

Review of Rogate and Rake Draft Policies – June 2015

Notes:

This report follows the consideration of each of the policies included in Version 14 of the Plan by Alex Munro (see comments in column 4) and subsequent discussions with SDNP planning officers during a meeting on 29 June 2015 with a view to reaching an agreed approach on which policies should be contained in the statutory section of the document.

In summary, many of the draft policies repeat national policy and in some instances currently conflict. Part of the consideration of officers included whether they can be retained as they may serve to confuse or weaken the application of national policy in future if they are not entirely consistent in their wording. Many of them also repeat either adopted or emerging local policy (or in some instance both). It is recognised by all parties that one of the issues that Rogate and Rake have with any review against local policy is that the saved CDC policies are in many instances dated (albeit saved for DM purposes) and in few instances 'strategic' whilst the SDNP plan representing an emerging draft only. In which case there is potential merit in retaining the policies to plug what may amount to a 12 month or more gap prior to the adoption of the SDNP Local Plan. This has been considered when reaching the recommendations set out in column 5.

SDNP initially commented in their letter to the Parish that some of the policies of the Plan would benefit from being more specific. This point was also considered at the meeting between AM, PW and officers. At the same time it was noted that many of them simply seek to encourage the types of development the community want to see in place. To this extent a vaguer, general policy may still adequately serve as a position statement and could potentially still be included – the key consideration is whether this approach adds value to the Plan. At the same time it was also considered that this may not be as effective an approach as delivering the required development by way of a far more targeted, evidence led policy/policies. Of course, the balance that has to be struck involves consideration of time and resource. This balance was considered by officers.

The table below sets out the outcome of a rigorous review of the policies of the Plan. The 'Actions' listed in column 5 represent the approach agreed between Alex Munro and SDNP officers following their professional analysis of them individually.

The final column then sets out any additional evidence that may be required to allow the associated policy to succeed either in part or in its entirety. This evidence will need to be prepared by the Parish Council in support of the Plan prior to consultation.

Ref (v14)	Wording	Conformity? NPPF SDNP	AM Commentary	Action (agreed in discussions between PW, AM and SDNP officers, to be included in v15)	Required evidence
S1	Sustainable Development requires that all plans and projects in the Parish optimise beneficial impacts and seek to minimise adverse ones. Proposals should refer to locally relevant Sustainable Development Indicators (SDIs). These describe measures of (a) Environmental Stewardship, (b) Health and Well-being and (c) Economic Prosperity against which the potential impacts of development are assessed.	Broadly in line with both NPPF and emerging LP in that it seeks to encourage sustainable development.	I am not sure it would be proportionate to require this of <u>all</u> proposals. You may want to have a discussion with officers as to whether you can add the requirement for some sort of statement of this kind to the local list of information required for planning applications in the Parish. You will also need to provide a greater level of guidance explaining exactly what the indicators mean and what sort of evidence / information will be required to ensure that applications conform.	Resolved to move to become a community action where the Parish will work with officers to identify ways in which this information can be secured from applicants. Currently this policy adds nothing to existing NPPF policy and may serve to confuse the decision maker.	
EM1	The NP supports development proposals in the Parish that protect valued key viewpoints, areas of woodland, zones of tranquillity, river corridors, catchments and landscapes sensitive to broad visual impacts. It is noted, however, that the NP's encouragement of leisure or commercial initiatives should be subordinated to the maintenance and	As a supportive policy, once again broadly in conformity. The revised wording (right) would bring it directly in line with NPPF 109. It will, however, then be left to simply repeat NPPF policy. Emerging SDNP policies	It is unclear why these particular features have been selected. I would broaden the wording of the policy to cover development that protects the valued landscape, geological and conservation interests of the Parish including local ecosystems and areas of biodiversity value.	Resolved to keep the policy but include the general direction of NPPF 109 along with two specific criteria around tranquillity and views to ensure it reads as being specific to the	Mapping, and a description, of important views within the Parish worthy of additional protection.

Ref (v14)	Wording	Conformity? NPPF SDNP	AM Commentary	Action (agreed in discussions between PW, AM and SDNP officers, to be included in v15)	Required evidence
	protection of the Parish’s current environmental assets.	SD5, SD7, SD8, SD9, SD12 and SD13 will cover these issues in much greater depth	I don’t particularly understand the comment about leisure and commercial. This may need clarifying.	Parish.	
EM2	The NP will support development proposals to protect and enhance the rich variety of habitats and species found in the Area and their ability to adapt to the effects of climate change.		This covers similar ground to Policy EM3. I would be inclined to merge them. It will build in the support set out in the NPPF that proposals should seek to enhance biodiversity and habitats where possible.	Resolved to remove. Repetition of national policy and will be covered by revised policy EM1.	
EM3	The NP supports the conservation and protection of ecological habitats and species found in statutory designated Nature Conservation sites and local Sites of Nature Conservation Importance (SNCIs). The NP will expect all development and land use proposals in the 300m buffer zones around such designated sites to provide a robust assessment of the potential impacts of such proposals on the habitat and species found in the site, to mitigate such impacts and to allow adequate wildlife corridors around such sites for species to forage and to access and	Broadly in line with NPPF 117,118 Emerging policy SD12 covers this in comprehensive fashion	It is unclear why SNCIs in particular have been identified. I would broaden this to include all ecological and habitat designations. It is also unclear where the 300m buffer reference has come from. Some developments will have little effect on ecology and biodiversity within close proximity to a site whilst others may have an effect even situated comfortably outside the 300m cordon. I would remove this	Resolved to remove. Repetition of national policy and will be covered by revised policy EM1.	

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	migrate from the site.		reference.		
EM4	The NP will not support development or activities that damage or threaten the ecosystem services and green infrastructure of the Area.	In line with NPPF section 11. Supported by emerging policies SD12 and SD14	There is the potential to merge this with another policy. It also simply reiterates the emerging policy of the SDNP plan.	Resolved to remove. Repetition of national policy and will be covered by revised policy EM1.	
EM5	The NP will not support proposals likely to result in the permanent loss of good quality agricultural land (Grade 1, 2 and 3a). The NP requires that applicants for all for development proposals and land use changes in the NP Area assess the potential impacts of their proposals on the environment – particularly on water, soil and air, and on the biodiversity of habitats and species. Where potential impacts are identified or suspected, proposals should demonstrate how they would be avoided or mitigated.	NPPF 112 allows for this type of policy, albeit it may have to be slightly more flexible. There appears to be no specific policy covering loss of AL in the emerging SDNP plan.	This policy seems to deal with two separate issues: agricultural land and ecological impact. I would add the second block of text to the ecology policies, above. In terms of agriculture, I would add some sort of qualifying criteria along the lines of ‘unless it can be demonstrated that the development will result in a benefit to the local rural economy and that it cannot reasonably be located on lower grade agricultural land’.	Resolved to remove. Part 1 of the policy dealing with agricultural land is covered adequately by the NPPF. In addition, as worded it is inflexible and too restrictive. Part 2 of the policy covers issues that will be dealt with by Policy EM1.	
BE1	The sustainable use, re-use, maintenance and repair of listed buildings and built heritage assets (as defined in the NPPF) will be supported, particularly where such structures are	NPPF 131 Emerging SDNP SD11	Accords with policy.	Resolved to remove. Adds nothing to NPPF and seeks to solve an issue that isn't apparent in the	

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	identified to be at risk.			Parish.	
H1	Any development proposal for new dwellings outside existing settlement boundaries will be supported only in cases of individual units and provided that: (1) each such dwelling replaces an existing dwelling; or (2) enables the release of an existing dwelling on to the open market; or (3) is conditioned <i>in perpetuity</i> as tied-occupancy for low-income households engaged in a key-worker or land-based occupation and in locations where a local need relating to that occupation can be satisfactorily demonstrated. The general presumption, however, will be against any development outside settlement areas within the Parish or the sites allocated by this NP.	This policy is not entirely in line with either NPPF 55 or emerging SD22. There appears to be a lack of sufficient evidence to support the inclusion of criterion (2) or to demonstrate what it is seeking to achieve.	Criteria (1) and (3) are in line with both national and emerging local policy. The NPPF and emerging LP do also identify other instances where such dwellings would be permitted, such as the reuse of existing buildings. Criterion (2) may require some discussion. Whilst I can draw my own assumptions how this criterion is expected to operate it is not entirely clear and can be interpreted in numerous ways. Would this, for example, allow somebody from London to build a house in the open countryside and move to the Parish? As worded it may. Also, the NP is no longer allocating sites.	Resolved to reword, albeit removing likely unenforceable criteria (2). To cover issues / exceptions dealt with in NPPF 55 and emerging SD22 to avoid conflict.	
H2	Any development proposals for social, affordable, sheltered, supported and tied housing in the Parish will have	Broadly in line with NPPF 50 and 54.	Each housing type would benefit from definition.	Resolved to relocate to action plan. SDNP concerns around	

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	restricted occupancy conditions secured in perpetuity through legal undertakings. Occupancy restrictions will vary on the basis of defined terms such as 'need', 'local connection', 'disadvantaged groups', 'low-income groups' and 'tied-occupation'.		Whilst I understand what it is trying to achieve, this policy may need to be reworded to be less prescriptive.	conflict with CDC approach to housing allocation.	
H3	Proposals for a limited number of mixed open-market housing (custom-build, self-build, live/work and speculative-build) on in-fill development sites within existing settlements will be supported subject to design, impact and sustainability criteria set out in this NP. NP encouragement for such live/work units is not intended to suggest that generally larger houses be built, hence all live /work units should generally be restricted in size to include a maximum of 3 bedrooms.	Broadly NPPF 50 Emerging SD23, particularly criterion 6	Recognising that this policy will likely come forward in advance of the SDNP LP, it is recommended that various provision built into SD23 are also included as part of this policy to ensure the most appropriate mix of homes are delivered. The four housing types included in brackets may benefit from clear definition.	Resolved to keep as new Policy H2, albeit with the wording altered in line with Policy SD23	
H4	In addition to Policy H1 , any proposal for new single isolated individual dwellings outside existing settlements will not be supported unless it is: (1) the optimal viable use of an existing	NPPF 55 Emerging SD39 (broadly)	The way this is worded only allows dwellings in the open countryside to come forward if they have heritage benefits.	Resolved to remove. Will be covered by reworded policy H1.	

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	registered heritage asset; (2) an enabling development that is required to secure the long-term function of an existing registered heritage asset on the same site.		<p>This policy slightly dilutes emerging policy SD39 of the LP. You may want to clarify that this is acceptable with officers. It is, however, in line with para 55 of the NPPF</p> <p>In addition, this policy should be added as part of H1 rather than simply referencing it.</p>		
H5	missing				
H6	Proposals for the replacement or extension of dwellings will be supported, provided that they are appropriate for the size of the plot and meet visual impact criteria subject to visual impact assessment.	Emerging SD7, SD44	<p>Note: On review of SDNP’s local requirements for planning applications LVIA is required for all developments outside settlement boundaries other than householder and change of use. In which case, extensions of domestic properties would not require LVIA. They would, of course, have to accord with national and local policy relating to the preservation of the value of the SDNP. LVIA is not required for new dwellings inside the settlement boundary. The policy</p>	<p>Resolved to keep as new Policy H3, albeit with a revised wording setting out more locally specific criteria that new development should be assessed against including the relationship of the development with its immediate setting.</p> <p>Question for</p>	

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			<p>will have to recognise this. Reference to the criteria of emerging SD7 may make this policy more targeted and locally specific.</p> <p>SD44 also provides some targeted criteria that govern instances where dwellings can be replaced or extended. You may want to review these and build in the criteria that are appropriate to R&R as an additional safeguard.</p>	<p>consideration: Is this covered by the design guidelines to be set out in old Policy H9 (aka new Policy BE1)? If so, these policies should be merged.</p>	
H7	The NP will generally support where appropriate the conversion of larger houses by families living in those properties into separate smaller dwellings units provided that off-street parking and adequate independent access is available to the public highway for each dwelling.	NPPF 50	Broadly fine and seeks to meet local needs albeit there may need to be additional reference to providing an acceptable standard of residential amenity.	Resolved to keep as new Policy H4, removing reference to existing families and adding in additional DM criteria relating to amenity, streetscape etc.	
H8	The NP will generally support the appropriate creation of tied 'granny	Emerging SD44 (2)(d)	Generally fine although recommended that such	Resolved to merge with Policy H6 (new	

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	flats' (or houses) to existing dwellings where this does not diminish the setting and form of the property or create any adverse visual impact to the public amenity.		permissions include a condition that they will remain tied to the original dwelling and will not be able to comprise a new separate dwelling in future (perhaps leave scope for a holiday let?).	Policy H3) governing extensions, albeit altering the wording to ensure that permission is only granted in the instance it can be demonstrated that they are ancillary. Initial inclusion of need for restrictive condition in this respect, to be discussed with DM officers.	
H9	Proposals for additional, extended, converted or replacement dwellings in the Parish should follow the NP Design guidelines (see Appendix Section 13) and seek to maintain the local distinctiveness in terms of building mass, clustering and materials and by the reasonable provision of public open space (POS).	NPPF 60, 61 Emerging SD6	Fine, and supports the NPPF intentions re locally distinctiveness. You may want to make reference to the Design Guidelines a requirement of any Design and Access Statement and physically Annex the guidelines to the main Plan document (accepting that the current 'Appendix' will form a standalone document supporting the	Resolved to keep, albeit embedding the Design Guidelines from the appendix. Also, potential inclusion of the requirement to reference these guidelines in D&A statements accompanying	

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			production of the Plan and will not be physically attached to it).	planning applications. This policy should also be moved to comprise new BE1 as it relates more to design and built form as opposed to housing.	
EW1	The NP supports the re-use of redundant buildings and land in the Parish previously developed for enterprise and employment uses, where there is no significant adverse impact on the public amenity, historic character or natural environment of the Area.	Emerging SD27, SD28	It is unclear what this policy is seeking to achieve. Is it promoting the reuse of old employment sites or the reuse of previously developed land for employment uses? If it is the former there will be the need to assess its reuse as employment ahead of any other use (under both adopted and emerging LP policy).	Resolved to keep, albeit altering the wording to clarify intent to support employment generating development of an appropriate scale in the open countryside. Policy should be aligned with SD27 taking account of industries and employment that respects the character of the national park.	
T1	Reducing the Need for Travel;	NPPF section 4	Fine as a supporting policy, albeit	Resolved to keep,	

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	Development proposals that include facilities enabling occupants to live and work at the same location will be supported.		it is very general in nature	albeit subsuming T2 and T3. Rewording required to encourage greater connectivity in the parish through 'making the most of' opportunities to link development to existing network of paths and rights of way.	
T2	Sustainable Transport; Development should include proposals that enhance the attractiveness of walking, cycling and public transport both within the Parish and to and from the neighbouring centres of Petersfield, Midhurst and Liphook.	NPPF section 4 Emerging SD18 and SD19 should be referred to	Likely caveat this as 'where appropriate' as not all 'development' will be able to do so (extensions, for example). I would also suggest that they 'seek to' rather than should as doing so may not always result in the most appropriate use of land or resources. You may want to make specific reference to sites that either have a right of way crossing or adjacent to the land. You may also want to think about how improvements are delivered	Remove and merge	

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			and what sort of improvements would enhance the attractiveness (rerouting, resurfacing, sign posting etc).		
T3	Accessibility; Development proposals will be supported that improve the accessibility within the parish for all sectors of society, especially for the elderly, disabled and young, as well as by walking cycling and public transport.	As above	As above, and you may want to expand on what sort of measures will see this policy delivered	Remove and merge	
T4	Parking; Development as appropriate to its scale and location should provide sufficient on-site parking to meet its needs. Proposals for the provision of additional off-street parking for vehicles and cycles in Rogate for use by visitors to the village hall and recreation ground will be supported. Proposals to establish parking lay-bys in the centre of Rake will be supported.	NPPF 39 Reference should also be made to the recent announcement of the SoS: LPAs, Plans "should only impose local parking standards for residential and non-residential development where there is clear and compelling justification that they are necessary to manage their local road network" Emerging SD43	Broadly this policy is fine as it is non-restrictive and is broadly enabling in nature. Thought may need to be given to how local parking standards are referred to.	Resolved to keep as new Policy T2, albeit with 'parking to meet needs' reworded as 'to meet local parking standards'.	
CH1	The NP has identified <i>Assets of Community Value</i> that it considers	NPPF 28, 70 Emerging SD52	NDPs do not have the power to allocate uses / buildings as ACVs.	Resolved to keep, albeit only retaining	For Action Plan action, an

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	important to the life, character, enjoyment and well-being of the Parish. The NP will not support proposals for development that would result in loss of or harm to the structure, integrity, amenity or setting of any Asset of Community Value.		<p>This can only be done through a statutory listing process undertaken by the SDNP following community nomination. Otherwise, the intent of this policy replicated NPPF.</p> <p>The policy as written also only affords value to ACVs and not all community facilities or uses. It therefore creates a confused policy in light of national and local policy (both adopted and emerging).</p>	the second sentence. The proposal to identify and list assets of community value to move to Action Plan as NDPs do not have any provision to create such a list.	assessment of the community value of each facility, including a clear audit trail back through the consultation process where the importance of the asset was first identified, and a submission to CDC for inclusion on their statutory list of community assets.
CH2	The <i>Cultural and Heritage Assets</i> of the Parish provide a significant amenity value to the community. The NP will not support developments that result in the loss or degrading of these assets.		Definition is required as to what constitutes a 'cultural and heritage asset' as this is a composite phrase that is not used by the NPPF (it refers to cultural buildings and heritage assets variably).	Resolved to keep, albeit amended to reiterate NPPF28 and 70 and then in turn setting out the community facilities, services and amenities that	As CH1

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			More generally, this policy should be subsumed within any retention of CH1 to cover all community facilities and services.	Should not be lost. Question for consideration: Does this policy fulfil fundamentally the same purpose as CH1? If so, there may be no need for its inclusion.	
CH3	Development proposals should reflect, conserve and enhance the setting, character and cultural heritage of the designated <i>Conservation Area of Rogate village</i> centre, including the treescape and public realm. All such proposals should be supported by appropriate visual impact assessment, culture and heritage assessment and community consultation.	Varies both NPPF 129 and emerging SD38 (as well as saved CDC policy) – potentially to the extent where it is too onerous	The supporting documentation listed in the Policy is currently not required as part of SDNP’s local list of info in support of planning applications. LVIA is generally required for developments outside the settlement boundary with landscape implications. There is no precedent as to what a ‘Cultural and Heritage Assessment’ comprises – this may need to be defined. A ‘Heritage Assessment’ is, however, required by SDNP’s local list of info. Also, there is no legal requirement for community	Resolved to keep, albeit with the removal of the second sentence that the alignment of the first with the NPPF. Also, to move to BE section to become Policy BE2.	

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			<p>consultation above and beyond that set out in SDNP's SCI and paragraphs 188/189 of the NPPF.</p> <p>Otherwise, this repeats both local and national policy.</p>		
CH4	The community has identified green areas in the Parish of specific importance, which the NP nominates as <i>Local Green Space</i> . The NP will not support development that threatens to have an adverse effect on Local Green Space.	NPPF 76,77 Emerging SD36	LGS need to be listed and backed up with evidence demonstrating their value and relevance when tested against para 77 of the NPPF. As per SDNP's comments, they must also be mapped to accurately identify their location and extent.	Resolved to keep, albeit reiterating NPPF policy and listing the local green space to be protected.	Justification of LGS against paras 76 and 77 of NPPF. AM to provide template for completion for each green space. The output of community consultation will be vital in demonstrating the importance of each area.