# **Loxwood Neighbourhood Plan Regulation 16 Consultation Responses**

Summary of representations received by Chichester District Council (CDC) as part of Regulation 16 publication and submitted to the independent examiner pursuant to paragraph 9 of Schedule 4B to the 1990 Act

**Parish Name: Loxwood Parish Council** 

Consultation Date: 23 October 2014 to 4 December 2014)

Please note: CDC comments are submitted as separate documents.

All the original representation documents are included, in full, as part of the examination pack. The table below may be a summary of the representations received so may not always be a verbatim report.

Name and Reference	Date received	Method of submission	Summary of representation
Chris Agar (001)	30.11.14	Email	I fully support (again) all the policies in the Loxwood Neighbourhood Plan. This plan represents the wishes of the Residents of Loxwood parish as determined through the democratic process of a Community Led Plan, significant community involvement and consultation and Neighbourhood Planning.  This re-consultation is only because of a developer's attempt to discredit the lawful democratic process of neighbourhood planning under the Localism Act through a technical challenge under a Judicial Review. I object to my democratic rights being challenged in this way and fully support the Loxwood Neighbourhood Plan.
Genesis Planning obo Landlinx Estates (002)	1.12.14	Email	Duplicate representations made during previous submission of NP. Company has controlling interest in land at the Nursery Site allocated for minimum 43 dwellings, retail and community facilities.  Note that previous Inspector raised no objection to this proposal.  Requirement for the Council to carry out a screening opinion for a SEA of the Plan will not

change the status of the allocation; it should therefore be re-confirmed with the same site area, minimum number of dwellings and posed mix of uses as set out in Policy 5.

## Policy 1:

Since the Neighbourhood Plan site allocations in policy 4 and 5 both already refer to 'an indicative number of dwellings' we believe Policy 1 should be amended to state the Neighbourhood Plan will allocate sites for at least 60 dwellings subject to layout considerations and identified housing need from the emerging Local Plan. This new wording would introduce more flexibility in the Plan in meeting housing need and in contributing to sustainable development as required by the NPPF (paragraph 14).

This was supported by the Loxwood Neighbourhood Plan Examiner in amended policy 1.

#### Policy 5:

The site allocation for Policy 5 is supported as the site is deliverable with no landownership or infrastructure constraints to its immediate development. However the western boundary of the site allocation requires a slight amendment so it is contiguous with the access road to Loxwood House as shown on the site layout plan accompanying these representations. Otherwise the boundary would appear arbitrary and fail to reflect the natural site boundaries on the ground. The slight boundary change should apply to figure 6, figure 7 and Appendix 1. The number of dwellings (43) should be expressed as a minimum with no upper limit. We support the retail and business development options on the site subject to overall viability.

We support the phasing of the site within the first 5 years of the Plan (paragraph 17.5.5) and suggest that the Policy wording itself is amended to confirm this phasing timescale.

Examiner raised no objection to the allocation in principle, the mix of uses or site area. The need to express the number of houses (43 dwellings) in the policy as a minimum and the need for the associated retail and business development to be subject to overall viability were supported by the Loxwood Neighbourhood Plan Examiner in amended policy 5.

## Policy 8:

Request that this is investigated further as street lighting might be condition of road adoption by the County Council as highway authority. The allocated site 5 at the Nursery is too large for a private management Co to take responsibility for the road, and adoption would be the likely

			outcome.  Amendment to policy 8 was supported by the Loxwood Neighbourhood Plan Examiner who recommended that unless it is required to mitigate a potential road safety hazard or other requirement of the highway authority, all new roads built as part of a housing development should not feature street lighting.  Policy 18:  Needs to be amended so it is expressed as a preference rather than an absolute requirement as it will be dependent on overall scheme viability as stated at paragraph 173 of the NPPF.  Amendment was supported by the Loxwood Neighbourhood Plan Examiner who recommended
Highways Agency (003)	28.11.14	Email	that the requirement will be subject to viability and deliverability.  We have reviewed the consultation and do not have any comments at this time.
Andrew Spencer (004)	29.10.14	Representation form	I fully support the neighbourhood plan. It represents my personal preferences for future development of my village and is a pragmatic and sensible approach. It should be approved and adopted as soon as possible.
Elspeth Carr (005)	3.11.14	Representation form	We have submitted our village plan and it was approved by a lot of us. We have defined areas for development which cover the number of houses Loxwood has to build. It is rather annoying to have to go back and do it all again.
Hugh and Ann Kersey (006)	29.10.14	Email	Policy 2 (and para 18.2.2): Settlement Boundary as proposed is inconsistent and illogical in respect of land to the West of, and abutting, the B2133 in the centre of the Village. Anomaly occurs in respect of the land between Hall Hurst Close to the South and the Nursery Site (SHLAA No. LX0855) to the North in that by being drawn as outside the Settlement Boundary it is classified as rural with restrictions as laid out in paragraph 18.2.1 and therefore subject to Policy 12. This is manifestly incorrect since Woolspinners has been developed and occupied as modern housing and as a domestic residential plot since the very early 1970's and has in no way been occupied or operated as farm or rural land since before then. In fact, according to the deeds predating the construction of the existing house there was a previous dwelling occupied by a retired police officer (East View, a bungalow dating from at least 1952). The positioning of this site outside the Settlement

			Boundary is even more irrelevant following the recent expansion of the Settlement Boundary to include the development of Hall Hurst Close from truly (actively farmed) rural land to intensive residential use immediately adjoining the whole Southern boundary of Woolspinners, thereby removing the only truly rural aspect of the adjoining property – the other two boundaries being enclosed by Black Hall and its garden and pool.  We would draw attention to the comments registered by the Independent Examiner in her report of April 2014 at paragraph 31. Namely "I do see some sense in extending the Settlement Boundary to incorporate the dwellings between Hall Hurst Close and the allocated Nursery Site" and express my surprise that neither my previous comments nor those of the well qualified Examiner have had any bearing on the Plan as now published.  In view of the above we strongly oppose the identified element of the Settlement Boundary in respect of Woolspinners as being erroneous and submit that it should be amended to include existing previous development thereby remedying this anomaly.  Suggested improvement or modification:  We are happy to support the relevant paragraph and with it the Plan subject to modification of the Settlement Boundary as outlined above.
James Dore (007)	24.10.14	Email	I fully support all aspects of the Loxwood Neighbourhood Plan as a blueprint for the future wellbeing of Loxwood Village.
Jean Spira (008)	1.12.14	Email	I have been involved with the development of Loxwood's Neighbourhood plan from the very start and have also lived in the village for 52 years, and feel that the plan is the best possible plan for both the development and preservation of the village. I, therefore, support it in its entirety.
Linda Colling (009)	30.11.14	Email	I fully support the policies in the Loxwood Neighbourhood Plan.
Roger Good (010)	26.11.14	Email	Policy 1 and paras 18.2.1 and 18.2.4: As a possible newcomer to the village of Loxwood I was surprised to see that the Settlement Boundary excludes property including listed buildings which lie to the south of the SB. I cannot see why they have been excluded as they are clearly not in a rural area but form part of the village setting and make a significant contribution to the streetscape.  Suggested improvement or modification:

			To redraw the settlement boundary to include properties in the south of the village on High Street including any parcels of land to which they are attached (see also plan attached to representation).
Mr and Mrs Denney (011)	2.12.14	Email	Para 17.2: Support NP but have an issue with the settlement boundary, which in respect of our own and our neighbour's property, Woolspinners, is illogical.  At present the boundary quite rightly follows the western limit of of Hall Hurst Close but it then returns along the north boundary of the close until it reaches the B2133. The boundary also extends, to a certain extent arbitrarily, around part but not all of the Nursery Site to the north of our property with the south boundary of the settlement at this point coinciding with the south boundary of the Nursery and the north boundary of our land extending again to the B2133. This results in an illogical 'cut out' not commensurate with the general line of the settlement boundary elsewhere (Figure 6).  South/west boundary of Hall Hurst Close adjoins a public right of way that beyond Hall Hurst Close extends along the south west boundary of our property at the rear. This boundary line is also clearly defined by established trees and hedgerows, with our land being open and laid to lawn.  Logical settlement boundary line should therefore be extended around our south west, west (rear) and north boundaries connecting with the rear (west) boundary of the Nursery and we submit that all this land, which included our neighbours land at Woolspinners, should be included in the settlement boundary (see also map showing amendment with representation).  Suggested improvement or modification: Alter boundary as above.
Nigel Gibbons (012)	3.11.14	Representation form	Para 3.1 and 18.1.1: I support the changes as I want the Neighbourhood Plan to be adopted as soon as possible.
Peter Hughes (013)	23.11.14	Email	I would like to offer my full support for the Loxwood NP. It is a very positive document focused on providing the best outcome for the parish.
Planit Consulting obo Crownhall Estates	4.12.14	Email	Submission is supported by a joint legal opinion from two barristers. In addition supporting material is provided by a revised site assessment table, email URS, email relating to highways (see main representation).

Additional site is proposed - land south of Loxwood Place Farm. This is not one of the sites that (014)is within the NP as currently drawn. Site has been subject to a planning application which was refused and is now progressing to appeal. Consider that in its current form the NP does not comply with the basic conditions as the NP is over restrictive and unlawfully precludes appropriate sustainable development if it is adopted. The NP fails to contribute sufficiently to the objectively assessed housing needs (OAN) of the district. Allocation in NP is too low in terms of both the allocation for the North of Plan area and for Loxwood. NP seeks to resist all development outside newly identified settlement area rather than taking more flexible approach of neighbouring NP (Kirdford) at Policy DS.1 that supports development on allocated sites in principle provided it respects the character and rural scale of Kirdford village. This offers a more sustainable approach to development. NP fails to provide any alternatives to the two sites identified; in particular with regard to the Conifer Nursery site, there is no indication as to whether or not this site is developable. This lack of flexibility is not a reasonable or sustainable planning approach. The Council undertook an audit, requested by the Inspector into the Local Plan, that has led to an increase in housing provision. Where the figure is likely to increase to more closely align with the OAN, Loxwood NP has no ability to accommodate any additional development. Question officers' authority to determine that SEA is not required; currently checking this. Site selection methodology used by NP is flawed and results are incorrect. Provide detailed breakdown of errors of methodology (see main representation paras 3.24-3.26). Planning application: draw attention to the Committee report where officers are of the opinion that the land is suitable for development; refusal is based on the conflict with the aims and policies of NP. Initial settlement capacity document for Loxwood suggested 60-100 dwellings for the village. NP does not state why the figure of 60 was chosen. On this basis Loxwood could accommodate

			additional housing units over and above the 60 units; 100 units would not be unreasonable given there are no physical constraints of the village.  Land at Loxwood Place Farm could therefore be allocated.
Robert Brennan (015)	28.11.14	Email	I am resubmitting my support for the Loxwood Neighbourhood Plan following the legal challenges made by Crownhall Estates.  The Loxwood NP was arrived a after a long and thorough process led by the Parish Council and an overwhelming vote in favour of the plan at the July 2014 Referendum.  It is a plan that has been democratically arrived at and it should not be allowed to be amended by a 3 <sup>rd</sup> party, especially on the grounds of a procedural technicality.  I want the village to grow and prosper in a way that the majority of residents have bought in to
			and not allow ad hoc developments which undermine the wishes of the Village.  When the Loxwood NP has been completed, we will no doubt have another look at what else needs to be done in the village, but until then, let us just complete this phase without constant challenges and counter submissions.
Sport England (016)	24.10.14	Email	The NPPF recognises that the need for positive planning for sport, protection from unnecessary loss of sports facilities and an integrated approach to providing new housing and employment land and community facilities provision is important.  Neighbourhood Plans should reflect this particular reference to Paras 73 and 74.  It is also important to be aware of Sport England's role in protecting playing fields and the presumption against the loss of playing fields as set out in our national guide, 'A Sporting Future for the Playing Fields of England – Planning Policy Statement'.  Where LPAs have undertaken playing pitch strategies and/or indoor /outdoor sports' strategies the NP should reflect these recommendations. Any local investment opportunities (eg CIL) should be used to support the delivery of these recommendations.

SGN Gas (017)	28.11.14	Email	SGN has assessed the impact of your proposed future development (Strategic Land Allocations Assessment) for Land at Nursery Site North Hall and Land at Farm Close, South Loxwood. We can conclude that on the whole, SGN have no Gas infrastructure at these Strategic Land Allocation for future development. Our Gas infrastructure is approximately 5km or more away from Loxwood Parish Council.  Information obtained via Development Plans only acts to identify potential development areas. Our principle statutory obligations relevant to the development of our gas network, arise from the Gas Act 1986 (as amended). We would not, therefore, develop firm extension or reinforcement proposals until we are in receipt of confirmed developer requests.  As SGN owns/operates significant gas infrastructure within the District and due to the nature of our licence holder obligations;  Should alterations to existing assets be required to allow development to proceed, such alterations will require to be funded by a developer.  Should major alterations or diversions to such infrastructure be required to allow development to proceed, this could have a significant time constraint on development and, as such, any diversion requirements should be established early in the detailed planning process.  Advances are being made in renewable technologies, especially those related to the production of biomethane. Should any developer be proposing to include such technology within their development, then we would highlight the benefits of locating these facilities near existing gas infrastructure.  In all cases discussions with developers are advised at an early stage.
Southern Water (018)	21.11.14	Email	Para 5.2:  Previous representation  We welcome objective 'h. to ensure that the sewage and surface water provision are fit for purpose and are upgraded commensurate with any increase in demand'. This is in line with: (ii) paragraph 156 of the NPPF that requires planning for the provision of infrastructure for water supply and wastewater and (ii) the NPPG which expects plan making to consider the sufficiency and capacity of wastewater infrastructure.  Update - We reiterate the above.

### Policy 4:

In our last representation, we highlighted that there are existing sewers below the site known as 'land at Farm Close' that need to be taken into account when designing the proposed development. The Parish Council's response is that the developers are already engaging with Southern Water and it is an issue for developers to take into account. However, planning applications are determined in accordance with planning policies. Therefore, we seek recognition of this existing infrastructure in the above policy.

<u>Update:</u> It is disappointing that the Neighbourhood Plan does not take the advice of the examiner of the previous version of the NDP and identify this constraint in the supporting text of the site. Our infrastructure could influence the layout and design of any proposed development and so it would be expedient to give early warning to developers.

### Amendment or modification suggested:

The following is included in the supporting text to Policy 4:

There are existing sewers below the site that need to be taken into account when designing the proposed development. An easement of 10 metres wide is likely to be required and early consultation with Southern Water is encouraged.

### Policy 6:

Previous representation

Understand 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 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 NPPG 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'.

Appreciate 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.

<u>Update:</u> 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).

### Amendment or modification suggested:

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.

### Policy 9:

#### Previous representation

In principle, we support the provision of a policy that seeks to address the requirement to provide local sewerage infrastructure. Such policy provision is in line with paragraph 157 of the National Planning Policy Framework (NPPF) that requires positive planning for 'the development and infrastructure required in the area to meet the objectives, principles and policies of the Framework'.

Southern Water looks to ensure that site specific infrastructure is provided in parallel with new development as the development comes forward. This approach ensures that new infrastructure is not left idle for long period of time if there are delays to planned development.

It is often difficult to predict precisely when development is likely to come forward within the life time of a Neighbourhood Plan. There can be significant delays, for example for economic reasons.

Furthermore, Ofwat, the water industry's economic regulator, takes the view that local infrastructure that is specifically required to service an individual site should be funded by that development. This ensures that the infrastructure is paid for by those who directly benefit from

it, and protects existing customers who would otherwise have to pay through increased general charges.

Connection to the sewerage system at the nearest point of adequate capacity is the mechanism by which the developer can provide the local infrastructure required to serve the site. Site specific infrastructure required to achieve this is initiated by the developer as and when required. Southern Water will take future income from customers into account, so that the developer would only need to fund a proportion of the total cost.

The critical issue is therefore not whether the sewerage improvements referred to in Policy 9 are "planned" but rather whether they can be delivered in parallel with the development. Even if improvements are not programmed by Southern Water – for the reasons explained above – development can come forward, subject to the necessary improvements being identified and provided in parallel with it. We look to planning policies and planning conditions to ensure that this is achieved.

Accordingly, we consider that the following text (new text underlined) should be added to the end of policy 9: '...or through planned improvements to the system in advance of the construction of the development or can be provided in time to serve it'.

<u>Update: Welcome</u> the examiner's support for our amendment as outlined above. Note that the final version of the NDP seeks to address this requirement for local infrastructure but requires it to be in place in advance of construction of the development. In our view, the infrastructure could be provided in parallel with the development.

### Amendment or modification suggested:

Amended wording:

'New developments will be permitted only if the network can accommodate the additional demand for sewerage disposal either in its existing form or through planned improvements to the system, or can be provided in time to serve it in advance of the construction of the development'.

## New policy:

Previous representation

We reiterate the comments that we made to the pre-submission version of the Neighbourhood

Plan and seek policy provision to support new infrastructure. This would ensure that the Loxwood Neighbourhood Development Plan (NDP) would be in line with the NPPF.

This is because new and improved water and wastewater infrastructure will be required to serve new development or to meet stricter quality standards. Delivery of infrastructure improvements needs to be supported by development plan policies, planning consents and in the case of wastewater treatment, environmental permits from the Environment Agency.

Our proposed policy provision would accord with one of the Core Planning Principles identified by the NPPF to 'proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs'. The NPPF outlines the importance of achieving sustainable development and paragraph 177 states that 'It is equally important to ensure that there is a reasonable prospect that planned infrastructure is deliverable in a timely fashion...For this reason, infrastructure and development policies should be planned at the same time...'. Also the National Policy Statement for Waste Water outlines in paragraph 2.2.5 that one of the government's key policy objectives is 'to seek wastewater infrastructure that allows us to live within environmental limits and helps ensure a strong, healthy and just society'.

Although the Parish Council is not the planning authority in relation to water supply and wastewater development proposals, support for essential infrastructure is required at all levels of the planning system.

Therefore, we seek the following additional policy provision:

New and improved utility infrastructure will be encouraged in order to meet the identified needs of the community.

<u>Update:</u> The examiner in relation to the previous version of the Loxwood NDP commented the provision of new infrastructure is covered by saved Local Plan Policy BE11 and it is not necessary to replicate a similar policy in the NDP. Policy 9 of the Chichester District Local Plan: Key Policies 2014-2019 also seeks to ensure that the infrastructure needed to support development is provided but we seek similar recognition in the NDP, as it may come into force in advance of the Local Plan. Such policy provision would be in line with government guidance, including paragraph 184 of the NPPF which states that *'To facilitate this, local planning* 

Tony Colling	30.11.14	Email	authorities should set out clearly their strategic policies for the area and ensure that an up-to-date Local Plan is in place as quickly as possible. Neighbourhood plans should reflect these policies and neighbourhoods should plan positively to support them".  Although there are no current plans, over the life of the NDP it maybe that we need to provide new or improved infrastructure. Page 8 of the National Policy Statement on Wastewater states that 'Waste water treatment is essential for public health and a clean environment. Demand for new and improved waste water infrastructure is likely to increase in response to the following main drivers: More stringent statutory requirements to protect the environment and water quality; Population growth and urbanisation; Replacement or improvement of infrastructure; Adaption to climate change. The Government is taking measures to reduce the demand for new waste water infrastructure in EnglandHowever, there will still be a need for new waste water infrastructure to complement these approaches and ensure that the natural and man-made systems are able to function effectively together to deliver a wide range of ecosystem services and other benefits to society'.  Our proposed policy provision would enable two of the basic conditions necessary for a NDP to be met, namely: to have regard to national policies and advice contained in guidance issued by the Secretary of State and to contribute to the achievement of sustainable development.  Amendment or modification suggested:  To ensure consistency with government guidance and facilitate sustainable development, we propose the following additional policy in the NDP:  New and improved utility infrastructure will be encouraged and supported in order to meet the identified needs of the community, subject to other policies in the development plan.
(019)			
West Sussex County Council (020)	3.12.14	Email	Policies 3, 4 and 5: The NP includes the proposed allocation of small scale housing sites, it should be noted that this will be subject to the resolution of any highway safety and access issues at the planning application stage or as part of a consultation on a Community Right to Build Order. The County Council provided general Development Management guidance in response to the PreSubmission consultation.

	Policy 16: Identifies infrastructure investment priorities as potential for receiving developer contributions. For the Community Infrastructure Levy (CIL), it should be noted that no mechanism currently exists for prioritising infrastructure needs across different public services and allocating funds to priority projects. The County Council is working with Chichester District Council and other Local Planning Authorities to develop a robust mechanism and establish appropriate governance arrangements to oversee the prioritisation of infrastructure across different services. This will be important to secure delivery of priority projects and the County Council would welcome the Council's support for establishing appropriate decision-making arrangements.
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