



## Representation Form

### Loxwood Neighbourhood Plan

The Neighbourhood Planning (General) Regulations  
2012 - Regulation 16

Loxwood Neighbourhood Plan Steering Group has prepared a Neighbourhood Plan. The plan sets out a vision for the future of the parish and planning policies which will be used to determine planning applications locally.

Copies of the Loxwood Neighbourhood Plan and supporting documents are available to view on the District Council's website: <http://www.chichester.gov.uk/neighbourhoodplan>.

**All comments must be received by 5:00pm on 4<sup>th</sup> December 2014.**

There are a number of ways to make your comments:

- Complete this form on your computer and email it to: [neighbourhoodplanning@chichester.gov.uk](mailto:neighbourhoodplanning@chichester.gov.uk)
- Print this form and post it to us at: **Neighbourhood Planning, East Pallant House, 1 East Pallant, Chichester PO19 1TY**

All comments will be publicly available, and identifiable by name and organisation (where applicable). Please note that any other personal information provided will be processed by Chichester District Council in line with the Data Protection Act 1998.

#### How to use this form

Please complete Part A in full, in order for your representation to be taken into account at the Neighbourhood Plan examination.

Please complete Part B overleaf, identifying which paragraph your comment relates to by completing the appropriate box.

<b>PART A</b>	<b>Your Details</b>
<b>Full Name</b>	Clare Gibbons
<b>Address</b>	Southern Water Southern House Lewes Road Brighton
<b>Postcode</b>	BN1 4PY
<b>Telephone</b>	
<b>Email</b>	planning.policy@southernwater.co.uk
<b>Organisation (if applicable)</b>	Southern Water
<b>Position (if applicable)</b>	Development Manager
<b>Date</b>	November 2014

## PART B

To which part of the document does your representation relate?

Paragraph Number		Policy Reference:	Policy 6
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Do you support, oppose, or wish to comment on this paragraph? (Please tick one answer)

Support  Support with modifications  Oppose  Have Comments

**Please give details of your reasons for support/opposition, or make other comments here:**

### Previous representation

Southern Water understands Loxwood Parish Council's intention to protect local green spaces. However, we can not support the current wording of the policy as it could create barriers to statutory utility providers, such as Southern Water, delivering essential infrastructure required to serve existing and planned development allocated in the District Plan or the Neighbourhood Plan.

The National Planning Policy Framework (NPPF) identifies that there are 'very special circumstances' in which development would be permitted in such locations. Paragraph 76 of the NPPF sets out that neighbourhood plans can identify green areas of particular importance with the intention of ruling out '*new development other than in very special circumstances*'. Paragraph 88 of the NPPF explains that special circumstances exist if the potential harm of a development proposal is clearly outweighed by other considerations.

Southern Water considers that should the need arise, special circumstances exist in relation to the provision of essential wastewater or sewerage infrastructure (e.g. a new pumping station) required to serve new and existing customers. This is because there are limited options available with regard to location, as the infrastructure would need to connect into existing networks. The draft National Planning Practice Guidance recognises this scenario and states that '*it will be important to recognise that water and wastewater infrastructure sometimes has needs particular to the location (and often consists of engineering works rather than new buildings) which mean otherwise protected areas may exceptionally have to be considered*'.

We appreciate that the supporting text recognises that 'development on the land is not permitted except in very special circumstances'. However, development proposals would be determined in accordance with policies, so we remain of the strong view that the following additional text should be included in policy 6:

*Should the need arise, development for essential infrastructure will be supported in special circumstances, where the benefit outweighs any harm or loss and it can be demonstrated there are no reasonable alternative sites available.*

This approach has recently been supported by the examiner in the case of the Arundel Neighbourhood Development Plan.

### Update

The examiner in relation to the previous version of the Loxwood NDP commented that it was not for her to decide whether essential infrastructure constitutes very special circumstances and stated '*If the development of essential infrastructure in Loxwood constitutes the very special circumstances as defined in the NPPF and the locational needs are as recognised in the national Planning Practice Guidance, this would be supported by national policy and guidance. Therefore, specific reference in Policy 6 is not necessary*'. However, Southern Water remains of the view that

for the sake of clarity and to be commensurate with objective h. (to ensure sewage and surface provisions are upgraded) of the NDP, the policy should recognise the very special circumstances where development would be allowed. This approach is consistent with that taken in Policy 54 (Open Space, Sport and Recreation) of the Chichester District Local Plan (2014-2029) that recognises '*Exceptions will only be made where the benefit of the development outweighs any harm, and it can be demonstrated there are no reasonable alternative sites available*'. Paragraph 184 of the NPPF requires neighbourhood plans to reflect Local Plan policies and plan positively to support them. Also our approach is in line with the model policy for Local Green Space designation on page 13 of the recently issued guidance on 'Writing planning policies' (A guide to writing planning policies which will address the issues that matter to your neighbourhood plan).

(Continue on separate sheet if necessary)

#### **What improvements or modifications would you suggest?**

To meet the basic conditions necessary for a Neighbourhood Plan (namely to be in general conformity with the strategic policies contained in the development plan, to have regard to national policies and advice contained in guidance issued by the Secretary of State and contribute to the achievement of sustainable development), we propose the following additional wording to policy 6:

*Should the need arise, development for essential infrastructure will be supported in special circumstances, where the benefit outweighs any harm or loss and it can be demonstrated there are no reasonable alternative sites available.*

(Continue on separate sheet if necessary)

If you have additional representations feel free to include additional pages. Please make sure any additional pages are clearly labelled/ addressed or attached.