

Report to	Planning Committee
Date	09 November 2023
By	Director of Planning
Title of Report	Making of the Rowlands Castle Neighbourhood Development Plan (NDP)
Purpose of Report	To make the Rowlands Castle Neighbourhood Development Plan (NDP) 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 Rowlands Castle Neighbourhood Development Plan (NDP) Referendum; and**
 - 2. Agree to make the Rowlands Castle Neighbourhood Development Plan (NDP) part of the Development Plan for that part of the Parish within the South Downs National Park (SDNP).**
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1. Introduction and Summary

- 1.1 Rowlands Castle Parish Council (RCPC) is the “Qualifying Body” with the responsibility for preparing the Rowlands Castle Neighbourhood Development Plan (NDP).
- 1.2 The parish of Rowlands Castle is wholly within the district of East Hampshire, whilst the northern area of the parish (>50%) is also located within the South Downs National Park (SDNP). The Local Planning Authorities for the areas inside and outside the SDNP are the South Downs National Park Authority (SDNPA) and East Hampshire District Council (EHDC) respectively. The Rowlands Castle Neighbourhood Area (**Appendix 1**) was designated by the SDNPA and EHDC on the 24 April and 26 April 2017 respectively. The neighbourhood area is coterminous with the parish boundary.
- 1.3 The parish of Rowlands Castle covers an area of 19 square kilometres (sqkm) and includes: the village of Rowlands Castle (*outside the SDNP*); the hamlet of Finchdean (*inside the SDNP*); the Idsworth House / Park (*inside the SDNP*); and scattered farms and cottages (*both inside and outside the SDNP*) and their surrounding countryside. As the main settlement of Rowlands Castle is outside the SDNP, EHDC is the Lead Authority for the Rowlands Castle NDP as per the Memorandum of Understanding agreed between the two Local Planning Authorities.
- 1.4 The Rowlands Castle NDP was subjected to public consultation between 17 June and 14 August 2022 (Reg14), and 13 February and 27 March 2023 (Reg16), before then being examined by Mr Andrew Ashcroft as Independent Examiner. The Examiner’s Final Report (**Appendix 2**) was received on 26 June 2023, and EHDC (in consultation with the SDNPA and RCPC) agreed to the Examiner’s modifications, and the reasons for them, on 17 July 2023. Finally, the Rowlands Castle NDP (Referendum Version) was subjected to a community Referendum on 19 September 2023, with 96.5% of those that voted, voting yes.

- 1.5 The Rowlands Castle NDP is now part of the Development Plan, and the SDNPA are required to take a decision to formally “Make” the NDP within 8 weeks of a successful Referendum, unless to do so would breach, or would otherwise be incompatible with any EU obligation or any of the Conventions Rights (within the meaning of the Human Rights Act 1998).
- 2. Rowlands Castle Neighbourhood Development Plan (NDP) 2022-2033**
- 2.1 The parish of Rowlands Castle is a predominantly rural area covering 19sqkm in the south of East Hampshire District, in southeast Hampshire, on the border with West Sussex. The main village of Rowlands Castle is outside the SDNP and is located 9 miles south of Petersfield. The parish also includes the hamlet of Finchdean, the residential conversion of Idsworth House / Park, and scattered farms and cottages and their surrounding countryside. The northern area of the parish (>50%) lies within the South Downs National Park (SDNP).
- 2.2 The Rowlands Castle NDP includes a vision to conserve and enhance the parish as an attractive community, whilst maintaining its separate identity, character and distinctiveness. To achieve this, the NDP includes 11 no. neighbourhood planning policies to guide and direct development proposals in the period up to 2033. The Rowlands Castle NDP does not allocate sites for housing or other forms of development, but instead seeks to bring forward positive and sustainable development with a clear focus on:
- The safeguarding of a gap between Rowlands Castle Village and Havant/Leigh Park;
 - The identification of locally significant views;
 - The designation of Local Green Spaces (LGS);
 - The identification of non-designated heritage assets;
 - The role and attractiveness of the Rowlands Castle Village Centre; and
 - The identification of community and sports facilities.
- 2.3 In terms of the SDNP, the Rowlands Castle NDP Referendum Version proposes:
- The identification of 10 no. locally significant views – see Table 1, and Maps 4 and 6.
 - The designation of 1 no. Local Green Space (LGS) – see Policy 3 and Map 8.
 - The identification of 3 no. non-designated heritage assets – see Table 3 and Map 14.
 - The identification of 1 no. community facility – see Policy 10 and Table 4.
- 2.4 The Examiner was satisfied that all those listed and mapped in the above were appropriate to be included in the neighbourhood planning policies. In terms of modifications, the Examiner reduced both the extent of the proposed “gap” between Rowlands Castle and Havant, and the defined boundary of the Rowlands Castle Village Centre; however, neither of these are within the SDNP and so are not applicable to the SDNPA.
- 2.5 The Examiner considered the SDNPA’s officer comments submitted during the Regulation 16 submission consultation. In doing so, the Examiner set out modifications to strengthen Policies 2 (Landscape Character and Views) and 5 (Design & Local Character). These modifications included, but were not limited to; the inclusion of an additional policy objective to safeguard the special characteristics of the SDNP (Policy 2); and the inclusion of an additional policy criteria to ensure that a landscape-led approach to development is undertaken (Policy 2). Please note, EHDC published a Decision Statement on 17 July 2023 accepting the modifications / recommendations of the Examiner, and amended the Rowlands Castle NDP accordingly before going to referendum – please see background document “Rowlands Castle NDP Referendum Version”.
- 2.6 The Examiner commented that “in the round, it is an excellent document”. Moreover, the Examiner was satisfied that the Rowlands Castle NDP is in general conformity with the strategic policies in the Development Plan, and that the NDP meets the basic conditions it is required to do so, subject to his modifications. Please note, these modifications have all been made, please see background document “Rowlands Castle NDP Referendum Version”.

Referendum results

2.7 The referendum took place on Tuesday 19 September 2023 with the following results:

Turn out = 23.5%

Votes & % in favour = 593 (96.5%)

Votes & % against = 22 (22%)

3. Making of the Rowlands Castle Neighbourhood Development Plan (NDP)

3.1 The enactment of the Neighbourhood Planning Act 2017 means that a NDP automatically becomes part of the Development Plan following a successful referendum. However, the Local Planning Authority has a statutory duty to ‘make’ a NDP, within eight (8) weeks of a referendum, if more than half of those voting have voted in favour of the plan. The Local Planning Authority is not subject to this duty if (and only if) the making of the NDP would breach, or would otherwise be incompatible with, any EU obligation or any of the Convention Rights (within the meaning of the Human Rights Act 1998).

3.2 The Examiner concluded that the Rowlands Castle NDP with modifications met these legislative obligations/rights. No information has subsequently arisen to suggest the making of the Rowlands Castle NDP would be in breach with or incompatible with the legislation.

3.3 The Rowlands Castle NDP is now part of the Development Plan for that part of the parish of Rowlands Castle located within the SDNP, along with the adopted South Downs Local Plan (SDLP). For the avoidance of doubt, the Rowlands Castle NDP is considered to be consistent with the SDLP.

3.4 Please note, EHDC “made” the Rowlands Castle NDP on 28 September 2023.

4. Planning Committee

4.1 The Rowlands Castle NDP has not previously been presented to Planning Committee, and all SDNPA responses to the NDP during its preparation have been dealt with through delegated powers by officers. Members have been updated on the NDP through the half yearly update to Planning Committee.

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 Rowlands Castle NDP, copies of the NDP will be made available to the Development Management (DM) teams at the SDNPA and EHDC respectively. 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?	As EHDC is the Lead Authority, the SDNPA has not incurred any direct costs, only officer time, relating to this NDP; and the SDNPA is not eligible to apply for New Burdens funding for this NDP. 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 matters which support the development of the area.
Has due regard been taken of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010?	Yes, the Qualifying Body prepared a Consultation Statement to support the submission version of the 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
<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 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 NDP considered that it met the requirements if a number of modifications were made. Please note that the sustainability objectives used by the Qualifying Body may not be the same as used by the SDNPA, but they will follow similar themes.</p> <p>Strategic Environmental Assessment (SEA)</p> <p>EHDC and the SDNPA determined that an Environmental Assessment of the Rowlands Castle NDP was not required as the NDP was not allocating any sites for development.</p>

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 Rowlands Castle 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 NDP, unless making the NDP would breach, or would otherwise be incompatible with, any EU obligation or any of the Convention Rights (within the meaning of the Human Rights Act 1998)

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Appendices:

1. Rowlands Castle NDP Neighbourhood Area
2. Rowlands Castle NDP Examiner's Report

SDNPA Consultees: Chief Finance Officer; Monitoring Officer; Legal Services; Director of Planning

External Consultees: None

Background Documents: [Rowlands Castle NDP Decision Statement](#)
[Rowlands Castle NDP Referendum Version](#)

