

Report to	Planning Committee
Date	12 October 2017
By	Director of Planning
Title of Report	SDNPA response to Submission (Reg 16) consultation on the Petworth Neighbourhood Development Plan
Purpose of Report	To agree the content of the South Downs National Park Authority's (SDNPA) representation to the Independent Examiner

Recommendation: The Committee is recommended to:

- 1) Agree the table of comments as set out in Appendix 2 of the report which will form SDNPA's representation to the Independent Examiner of the Petworth Neighbourhood Development Plan.**

1. Introduction and Summary

- 1.1 The SDNPA actively promotes and supports community led plans, particularly Neighbourhood Development Plans (NDP) where growth needs to be accommodated and planning issues exist.
- 1.2 On adoption, NDPs form part of the development plan for the neighbourhood area, alongside the strategic planning policies which are prepared by the SDNPA.
- 1.3 Petworth Town Council (PTC) is the 'qualifying body' with responsibility for preparing the Petworth Neighbourhood Development Plan (PNDP).
- 1.4 PTC submitted the Petworth Neighbourhood Plan (**Appendix 1**) to the SDNPA for examination on 7 August 2017. An 8 week publicity period commenced on 4 September 2017 and runs until the 16 October 2017, during which time local residents and other stakeholders are invited to submit representations to the Plan's Examiner.
- 1.5 The SDNPA's comments (**Appendix 2**) which was prepared using input from SDNPA officers sets out the proposed representation to be submitted to the examination of the PNDP.

2. Background

- 2.1 The Petworth NDP covers the plan period 2033 and has been prepared for a designated neighbourhood area which follows the Petworth parish boundary. A small segment to the north of the Parish is not within the National Park. The area was designated by SDNPA in July 2013, the designation map is attached as **Appendix 3**.
- 2.2 Following designation a public consultation on Petworth's 'issues' was held in April and May 2015 which included a leaflet drop, questionnaire, drop-in sessions and consultation with young people. A further public consultation was carried out on options for the area between June and July in 2016. This included a drop-in event on the 17 June 2016 which was

publicised extensively throughout the town. The consultation focused on three housing development options for the town: distributing development to the south or the north or west and east of the town. The majority of respondents (57%) considered that housing option 1 was their preferred choice which included sites adjacent to Petworth Primary School and to the south of the town. Many residents welcomed the proposal to build a new access road to the school as well as the proximity to the town's other facilities.

- 2.3 The Pre-Submission consultation draft was published on **3 April 2017** and the consultation ran for 6 weeks until **15 May 2017**. The pre-submission consultation was launched with a drop-in event at Leconfield Hall on Friday 31 March 2017, over 430 people attended. During the consultation PTC also invited comments on two supporting projects to the PNDP – revised traffic proposals for the Market Square and a Concept Masterplan outlining what future housing development might look like.

More details of the consultation process can be found in the [Consultation Statement](#)

- 2.4 The [SDNPA response](#) to the Pre Submission consultation was agreed by Planning Committee following a site visit, on 11 May 2017. The SDNPA response focused on:
- Policies which had the potential to conflict with the emerging South Downs Local Plan or could result in some confusion, as well as policies which covered matters which went beyond the powers of the NDP.
 - Technical details relating to precise wording and the drawing of settlement boundaries.
 - The need for more detail within the policies on the three housing sites and one employment site being allocated and concern about landscape impact, design and layout. In particular site H7 to the south of the town.

- 2.5 The Submission version of the PNDP addresses many of the issues which were raised at Pre-Submission consultation and we congratulate PTC on reaching this stage in such a timely manner. Most of the comments raised at this stage (Submission consultation) relate to minor corrections and amendments. There are however, a number of outstanding issues relating to the allocations, we are as a result suggesting additional detail and criteria be included due to the sensitivity of the sites in the landscape. There are also a small number of policies that now overlap those within the emerging South Downs Local Plan which may cause confusion and conflict. Finally there are inconsistencies within the plan over the weight to be given to the illustrative masterplan as well as concern about the layout and access shown.

- 2.6 The SDNPA representation found at **Appendix 2** will be submitted to the independent examiner following approval at Planning Committee.

3. Submission and Examination

- 3.1 The SDNPA is required under the Town and Country Planning Act 1990 (as amended) to support communities in the preparation of Neighbourhood Development Plans, this includes taking the plan through the process of independent examination.

- 3.2 All representations made on the PNDP, including those of the SDNPA, are collated by the SDNPA and passed to an independent examiner to consider as part of the examination of the PNDP. The independent examiner for the Neighbourhood Plan is required to consider whether the PNDP meets the “Basic Conditions” set out in law under the Localism Act 2011. In order to meet the Basic Conditions, a Neighbourhood Plan must:

- Have regard to national policies and advice contained in guidance issued by the Secretary of State
- Contribute to the achievement of sustainable development
- Be in general conformity with the strategic policies of the development plan for the area; and
- Be compatible with EU obligations and human rights requirements.

- 3.3 The SDNPA formal representation to the PNDP submission consultation is set out in **Appendix 2**. The following key points and overarching issues are raised in the representation.

4. Planning Committee

- 4.1 The PNDP is being considered by Planning Committee as it:
- is one of the larger housing allocations set out in the South Downs Local Plan;
 - allocates significant land for development; and,
 - is an important market town set in the heart of the National Park.
- 4.2 It was previously considered at pre-submission stage at Planning Committee on the 11 May 2017.

5. Next steps

Stage	Timescale & further details
Examiner appointment	The Examiner is in the process of being appointed to examine the Petworth NDP
Examination	Examination is expected to take 8-10 weeks including preparation and issuing of the final report.
Examiner issues final report	The Examiner makes one of the following recommendations: <ul style="list-style-type: none"> • The Neighbourhood Plan should proceed to Referendum, on the basis that it meets all legal requirements • The Neighbourhood Plan, as modified, should proceed to Referendum • The Neighbourhood Plan does not proceed to Referendum, on the basis that it does not meet the relevant legal requirements.
Decision on a Plan Proposal	If time allows ¹ , Planning Committee will be asked to consider the Decision Statement which sets out the modifications to be made to the plan in response to the Examiners report.
Referendum	Subject to a successful examination and the approval of the Decision Statement, there will be a referendum when the community are asked: <i>“Do you want the South Downs National Park Authority and Chichester District Council to use the neighbourhood development plan for Petworth to help it decide planning applications in the neighbourhood area?”</i> If over 50% of those who vote say yes, the PNDP will be adopted by the SDNPA.

6. Other Implications

Implication	Yes/No
Will further decisions be required by another committee/full authority?	Yes – Agreement of the Decision Statement and agreement to ‘Make’ the PNDP at a subsequent Planning Committee if a referendum is successful.
Does the proposal raise any Resource implications?	Yes - The SDNPA has invested staff resources in supporting the development of the PNDP by regularly attending steering group meetings and providing comprehensive feedback and comments on early drafts of the PNDP. Significant financial resource has been provided through the reallocation of the Governments New Burdens funding and the allocation of SDNPA funding amounting to £15,000. This funding has contributed to the cost of undertaking SEA and early preparatory work. The SDNPA have claimed £5,000 in

¹ Government regulations now require Decision Statements be published within 5 weeks of an Independent Examiner’s report being issued. If there is insufficient time to take the Decision Statement to Planning Committee, it will be delegated to officers.

Implication	Yes/No
	<p>new burdens funding from CLG to date and should be able to claim £20,000 to cover the cost of the Examination and Referendum.</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 Town 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 Town Council can choose how it wishes to spend these funds on a wide range of things which support the development of the area.</p>
<p>Has due regard been taken of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010?</p>	<p>Due regard has been taken of the South Downs National Park Authority's equality duty as contained within the Equalities Act 2010. Petworth Town Council who have the responsibility for preparing the neighbourhood plan have prepared a Consultation Statement demonstrating how they have consulted the local community and statutory consultees and the SDNPA has prepared an Equalities Impact Assessment. One of the Basic Conditions which the PNDP is required to meet is to 'Be compatible with EU obligations and human rights requirements' therefore the examiner will be required to check that the plan does not breach this condition</p>
<p>Are there any Human Rights implications arising from the proposal?</p>	<p>None</p>
<p>Are there any Crime & Disorder implications arising from the proposal?</p>	<p>None</p>
<p>Are there any Health & Safety implications arising from the proposal?</p>	<p>None</p>
<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>Petworth Town Council as the qualifying body with responsibility for preparing the neighbourhood plan must demonstrate how its plan will contribute to the achievement of sustainable development. This is set out in the Basic Conditions Statement. 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>Petworth Town Council have undertaken a SEA/SA in support of their NDP.</p>

7. Risks Associated with the Proposed Decision

Risk	Likelihood	Impact	Mitigation
The NDP does not meet the basic conditions	Low	Medium	SDNPA planning officers have been contributing to the preparation of the emerging PNDP and are comfortable that it meets basic conditions. This will be tested by the examination of the plan and should issues be identified there are a number of mechanisms available through which they can be addressed.
Not raising all areas of concern at this stage.	Low	Medium	Although the comments at the stage should relate only to the basic conditions officers also take the opportunity to raise more detailed areas in order to add value to the plan or reduce any areas of conflict. It is up to the Examiner as to whether they consider them or not. However, it is hoped that this will produce a better quality plan.

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Appendices	<ol style="list-style-type: none"> 1. Petworth Neighbourhood Development Plan – Submission version 2. SDNPA response to Petworth Submission Neighbourhood Development Plan July 2017 3. Petworth Designated Neighbourhood Area Map
SDNPA Consultees	Legal Services; Chief Finance Officer; Monitoring Officer; Director of Planning
External Consultees	The Submission version of the PNDP is open to anyone to comment on. The SDNPA has publicised it and circulated to all known interested parties. Officers will coordinate all the responses and forward them to the Examiner.
Background Documents	SDNPA response to the Petworth Regulation 14 consultation Petworth NDP Submission version Basic Conditions Statement Petworth NDP Consultation Statement Petworth NDP Sustainability Appraisal

