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# **Plaistow & Ifold 2014-2029 Neighbourhood Plan Submission Reg 16 Consultation**

On behalf of Domusea Ltd

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## 1.0 INTRODUCTION AND SCOPE OF REPRESENTATIONS

### Introduction

- 1.1 These Regulation 16 representations on the Submission Plaistow & Ifold Neighbourhood Plan 2014-2029 April 2020 have been prepared by Smith Simmons Planning on behalf of Domusea Ltd. They are submitted within the extended consultation period of 30 April 2020. Domusea has an interest two of the proposed Neighbourhood Plan allocated sites in policy H1 - Land opposite The Green, Common House Road, Plaistow and policy EE4 – a brownfield site at Little Springfield Farm. Both sites are within Chichester District but outside the South Downs National Park.

### Scope of Representations

- 1.2 These representations consider whether the draft Neighbourhood Plan meets the requirements of regulation 15 and whether its policies comply with the 'basic conditions' for Plan preparation. We have noted the Basic Conditions Statement and the Statement of Consultation prepared by the parish in support of its Plan and have carried out our own basic conditions assessment of the policies. **In summary, our own assessment shows it has been prepared having full regard to the 'basic conditions' and we therefore wholly support it.**
- 1.3 In dealing with Policy Allocations H1 and EE4 of the Plaistow & Ifold Neighbourhood Plan, those being sites that fall outside the National Park, we have only considered how they comply with policies of the Chichester District Local Plan Key policies in basic condition 4.

## 2.0 POLICY CONSIDERATIONS FOR NEIGHBOURHOOD PLAN PREPARATION

### Neighbourhood Planning (General) Regulations 2012

2.1 The Neighbourhood Plan has been submitted in accordance with Regulation 15 of The Neighbourhood Planning (General) Regulations 2012 (as amended).

2.2 The Regulation 15 requirements are that where a qualifying body submits a plan proposal to the local planning authority, it must include:

- a map or statement which identifies the area to which the proposed neighbourhood development plan relates;
- a consultation statement;
- the proposed neighbourhood development plan; and
- a statement explaining how the proposed neighbourhood development plan meets the requirements of paragraph 8 of Schedule 4B to the 1990 Act (Basic Conditions Statement).

2.3 All these procedural requirements have been complied with. Not only that, we note from the Consultation Statement just how thorough the Parish has been in preparing its Plan since the designation of the Plan area in 2012/13. It has been subject to extensive consultation over five years and has benefited from wide community support and engagement including support from Chichester DC as 'lead authority'. Subject to minor recommended amendments already made, the external 'health check' of its policy content and relationship with the higher order District Site Allocations Development Plan Document (DPD) summarised in section 7 of the Consultation Statement found no fault with it.

### The Localism Act 2011 – The Basic Conditions for Plan Preparation

2.4 The Localism Act 2011 inserts provisions into the Town and Country Planning Act 1990 ("the Act") in relation to neighbourhood development orders and into the Planning and Compulsory Purchase Act 2004 in relation to neighbourhood development plans. Paragraph 8(2) of Schedule 4B of the 1990 Act sets out the **basic conditions** a Neighbourhood Plan must meet and which an examiner must consider before it can go to referendum. The statutory test is:

- Having regard to national policies and advice, whether it is appropriate for the Neighbourhood Plan to be made

- Having special regard to the desirability of preserving any listed building or its setting or the character or appearance of any Conservation Area
- Contribute to the achievement of sustainable development
- Be in general conformity with the strategic policies of the development plan for the area
- Be compatible with the European Union (EU) and European convention on human rights (ECHR) obligations

### National Planning Policy

2.5 We have reviewed the Basic Conditions Statement prepared by the Parish in support of its Plan and note its conclusion (paragraph 1.4) that 'the Neighbourhood Plan complies with the requirements of the basic conditions as set out in Paragraph 8(1)(a) of Schedule 4B of the Town & Country Planning Act 1990 (as Amended)'. To test that further with specific reference to Policy Allocations H1 and EE4 we have carried out our own assessment.

### Basic Condition 1

2.6 With regards to **basic condition 1** the national policy and advice in the National Planning Policy Framework 2019 (NPPF) and the on –line Planning Practice Guidance (PPG) is set out below.

### National Planning Policy Framework

2.7 The NPPF explains that Neighbourhood Plans should support the delivery of strategic policies contained in Local Plans (paragraph 13). In all cases Neighbourhood Plans should not promote less development than set out in the strategic policies for the area or undermine those policies as Neighbourhood Plans must be in general conformity with the strategic policies for the area (paragraph 29).

2.8 Paragraph 59 deals with housing delivery and it states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. There is no ceiling to housing delivery.

2.9 Paragraph 68a recognises that small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and planning authorities should identify land to accommodate at least 10% of

their housing requirement on sites no larger than one hectare. Similarly, paragraph 69 states that Neighbourhood planning groups should also consider the opportunities for allocating small and medium-sized sites (of a size consistent with paragraph 68a) suitable for housing in their area.

- 2.10 With regards to housing in rural areas, paragraph 79c states that planning policies and decisions should avoid the development of isolated homes in the countryside unless the development would re-use redundant or disused buildings and enhance its immediate setting. Paragraph 84 deals with the rural economy and it says the use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist
- 2.11 Section 11 of the NPPF is exclusively about making a more effective use of land and paragraph 117 states strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously developed or 'brownfield' land. Paragraph 118 states that planning authorities should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land.

### Planning Practice Guidance

- 2.12 The on-line Planning Practice Guidance (PPG) reinforces national policy in the NPPF. It states to meet the basic conditions, a draft Neighbourhood Plan or Order must be in general conformity with the strategic policies of the development plan in force (Paragraph: 009 Reference ID: 41-009-20190509) and should support the delivery of strategic policies set out in the local plan (Paragraph: 004 Reference ID: 41-004-20190509). Whilst that excludes policies in an emerging Local Plan the PPG says Neighbourhood plans should consider providing indicative delivery timetables and allocating reserve sites to ensure that emerging evidence of housing need is addressed. This can help minimise potential conflicts and ensure that policies in the neighbourhood plan are not overridden by a new local plan (Paragraph: 009 Reference ID: 41-009-20190509).
- 2.13 Neighbourhood planning bodies are encouraged to plan to meet their housing requirement, and where possible to exceed it. A sustainable choice of sites to accommodate housing will provide flexibility if circumstances change and allows plans to remain up to date over a longer time scale (Paragraph: 103 Reference ID: 41-103-20190509). A neighbourhood plan can also allocate additional sites to those in a local plan (or spatial development strategy) where this is supported by evidence to demonstrate need above that identified in the local plan or spatial development strategy (Paragraph: 044 Reference ID: 41-044-20190509).

- 2.14 In this regard, we note that the 'health check' examiner raised no objection to the Plan identifying additional sites to the District Council site included in the adopted Site Allocations DPD.

### **Basic Condition 2**

- 2.15 **Basic condition 2** requires special regard is had to the desirability of preserving any listed building or its setting or the character or appearance of any Conservation Area. This test follows section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

### **Basic Condition 3**

- 2.16 **Basic condition 3** requires a Neighbourhood Plan to contribute to the achievement of sustainable development. This is set out in section 2 of the NPPF and paragraph 8 says achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

### **Basic Condition 4**

- 2.17 **Basic condition 4** says a Neighbourhood Plan must be in general conformity with the strategic policies of the development plan for the area. In this case, the relevant development plan is the Key Policies Chichester Local Plan adopted in July 2015.

## The Key Policies Chichester Local Plan

- 2.18 Paragraph 7.9 explains the Plan does not meet objectively assessed need for housing (OAN) but was adopted because the Council undertook to review the Local Plan within five years to aim to ensure that OAN was met.
- 2.19 It was adopted using the same settlement policy boundaries for all settlements from the superseded 1999 Local Plan (paragraph 5.5). Both the Neighbourhood Plan allocated sites H1 and EE4 are shown outside the boundary for Ifold in countryside. Local Plan policy 2 identifies Ifold as a service village in the settlement hierarchy suitable for small scale housing developments consistent with the indicative housing numbers set out in its Policy 5. The Parish housing allocation for Plaistow and Ifold in Local Plan Policy 5 is an indicative **minimum** of 10 dwellings.
- 2.20 With regards to development in the countryside, Local Plan Policy 3 allows for small-scale employment development or live/work units, including extensions to existing sites in rural areas. The policy says these can be identified in Neighbourhood Plans or permitted in appropriate circumstances where commercial demand exists.
- 2.21 Paragraph 19.23 of the Local Plan recognises that where development in the countryside is proposed to meet a demonstrable need, there is an expressed preference for the conversion of existing buildings worthy of retention or the redevelopment of sustainably located previously developed sites.

## Site Allocations Development Plan Document (DPD) 2019

- 2.22 The Site Allocations DPD was adopted in January 2019. It makes land allocations across the District to meet the non-strategic policy needs of the Key Policies Local Plan. Whilst it is not therefore a matter for basic condition 4 as it is non-strategic, we nevertheless would point out that it has allocated land north of Little Springfield Farm for 10 dwellings in Policy PL1. The allocation delivers on Key Policies Local Plan Policy 5 outlined above. The southern boundary of the allocated PL1 site is approximately 70m from the Neighbourhood Plan Site EE4.

## Basic Condition 5

- 2.23 The last basic condition is that the Neighbourhood Plan must be compatible with the European Union (EU) and European convention on human rights (ECHR) obligations. The Plan has been subjected to Strategic Environmental Appraisal and Habitat Regulation Assessment as explained in the Statement of Consultation and no failure on the parish council's part in meeting this condition was identified in an initial health check of the Plan outlined in section 7 of the consultation statement.



### 3.0 THE PLAISTOW & IFOLD NEIGHBOURHOOD PLAN POLICIES H1 AND EE4

#### Policy H1 – Basic Condition 1

3.1 Policy H1 allocates land opposite The Green, Common House Road, Plaistow for a residential development of 11 units. The site is around 0.8ha. We support this policy because it pays regards to the basic conditions outlined in section 2.

- It complies with national policy in basic condition 1. Paragraph 29 of the NPPF says Neighbourhood Plans should not promote less development than set out in the strategic policies for the area or undermine those policies as Neighbourhood Plans must be in general conformity with the strategic policies for the area. The parish allocation to Plaistow & Ifold is an indicative number of 10 dwellings and although the District has allocated a site for this at north of Little Springfield Farm, there is no national policy reason why a further 11 dwellings can't be allocated in Neighbourhood Plan policy H1.
- There is no ceiling to housing delivery in paragraph 59 of the NPPF
- Paragraph 68a recognises that small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and planning authorities should identify land to accommodate at least 10% of their housing requirement on sites no larger than one hectare. Similarly, paragraph 69 states that Neighbourhood planning groups should also consider the opportunities for allocating small and medium-sized sites (of a size consistent with paragraph 68a) suitable for housing in their area. Policy H1 accords with this as the site is 0.8ha.
- In the on-line PPG, Neighbourhood planning bodies are encouraged to plan to meet their housing requirement, and where possible to exceed it. A sustainable choice of sites to accommodate housing will provide flexibility if circumstances change and allows plans to remain up to date over a longer time scale (Paragraph: 103 Reference ID: 41-103-20190509). A neighbourhood plan can also allocate additional sites to those in a local plan (or spatial development strategy) where this is supported by evidence to demonstrate need above that identified in the local plan or spatial development strategy (Paragraph: 044 Reference ID: 41-044-20190509). This all justifies additional housing allocations in the Neighbourhood Plan on policy H1.

#### Policy EE4 – Basic Condition 1

3.2 This policy states on land at Little Springfield Farm (Brownfield site), the Parish Council will encourage a mix of uses to include: B1(c) light industrial and C3 residential This policy proposal also complies with national policy in basic condition 1.

- It is an additional site to the allocated site in the Site Allocations DPD and with H1 will ensure the parish exceeds its housing requirement. This is encouraged by the NPPF and the PPG and will help offset the existing local plans failure to meet OAN (para 2.18 above)
- It will offer a different location for housing in the parish adjacent to a district council allocated site. Being within 70m of that it will share its sustainability benefits
- Like H1 it will deliver housing on a small to medium site of 0.5ha (less than 1ha) encouraged by the NPPF
- Above all the re-use of this previously developed site is encouraged by Section 11 of the NPPF which is exclusively about making a more effective use of brownfield sites. Paragraph 118 states that planning authorities should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land.
- Paragraph 6.3 vi) of the Consultation Statement explains the reasons for allocating site EE4 was because the parish residents had expressed a desire to use brownfield sites before greenfield and it would have the benefit of removing the inappropriate B2 and B8 uses from the site once and for all.

### Policy H1 – Basic Condition 2

- 3.3 **Basic condition 2** requires special regard is had to the desirability of preserving any listed building or its setting or the character or appearance of any Conservation Area. This test follows section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Whilst the site is close to 2 listed buildings and the Conservation Area no harm to either were identified in the Strategic Environmental Appraisal. In any event, the requirements of the 12 policy criteria in H1 will ensure the basic condition is complied with.

### Policy EE4 – Basic Condition 2

- 3.4 No harm to this basic condition will arise as it is remote from listed buildings or the conservation area.

### Policy H1 – Basic Condition 3

- 3.5 **Basic condition 3** requires a Neighbourhood Plan to contribute to the achievement of sustainable development. Policy H1 does contribute in our view and we say this with reference to the Consultation Statement. Paragraph 6.10 for instance says the site was seen to best meet the identified parish housing need of 1, 2 and 3 bedroom units and housing suitable for the elderly and allow the opportunity to walk to village services and facilities and socially interact, both for young and old alike. At paragraph 7.3 it says the Parish Council maintains that the H1 site

proposed in the Neighbourhood Plan is the community's preferred site and is more sustainable than the site allocated by CDC in their Site Allocations DPD.

### Policy EE4 – Basic Condition 3

- 3.6 The reuse of a previously developed site is the most obvious way of securing sustainable development, safeguarding other greenfield sites. The site is only 70m from a Council allocated site in the Site Allocations DPD. That site must have been sustainable otherwise it would never have been allocated in principle. We say that the EE4 site being only 70m further away cannot be considered unsustainable in principle.

### Policy H1 – Basic Condition 4

- 3.7 **Basic condition 4** says a Neighbourhood Plan must be in general conformity with the strategic policies of the development plan for the area. Policy H1 is in conformity as explained in the table 3 of the Basic Conditions Statement with reference to policies 5 and 33 of the Local Plan.

### Policy EE4 – Basic Condition 4

- 3.8 This is also in conformity with policies 5 and 33 of the Local Plan. The parish requirement of 10 dwellings in policy 5 is expressed as an indicative housing number and therefore there is no upper ceiling and additional sites can be allocated in Neighbourhood Plans. Policy 33 is a development management tool requiring a high standard of design and enhancement of local character. This can be achieved with a suitable design and layout. The removal of the existing buildings will meet the policy objectives too.
- 3.9 Site EE4 includes live/work units and is wholly consistent with Chichester Local Plan Key Policy 3 which encourages live/work units in the rural area and states they can be identified in Neighbourhood Plans or permitted in appropriate circumstances where commercial demand exists.
- 3.10 Paragraph 19.23 of the Local Plan recognises that where development in the countryside is proposed to meet a demonstrable need, there is an expressed preference for the conversion of existing buildings worthy of retention or the redevelopment of sustainably located previously developed sites. EE4 is consistent with this local plan objective as well.

### Policy H1 and EE4 – Basic Condition 5

- 3.11 The last basic condition is that the Neighbourhood Plan must be compatible with the European Union (EU) and European convention on human rights (ECHR) obligations. Both policies meet this condition. As explained earlier, the Plan has been subjected to Strategic Environmental Appraisal and Habitat Regulation Assessment and no failure on the parish council's part in meeting this condition was identified in an initial health check of the Plan in the Consultation Statement.

## 4.0 CONCLUSIONS

- 4.1 As drafted, the Plaistow and Ifold Submission Neighbourhood Plan with reference to policies H1 and EE4 meet all the basic conditions for plan preparation.
- 4.2 It has been submitted in accordance with Regulation 15 of The Neighbourhood Planning (General) Regulations 2012 (as amended) and all the required plans and documents forming part of the evidence base have all been supplied.
- 4.3 It has been subject to extensive consultation over five years and has benefited from wide community support and engagement including support from Chichester DC as 'lead authority'.
- 4.4 The external 'health check' of the Plan summarised in section 7 of the Consultation Statement found no faults in its preparation and with minor recommended amendments to its content (duly made) the health check report concluded it could proceed to Submission stage consultation.
- 4.5 In meeting the 'basic conditions' we therefore commend the Plan to the Neighbourhood Plan Examiner and trust it will be recommended to proceed to referendum.