority and that is already enshrined within planning legislation.

Recommendations

Delete “to the satisfaction of Petworth Town Council”.

Policy H4: Affordable Housing Provision

I note that the emerging South Downs Local Plan is proposing a 50% threshold. However, this is not yet adopted planning policy and I consider that the 40% percentage would be an appropriate level until such time as the local plan is adopted, I consider that the levels of affordable housing thresholds are generally a strategic matter unless there is a specific housing requirement within a town. I would therefore propose a form of words that will provide for that eventuality.

Recommendations

At end of the policy insert “unless the affordable housing requirement threshold is changed as a result of the future adoption of the South Downs Local Plan”.

Policy H5: Rotherlea

I do not consider that it is appropriate for the plan to be restricting the number of units as a matter of policy, as much will depend upon the nature of the development proposed. For example, a development of 23-five bedroom houses would have the same number of units as a mix of 2, 3 and 4 bed units, but would have very different features, in terms of footprint, parking, amenity space etc. I am satisfied that the site can accommodate at least 23 dwellings but that the actual number will depend on housing mix and the layout.

Equally, I am not convinced that a requirement to follow the masterplan set out in Appendix 2, is necessary or indeed desirable. I do not consider that it reflects the site characteristics or the character of the surrounding area. For example, the layout would require the removal of the strong hedgerow between the site and Square Fields. Similarly, I have no information as to whether the land is in the same ownership and is capable of being developed as a single development opportunity,

nor am I persuaded that the two sites could not be properly developed independently. Having said that, I do concur that the optimum access point to the Square Field site would be from the turning head at the end of Dawtrey Road. In terms of townscape, the site lends itself to a form of frontage development, which is the predominant characteristic of this part of the town. I certainly do not think that the policy should be requiring compliance with a Masterplan, that is in any event, described as illustrative and I note that the SDNPA also have doubts about the appropriateness of the masterplan. Similarly, I think that it is important that the development responds to the immediate setting, rather than to what criterion (viii) refers to as the “traditional character of Petworth”.

The allocation includes land that the Plan is also allocating as Local Green Space, where there should be a presumption against any development I consider that it would be appropriate to reduce the extent of the designation to exclude the land allocated as LGS at Old Primary School Pond from the residential allocation.

Whilst not in the actual policy I see that the supporting text that the Plan is proposing to restrict first occupation of the development until the new school road has been delivered and is operational. According to the LPA, the Highway Authority has indicated that they are content with the access arrangements, in respect of the current planning application and that requirement to require the new road to be built first is not justified on highway grounds.

Recommendations

Replace “approximately” with “at least”.

Reduce the extent of the allocation H5 on the Housing Site Allocation to omit that part of the site proposed to be allocated as Local Green Space, under Policy ESD4.

Delete criteria (i), (ii), and (viii)

In para 5.28 remove reference to phasing restricting occupation until after the new school access is provided.

Policy H6: Square Field

The comments made in respect of Policy H5 apply equally to this site. I believe that the site of this size can accommodate at least 30 dwellings.

Recommendations

Replace “approximately” with “at least”.

Delete criteria (i), (ii), and (vii) and (x).

Policy H7: Petworth South

The challenges facing this site are different to the previous two allocations in that it is not integrating housing into an established residential area and it has the chance to create its own vernacular. I have no amendments to recommend in respect of the criteria proposed for this allocation to secure compliance with the basic conditions. I have had regard to the SDNPA's comments about moving the access to the north but I do not believe a change is justified having regard to the basic conditions.

Proposed new Policy H8: Land South of Rothermead

In view of my conclusion that this site should be allocated for residential development, then it is necessary for a new policy to be inserted. This will require an amendment to the Housing Site Allocation Plan. The development of this land could take place independently, or in conjunction with the redevelopment of the grain dryer site (Site PW18).

Recommendation

Insert the following policy after appropriate supporting text:

"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."

Policy ESD1: Character and Design.

In order to provide clarity as to what an applicant is expected to aspire to, I consider that what constitutes "the most successful parts of the town" will depend on people's personal viewpoint. That phrase is open to speculation as to what any party would judge to be successful or unsuccessful. I propose to refer in the policy to the "vernacular architecture of Petworth".

Equally, I considered that requiring external boundary treatments to be *organic* in form could be source of considerable confusion, when it comes to decision-making—would the definition of “organic” include a 2m wooden fence panel? I do not consider that the final sentence actually adds anything to policy and I will be recommending its deletion.

I have reviewed the contents of the Petworth Conservation Area Character Appraisal and Management Plan and I note that it was approved over 17 years ago. It continues to provide advice specifically in respect of the conservation area but I do not necessarily consider that the design guidance is appropriate for the new housing allocations sites. In terms of the choice of materials, I consider that it is acceptable to refer to development complimenting the variety of local materials “*found in the locality*”.

Recommendations

In the second sentence replace “most successful parts of the town” with “vernacular architecture of Petworth”.

Delete the second sentence in the second paragraph.

In the final paragraph replace everything after: “local materials” and insert “found in the locality”.

Policy ESD2: Housing Density

I consider it appropriate for the neighbourhood plan to incorporate a density policy and I have no comments to make.

Policy ESD3: Requirements for a Design and Access Statement

This policy seeks to influence the content of Design and Access Statements. However, the requirements for what constitutes a Design and Access Statement, are set out in legislation, namely at Paragraph 9 of the Town and Country Planning (Development Management Procedures) (England) Order 2015. The content of a planning application is not normally a matter for planning policy, but it is a matter that is established by the planning authority in its Local Validation Checklist.

Nevertheless, I do consider that the policy can be amended so as to require applicants, where it is appropriate to both the specific location and the development proposed, to have to demonstrate in their Design and Access Statement how they have considered the scheme against its context. However, energy efficiency is not a matter that can be covered by neighbourhood plan policy for residential schemes,

following the Written Statement of the Secretary of State to the House of Commons dated 25th March 2015. Similarly, a requirement to comply with minimum room sizes can only be introduced by an adopted Local Plan policy, not by a neighbourhood plan. Landscaping is a standard planning application requirement.

Recommendations

Replace “the following topics should be covered “and replace with “a proposal should demonstrate how its design and layout has had regard to the following:”

Omit – “Dwelling area and room sizes to comply with Government standards”.

Add after “Energy efficiency” the following text “in respect of non-residential development”.

Policy ESD4: Preserving Local Green Space

I consider that all the six green spaces meet the criteria set out in paragraph 77 of the NPPF. In order to provide clarity as to what policy requires, rather than refer to “national policy”, the wording could be explicit. It should state that the site will only be built on “in exceptional circumstances”.

Recommendations

Replace “will be protected in accordance with national planning policy” with “new development will not be allowed except in very special circumstances.”

Policy ESD5: Public Open Spaces

I consider that it is appropriate to require the provision of open space on the allocated sites (except the site of PW19 which is too small). I am not convinced that windfall sites should be expected to provide onsite open-space and certainly not make financial contribution. The provision of offsite open space and play areas is covered by the Community Infrastructure Levy being included in the South Down National Park’s Regulation 123 list.

Recommendations

Delete the second paragraph.

Policy ESD6: Landscape and Visual Impact

The town’s position within the South Downs National Park does fully justify the need for the careful integration of new development into its landscape setting. I do consider, however that the wording of the policy does require some refinement to provide clarity to applicants.

In terms of the second paragraph some development will be too small a scale to lend themselves to masterplanning and I believe the correct test is, whether the design minimises the scheme's visual impact. The reference to masterplanning, is however appropriate, in relation to the housing allocations.

I do not consider that the requirements in the final paragraph are relevant to the determination of planning applications, but are sources of information and guidance to assist designs to achieve the objectives of the policy and this information should be included within the supporting text.

Recommendations

In the second paragraph, delete "masterplanning and".

Move the final paragraph of the policy to the supporting text.

Policy ESD7: Biodiversity and Trees

National policy places great weight on the conservation of wildlife in National Parks. I am not clear as to what the policy is referring to, when it refers to *designated natural environmental features*. I am not aware of any designated sites within the plan area, beyond what appears to be the southern part of the SAC at Hoad Common. This area is important in terms of a habitat for bats. I do not know whether there are any other locally designated wildlife sites but here the test, as set out in the NPPF, is that an application should only be refused "if the need for and the benefits of the development in that location do not outweigh any loss".

The requirements for a tree survey to carry application is already a requirement of the National Park's Local Validation Checklist and therefore does not need to be included within a plan policy.

Recommendations

In the second paragraph delete "and /or designated natural environment features" and insert at the end of the sentence, "if the harm cannot be avoided, mitigated or compensated for. There will be a presumption against development that adversely impacts any nationally or internationally designated sites and on locally designated wildlife sites, there will be a presumption against development unless the need for or the benefits from the development outweigh the loss".

Delete the final two paragraphs.

Policy ESD8: Sustainable Design

As this policy is not a requirement to include technical housing standards i.e. a planning application could not be refused on the grounds of non-compliance of the policy, I am content to leave the policy unmodified, as it only expresses support. It is an aspirational policy.

Policy WS1: Petworth Town Centre

I do not consider that it is a reasonable requirement for proposed retail use, outside the town centre, to have to complete a retail impact assessment. Paragraph 26 of the NPPF states that it should only be required where the scale of development is over a “proportionate locally set threshold – with a default of 2500 m² in the absence of a locally set threshold”. The emerging local plan does include a threshold for retail impact assessments in market towns, if the proposal exceeds 750 m², which would be the case of Petworth.

I consider that the next paragraph would address the aspiration of a retail impact assessment and give more flexibility as to how impact is measured, by making clear that retail proposals outside the town centre will not be permitted if it would have an impact on the viability and vitality of the centre.

In addition, I note that the exceptions to the loss of Class A units, are proposals for Class C1 hotels. I consider that this exception could usefully be extended to include guesthouses/bed-and-breakfast establishments as they also cater for visitors to the town and the National Park. I have received representations to that effect.

I note that the wording of the policy includes support for “independent retailers particularly those linked to supply chains across the National Park”. As this is a policy that merely offers support rather than restricts development, I will not be suggesting that this be deleted, but it must be appreciated that planning control relates to the use of land and buildings i.e. a retail use, rather than having regard to who trades from it or indeed the nature of the shop itself.

Recommendations

Delete paragraph 3.

In paragraph 4 after “permitted” insert “outside the town centre boundary”.

At the end of paragraph 5 after “hotels” add “, guest houses or bed and breakfast establishments”.

Policy WS2: Visitor Economy

The wording of the policy relates to hotel developments, but the supporting text refers to encouraging “hotel, boarding and guesthouse accommodation”. I will therefore refer to visitor accommodation rather than hotels, in my recommendations.

Recommendations

In paragraph 1 replace “hotel development” with “visitor accommodation”.

Policy WS3: Hampers Common Industrial Estate

I have no comments to make in respect of this policy, except that it should not be a requirement that proposals “to upgrade or redevelopment unit should enhance the safety and security of the employment area and neighbouring units”. The need to *enhance* other properties, is an unreasonable imposition for an employment use.

Recommendations

Delete criterion (iii).

Policy WS4: Land East of Hampers Common Industrial Estate

Figure 9 needs to be amended so as to show the proposed employment area boundary actually abutting the existing employment area as it presently shows that there is an intervening undeveloped gap between the two uses. This is acknowledged by the Town Council as a cartographical error.

Recommendations

Amend the boundary of the proposed employment area so that it abuts the existing employment area.

Policy GA1: Parking Requirements

I have no comments to make on the policy.

Policy GA2: Pedestrian and Cycle Movements

I have no comments to make in respect of this policy.

Policy GA3: To Protect and Increase Car Parking Capacity at Pound Street Car Park

The works to provide additional car parking capacity would not ordinarily require planning permission e.g. changing circulation routes, altering parking layouts. The only development that will provide additional car parking capacity in this car park would be for the building of additional deck, which the policy as written would support. I do not consider that such a solution would be appropriate in the heart of this historic town centre. I therefore propose to recommend that this policy be deleted.

Recommendations

That the policy be deleted.

Policy LW1: Community and Leisure Facilities

The only comment is that the protection of existing facilities could be assisted by stating “that the loss of such facilities will be resisted unless alternative accommodation is provided within town”. This would allow the relocation of some of the facilities should that be required over the lifetime of the plan.

Recommendations

In the first sentence of the second paragraph after “protected” insert “and their loss will be resisted unless alternative accommodation is provided with in the town”.

Policy LW2: Playing Fields and Sports Facilities

I have no comments to make in respect of this policy.

Policy LW3: Assets of Community Value

The designation of buildings as Assets of Community Value, is a process that is separate from the granting of planning permission and confers certain rights relating to the disposal of these buildings and assets providing for a moratorium, to allow the community to prepare a bid to buy the building. That is not a planning policy and should be moved to the supporting text as a community aspiration.

Recommendations

Delete the policy.

Policy LW4: Retention of Assets of Community Value

I have no comments to make on this policy.

Policy D1: Infrastructure Delivery

I have no comments to make on this policy.

Referendum

If I am in a position to recommend that the Plan progresses to its referendum stage, I am required to confirm whether the referendum should cover a larger area than the area covered by the Neighbourhood Plan. In this instance, I can confirm that the area of the Petworth Neighbourhood Plan as designated by South Downs National Park Authority and Chichester District Council would be the appropriate area for the referendum to be held and the area does not need to be extended.

Summary

This plan has been over 5 years in preparation and the plan that has emerged from its examination will, in the main, be recognisable as the plan which the Town Council submitted. The main recommendation has been in the area of housing numbers and the addition of a small additional housing allocation in response to a well-founded objection, which I have had to make to ensure that the Plan met basic conditions, particularly related to delivering sustainable development. Nevertheless, it remains a locally distinctive plan that enjoys the support of the town's population and which hopefully will be shown at referendum.

The plan has taken the bold stance of proposing a major housing allocation into open countryside, on the southern edge of the town in order to address what are considered to be major problems with the access to the primary school which can be improved by creating a new access. The Town Council are to be congratulated in taking such a bold approach and for its leadership in grasping the challenge of planning for new development in a National Park setting through this neighbourhood plan. The difficulty it has faced has been due to the fact that the plan had to be prepared without the certainty of an adopted local plan.

Finally, I can confirm that my overall conclusions are that the Plan, if amended in line with my recommendations, meets all the statutory requirements including the basic conditions test and it is appropriate that the Plan, as amended, if successful at referendum, be made.

John Slater Planning Ltd

I am therefore delighted to recommend to the South Downs National Park Authority and Chichester District Council that the Petworth Neighbourhood Development Plan, as amended by my recommendations, should now proceed to referendum.

JOHN SLATER BA(Hons), DMS, MRTPI

John Slater Planning Ltd

9th January 2018