

Report to	Planning Committee
Date	8 March 2018
By	Director of Planning
Title of Report	Response to the Pre-Submission (Regulation 14) Consultation on the Fittleworth 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 Fittleworth 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 Fittleworth Neighbourhood Development Plan pre-submission consultation.

1. Introduction and Summary

- 1.1 The SDNPA actively promotes and supports community led plans and upon adoption, Neighbourhood Development Plans (NDPs) form part of the Development Plan for the neighbourhood area.
- 1.2 Fittleworth Parish Council (FPC) is the 'qualifying body' with responsibility for preparing the Fittleworth Neighbourhood Development Plan (FNDP).
- 1.3 A minimum of 6 weeks formal consultation is required on all draft NDPs prior to submission to the local planning authority. The pre submission FNDP can be found at **Appendix 2** and the SDNPA response to this consultation at **Appendix 3**.
- 1.4 Following the Pre Submission consultation, Fittleworth Parish Council will amend the plan appropriately and submit the amended FNDP to the SDNPA for submission, consultation and examination.

2. Background

- 2.1 The progression of the FNDP 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. It is an example of a plan almost entirely prepared at a local level through the use of volunteers with only limited 'professional' input. It should also be recognised that preparing the FNDP has been a challenge against the backdrop of the requirement to be in general conformity with the saved policies of the Chichester Local Plan 1999, whilst taking account of policies in the emerging South Downs Local Plan.
- 2.2 The following stages in the preparation of the NDP have been completed. Links to all relevant documents are included below and more detailed information on each stage completed so far, including public consultation is on the Fittleworth Parish Council website at <https://fittleworth-pc.org.uk/neighbourhood-development-plan/>

Stage	Detail
Designated a Neighbourhood Area	5 March 2015
Pre-submission consultation on the plan (Reg 14)	Commenced on the 15 January 2018
Submitted to SDNPA and published for consultation (Reg 16)	To follow
Independent Examination	To follow

- 2.3 Consultation has taken place in 2015 and as part of this pre-submission process. Delays in the plan preparation have been as a result of there being a need for a Sustainability Appraisal/Strategic Environmental Assessment and a Habitats Regulation Assessment. The recommendations of this work have been incorporated into the plan.
- 2.4 The Neighbourhood Planning Regulations require all qualifying bodies (Fittleworth 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 FNDP consultation draft was published on 15 January 2018 and ran for 6 weeks. FPC has agreed that SDNPA can submit its response after the close of the consultation period to allow for the committee cycle. The pre-submission consultation was launched with a drop-in event at Village Hall over a couple of days early in the consultation period.
- 2.5 Once a NDP comes into legal force after a successful referendum it will form part of the statutory development plan.
- 2.6 The pre-Submission plan is accompanied by a Sustainability Appraisal and Strategic Environmental Assessment. Officers have been involved throughout the preparation of this supporting document.
- 3. Fittleworth Neighbourhood Development Plan – SDNPA response**
- 3.1 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 FNDP is in general conformity with the saved policies of the Chichester District Council Local Plan (1999).
- 3.2 The FNDP may come into force at a similar time as the South Downs Local Plan, and therefore officers have also been working with the steering group 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.
- 3.3 Fittleworth is included in the list of settlements to have a defined settlement boundary in SD25 of the South Downs Local Plan and there is a proposed housing requirement of 6 for the settlement as set out in policy SD26.
- 3.4 The SDNPA formal representation to the Fittleworth NDP pre submission consultation is set out in **Appendix 3**. The following key points are raised in the representation:
- The need for greater explanation of the inclusion of higher levels of housing within the NDP than set out in the emerging Local Plan.
 - The plan contains a number of policy criteria that overlap with policies in the emerging South Downs Local Plan, in particular in relation to affordable housing.
 - Settlement policy boundary inaccuracies needing to be rectified.
 - Text within policies that might be better placed within the supporting text.
- 4. Planning Committee**
- 4.1 This is the first occasion that the Fittleworth NDP has been presented to Planning Committee. It is being considered at this stage due to the level of development being proposed and the allocation of land.

5. Next steps

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

6. Other Implications

Implication	Yes/No
Will further decisions be required by another committee/full authority?	Yes – It is anticipated that Planning Committee will be asked to agree the SDNPA response to the NDP at all significant stages. The next occasion will be the SDNPA representation on the submitted plan.
Does the proposal raise any Resource implications?	<p>Yes - The SDNPA has invested staff resources in supporting the development of the FNDP by regularly attending steering group meetings and providing comprehensive feedback and comments on early drafts of the FNDP.</p> <p>The cost of Neighbourhood Planning to the SDNPA is currently covered by the grants received from CLG. However there are signs that these are going to start to reduce as Neighbourhood Planning increasingly becomes part of the mainstream. Currently within the National Park the cost of producing a plan ranges from around £8,100 (including the Examination and referendum) to £50,000.</p> <p>Once a NDP is made, a Parish Council is entitled to 25% of Community Infrastructure Levy (CIL) collected from development within the neighbourhood area, as opposed to the capped 15% share where there is no NDP. The Parish Council can choose how it wishes to spend these funds on a wide range of things which support the development of the area.</p>
Has due regard has been taken of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010?	Due regard will be taken of the South Downs National Park Authority's equality duty as contained within the Equalities Act 2010. Fittleworth Parish Council who have the responsibility for preparing the neighbourhood plan will be required to prepare a Consultation Statement to support the submission version of the FNDP setting out how all sections of the local community (people who live, work or carry out business in the neighbourhood area) including hard to reach groups, have been engaged in the plan's production.
Are there any Human Rights implications arising from the proposal?	None
Are there any Crime & Disorder implications arising from the proposal?	None
Are there any Health & Safety implications arising from the proposal?	None

Implication	Yes/No
<p>Are there any Sustainability implications based on the 5 principles set out in the SDNPA Sustainability Strategy:</p> <ol style="list-style-type: none"> 1. Living within environmental limits 2. Ensuring a strong healthy and just society 3. Achieving a sustainable economy 4. Promoting good governance 5. Using sound science responsibly 	<p>The qualifying body with responsibility for preparing the neighbourhood plan must demonstrate how its plan will contribute to the achievement of sustainable development. Please note that the sustainability objectives used by qualifying bodies may not be the same as used by the SDNPA, but they will follow similar themes.</p> <p>Strategic Environmental Assessment</p> <p>It was concluded that an environmental assessment of the Fittleworth Neighbourhood Plan is required due to the level development proposed in the plan. A Sustainability Appraisal of the plan has been published and officers have provided input throughout its preparation.</p>

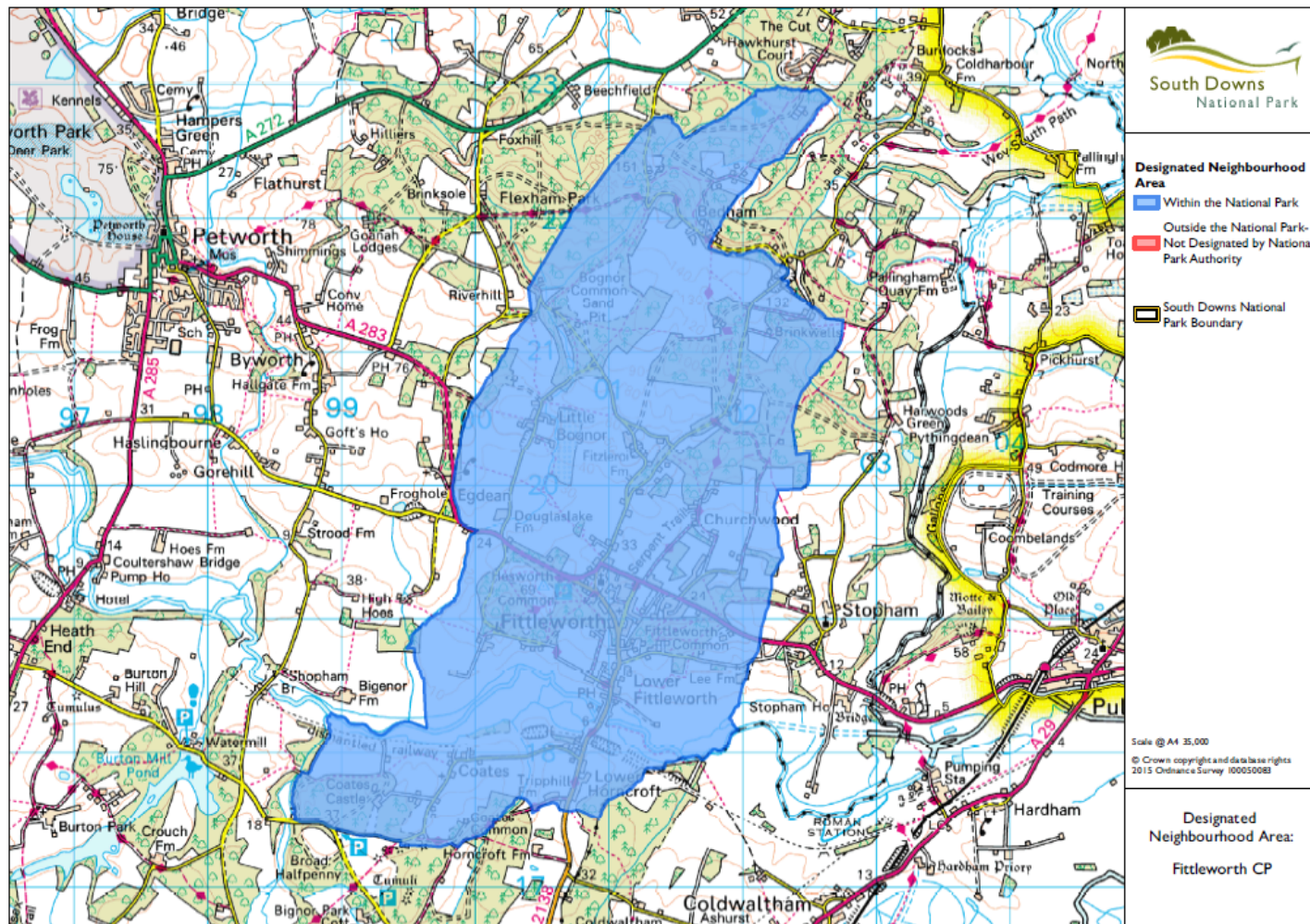
7. Risks Associated with the Proposed Decision

Risk	Likelihood	Impact	Mitigation
<p>Fittleworth Parish Council does not take account of the recommendations proposed in the SDNPA representation, and the FNDP may not meet all the basic conditions for NDPs or the aspirations of the SDNPA.</p>	Low	Low	<p>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 FNDP is likely to meet the basic conditions.</p>
<p>There is a reputational risk for the SDNPA associated with raising areas of concern about the FNDP. Communities are sometimes frustrated by the perception that their hard work and effort in producing such plans is not fully appreciated and taken into account. However, to not highlight the views of the Authority at this stage in the plan preparation would be failing in our duty to support such groups and potentially result in a plan that does not deliver outcomes that meet the needs of both the community and the SDNPA.</p>	Low	Medium	<p>SDNPA planning officers have been contributing to the preparation of the emerging FNDP and will continue to do so as it progresses.</p>

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Appendices	<ol style="list-style-type: none"> 1. Fittleworth Designated Neighbourhood Area Map 2. Fittleworth Pre-submission Neighbourhood Plan 2018-2033 3. SDNPA Response to the Pre-submission Draft Fittleworth Neighbourhood Plan
SDNPA Consultees	Director of Planning, Legal Services. Consultation with statutory bodies has been undertaken by PTC.
Background Documents	https://fittleworth-pc.org.uk/neighbourhood-development-plan/

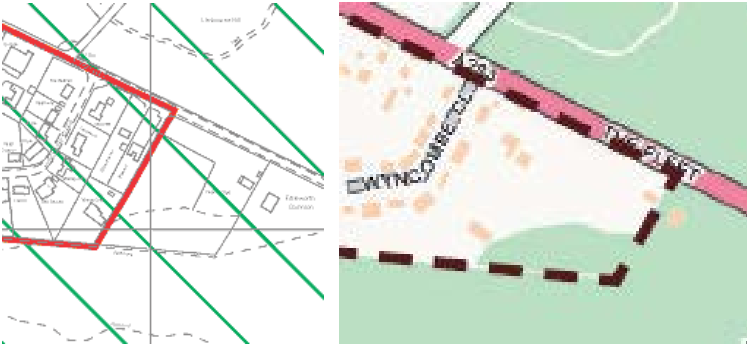
Designated Fittleworth Neighbourhood Area



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Proposed SDNPA comments on the Fittleworth Pre-submission Neighbourhood Plan

Page No / Section	Comments
General	It would be useful to have paragraph numbers.
Objectives	The objectives within the plan could be made more 'Fittleworthy' through the replacement of generic references such as 'reduce the risk of flooding' with more specific locational references, such as 'reduce the risk of flooding to properties in' or 'use of local materials' with 'use of sandstone, clay tile.....' etc. This would make the plan easier to monitor and more apparently related to Fittleworth. However, the pictures used within the plan really complement the text and give the reader a sense of understanding of the key characteristics.
P6 - Landscape Character Areas	Can the landscape character areas be shown on a map? This would support the text alongside the images used. All references to the SDILCA throughout the plan should reference the date, 2011.
P9 - Tranquillity	Please add the source of the map, which is the CPRE
P19 – Policy FITT1 Landscape Character	Criterion (b) suggest adding reference to heathland alongside trees and hedgerows. Criterion (c) refers to safeguarding views – can these be identified on a map and through supporting text as it aids the interpretation of the policy. Without clearer identification of such views, this policy could be open to interpretation and difficult for decision makers to apply. Criteria (d) and (e) both refer to tranquillity, suggest removing reference in criteria (e).
P20 – Policy FITT2 Biodiversity	Final paragraph suggest amended wording as follows as it is not always greenfield sites that support biodiversity: “Development proposals on greenfield sites and sites which <u>could</u> support or are in close proximity to protected species”
P21 - Policy FITT4 Built Heritage	Although we support the inclusion of a heritage policy in the NDP, particularly given the strength of the character of the conservation areas in the village, we feel that as written the policy adds little over existing legislation. We would like to offer assistance to the Steering Group to see if any further work can be done to add greater detail. We also query whether the identification of local heritage assets has been considered?
P23 – Policy FITT5 Design of New Development	It is not felt that a requirement that “development will contribute to and be compatible with local fibre or internet connectivity” as it is also not well related to design criteria and duplicates the requirements set out in the South Downs Local Plan policy SD44 (Telecommunications and Utilities Infrastructure)

<p>P26 – Location of Housing Sites (Settlement Area Map)</p>	<p>The final bullet point refers to “settlement as expanded by this map”, but the map key states “current settlement area”. However, this map does not reflect the settlement boundary in the current CDC Local Plan 1999 – most notable is the NDP’s inclusion of a detached house in large grounds (Fleet Cottage) at the eastern edge of the settlement as shown below.</p>  <p>Other differences include the apparent exclusion of dwellings on the east side of the recreation ground, exclusion of part of the Primary School and Village Hall, and exclusion of a small part of the garden of Orchard House (on the western side of the settlement).</p> <p>For the submission plan, the map needs to be accurately re-drawn on an OS base, clearly showing any proposed changes and allocations compared against the settlement boundary within the CDC Local Plan 1999 so that comparisons can be easily made.</p>
<p>Policy FITT8</p>	<p>Can criterion (a) be broken down into a number of criteria for ease of reading? The only public transport available in Fittleworth is the bus. Is the criteria relating to easy access to public transport therefore really seeking to ensure that development is located within easy reach of a bus stop? As written it is difficult to interpret.</p> <p>Criterion (b) There are differences between policy FITT8 (and FITT9) and emerging South Downs Local Plan policy SD28 with different quantum and thresholds of affordable housing being sought. It could ultimately result in the provision of less affordable housing. In order to be in general conformity with the Local Plan, whatever quantum and thresholds are finally agreed, it is suggested that this policy continues to refer to the requirements as set out in the relevant development plan (which in this case is the South Downs Local Plan) but reference to occupation being in perpetuity and by people with a local connection is deleted and put in the supporting text in accordance with the advice from Chichester District Housing Officers.</p>
<p>FITT9 Supporting Text</p>	<p>It is noted that the policy allocates sites for about 18 homes over the plan period. This is higher than the level set in the emerging South Downs Local Plan which currently stands at 6. Policy SD26 of the South Downs Local Plan, criteria (4) allows for NDPs to accommodate higher levels of housing than set out in the policy provided that they are meeting local housing need and are in general conformity with the strategic policies in the development plan. It is understood that the desire to deliver slightly higher levels of housing in the village is as a result of consultation and discussion, which identified a need for more affordable and a greater mix of housing, particularly smaller homes, as alluded to on page 25. Together this was felt to be right for, and supported by, the village. However it is felt that further justification / explanation</p>

	including a consideration of the implications of the options available should be included either as a supporting note or within the plan at the submission stage. Much of this will have been explored by the SA/SEA process.
Policy FITT9	<p>Criteria (aii), (bi) and (Greatpin Croft i) It is unnecessary and potentially confusing to require contributions towards affordable housing in both this policy and FITT8. It is therefore suggested that the requirements, which also differ between the sites, should be removed from this policy (FITT9), whilst retained in FITT8 as the plan should be read as a whole.</p> <p>Criteria (ai) and supporting text - There is inconsistency within the policy as to whether the two allocations will be within the settlement area – Fleet Cottage includes a requirement that “The settlement area to which this site abuts is extended to incorporate this site”, whereas Limborne Lane/The Fleet refers to this in the justification, but it is not a specific requirement of the policy. These issues can be resolved with an accurate proposals map showing the allocations and changes needed to the settlement boundary. This criteria can then be removed from the policy.</p> <p>The existing bus stop on the north side of the A283 (Opposite Wyncombe Close) is far from ideal (it has only a very small standing area, no shelter, no safe pedestrian access and it is hidden by vegetation). Could the allocation for Limborne Lane/The Fleet include a requirement to re-site the bus stop (preferably including a shelter) onto the frontage of the new development, as long as this would not result in the loss of important roadside trees. In addition it may be useful to show the areas requiring footpath improvements on the proposals map.</p> <p>Criteria aihi) It is queried as to whether this provides sufficient detail. In such a small sites an applicant may argue that the provision of just a couple of small homes meets the policy requirement. Criteria (iv) provides further detail in relation to layout but a sketch of an indicative layout may help to ensure the intensions are clearly understood. The reasons for the policy differences between this site and Limbourne Lane criteria (bii) is not clear.</p> <p>Criteria (biv) recognises the water management issues on the site. However, it could also include requirements to restore the pond and provide a net gain in biodiversity here and downstream.</p> <p>The policy justification should not be included within the policy, suggest placing it after the policy. In addition the text relating to Greatpin Croft is not strictly policy and reads as a more aspirational wish. As such, it should be written as supporting text rather than contained within the policy.</p>
Policy FITT9 (Proposals Map)	As with the settlement map on Page 26, the existing settlement boundary is incorrect. The allocation for “Fleet Cottage” is therefore also incorrect and actually identifies an area of land further to the east beyond Fleet Cottage. This map needs to be correctly re-drawn on a suitable OS base.
Appendix 7 – Settlement Area	Unlike the maps within the main document, this shows the current settlement boundary correctly, but needs to be on a much larger scale.

Appendix 8 – Conservation Areas	Why only include a map of one of the three Conservation Areas, it also duplicates the maps on page 12.
General	There is no reference to CIL in the plan. The plan would benefit from including a list of projects / infrastructure needs that would support the development proposed. This could draw from the information supplied in the Expressions of Interest submitted to the SDNPA for CIL.