

Report to	Planning Committee
Date	12 July 2018
By	Director of Planning
Title of Report	Making of the Petworth Neighbourhood Development Plan
Purpose of Report	To Make the Petworth Neighbourhood Development Plan part of the South Downs National Park Authority's (SDNPA) statutory Development Plan

Recommendation: The Committee is recommended to:

- 1) Note the outcome of the Petworth Referendum;**
- 2) Agree to Make the Petworth Neighbourhood Development Plan part of the SDNPA's Development Plan for the parish of Petworth.**

1. Introduction and Summary

- 1.1 The Making of the Petworth Neighbourhood Development Plan (NDP) represents the final stage in the Neighbourhood Plan process. Reaching this last milestone is a huge achievement for the town council and steering group on behalf of the community and is a result of their considerable hard work, good leadership and commitment.
- 1.2 This NDP provides for over 150 new dwellings to help meet local housing needs, will deliver improvements to traffic congestion in parts of the town while still protecting Petworth's outstanding historic character.
- 1.3 The Petworth Neighbourhood Area was designated by the SDNPA on 16th January 2014. The neighbourhood area is mostly within the National Park apart from a small segment to the north of the Parish.
Following independent examination, the Petworth NDP has been subject to community Referendum with an overall turnout of over 36% and with 77% of those that voted, voting yes.
- 1.4 Following a successful Referendum, the Petworth NDP becomes part of the Development Plan for that part of the National Park within the parish. The SDNPA is required to take a decision to formally 'Make' the NDP within 8 weeks of the Referendum.

2. Petworth Neighbourhood Development Plan 2015 - 2033

- 2.5 The Petworth NDP covers the plan period up to 2033 and has been prepared for a designated neighbourhood area which follows the Petworth parish boundary (**Appendix 1**). Petworth is an attractive market town with a historic core that lies at the heart of the National Park. Petworth House owned by the National Trust, with its nationally important art collection, adjoins the centre of the town.
- 2.6 The NDP sets out a vision and objectives for the future of Petworth for the next 15 years. It seeks to retain the exceptional historic character of the town, provide sufficient housing to help meet local needs, encourage a vibrant economy, improve the management of traffic in

the town so that this is a safe environment for walkers and cyclists, and provide enhanced recreational facilities and accessible local services.

- 2.7 The town is identified in the emerging SDLP for approximately 150 new homes and 1.4 hectares of new employment land. To meet its housing provision, the NDP allocates four sites for housing. The largest of these allocations is for approximately 100 dwellings on land to the south of Petworth (Policy H6) which facilitates the provision of a new vehicle route to be introduced to Petworth Primary School, thus relieving traffic congestion and increasing the capacity of neighbouring roads. The improvements to the highway situation also assist the redevelopment of the brownfield Rotherlea site (Policy H5) which is located adjacent to the north of the primary school and is allocated for approximately 23 dwellings. The Square Field (Policy H6) adjacent to the east of Rotherlea is allocated for approximately 30 dwellings. The fourth site, land south of Rothermead (Policy H8), allocated for approximately 10 dwellings, was added to the Neighbourhood Plan following an assessment and recommendation by the Examiner of the NDP. The employment site (Policy WS4) is located to the east of the existing Hampers Common Industrial Estate.
- 2.8 Following six weeks consultation on the Submission NDP from September – October 2017, Mr John Slater was appointed as Independent Examiner on behalf of the SDNPA and Chichester District Council, to undertake the Examination of the NDP. The Examiner published his final report in January 2018 with a recommendation that the NDP, with modifications could proceed to Referendum. His main recommendations related to housing numbers and, as mentioned above, the addition of a small additional housing allocation, namely Land south of Rothermead (Policy H8). In his report, the Examiner congratulated the Town Council on “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.”
- 2.9 The Decision Statement was agreed, by Planning Committee 8 February 2018, subject to a focused 6 week consultation on the proposal to include the new allocation (Policy H8 Land south of Rothermead). The purpose of the consultation was to give the community the opportunity to raise new issues that might not have already been considered by the Examiner.
- 2.10 Delegated authority was given to the Director of Planning, in consultation with the Chair of the Planning Committee, to review the representations received on Policy H8, amend the policy if necessary and publish the Final Decision Statement. The results of the consultation did not raise any new issues relevant to the basic conditions test that had not been already been considered by the Examiner. A number of residents did raise concerns regarding the impact on the residential amenity of properties in Rothermead, both from the development itself and the potential for an access through 11 Rothermead. It was therefore recommended that the supporting text for Policy H8 cross - references to policies in the Chichester Local Plan and the emerging South Downs Local Plan that protect the residential amenity of neighbouring properties and the safety of access arrangements. The final Decision Statement was published on 19 April 2018.
- 2.11 A Referendum took place on Thursday 7 June 2018 with the following results:
- Turnout: 36.32%
Yes: 662 (77%)
No: 191 (22%)

3. Making of the Petworth Neighbourhood Development Plan

- 3.1 The recent enactment of the Neighbourhood Planning Act 2017 now means that a NDP automatically becomes part of the Development Plan following a successful Referendum. However, the Local Planning Authority (LPA) has a statutory duty to ‘Make’ a neighbourhood plan, within 8 weeks of a Referendum, if more than half of those voting have voted in favour of the plan.
- 3.3 The NDP is now part of the Development Plan for the parish of Petworth. The Petworth NDP sits alongside the saved policies of the Chichester Local Plan 1999, until the time that

the South Downs Local Plan is adopted. The Petworth NDP is consistent with the Submission version of the South Downs Local Plan.

4. Planning Committee

- 4.1 The Petworth NDP has previously been presented to Planning Committee at Pre-submission, Submission and Decision Statement stages.

5. Next Steps

- 5.1 The Neighbourhood Planning Regulations 2012 (as amended) require LPAs to publish a statement setting out their decision to Make a NDP and reasons for making that decision. This statement should be published as soon as practical after the decision is taken to Make the NDP. This report forms that SDNPA Regulation 19 'Decision Statements' for this NDP.
- 5.2 Following the 'Making' of the Petworth NDP, copies of the Plan will be made available to the Development Management teams at the SDNPA and CDC. The policies maps will also be entered onto the relevant electronic mapping systems.

6. Other Implications

Implication	Yes/No
Will further decisions be required by another committee/full authority?	No
Does the proposal raise any Resource implications?	Yes - The SDNPA has claimed £5,000 in new burdens funding from the MHCLG. To date, SDNPA has spent £23,443.00 on the Petworth NDP. The SDNPA will be able to claim a further £20,000 in new burdens funding from MHCLG. 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.
Has due regard has been taken of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010?	Yes, Petworth Parish Council has prepared a Consultation Statement to support the submission version of the Petworth NDP, setting out how all sections of the local community (people who live, work or carry out business in the neighbourhood area), including hard to reach groups, have been engaged in the plan's production
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
Are there any Sustainability implications based on the 5 principles set out in the SDNPA Sustainability Strategy: 1. Living within environmental limits	The qualifying body with responsibility for preparing the NDP must demonstrate how its plan will contribute to the achievement of sustainable development. This is set out in the Basic Conditions Statement. The Examiner who assessed the plan considered that it met the

Implication	Yes/No
2. Ensuring a strong healthy and just society 3. Achieving a sustainable economy 4. Promoting good governance 5. Using sound science responsibly	requirements if a number of modifications were made. 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. Strategic Environmental Assessment and Habitats Regulation Assessment It was concluded that an environmental assessment of the Petworth NDP was required as the scale of development may have significant effects. The SEA has been updated at the different stages of the NDP. Habitats Regulations Assessment (HRA) The Petworth NDP was screened out as requiring a Habitats Regulations Assessment.

7. Risks Associated with the Proposed Decision

Risk	Likelihood	Impact	Mitigation
A legal challenge to a NDP can be launched by way of judicial review within six weeks of the LPA publishing a decision to make the NDP.	Low	Medium	Officers at SDNPA are satisfied the NDP meets the legal requirements. Given that it has been through the correct statutory process, including Examination and Referendum, the Authority is obliged to "Make" the plan.
Habitats Regulations Assessment (HRA)	Low	Medium	Recent case law has implications for HRA. However it is considered that the risks raised by these are not sufficient to alter the decision to Make the Petworth NDP.

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Appendices I. Petworth Neighbourhood Area

SDNPA Consultees Legal Services; Chief Finance Officer; Monitoring Officer

External Consultees None

Background Documents [Petworth NDP Referendum Version](#)

[Petworth NDP Decision Statement](#)

[Petworth NDP Examiner's Report](#)

Agenda Item 10 Report PC47/18 Appendix I
Petworth Designated Neighbourhood Area



