

POSITION STATEMENT

for

SDNP LOCAL PLAN INSPECTION HEARING

to held on Wednesday 12 December 2018

by

FINDON PARISH COUNCIL

on the insufficiency of soundness of housing allocation policies SD71 and SD72

Dr Sean Smith Chairman Findon Parish Council

David Hutchison B Arch PG Dip TP

19 September 2018

1. This Position Statement further clarifies the written representations made by Findon Parish Council during the formal consultation period for the SDNP 2017 Pre Submission Local Plan.
2. The 2016 'made' Findon Neighbourhood Development Plan did not include any housing site allocations to meet the housing provision for Findon, which at that time had not been fully settled upon in the emerging SDNPA Local Plan. The consequence for the community was that the SDNPA then held the responsibility, as the LPA, to allocate housing sites in Findon to meet the proposed housing provision, when it was settled upon. Two housing site allocations, SD71 and SD72, for Findon were subsequently included in the 2017 Pre Submission Local Plan.
3. The community and the Parish Council were however surprised and disappointed that no meaningful local consultation was undertaken by the SDNPA before the two housing site allocations were proposed and included in the Pre Submission LP. Village opinion felt strongly that the proposed allocation sites, being on the higher slopes of the settlement edge were highly visible where development would cause great harm to the local downland landscape; that the locations were of important local historic landscape and local cultural heritage value; that there were different, less landscape and heritage sensitive sites that were just as available, deliverable and sustainable as sites SD71 and SD72 and which had much greater community support. Unfortunately the community had inadvertently found themselves in a local planning process where they were no longer able to have a proper say on where new housing should be located, one of the fundamental aspirations of localism in local planning.
4. However, following a well attended local meeting in 2017, the community decided it wanted to re-engage in the local planning process and formed a Working Group to prepare an updated Neighbourhood Plan (UNP), which this time would include housing site allocations to meet the settled upon housing provision for Findon, in line with the emerging 2017 Pre Submission LP. The Parish Council, as the NP Qualifying Body supported this community initiative and appointed two councillors to join the Working Group. The process for the preparation of the updated NP has followed that for the original NP and has involved a series of further local consultations, housing location preference surveys, liaison with landowners, developers, WSCC, the highway authority, Arun DC, the housing authority and the SDNPA. (1)

5. The UNP reached Reg 14 Pre Submission consultation stage in Spring 2018. All the consultation responses have been reviewed, some minor amendments made and the Reg 15 version is ready for submission to the SDNPA, to publish as the Reg 16 Submission early next year, subject to a joint review of outcomes from the Local Plan Inspection. (2)
6. FPC and the UNPWG appreciate that it is not the Inspector's role to review, what are in effect, Submission LP 'omission sites'. When the UNP is published as the Reg 16 Submission, it will be for the appointed UNP Examiner to review the different housing site allocations in the UNP, conformity with what may then be an adopted LP and representations received, including those from the SDNPA.
7. This Position Statement, while mainly seeking to argue that allocation site policies SD71 and SD72 are insufficiently sound to remain in the Submission LP, would also highlight that a Submission LP, with the housing allocations for Findon removed, would itself remain sound (in terms of strategic housing policies) because the Findon UNP is well advanced and includes housing site allocations to meet the housing provision, of around 30 dwellings, in conformity with Policy SD26. Supporting text 7.30 to that policy, clarifies that *'Non-strategic Local Plan housing site allocations are being made in areas of the National Park where there is currently no emerging NDP, or where the NDP does not allocate land for housing in line with Policy SD26. **In areas where NDPs are emerging or have been made, these are expected to allocate sites sufficient to meet the settlement level housing provision figures set out in Policy SD26'***. (bold highlight is the Position Statement's one). The well advanced, UNP allocates *'sites sufficient to meet the settlement level housing provision figures'*. Perhaps the addition of *'and updated NDPs'* in 7.30 would provide clarity.
8. Turning to one of the main reasons why it is argued that the allocation site policies SD71 and SD72 are not sufficiently sound;
 - a) lack of local consultation on sites SD71, SD72 and alternative sites,

Three further main reasons, b), c), and d) are presented in the separate UNPWG Position Statement.

a) lack of local consultation on sites SD71, SD72 and alternative sites

9. The SDNPA 2015 Local Plan Preferred Options consultation included a housing provision for Findon at around 20 dwellings, but did not propose or include any housing site allocations for Findon, as a NDP was emerging and it was anticipated that it would include housing site allocations, although at that stage NDP local consultations on preferred housing locations had only just commenced and the NDP had not reached Reg 14 Pre Submission.
10. Following the April 2015 parish wide NDP consultation and survey, there was no clear community mandate to include any of the identified, possible housing site allocations outside the main settlement boundary, the preference being for small sites within the settlement boundary or on the other side of the A24 around the garden centre and the former private allotments. (3) In the event, the Reg 16 Submission NDP did not include any housing site allocations as sites within the settlement boundary did not have the capacity for 5 or more dwellings and there was a lack of clarity on the extent to which the sites on the other side on the A24 contributed to the character of the Arun 2003 LP Local Gap, whether the emerging SDNPA Local Plan would include a local gap policy and whether the boundary of any retained local gap would be amended.
11. Although it was understood by the 2015/2016 NDP Steering Group, if not fully appreciated by the local community, that the SDNPA would now have to allocate housing sites in the 2017 Pre Submission LP, the NDP Steering Group and the Parish Council nevertheless believed that the SDNPA would undertake parish wide local consultation, together with the NDP Steering Group and the Parish Council, when identifying potential, housing site allocation options, **before** bringing forward proposed housing site allocations in the 2017 Pre Submission Local Plan.
12. In coming to this view, the NDP Steering Group and the Parish Council had taken note of the NDP Examiner's comments on consultation in his report, in particular; *'My reply was that it would not be possible,* [in response to a request to the Examiner by FPC, to include housing site allocations as an addendum to the Reg 16 NDP, informed by a further analysis of responses received during the parish wide NDP local

consultation] as I believe that it would be contrary to the procedures set out in the Neighbourhood Plan Regulations, **but more importantly** the public would not have had the opportunity to make representations on the allocations being proposed by the Parish Council’.

13. While FPC and the UNPWG appreciate that the consultation requirements for the Local Plan process are less prescriptive than those for the Neighbourhood Plan process and give LPAs more flexibility in the form of consultation used, the Parish Council were also aware of the SDNPA commitment to use a range of consultation approaches during the development of the Local Plan, as set out in the 2014 version of Statement of Community Involvement (SCI).
14. Paragraph 5.2 of the SCI states that *‘The South Downs National Park Authority (SDNPA) is committed to opening the planning process to all sections of the community and hearing from as many groups and individuals as possible throughout the development of planning policy.’* and in para 8.5 *‘ We have endeavoured to make the SCI flexible enough to deal with changing circumstances:’* Although perhaps understandable, given the good level of support provided by the SDNPA during the preparation of the NDP, nevertheless, the commitments in the SCI have not been adhered to, since the 2016 issue of the NDP Examiner’s recommendations.
15. During the eighth month period between the issue of the NDP Examiner’s report and the presentation of the 2017 Pre Submission LP to the planning committee, the SDNPA did not carry out any parish wide local consultation on proposed housing site allocations for Findon, nor did they engage with the FPC to carry out any local consultation, despite an FPC offer to facilitate. Instead the FPC were only given notice of the two proposed allocations SD71 and SD72 shortly before the date of the SDNPA planning committee, which resolved to publish the 2017 Pre Submission LP, including the two Findon site allocations, despite representations made to the committee by FPC and the UNPWG. These representations made clear to the SDNPA that there was no local support for the two proposed allocations, based on comments received by the NDP Steering Group during the 2015/2016 local consultation surveys on the NDP, (3) and that there were different, less landscape sensitive sites that were available, deliverable and could meet the housing provision. (4)

16. It was also only when FPC were given notice of the two proposed site allocations, SD71 and SD72 that they also became aware that the housing provision for Findon in the 2015 Preferred Options consultation at around 20 dwellings, had now increased to around 30 dwellings, as a consequence of an SDNPA assessment of the capacity for housing development at the two proposed allocation sites.
17. In conclusion, there was undoubtedly clear opportunity and time for the SDNPA to undertake parish wide local consultation, facilitated by FPC, on all options for site allocations in Findon before deciding on the proposed allocations SD71 and SD72 and before proposing the increase in the housing provision, brought forward in the 2017 Pre Submission Local Plan. The SDNPA have not adhered to their own SCI on consultation approaches or given any recognition to the NDP Examiner's recommendations for local consultation on housing allocation sites. (5)
18. The NDP Examiner's report gave considerable weight to this need for the public *[the local community]* to be given a proper opportunity to have a meaningful say on proposed housing site allocations. Written representations on a Pre Submission Local Plan with pre selected housing site allocations is not a 'proper opportunity' for the community to have a meaningful say on where new housing should be located in a settlement.
19. Further, both the FPC and the UNPWG made written representations and oral submissions to the SDNPA Planning Committee, which ratified the 2017 Pre Submission LP, seeking the removal of allocation policies SD71 and SD72, as there was now an emerging UNP which would include housing site allocations to meet the housing provision, in response to the local community's strong desire to still have a say in where new housing should be located. The committee resolved to proceed to publish the Pre Submission Local Plan including allocation policies SD71 and SD72.
20. This missed opportunity by the SDNPA to undertake proper consultation on housing site allocations in Findon, is material and is considered of sufficient importance to make LP allocation policies SD71 and SD72 unsound.

References

- (1) Notes of UNPWG meeting April 2017 and FPC ratification meeting June 2017.
- (2) See UNPWG Position Statement, para 58-59, legal opinion on possible outcomes.
- (3) Evidence base for FNP, preference survey analysis, FPC website
- (4) Minutes of SDNPA Planning Committee 9 March 2017, SDNPA website.
- (5) NDP Examiners Report, FPC website.