

LISS VILLAGE NEIGHBOURHOOD DEVELOPMENT PLAN
2011-2028

EXAMINER'S REPORT

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ABBREVIATIONS and ACRONYMS

The following are the abbreviations used in this examination:

HRA - Habitats Regulation Assessment
LVNDP - Liss Village Neighbourhood Development Plan
NPPF - National Planning Policy Framework
NPPG - National Planning Policy Guidance
RSS- the submitted "Residential Site Selection" Document
SDNPA - South Downs National Park Authority
SPA - Special Protection Area
SINCS – Sites of importance for Nature Conservation
TPO – Tree Preservation Order

INTRODUCTION

1. This is an independent examination of a Neighbourhood Plan prepared by Liss Parish Council in consultation with the local community. The Localism Act 2011 provided local communities with the opportunity to have a stronger say in their future by preparing neighbourhood plans, which contain policies relating to the development and use of land.
2. If the plan is made, following a local referendum, which must receive the support of over 50% of those voting, it will form part of the statutory development plan. It will be an important consideration in the determination of planning applications as these must be determined in accordance with development plan policies unless material considerations indicate otherwise.
3. The Plan covers the whole of the Parish.
4. I have been appointed by the South Downs National Park Authority (SDNPA) in consultation with the Parish Council, to carry out this independent examination. I am a Chartered Town Planner with over 30 years experience working at a senior level in local government and as a private consultant. I am a member of the Royal Town Planning Institute
5. I confirm that I am independent of the Parish Council and the local planning authority and have no interest in any land, which is affected by the Neighbourhood Development Plan.
6. This report is the outcome of my examination of the submitted version of the Plan.
7. My report will make recommendations based on my findings on whether the Plan should go forward to a referendum. If the Authority puts the plan forward to a referendum and it then receives the support of over 50% of those voting, then the Plan will be "made" by the Authority as the Local Planning Authority.

BACKGROUND DOCUMENTS

8. I have considered the following documents as part of this examination:

Documents submitted by the Parish Council:

The Neighbourhood Plan 2011-2028 submitted to SDNPA under regulation 15 of the Neighbourhood Planning (General) Regulations 2012,
Basic Conditions Statement, November 2016,
Consultation statement, November 2016,
Residential Site Selection November 2016
An overview of the Plan making Process November 2016
Strategic Environmental Assessment
Habitats Regulations Assessment

Responses to the consultations under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012 as follows:

Regulation 16 Representation Responses references R1-R18
19 December 2016 to 10 February 2017

Documents generated during the examination

Email of 16/3/17 from Mr. C Paterson of the SDNPA to examiner confirming withdrawal of the Rogate Parish Council representation

Email of 22/3/17 from examiner to Mr. C Paterson of the SDNPA and the response of 23/3/2017 which contained advice and attachments relating to the Inwood Road appeal (Ref: APP/Y9507/A/13/2190512) of 22 July 2013, Hampshire County Council comments on the pre-submission version of the Plan May 2016, Notes of Liss NDP meeting of 14/12/15 with SDNPA landscape officer.

Email of 27/3/17 from Mr. C Paterson of the SDNPA to examiner regarding "More Information". This contained an attachment of the SDNPA Landscape Officers comments on various sites with potential for allocation and an extract in the email of the SDNPA Landscape officer comments in the SHLAA, regarding "site 4" Eden Lodge.

Email of 27/3/17 from Mr. C Paterson of the SDNPA to examiner regarding "Policy 2 Protected Gaps". This consisted of the forwarding of an email from Mr. Hargreaves of the Parish Council pointing out certain formatting errors in the presentation of policy 2 in the submission version of the Plan.

Email of the 31/3/17 from Mr. C Paterson SDNPA to examiner with an attachment of a pre-submission version of the Plan containing annotations from SDNPA landscape officer.

Email of the 3/5/17 from Mr. Paterson to examiner regarding an erratum in the SHLAA.

Email of the 22/5/17 and attachment from Mr. Patterson to examiner titled “Pre-Hearing Info”

Email of 13/6/17 from Mr. C Paterson to examiner regarding the Hatch Lane site and representation from Mr. Hale.

Local and National Policies:

National Planning Policy Framework (NPPF); National Planning Policy Guidance (NPPG).

Saved policies from the East Hants Local Plan Second Review.

East Hampshire Joint Core Strategy 2014.

The emerging South Downs Local Plan.

Photos of views of the sites submitted by SDNPA.

Other documents:

All documents including supporting evidence on the Liss Village Plan web site ref: <http://www.lissnp.org.uk/the-liss-village-neighbourhood-development-plan/>

Strategic Land Availability Assessment (SHLAA) 2016, SDNPA
Strategic Housing Market Assessment (SHMA) SDNPA final report 2105 prepared by GL Hearn

Documents submitted for public hearing 30/6/17

Agenda for public hearing prepared by examiner.

Response by LVNDP steering Group to questions raised by the examiner.

Notes prepared by SDNPA for the hearing relating to Meeting the Housing Target, Local housing Needs, Highways response to allocates sites, Deliverability of Upper Green, Policy Liss 11 Residential Development in the Countryside, Policy Liss 12 Retirement and Nursing Homes, Protected gaps policy, Site Selection, Letter of 15/6/17 from Urban Eco Ltd. regarding tree issues Upper Green, Report by Mayer Brown June 2017 regarding “Root Protection at Upper Green”, letter from Voyage Care of 28/6/17 regarding access to Upper Green.

Documents presented at hearing –Map showing 65 and 75 metre contours in the vicinity of Andlers Ash sites.

Land Registry title plan of Upper Green site 4

Late representation and associated documents from Mr. S Hale regarding the 'Hatch lane " site.

Email of 31/05/17 from Mr. Hale to SDNPA. This also included an attachment, which contains a letter, and appendices of a chronology of events from Mr. Hale to the examiner dated 31/5/17.

Erratum May 17 issued by SDNPA. It sets out the amendments proposed on the SDNPA SHLAA in relation to Hatch Lane assessment

THE EXAMINATION

9. The nature of the independent examination is set out in Section 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended).

10. The examiner has to make a recommendation as to whether the Plan should be submitted to a referendum, with or without modifications, and whether the area for the referendum should extend beyond the plan area.

11. As a general rule the examination should be carried out on the basis of written representations unless a hearing is necessary to allow adequate consideration of an issue or to allow a person a fair chance to put a case. However, in this case I decided it was necessary to clarify certain issues with the Parish Council and the SDNPA and a hearing was held on 30th June 2017

12. I visited the Plan area on the 29th June 2017 and assessed the implications of the proposed Plan as part of the examination.

PROCEDURAL MATTERS

13. It is necessary to determine that the plan complies with the following procedural matters¹:

- The Plan has been prepared and submitted by a qualifying body
- The Plan has been prepared for an area that has been properly designated
- The Plan specifies the period to which it has effect, does not include provisions about excluded development and does not relate to more than one neighbourhood area
- The policies relate to the development and use of land for a designated neighbourhood area.

¹ Paragraph 8(1) of Schedule 4 B of the Town and Country Planning Act 1990 (as amended)

14. The Parish Council is authorized as the qualifying body² to act for the purposes of a neighbourhood development plan if the area of the plan includes the whole or any part of the area of the Council.

15. The whole Parish Council area was formally designated as Neighbourhood Area by the SDNPA on the 14th August 2014.

16. The Plan clearly states that it relates to the period 2011-2028.

17. The Plan does not include any provision about development that is “excluded development”, such as minerals, waste disposal and major infrastructure projects.

18. I am satisfied that the plan does not relate to more than one neighbourhood area.

CONSULTATION

19. The Parish Council has submitted a Consultation Statement of November 2016, which explains how they have carried out a programme of consultation as the Plan has progressed.

20. The Parish Council has through a dedicated team carried out a systematic and thorough programme of consultation aimed at residents, various community organisations and the business community.

21. The “Summary of public consultation events and communications” in table 1 of the “Consultation Statement” identifies initiatives at all the stages of the plan preparation to engage the public and stakeholders. This has involved initial “raising awareness” events, including public exhibitions and forums, articles in the “Village Voice”, circulated to all households and further articles in the “Triangle Newsletter”, press releases and notices displayed on the village noticeboards, in pubs, village hall and railway crossings. An interactive event for families was held at a local school encouraging children to draw their “favourite places”.

22. A web site was established to keep people informed and provide a conduit for feedback.

23. The initial plan preparation process was based on three public forums in 2015 seeking views on vision and objectives, potential residential development sites and environmental issues. A “call for sites” was made to encourage landowners to come forward with potential development sites. A local housing needs questionnaire was circulated to all households. Dedicated working groups analyzed feedback from these sessions.

24. Meetings were carried out with local organisations including the Junior Football Club, the nursery at the Triangle, the Crossover Youth organization, Puddleducks

² as defined in Section 61K, of the Town and Country Planning Act 1990

nursery, the historical society, infants and junior schools, representatives of Liss business and the doctor's surgeries. A presentation was given to Liss Forest residents Association. Meetings were also carried out with infrastructure providers such as the Highway Authority, southern water and Network rail and adjoining Parish Councils.

25. Meetings were held with developers or landowners of "preferred" sites and some, which had been rejected in the site selection process.

27. The formal consultation on the draft plan was carried out from 21st March 2016 to the 16th May 2016 and was accompanied by extensive publicity including a launch at a public exhibition, leaflets distributed throughout the village and to all school children, press coverage, information on the web site and direct emails to statutory consultees and most village organisations.

28. This elicited 118 individual response plus responses from organisations including statutory consultees and developers. The responses to these comments are adequately summarized in the consultation statement.

29. The Plan was submitted to the SDNPA on 28th November 2016 and the "final submission" consultation was carried out between 16th December 2016 and 10th February 2017. The response to that consultation is considered as part of this examination.

30. I am satisfied that the "Consultation Statement", demonstrates a good level of consultation with the local community, which has targeted all parishioners and various organisations, and members of the community. It has allowed an exchange of views on pertinent issues and properly informed the formulation of the Plan.

31. I note that the SDNPA web site provides a summary of the final consultation under Regulation 16.³

BASIC CONDITIONS

32. It is necessary to decide whether the Neighbourhood Development Plan meets the "basic conditions" specified in the Act.⁴ This element of the examination relates to the contents of the Plan.

33. This Plan meets the basic conditions if:

a) It has regard to national policies and advice contained in guidance issued by the

³ Neighbourhood Planning (General) Regulations 2012

⁴ Contained Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended)

Secretary of State,

- b) The making of the plan contributes to sustainable development,
- c) The making of the plan is in general conformity with the strategic policies contained in the development plan for the area,
- d) The making of the plan does not breach, and is otherwise compatible with, EU obligations and human rights requirements,
- e) Prescribed conditions are met in relation to the Plan and prescribed matters have been complied. The prescribed condition is that the 'making' of the neighbourhood plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2012) (either alone or in combination with other plans or projects).

34. The Parish Council has submitted a "Basic Conditions Statement", November 2016, to seek to demonstrate conformity. The analysis of conformity with the basic conditions is carried out below. Note this is not in the order specified above.

SUSTAINABLE DEVELOPMENT

34. The Parish Council highlights in the Basic Conditions Statement that the vision for the Plan meets the sustainability requirements, as specified in the NPPF, in terms of the three dimensions relating to the economy, social and environmental factors.

35. The plan seeks to accommodate limited growth in accordance with development plan requirements in a manner, which primarily protects the landscape character, ecology and environment of the national park whilst promoting the economy and community facilities in the village.

36. The Plan produces a tight village development boundary, which provides for housing growth and allows some economic and social infrastructure within its confines.

37. There is a clear intention of policies to reduce car travel and ensure there is an adequate level of service provision appropriate to this sensitive rural area.

38. The character and environment of the settlements and the open countryside is protected by policies covering landscape, biodiversity, flood risk, climate change and the historic environment.

39. Housing needs are explicitly addressed with policies regarding provision of affordable homes and addressing specific local needs to provide starter homes and accommodation suitable for the elderly, including care provision.

40. Policies support business development within appropriate areas and seek to prevent the loss of prime business floor space. Similarly, viable community and sports facilities are protected and enhancement is encouraged.

41. There are some concerns by ECE Planning that the housing selection process

did not incorporate the full range of sustainability criteria. I have dealt with this issue in the context of “site selection “ below.

42.The Basic Conditions Statement adequately illustrates the manner in which each policy in the Plan promotes sustainable development.

EU OBLIGATIONS, HUMAN RIGHTS REQUIREMENTS

43. A neighbourhood plan must be compatible with European Union Directives as incorporated into UK law, in order to be legally compliant. Key directives are the Strategic Environmental Assessment Directive, the Environmental Impact Assessment Directive and the Habitats and Wild Birds Directives. A neighbourhood plan should also take account of the requirements to consider human rights.

44. In accordance with these obligations, a Strategic Environmental Assessment (SEA)of the Plan has been submitted and relates to the pre-submission Plan as a whole. It is a means of describing the likely environmental and wider sustainability issues with a view to avoiding impacts where possible, mitigating any adverse effects and maximizing the environmental benefits. The report must be taken into account when finalizing the plan.

45.The SEA should consider what the Plan is seeking to achieve and the scope of the Plan; the key environmental issues and objectives; consideration of the reasons for selecting the preferred development strategies and an assessment of reasonable alternatives; the likely significant effects of the draft plan and consideration of measures to mitigate impacts; a description of monitoring measures.

46.The SEA has been updated to reflect comments on the public consultation on the pre-submission plan (i.e. regulation 14 stage).

47.The report highlights the vision of the Plan in terms of what it is seeking to achieve. The scope of the report is determined in consultation with the prescribed organisations i.e. Historic England, Natural England and the Environment Agency.

48.The report assesses the identification and evaluation of the significant effects of reasonable alternatives in terms of meeting housing need, the settlement boundary and site allocations

49.It is established that the housing need figure of 150 dwellings complies with the development plan, itself the subject of a Sustainability Appraisal(SA) and bearing in mind the emerging Local Plan settles on a figure of 150.

50.The report establishes that alternatives for changes to the settlement boundary to accommodate extra housing development and respond to potential policies in the emerging Local Plan have been considered.

51.In terms of site allocations the report states all known housing sites have been

assessed and there is a clear explicit rationale as to why some sites were chosen and others discarded. It considers there are no reasonable alternatives to the sites that have been identified.

52. The report assesses all the Plan policies in relation to seven topics identified at the scoping stage. These topics are biodiversity, climate change, economy and enterprise, health and wellbeing, historic environment and landscape, population, housing and community and transport. The assessment identifies the broad environmental implications of each policy including the chosen allocated housing sites and their respective development briefs. No overriding negative or uncertain effects are identified.

53. There are no issues identified in the report for monitoring bearing in mind the findings of the report. I have no reason to disagree with this approach.

54. There is some criticism from Boyer, planning consultants, that the SEA has not independently and objectively assessed the implications of the development of alternative sites but relied on the Parish Council's site selection process. They recommend further baseline studies on landscape, heritage and transport matters.

55. I do not accept these assertions. The SEA has relied on the Parish Council site selection process to identify those sites, which were considered suitable for allocation in relation to a range of criteria, agreed at public forums. I consider these criteria are acceptable as the first sieve of sites in the SEA process as they incorporate basic environmental and wider planning and land use factors. This produced a list of sites, which were "reasonable alternatives" which were then assessed independently in the SEA process by extra criteria, including environmental baseline information. These sites were tested to identify likely significant effects and appropriate mitigation and whether monitoring is required.

56. I consider the SEA process has been carried out properly and reaches a valid conclusion.

57. The Habitats and Wild Birds Directive requires a Habitats Regulation Assessment (HRA) to assess the impact on any wildlife sites protected under European legislation. In a screening opinion of August 2015, the SDNPA identified a need for an HRA essentially on the grounds of the presence of the European designation of the Wealden Heaths Special Protection Area (SPA)⁵ adjoining the plan area.

58. The HRA assessed the cumulative impact of the submission plan and other plans and projects and concludes there are no additional combined effects beyond those identified in the Joint Core Strategy HRA. The assessment raised an issue in relation

⁵ Special Protection Areas: Areas which have been identified as being of International importance for the breeding, feeding, wintering or the migration of rare and vulnerable species of birds found within European Union countries. They are European designated sites, classified under the Birds Directive.

to the impact of the extra housing provision on pathways leading to the SPA mainly through recreational pressure of introducing extra people and associated activities. The recommendations of Natural England in these respects, specified below, have been taken into account in the Plan.

59. The HRA also screened each policy in the submission version of the plan for likely significant effects on any SPA.

60. The HRA concludes that “following the analysis of the updated policies.... it is concluded that there will be no Likely Significant Effect on European sites, either alone or in combination with other projects and plans”.

61. Natural England in a letter of 10/2/2017 raised a concern that whilst the HRA assesses the impact of individual allocated sites the “in combination” impacts have not been fully considered and these need to be dealt with on a “case by case” basis. I consider that policy Liss 5 incorporating my amendments achieves this.

62. Natural England also consider that the development briefs referred to in section 4 of the Plan should include a reference to the need for a project level HRA screening and that appropriate mitigation will be sought to avoid significant effects on the SPA. I have made appropriate recommendations to amend the development briefs in these respects.

63. I accept the findings of the HRA and subject to modifications the Plan complies with sections 102 of the Conservation of Habitats and Species Regulations 2010 and the associated European directive 92/43/EEC.

64. I do not consider the Plan raises any issues under the European Convention and the Human Rights Act 1998. In terms of the Article 6 of the Act and the right to a “fair hearing” I consider the consultation process has been effective and proportionate in it’s efforts to reach out to different groups potentially affected. Consultation responses have been taken into account in a satisfactory manner during the processing of the plan.

65. There have been representations to the effect that the site selection process has not been transparent and fair. There is concern that sites put forward in the later stages of the process have not been fully considered in the same manner as other sites and summarily dismissed. Whilst the assessment of some of sites, brought forward later, do not have a tabulated assessment in the Residential Site Selection (RSS) document, nevertheless they have been assessed in the document and the reasons for their rejection are made clear in relation to equivalent criteria used on all the sites.

66. I have analyzed the site selection process in more detail below in paragraphs relating to my assessment of policy 8 and meeting basic conditions.

67. Mr. Hale alleges unfairness issues, which are dealt with below in the context of “site selection” but I do not consider that there are any transgressions of the Human Rights Act. 1998.

CONFORMITY WITH NATIONAL AND LOCAL STRATEGIC POLICIES

68. The “Basic Conditions Statement”, November 2016, provides a detailed analysis of how the Plan has taken into account national planning policies and guidance and is in general conformity with local strategic planning policies.

69. It sets out a table in an appendix, which provides a commentary of each policy in relation to the East Hants Joint Core Strategy, which is the main adopted development plan reference, and national policies in the NPPF. This seeks to demonstrate general conformity with the local development plan and national guidance

70. The supporting text to each policy sets out the relationship to all the strategic development plan policies including the emerging SDNPA Local Plan.

71. The plan does not reference national planning policy guidance (NPPG) in any detail but I am satisfied that the plan is in conformity with the broader advice in the NPPF and there is no conflict with NPPG below.

72. In some cases below, I have suggested modifications to ensure the Plan meets basic conditions regarding Secretary of State advice and conformity with statutory local planning policies.

73. I am satisfied that subject to my modifications Plan has taken in to account the Secretary of States guidance and is in general conformity with local strategic development policies.

RECOMMENDATIONS ON THE PLAN IN RELATION TO BASIC CONDITIONS

74. I have made recommendations below in order that the Plan may conform to “basic conditions”. Where I am suggesting modifications I have given reasons.

75. I have taken into account all the representations received during the Plan process. In many cases these do not require specific reference as they do not in my view effectively raise a concern that the plan does not conform to basic conditions. The individual points in these cases are too many and detailed to refer to individually but nevertheless have been taken into account. In some cases due to the specific and detailed nature of a particular representation and its relevance to “basic conditions”, for ease of reference, I have referred to the author of a representation by name.

76. I have not taken into account comments, which do not relate to the need for the Plan to conform to basic conditions and legal requirements.

General

77. The following relate to general matters mainly relating to presentation of the Plan.

78. The resolution of the policies map 1 is poor on my version and it is difficult to read the key. The resolution needs improving. Some of the symbols in the key to map part 2 are not shown on the map.

79. The Plan would benefit from a list of abbreviations and glossary explaining main technical terms. The NPPF glossary is a good reference.

80. Policies map 3 has the most comprehensive information whilst map 1 has the least. In the interests of presentation of this important aspect of the Plan it would be an improvement if the order of these were swapped.

81. The plans of the sites, which are the subject of development briefs in section 4, need a key to explain the symbols used on the plans.

82. There is a recurring mistake in quoting the wrong policy numbers when cross-referring to other policies in the plan. I have corrected these in the specific recommendations on each policy.

RECOMMENDATION 1

**Improve the resolution of policies map 1 (submitted plan numbering)
Show the symbols identified in the key to map, part 2 on the map itself.
Reorder the policies maps such that number 1 becomes 3 and vice-versa**

**Introduce a glossary explaining technical terms including abbreviations
Introduce a key to development brief maps explaining the symbols**

Introduction

83. The SDNPA have requested a cross-reference to the need to respect policy 15 in the Hampshire Minerals Plan and the requirement to safeguard mineral resources from needless sterilization from non-minerals development. This is an appropriate request.

84. There is a need to reference the saved policies of the East Hampshire Local Plan in the "how to use this Plan" section.

RECOMMENDATION 2

Insert in paragraph 1.15 “How to use this Plan” in the first sentence after “Joint Core Strategy”, “and saved policies from the East Hampshire Local Plan, second review”

Insert a new paragraph after 1.15 in the How to Use this Plan” section as follows;

“Policy 15 in the Hampshire Minerals and Waste Plan 2013 can be relevant as it is concerned to protect mineral resources from surface development which could sterilize future access to those minerals”

Our Vision for Liss

RECOMMENDATION 2

In paragraph 2.2, second sentence ahead of “corridors”, insert “wildlife”.

POLICY Liss 1 The Settlement Policy Boundary

85. This policy is in general conformity with the East Hants Joint Core Strategy. It is also consistent with the saved policies of the East Hants Local Plan and the emerging SDNPA Local Plan. It has the support of the SDNPA.

86. The section ‘Relationship to other Policies omits to reference the relevant Core Strategy policies. It would be informative to set out the basic strategic policy context established by Core Strategy policies CP2 “Spatial Strategy”, CP6 “Rural Economy and Enterprise” and CP19 “ Development in the Countryside”, which direct development to sustainable locations and allow certain change of use proposals outside the settlement boundary.

87. In the interests of clarity the policy needs to make explicit reference to other policies in this plan given the general nature of the policy and reference to the development plan.

88. Boyer, planning consultants have commented that they do not consider the second part of the policy is required as it duplicates the development plan. Whilst plan policies should not duplicate development plan policies I consider in this case, bearing in mind the broad crosscutting nature of the policy there is a need to make a comprehensive reference to the development plan and policies 11 and 12 (as recommended for amendment) in this Plan in order that the reader has clarity.

RECOMMENDATION 2

In paragraph 3.8 Insert a new third sentence as follows; “Core Strategy policies CP2 “Spatial Strategy”, CP6 “Rural Economy and Enterprise” and CP19 “ Development in the Countryside” direct development to sustainable

locations and allows certain change of use proposals outside the settlement boundary.

In point 1 of the policy add to the end of the sentence “and this plan”.

In point 2, last sentence Amend “Policy Liss 10” to “Policy Liss 11 and add at the end of the sentence “or Liss 12”.

POLICY LISS 2 Protected Gaps

89.This policy is consistent with the intentions of policies in the development plan (CP2 and CP23 of the East Hants. Core Strategy) and policy Liss 1 to direct development to within the settlement boundary and protect the countryside from development which does not require a countryside location.

90.At the hearing I queried the need for the policy bearing in mind Liss policy 1 contains most development to within the settlement boundary. I am satisfied that the policy reinforces and adds to the Core Strategy policy and Liss policy 1. The policy is concerned to ensure that the need to respect particular gaps between settlements is enshrined in policy, particularly in the event that during the plan period there is a need to search for more development land.

91.The identified gaps are based in part on the areas referred to in the Core Strategy, which are fully evidenced. There is the addition in this policy of gaps shown between Liss and the A3 dual carriageway, which is based on a need to avoid noise pollution and retain identity of the settlement, which is sufficient justification in my view. A further gap between West Liss and development along Station Road is also important in retaining the identity of the village as a relatively dispersed settlement.

92.There is a need to define the policies map reference more closely and separate the criteria in the draft policy into descriptions of the gaps and the policy criteria, which will be applied.

RECOMMENDATION 3

Amend the policy as follows;

In the policy item 1. after “policies map, “ insert “Part 2”.

Delete the bracket containing “f)” and change criteria g), h) and i) to 1), 2) and 3) respectively.

POLICY LISS 3 Local Green Space and informal open space

93.It is unclear how the policy applies to open spaces, which are not green space. The categorization of the open spaces in Appendix 1B into parks, sports recreation, children’s play space, informal open space and allotments adds to the confusion as

some of these are also classed as the green spaces. Similarly different policies apply to green space and informal open space in criteria 1 and 3 of the policy.

94. In the interests of clarity I consider all these areas should be designated as green space but the policy needs to allow for appropriate alterations to recreation facilities in order that these spaces can fulfill their potential. For example, there needs to be a more permissive approach on open space used as sport pitches in order to allow the potential for extension of existing or new ancillary facilities such as changing rooms. This would accommodate the representations from the Liss Athletic Junior Football Club

95. I am satisfied from my site visit that all these areas conform to the NPPF requirements for designation as local green space.

96. I agree with the SDNPA that there should be a short justification as to why each allocated green space justifies this designation. This is important as the NPPF states in paragraph 77 that not all green areas and open spaces will be suitable for this designation.

97. This is most appropriate for inclusion in Appendix 1, which would provide a direct and accessible reference to the basis on which they have been selected. I note that some justifications are in the supporting documents "Protected Views and Local Green Space Document" and "Local green space and other open spaces". These site descriptions and justifications could be readily transferred to Appendix 1 of this Plan to provide a more accessible reference to the attributes of the green spaces. It will be necessary to add a short justification to the other green spaces not referred to in these documents. This should be done with reference to the criteria specified in paragraph 77 the NPPF.

98. Point 3 of the policy refers to the ill-defined informal open spaces, which in some cases are also green spaces. It is to an extent contradictory to the remainder of the policy protecting green spaces and it is not clear why this should only apply only to informal open spaces. It seems paradoxical that development, which adversely affects these spaces, could be mitigated to be acceptable.

99. It is however possible that some recreation space could be lost if there were suitable equivalent replacement facilities offered. Green space by virtue of its designation and NPPF definition is inherently valuable in environmental terms and therefore irreplaceable as opposed to recreation space, which is often manicured grass with less environmental value. This point can be reworded to apply just to space used for formal recreation uses.

RECOMMENDATION 4

In paragraph 3.14 add a final sentence as follows; " A description of the green spaces is included in Appendix 1 which highlights their attributes and serves as a justification for their designation."

Add a justification for the designation of each green space. Utilise the table “Local Green Space Reasons for Determination” from the supporting document “Protected Views and Local Green Space”, November 2016 to Appendix 1 A and add new succinct justifications where necessary based on the NPPF criteria in paragraph 77.

Add a new second sentence to paragraph 3.15 as follows; “ This effectively establishes in paragraph 78 that the policy approach to their protection should be consistent with green belt policy which is elucidated in detail in the NPPF.

Amend point 1 of the policy as follows;

“Local green spaces shown on the Policies map part 3 will be protected and enhanced for their biodiversity and, where appropriate, for public access and recreation use.

Development that would have an intrusive impact on the character and openness of these spaces will not be permitted unless it can be demonstrated it is ancillary and of benefit to the green space, or very special circumstances can be demonstrated to allow development.

Improvements to recreation facilities will be regarded as acceptable subject to compliance with design policies and their benefit outweighs any impact on the openness of such areas.

In point 2 of the policy in the last sentence after “accessible to’, insert “all including”.

Amend point 3 as follows;

“Development of green space used for formal recreation facilities may be acceptable if equivalent recreation green space can be provided in an acceptable location.”

In the Policies Map part 3 give all the green spaces the same colour.

POLICY 4 Landscape and Views

100. There is a need to stress the importance of protecting the landscape character based on national park purposes.

101. In the interests of clarity there is a need to show the 75 meters contour on the policies map.

102. The circumstances by which development may be acceptable above the 75-metre contour need to be explained in the policy with more clarity.

103. Point 3 of the policy needs to make wider reference to protecting the landscape character in the national park as well as that, which is prominent from the identified viewpoints.

104. There has been criticism that the identified views are rather random and not based on robust evidence. I do not consider this criticism is valid as the supporting document "Protected Views and Green Spaces", illustrates these views are based on criteria in the Village Design Statement and the Liss Landscape Character Assessment.

RECOMMENDATION 5

Insert at the end of the first sentence in paragraph. 3.18, "in accordance with the statutory purposes."

In the second sentence of the policy in point 2 after "unless it is demonstrated", replace the remainder of the sentence with "that it will not be prominent in the landscape either due to the landform or screening by buildings or trees."

Re-word point 3 of the policy as follows;

"3. Development will not be permitted unless it is sympathetic to the landscape character of the area and respects natural features. In particular development should not be intrusive into the views identified on the policies map, Part 1 in Appendix 2."

POLICY Liss 5 BIODIVERSITY

105. The term SINCS should be explained.

106. I could not find the appendix providing the location of SINC's and sunken lanes, which is referred to in the supporting text. It would be beneficial to show these items on the Policies map 3. There should be reference to the Village Design Statement, which contains references to Biodiversity and identifies sunken lanes. This is adopted supplementary planning guidance and therefore relevant policy. Also, the Parish Landscape Character Assessment is relevant as it identifies "development issues" relating to Biodiversity.

107. The supporting text in paragraph 3.24 implies the emerging SDNPA Local Plan is adopted policy when it is not. This should be remedied by reference to the adopted development plan policy.

108. The strategic policies in the Joint Core Strategy provide a clear yet flexible approach to protecting designated sites. It provides more clarity to reference these in supporting text rather than partially reproduce them in this Plan in the manner submitted.

109. Policy 6 singles out the River Rother and the Riverside Railway walk which appears to give them elevated status to the other SINCS in the plan area which is confusing. I note the Village Design Statement refers to the river and the walk and this should emphasise their importance and enable sufficient policy protection.

RECOMMENDATION 6

In the second sentence of paragraph 3.22, after ‘There are’ insert “Sites of importance for Nature Conservation (a local designation) (SINCS).”

Identify the SINCS and sunken lanes on Policies map 3.

**Delete paragraph 3.24 and replace with the following paragraphs.
“The East Hants. Local Plan Joint Core Strategy Policy CP 21 relating to “Biodiversity” requires that development should maintain, enhance and protect district wide biodiversity, in particular the nature conservation designations and other sites referred to above.**

The policies in this plan supplement these policies by requiring proactive measures to maintain and improve biodiversity in new development.”

Delete paragraph 3.25 and replace with the following;

**“Development proposals resulting in a net increase in residential units within 400m of the boundary of the Wealden Heaths Phase II SPA will be required to undertake a project-specific Habitats Regulations Assessment (HRA).
Development proposals resulting in a net increase in residential units within 5km of the boundary of the Wealden Heaths Phase II SPA will be required to submit a screening opinion to the Authority for a project-specific Habitat Regulations Assessment (HRA) which, in consultation with Natural England, will determine whether a likely significant effect on the integrity of the site will result. Likely significant effects will be assessed through the HRA and any requirement for mitigation identified.”**

Insert a new paragraph after 3.25 as follows;

“ It is important that new development seeks to protect and improve biodiversity and provide informal open space and improved footpaths to help absorb extra pressures on the SPA from recreational activities such as dog walking.”

Insert a new second sentence in “Relationship to other policies” as follows;

“Liss Village Design Statement 2014 is adopted supplementary planning guidance and is concerned to protect biodiversity and ensure that appropriate design measures are employed to mitigate the impact of development. The “Liss Landscape Character Assessment ”, 2006, provides a reference to the landscape attributes of the area and identifies “development issues” and is

effective planning guidance.”

Delete point 6 from the policy.

POLICY Liss 6 Flood Risk

110. The reference to the SDNPA Local Plan in the supporting text appears to give it adopted policy status, which it does not have.

111. The Hampshire & Isle of Wight Wildlife Trust make a worthwhile point that the flooding implications of the combined effects of development may need to be taken into account in accordance with policy guidance.

RECOMMENDATION 7

In paragraph 3.27 alter “Policy Liss 7” to “Policy Liss 8”.

In paragraph 3.28 delete “both” and “and the South Downs Local Plan.”

In point 2 of the policy change “Liss 7” to “Liss 8”. After “arising from development insert “itself or in combination with other development,”

POLICY Liss 7 Local Housing Needs

112. The policy embellishes the development plan policy with local criteria. It is appropriate in this case that the development plan is quoted in this Plan’s policy in order to provide the full context for the local element of the policy.

113. I agree with SDNPA comments that there is a need to provide a clear explanation of the term local connection with respect to the provision of affordable housing in order to properly explain the mechanics of the policy. This information is contained in paragraph 6.38 of the Joint Core Strategy.

114. There is clear evidence in the Strategic Housing Market Assessment (SHMA) 2012 that there is a burgeoning need for market housing to provide for persons over 55. It predicts a 37% increase in the over 55 population in the period to 2033. The Parish Council’s Housing Working Group 2015 produced anecdotal evidence regarding the demand for open market housing for older people. The JCS policy 12 requires housing allocations to provide housing to meet the needs of an ageing population.

115. Point 3 of the policy refers to the need for market housing to make a “substantial contribution” to meeting the demand for older homeowners. This not precise enough for effective implementation of the policy requirement.

116. This matter was discussed at the hearing and there was a consensus that housing proposals should demonstrate that evidence of local need for older people's housing is reflected in the type of homes proposed. The SDNPA emerging Local Plan research suggest a threshold of 5 dwellings for this requirement which fits with the affordable housing threshold in national parks.

RECOMMENDATION 8

Insert a new paragraph after paragraph 3.32 as follows;

“ The affordable housing is directed to provide only for the housing needs of the local area in accordance with government advice in the “English National Parks and the Broads: UK Government Vision and Circular 2010”. In accordance with the Joint Core Strategy, paragraph 6.38 people expressing a need to live in the Plan area will need to show that they:

- a. are unable to afford open market housing which is for rent or sale within the settlement; and**
- b. are closely connected or have previously been closely connected to the settlement through work or residence; or**
- c. have immediate family (parents, grandparents, adult children or siblings) who live in the settlement; or**
- d. need to move to a particular settlement where failure to meet that need would cause hardship to themselves or to others; or**
- e. have a real need to live in the settlement to support or be supported by a member of family ordinarily resident in the settlement**

In point 1 of the policy amend “Liss 7” to “Liss 8”.

Amend point 3 of the policy as follows “Proposals for market housing of 5 or more dwellings should demonstrate that evidence of local need for older persons housing is reflected in the type and mix of homes proposed.”

POLICY Liss 8 The allocation of land for housing

117. The assessment of this policy is relatively complex and lengthy so I have split it into various sub-headings. The Recommendations are at the end of this section.

Concerns raised regarding windfall sites

118. There has been concern, particularly, from owners and representatives of potential development sites, which are not allocated in the Plan that the allocation of an indicative minimum of 150 dwellings is insufficient to meet housing needs of the Plan area. This is largely based on the view that the estimated provision of 81 dwellings on windfall sites will not be achieved because of the lack of suitable development sites within the proposed settlement boundary. It is pointed out that the Parish Council in its submitted “Residential Site Selection” document, paragraph 16 state that there are “no significant sites available within the settlement policy

boundary”.

119.It is noted that the NPPF states in paragraph 47 with respect to meeting housing targets that Plans should “identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land”.

120.In the case of windfall sites I do not consider it is a requirement of this Plan to anticipate and provide for a shortfall in the supply of windfall sites. In order to satisfy “basic conditions” the Plan has to provide land for housing to meet the target of a minimum of 150 dwellings specified in the East Hants Joint Core Strategy. The Plan also has to take into account the NPPF guidance to provide a 5% buffer.

121.If there is a shortfall in windfall site provision it is a strategic matter for consideration as part of the review of the Core Strategy and emerging Local Plan, which would have to assess, how this shortfall should be met across the wider area.

Concerns regarding the Strategic Housing Market Assessment (SHMA)

122.There are similar concerns, raised by Boyer in relation to the SHMA and an under-estimate of housing need. These are not matters relevant to this Plan and an assessment of conformity with basic conditions. These are wider strategic matters, which have to be considered in the emerging Local Plan.

Concerns regarding the ability to meet affordable housing targets

123.There is reference to the Parish Councils “Housing Needs Working Group Report”, November 2015 which states that in order to meet affordable housing needs it will be necessary to allocate more than 150 houses to Liss to produce the requisite number of affordable dwellings given a policy requirement of 40% provision. Again, this cannot be properly considered at “neighbourhood” level and is a strategic issue for consideration in the emerging Local Plan.

Deliverability of allocated sites

124.There are concerns that some of the sites allocated for housing are not clearly deliverable and overall housing targets will not be met. In the response to the regulation 16 consultation, there are a number of objections raised in relation to the deliverability of various allocated sites, most of which are made in an attempt to justify the inclusion of other sites as allocated sites. I consider the following aspects of the representations are pertinent in terms of this examination and assessing compliance with basic conditions. The NPPF in paragraph 47 requires that in the case of sites allocated for development “there should be a reasonable prospect that the site is available and could be viably developed at the point envisaged.”

Inwood Road

125. Concerns have been raised that the access is via a cul-de-sac that will be opened up causing a significant impact on the amenities of neighbours. There is an alternative access via a grass track but this is not wide enough to accommodate a road and will only serve as a pedestrian or cycle way access. It is not demonstrated there is a satisfactory access and there has been no “meaningful” commentary from the County Council as Highway Authority.

126. I have consulted the appeal decision (Ref: APP/Y9507/A/13/2190512) of 22 July 2013 on a proposed scheme for 32 dwellings on this site. Access issues were not a part of the SDNPA’s case nor did the Inspector raise issues relating to problems with the access. I note the scheme involved provision of 9 parking spaces ostensibly for the Inwood Road flats. On the basis of this consideration I do not accept that the site has overriding access constraints for a development of similar scale.

127. The appeal was dismissed on the grounds of overdevelopment, the impact of trees and that the expanse of roadway, parking spaces and walling would fail to reflect local character or reinforce local distinctiveness. Other matters such as landscape impact and biodiversity issues were discounted. I consider, therefore it is reasonable to presume the design objections can be overcome, possibly with the recommended 25 rather than the 35 dwellings proposed. I note that SDNPA has not objected to the site allocation. I consider the principle of development is a reasonable prospect on this site and it is appropriate for allocation.

Upper Green and land formerly part of the Grange

128. There is concern that site 4 Eden Lodge (now called Upper Green) is “landlocked” and has no clear highway access. It relies on access across land, which is part of the Grange and requires demolition. There are also concerns about the impact on trees, which are covered by a Tree Preservation Order (TPO) as a result of the formation of an access.

129. I considered it necessary to address these issues at the hearing.

130. At the hearing a representative of the owner of the Upper Green Site (site 4) presented a letter confirming terms had been agreed subject to contract to provide an access to site 4 across land currently forming part of the Grange to Farnham Road.

131. The owners of site 4 also presented an access statement and an arboriculture report which demonstrates that access can be achieved without harm to the TPO or other important trees on the boundary.

132. Further information was provided including the Land Registry title plan, which demonstrated that a pedestrian/cycle access might be achieved onto Hawkley Road

133. The SDNPA agreed with these conclusions that an access can be achieved and on the basis of their expert arboricultural advice conclude this could be done with no

unacceptable impact on trees. They confirmed that a joint access serving sites 4 and 4A is the likely outcome.

134. On the basis of this evidence I am content that sites 4 and 4 A are deliverable.

135. I can find no obstructions to delivery on the other allocated sites.

Housing Target cannot be met

136. There is concern that the Plan does not provide a “buffer” to safeguard the possibility that the allocated sites will not deliver the required 150 dwellings. I refer above that the NPPF requires a buffer of 5% or 20% in the case of persistent non-delivery as monitored through the later stages of the Plan period. SDNPA confirmed at the hearing the figure of 5% should be adhered to which can be achieved with a relatively small increase on certain sites. The Plan quotes indicative figures for each site to reach a total of 152 dwellings. I consider it is necessary to factor in the 5% figure allowing for a further 6 dwellings.

137. I agree with some of the representations that there are constraints on some sites, which could reduce the number of dwellings shown in policy 8. In particular there are potential constraints on the numbers quoted on sites, due to the sensitivity of the environment and the overriding statutory purpose to protect landscape character in the national park.

138. Further to consideration of the examination documentation and my site visit I have the following view of the capability of the sites with respect to delivering the housing target.

139. The site at Inwood Road is limited by access and tree constraints but the number of 25 dwellings is 7 lower than that dismissed at appeal, which is significant and allows reasonable scope to deliver 25 dwellings.

140. The Andlers Ash Road sites contain no obvious constraints and it was the view of the Parish Council and the SDNPA at the hearing that the six extra dwellings could be accommodated on these sites.

141. Regarding Upper Green and land formerly part of the Grange, following confirmation at the hearing referred to above in paragraphs 128 to 134, I am satisfied that there are no access or tree constraint constraints to deliverability. Also the SDNPA confirmed agreement with the conclusions of the preliminary arboricultural assessment that there is no unacceptable potential impact on trees, the subject of a Tree Preservation Order, nor do the TPO trees present a potential restriction on the number of dwellings.

142. Land at Brows Farm has restricted potential due to the need to protect the setting and vista of St. Mary’s Church. However, the development brief is realistic in specifying 15 dwellings.

143. The numbers quoted for the sites are relatively low densities i.e. Inwood Road - 25 per ha. Andlers Ash (both sites) - 28 per ha., Upper Green and land formerly part of the Grange - 22 per ha., Browns Farm - 8 per ha.

144. I consider there is scope to increase the indicative numbers on the Anders Ash sites to provide a figure of 158, which meets the 5% buffer requirement. The plan will be monitored in order to assess progress in meeting the housing targets to determine whether this figure will need to be increased during the plan period. I consider the evidence supports this approach and in that sense the plan as modified conforms to basic conditions.

145. In arriving at this conclusion I have taken into account that this is a national park where advice in the "English National Parks and the Broads: UK Government Vision and Circular 2010" states it is only necessary to provide housing for the local community. Furthermore, there is a need to protect the landscape character and ensure the settlement boundary is drawn as tight as possible balancing the need to contain encroachment into the countryside and yet ensure development is of a density consistent with the local character.

The site selection process

146. This is explained in the submitted "Residential Site Selection" (RSS) document, which outlines the process and outcome. There are some concerns that this process was not robust and does not meet government guidance regarding the evidence required to choose sites for allocation when there are a range of alternatives.

147. I have dealt with issues of deliverability above.

148. These criticisms must be considered in terms of whether the site selection process meets basic conditions. This relates to National Planning Policy Guidance (NPPG) advice in paragraph. ref: ID:41-040-20160211 regarding "what evidence is required to support a neighbourhood plan..." which states there is no one "tick box" approach but evidence should be "proportionate", "robust" and support the choices made.

149. It is submitted that the methodology used by the Parish Council was flawed as there was no formal "call for sites" and it was over-reliant on the SHLAA process. This meant the site selection criteria were not consistently applied favouring sites identified early in the process by the SHLAA over those that came forward later in the process.

150. At the hearing I enquired further as the manner in which the steering group scored sites. I asked specifically;
How were sites ascribed "ticks" or "crosses" and how did this lead to the ultimate choice of sites?
How did the weighting system apply?

I sought confirmation regarding technical consultations made during the process.
Were part site developments considered in the assessments?
How was the impact on dark skies assessed?

151. The Parish Council describe the process as an iterative one where the SHLAA was the initial reference point with some sites previously put forward for development in relation to the East Hants Local Plan. These sites were considered at a working group meeting on 24th March 2014. The consultation statement lists a number of exhibitions, forums and press releases and articles in the "Village Voice", publicising the plan process in 2014 and 2015 emphasising the opportunities for the public to engage. A web site was developed and assisted with this and a housing needs survey was sent to all households in the village. The RSS lists four working group meetings/ workshops in 2015. This culminated in a public forum on 24th October 2015 where potential recommended sites were put before the public for comment. At a subsequent forum on 16th January 2016 the recommended sites were put forward into the first formal consultation draft of the Plan.

152. In this round of public engagement a "call for sites" was made at the public forum on 1 July 2015, on the web site, in a newsletter distributed to all households, in a press release and on the village noticeboard.

153. I consider this process was proportionate and transparent. It allowed adequate opportunity for all the sites to come forward and be considered in public.

154. Whilst it is apparent that some sites, which came forward late in the process and were discounted without exactly equivalent consideration, there is no evidence to suggest their consideration was prejudiced. All the sites received scrutiny by the steering group and the reasons for selection for allocation or not are documented in the RSS and the Consultation statement. The reasons for non-selection are clear (explained in Appendix 5 of the RSS) and based on fundamental problems which mean the sites have insurmountable obstacles in complying with the specified selection criteria.

155. In some cases it appears the "working groups" formulated views on sites prior to the final assessment workshops. I do not consider this represents any degree of unfairness as it was an opinion clearly expressed in the minutes of the steering group and plan submission documents and open to challenge in further public consultation.

156. Criteria were developed based on the SHLAA and those drawn up by the working group in June 2015 and discussed in a public forum of 11 July 2015. It is important to note that separate working groups carried out the task of developing site selection criteria and assessment of suitability against the criteria. These criteria and the scoring system are explained in Appendix 1 of the RSS document. I am satisfied that they are relevant and properly based on the vision and objectives of the plan and national park purposes.

157. The scoring of sites involves a weighting system. I agree with Boyer and Hatch Developments Ltd. who state it is not clear in the RSS how this was used in site assessment and scoring.

158. It was clarified at the hearing that the criteria and the scoring system were to guide members of the working group and subsequently the public at forums. Sites were not individually scored in total and directly quantified arithmetically in relation to each other, but I do not consider that is a fatal flaw to the process. At the hearing the assessment process was described effectively as an iterative conversation resulting in a steering group decision, which was then considered in a public forum. A number of these working group decisions were unanimous but some were the result of a vote. The weighting of criteria was a guide to aid these group decisions. The assessments were underpinned by specialist advice on landscape matters from the SDNPA and reference to the 2006 Landscape Character Assessment.

159. The lack of direct comparison of sites is not an absolute requirement. Each site is individually assessed. All the sites, which are rejected, have a plausible and robust explanation in the RSS.

160. I note the lack of highway and other technical advice but, crucially, the SDNPA were involved in the process particularly in relation to the impact on landscape character, which in accordance with the statutory purposes of the national park is an overriding consideration. Each site has a written assessment and it is clear that impact on landscape character has primacy in assessing sites. Technical consultees had an opportunity to raise site selection issues at the formal stages of consultation and there are no unresolved objections. Further to my site visit of each site featured in the RSS I cannot find any reason to challenge the assessments on the basis of the evidence and compliance with basic conditions.

161. I asked for Highway advice at the hearing to confirm the sites selected were acceptable in principle in highway terms. The SDNPA confirmed that the response from the Hampshire County Council as Highway Authority was limited but overall had raised no "stated objections". At the hearing the SDNPA further illustrated that there was no basis for any overriding highway objection on the selected sites for the following reasons;

Inwood Road- previous planning appeal decision which raised no access issues and site has been identified in the 2006 East Hampshire Local Plan (Saved Policies) as a reserve site

Upper Green and land formerly part of the Grange – this has been the subject of pre-application advice from the Highway Authority. At the hearing it was demonstrated that satisfactory access arrangements could be achieved

Brows Farm – an existing access is being used which has no apparent highway constraints

Andlers Ash sites- this was included in the 2016 SHLAA by SDNPA and the assessment concludes there is no reason that development is not achievable. The Highway Authority has made some observations but has not raised an overriding objection.

162.I have carried out a site visit and read the comments of the Parish Council on all the sites submitted for allocation. The RSS gives adequate reasons as to why certain sites are not allocated based on robust criteria. The working groups and the public forums involved in consideration and comparison of sites have made judgments based on local knowledge and in some cases with the benefit of technical advice from SDNPA officers. Technical comment has been made at the formal consultation stages. Inevitably there are some judgments, which have been questioned. I consider the process for site selection has been robust and proportionate and fulfills the basic conditions and it is in conformity with the Secretary of States advice and conforms to the development plan.

Representations regarding the Hatch Lane site and site selection

163.Hatch Development Ltd. have made a specific objection that despite their successful “freedom of information” judgment made on 26 April 2016 the Parish still did not release information on site assessment criteria until after the expiry of the first public consultation,⁶ 21/3/16 to 16/5/16. It is argued this information contained the reasons why their site was rejected by the steering group and it would have been valuable to understand site assessment criteria in order to formulate a considered response at the first (regulation 14) stage.

164.However, the appendices in the Consultation statement (CS) submitted for this examination indicate that there was documented evidence of site selection criteria at various public events leading up to this period. This included the public feedback form issued on 11th July 2015 (page 41 of CS) and feedback form for public forum 23/24th October 2015 (page 99 of CS). Clearly the information of site selection criteria has been available as part of the final consultation⁷.

165.A late representation of 31/5/17 was received from Mr. Hale regarding his site at Hatch Lane. This highlights an erratum introduced into the SHLAA 2016 by the SDNPA on the 17/5/2017 and alleges certain information was withheld from him relating to site selection criteria preventing him from making a fully informed representation at the formal regulation 16 stage of consultation. Following a discussion with the SDNPA, I accepted this late representation on the exceptional basis that there had been an erratum issued in relation to this site and there was a need to clarify if Mr. Hale’s assertions regarding fairness were true in order to satisfy myself with respect to the basic condition concerning human rights and the need for a “fair hearing”.

⁶ Carried out under regulation 14 of the Neighbourhood Plan (General) Regulations 2012

⁷ Regulation 16 of the Neighbourhood Planning (General) Regulations 2012

166.Mr. Hale highlights that the initial erroneous SHLAA designation that his site was "excluded" and later corrected in the erratum as "rejected" after the consultation process. He alleges this prejudiced his case as the site selection process was heavily reliant on the SHLAA. He also complains that the SDNPA did not respond to his request for information on the SHLAA assessment of his site, which prevented an informed regulation16 stage response.

167.It is clear that there was an error in the SHLAA response to the Hatch Lane site but the change from "excluded" to "rejected" did not have a prejudicial bearing on the site selection process. The landscape officer advice to the parish was clear throughout that the site did not relate well to the built form of the village and, in particular, its development was contrary to strategic development plan policies seeking to protect the "gap' between Liss and Hill Brow.

168.I do not consider that Mr. Hale's and Hatch Development Ltd. concerns are prejudicial to conformity with basic conditions and the need to comply with European Convention Rights and the Human Rights Act 1998. In terms of the Article 6 of the Act and the right to a "fair hearing" I consider the process I have described above has allowed a "fair hearing " of the case for the "Hatch Developments Ltd" and other sites.

169.The ECE Planning comments point to the inconsistency in applying the landscape and visual impact criteria and compare the negative scoring of Hatch Lane versus Andlers Ash and Inwood Road sites. ECE point to the fact that the screening impact of existing landscaping on Hatch Lane is not accounted for in the scoring. Also, it gets 3 negative crosses as opposed to Inwood Road getting two for exceeding the 75metre contour and the three Andlers Ash sites get 3 positive ticks despite exceeding the 65 metre contour.

170.I enquired into these issues at the hearing.

171.The RSS explains in the comments on the Sites Criteria Workshop on the 27th August 2015 that trees screen Inwood Road but a low-rise development is required. The site is above the 75 metre contour but it was previously selected as a "reserve site" in the East Hants Local Plan and a previous appeal decision had not highlighted a landscape impact issue

172. The Andlers Ash sites, which get 3 positive ticks on the basis, are below the 65 metre contour on Andlers Ash. However, at the hearing I asked for clarification regarding the location of the 65 and 75 metre contours. A plan was produced which confirms that the Andlers Ash sites are above, not below, the 65 metre contour. The Parish Council admits that interpretation of the contour from the Landscape Character Assessment, where it is first referred to, is difficult. I do not consider this error is fatal to the analysis. There is an explanation that the reduced Andlers Ash site is not unduly prominent in the landscape given the topography, which from my site visit I agree with.

173. However, the crucial factor, which was elaborated on at the hearing and is within the RSS, in the Sites Criteria Workshop notes of 26th November 2015, is that the Hatch Lane site is poorly related to the existing settlement boundary. On my site visit I observed development of it would extend north- eastwards into open countryside in an isolated manner beyond the established eastern boundary of Liss and impact on the gap between the main settlement and Hill Brow Ridge. This is a critical factor in site selection. The site is partly within an identified gap in the Plan on policies map 2 seeking to retain the separation of Liss from development along the Hill Brow ridge.

174. The SDNPA explained at the hearing that the principle of gap policy is well established in development plans in East Hampshire, dating back to the South and Mid Hampshire Structure Plans. Policy CP23 of the Joint Core Strategy identifies a gap between Liss/Hill Brow and the SDNPA confirmed the intention was for a future development plan such as the neighbourhood development plan to map the boundary of this gap. The justification for the gap is further based on the Liss Landscape Character Assessment and adopted supplementary planning guidance in the Village Design Statement, which emphasise the landscape and visual value of retaining the gap and preventing coalescence of the existing low-density development. This is explained in more detail in the supporting document “Making the Plan: Protected Gaps “ Liss Parish Council, November 2016.

175. I do not consider the assessment by Snug architects overcomes these concerns. The site whilst is partly adjacent to existing development, is effectively extending the built development into an area of open countryside northeastwards mainly within the protected gap identified on the plan. Although it could be low density development and there is an element of screening, it could set a precedent to extend the village further in this area, which the Parish Council underlined at the hearing consider is undesirable. They are concerned that in the event there is a future need to search for further housing sites allocating this site will set a precedent for further intrusion into the protected gap. I consider there is substance in the rejection of this site for these reasons.

176. The Hatch Lane site is scored favourably (workshop of 26/11/15) in terms of “low visual impact from key viewpoints into Liss” but fares less well on a range of other criteria essentially due to the same reasons explained in the paragraphs above.

177. ECE criticises the omission of the “special qualities’ of the national park from the criteria and state there is no rationale for Hatch Lane having no impact on key viewpoints and yet scoring negatively on local character and national park special qualities. Again whilst the site scores favorably in terms of impact on key viewpoints development would be contrary to the need to protect the “gap”.

178. My site visit confirmed that the assessment of the Hatch lane site is a robust application of relevant criteria.

179. Other references to inconsistency in the selection process regarding Hatch Lane merit comment as follows:

- Walking distance to centre - ECE are concerned that the site is equal or less distance to the centre of the village than other sites, yet scores worse in terms of accessibility. I note the RSS (Site Criteria workshop 26/11/15) states the Hatch Lane route is on steep slope compared to the Upper Green site as quoted by ECE. I note from my site visit that there is no footpath on a large part of Hatch Lane. There is however a footpath link via Highfield Gardens, the small residential estate opposite the site through other residential areas to the centre. The Parish Council confirmed their concerns at the hearing that any pedestrian access to the site involves a steep slope and a tortuous route. Further to my site visit I concur with these conclusions that as a result of the relative steepness of the access to the site it is not as accessible as other sites and was scored properly in these respects.
- Ability to deliver small units affordable housing – The Hatch Lane site is relatively small which diminishes its scope to deliver the numbers required for this type of housing compared to other sites with greater economies of scale.
- Biodiversity- A large part of the site contains no trees yet it scores the same as sites containing trees. The site is within a priority habitat in the Biodiversity Plan for East Hampshire, which justifies this scoring.
- Impact on dark skies - There is concern that the site was scored poorly on this and yet it is screened by trees. At the hearing the parish council account for the low scoring to the location of site is outside of the built –up area on the lower ground and in a relatively tranquil area of biodiversity importance. These are similar criteria to those used to assess impact on dark skies in the emerging SDNPA Local Plan

Assessment of Representations on Site Selection

180. There are some issues raised in the regulation 16 consultation in relation to site selection which merit attention in order to satisfy the commentator that the selection process is proportionate and robust. I refer to these matters below. In cases where I have not referred to specific detailed comments on individual sites or aspects of the process it is because I do not consider they are substantive in terms of the overall selection process or they are effectively dealt with by my comments on related matters, raised by others. In all cases my comments relate to whether the process and evidence is proportionate and robust to justify the conclusions in the Plan and conform to basic conditions.

181. ECE Planning state that the assessment of housing sites did not include all three dimensions of sustainability as referred to in the NPPF. They point to the

submitted Working Group 4 document “Environment, Evidence and Methodology” which relies on compliance with the draft SDNPA Local Plan and its sustainability policies and that all the housing sites were assessed in relation to their dependence on car use. Whilst it is not possible to rely on the draft Local Plan policies the evidence that informs it is relevant. Furthermore, I consider the site selection criteria as based on the SHLAA and those specified in Appendix A of the Residential Site Selection Document cover the relevant range of sustainability criteria, including traffic impact, the need for landscape protection, impact on biodiversity, impact on the historic environment and potential to deliver small units and affordable housing to suit local needs.

182.I have made general conclusions above that the plan conforms to basic condition requirements that the plan contributes towards sustainable development.

183.There are concerns that the SEA selection process of alternative sites for housing was flawed as it simply relies on the Plan Working Group’s site selection process and more appropriately located sites in environmental terms were discounted.

184.I would add that the SEA report acknowledges that the Working Groups criteria “in most cases serve the purpose of the SEA criteria”. However extra criteria are added in table 7 of the SEA and these are applied to the sites selected for allocation. I do not see a problem that these criteria were not applied to all the sites that came forward as those which were rejected were done so for clear overriding reasons essentially on access grounds, environmental issues, the relationship to the built form of the settlement and importantly in the interests of conforming to the primary national park purpose of protection of the landscape character. Their assessment in relation to these extra criteria was not therefore necessary as they were considered to be fundamentally unacceptable.

185.All known housing sites, even those coming forward later in the process, have been assessed and there is a clear explicit rationale as to why some sites were chosen and others discarded. It considers there are no reasonable alternatives to the sites that have been identified. The statutory bodies were consulted at scoping stage and the regulation 14 and 16 stages of formal consultation.

186.I also consider that the HRA process has ensured that no sites are allocated which have the potential to harm the protected wildlife habitats (SPA).

187.There is concern that the approach taken on two sites, land formerly part of the Grange and Stocks Oak, was not repeated elsewhere. These sites were assessed as larger sites and smaller parts of the site. It is claimed this approach was not repeated on other sites and was therefore prejudicial to equal consideration. It is submitted that this is an inconsistency and it is unclear why this approach was not applied to other sites.

188.I raised this issue at the hearing. I do not consider that this has been prejudicial

to the consideration of other sites all of which have been assessed and reasons made clear as to their acceptability. It is open to the owners of sites to suggest options for their sites by splitting them or reducing their size.

189. At the hearing it was explained that an early decision, based on public feedback, was that the plan should avoid promoting large sites. The larger sites including site 1 consisting of Farnham Rd./Station Rd., adjoining "Stocks Oak" and close to "Hawksmead" and site 2 Andlers Ash, were referred to at the hearing. The Parish Council stated that the SDNPA looked at these sites in part in the SHLAA and this was followed through in the plan site selection process. Each of these sites was evaluated independently as set out in the site selection document.

190. Other sites were looked at in part where the steering group considered there was scope to overcome initial concerns related to landscape intrusion and/or poor relation to the settlement pattern. This included sites at adjoining Brows Farm, Upper Grange and Clarks Farm. The RSS explains in each case what the outcome is of the "smaller site" assessment.

191. I am satisfied that none of the "rejected" sites were prejudiced due to no consideration of smaller parts of the sites, as there are clear reasons for their rejection in the RSS or at the hearing.

192. Boyer highlights that Brows Farm has been selected and yet it impacts on the views of St. Mary's Church a listed building and intervenes in identified important views (viewpoints G and A). This site has also been given a positive "tick" in relation to impact on historic buildings and yet the site at Hill Brow Road (Clarks Farm) has been marked with two crosses in respect of the same question. Similarly Brows Farm has been given 3 "ticks" against criteria for low visual impact from key viewpoints even though interrupting an identified view whereas Clarks Farm has one "tick" and is not within an identified view.

193. It was explained in the RSS that there is a history of dismissed appeals and that the Clarks Farm site intrudes into the critical gap between the main settlement and housing on Hill Brow Road. I consider this is sufficient to justify the scoring of these sites.

194. In the same representation Boyer compares the Clarks Farm with the selected Upper Green site (site 4) which scores poorly in the SHLAA on landscape impact yet scores positively in the plan assessment. Whilst the Upper Green site had a negative appraisal in the SHLAA on landscape impact it is noted in the RSS, it provides a logical infill being surrounded by development on 3 sides. The SDNPA landscape officer gave a balanced opinion that development was acceptable due to available screening. In the case of Clarks Farm the RSS states despite further representations from Boyer there is the fundamental problem referred to above of the impact on the gap between the settlement and Hill Brow and that it breaches the 75 metre contour.

195. It is queried why the Upper Green site receives two ticks against “safe walking and cycling distance to the village centre”. On the basis of my site visit I note there is a flat access with reasonable pedestrian routes and I do not consider this an unreasonable assessment.

196. Andlers Road Ash (sites 3 and 3a) are above the 65-metre contour and yet are given three ticks against below the 65-metre contour. Also the sites intrude on key views from viewpoint F. Boyer states this undermines the choice of this site. This issue is covered in paragraph 172 above.

Comment on policy Liss 8

197. In the following recommendation I have suggested a less prescriptive reference to the development briefs.

198. It is also necessary to make the indicative number of dwellings a minimum and increase the number of dwellings to allow a 5% buffer on achieving the housing targets.

199. There is a need to improve policies map 2 to show the vehicular and pedestrian access points more legibly.

RECOMMENDATION 9

In point 2 delete “conform to” and replace with “take account of”, after “Section 4” insert “, the minimum indicative number of dwellings specified below”

In the table insert at the head of the second column, “Minimum Indicative no. of dwellings” Increase the number of dwellings on the following sites as follows;

**“Land at Andlers Ash Rd. central 38
Land at Andlers Ash Rd. south 38**

On policies map part 2 “Site proposals”, the “potential vehicular access point” and “proposed pedestrian access point” icons are difficult to read on the map and need to be more legible.

Policy Liss 9 The Design of Development

200. This policy is acceptable but requires some modification in the interests of precision and clarity.

201. The reference in point 1 of the policy to “diverse” could be interpreted as respecting existing design which is not considered as valued and representative of the character of the area. It is recommended this term be removed.

202. It is too prescriptive to require that development be “in accordance” with the development briefs. The NPPF in paragraph 59 states that planning authorities should seek to avoid being too prescriptive and concentrate on guidance to reinforce local distinctiveness. The reference in point 2 of the policy to the guidance at the start of section 4 is unnecessary and confusing.

203. In point 3 of the policy the reference to “in using the Village Design Statement’ is confusing as it appears to give extra status to certain parts of the Design Statement and adds extra nuances to that advice. This wording needs to be altered to reflect that these criteria will be considered in support of the Design Statement.

204. I do not consider there is a need for point 4 to establish the Design Statement as supplementary planning guidance to the plan. It is referred to in the policy and clearly has relevant status as policy guidance.

205. In draft policy 11 Residential Development in the Countryside there is a criteria seeking to control the scale of extensions to provide self-contained residential annexes. This is better framed as part of a generic policy on residential extensions as extensions to provide annexes are no different in terms of design than other extensions.

206. In the interests of clarity, I propose an extra criteria relating to extensions based on existing policies and that proposed as part of policy 11.

207. Saved Policies H9 and H16 in the East Hants Local Plan, as explained have informative detailed restrictions on the scale of extensions and ancillary detached buildings. I do however consider that the saved policy H16 is not “strategic” in terms of the detailed, prescriptive advice on house extensions. In terms of basic conditions, therefore, it is not absolutely necessary for the policies in this Plan to be in general conformity with saved policy H16. I consider the very prescriptive content of policy H16 regarding extensions to be less relevant today, than in 2006, as permitted development rights for householder extensions, have increased even in national parks.

208. However, policy H16 is a useful reference point for assessing the scale of extensions and needs referencing in the supporting text. I also note that the emerging Local Plan policy SD45 restricts extensions to a maximum of 30% increase in floor space. This policy however has limited weight at this stage in the emerging plan.

RECOMMENDATION 10

Remove “diverse” from point 1 of the policy.

Alter the second sentence in point 2 as follows; “Development on the allocated sites shall take into account the guidance in the development briefs set out in Section 4 of this Plan.”

At the start of point 3 alter the introductory sentence as follows; “In support of the Village Design Statement the following criteria will be taken into account where appropriate of ”

Delete point 4

Insert the following new second sentence in paragraph3.42 of the supporting text “Relationship to other policies” as follows; “The saved policy H16 of the East Hants Local Plan second review provides certain threshold sizes for permissible extensions”

Add a new point 4

“Extensions to dwellings, residential annexes, residential care institutions (C 2)⁸ and detached buildings in residential curtilages shall be

- 1) in character with the host dwelling and subservient in scale taking into account any previous extensions or outbuildings added after the original dwelling was constructed; and**
- 2) Detached curtilage buildings shall be sited in manner which minimizes landscape intrusion; and**
- 3) Proposals shall not be detrimental to the amenities of neighbours as a result of scale, siting massing impact or overlooking.**

POLICY Liss10 The Historic Environment

209.This policy is acceptable apart from some relatively minor issues.

210.The reference in point 1 of the policy refers to the retail area, which is not defined and, therefore, has potential for confusion. It can be deleted without harming the intent of the policy. The reference to the variety of shop fronts also creates confusion as it could be interpreted as requiring the need to copy any more modern shop fronts, which are not in character with the conservation area.

211.The policy in point 2 needs to refer to the impact on the listed buildings as well as their character.

RECOMMENDATION 11

In point 1 of the policy alter the last sentence as follows: “Development relating to shop fronts in the Liss Village Conservation Area must reflect the traditional local character and distinctiveness of shop front design.

Add to paragraph3.44 of the supporting text after “Liss Village Design Statement” insert “which also refers to buildings of local historic interest. The

⁸ C2 of the Town and Country Planning Use Classes order 1987(as amended)

conservation areas are appraised in two leaflets produced by East Hants District Council.”

POLICY Liss11 Residential Development
in the Countryside

212. The title of the policy needs to clarify that this relates to development outside the settlement boundary.

213. The policy in point 1 seeks to restrict residential development in the countryside to replacement dwellings and extensions. This is contrary to the development plan policies (CP19 of the Joint Core Strategy and saved policy, H14 of the East Hants. Local Plan) which, allow dwellings in exceptional cases of proven need for a rural location such as dwellings for agriculture, forestry or certain rural enterprises. Saved policies H9 and H16 of the East Hants. Local Plan also allows replacement dwellings in certain circumstances. SDNPA also correctly point out that the policy, as drafted, effectively forbids affordable housing on rural exception sites, which is contrary to policy CP14 of the Joint Core Strategy and advice in the NPPF, para.54.

214. This part of the policy is therefore contrary to development plan policies and basic conditions. It should be deleted. Existing development plan policies and the emerging Local Plan can continue to provide effective restrictions of residential development in the open countryside. The supporting text requires amendment to explain the development plan policies and provide a contextual reference for other plan policies.

215. Point 2 of the policy does not add to the existing development plan policies and creates confusion because areas of low density housing are not defined. Furthermore, it doesn't cover areas outside the "grounds" of houses where clearly new dwellings are generally restricted. This aspect of the policy should be deleted and the supporting text amended appropriately to refer to all relevant development plan policies.

216. Point 3 of the policy, relating to annexes, is in general conformity with national and development plan policies to restrain development in the countryside and protect landscape character. However, some of the detail of the policy is unnecessary or imprecise and requires amendment.

217. The criterion 3 a) requires an annexe to be an extension or adaptation of a dwelling. In many cases these proposals are for detached buildings within the domestic curtilage. A detached annexe close to the dwelling can be very similar in its relationship to the host dwelling as an extension. I consider this criterion is contrary to basic conditions as there is no evidence to distinguish annexes of appropriate scale and design from extensions and should be removed.

218. Criterion b) if read literally relates only to extensions and detached curtilage buildings providing self-contained accommodation. There needs to be an

overarching policy on residential extensions of which extensions and outbuildings for annexes are a part. I have therefore suggested below in policy Liss 9 relating generally to design a further reference to design criteria relating to extensions. The policy on residential annexes can cross–refer to this modified policy.

219. Criterion c), d) are acceptable in order to protect the countryside.

220. I raised a concern with Criterion e) at the hearing that the use of the term “adequate” in the policy is vague. Ideally there should be reference to parking and amenity guidelines or even standards. It was confirmed that the SDNPA currently rely on parking standards set by the Hampshire County Council but intend to create their own which they consider will be more suitable to a national park. The Parish Council expressed concern at the hearing that the County Council standards are not entirely appropriate. However, there needs to be an acceptance that the County Council as highway authority will use these. There should be reference to the need to conform to highway authority parking guidelines.

221. The need to provide amenity space is a tenuous requirement as there are no quoted guidelines to apply and would therefore be difficult to apply. It is important however that residential amenities of neighbours are protected and criterion e) should be amended accordingly.

222. These amendments to the policy require an alteration to the title of the policy to make it clear that as modified it only relates to annexes. The title of the chapter can remain the same as the supporting text explains the overall policy context of residential development in the countryside.

RECOMMENDATION 12

In the title to the supporting text and the policy insert the following at the end of the title; “(outside of the settlement boundary)”.

Delete para.3.47 and insert the following paragraphs as a replacement;

“Development plan policies restrict residential development outside the settlement boundary, across the national park, to replacement dwellings and cases where dwellings which are required to support rural based activities. Conversions to retirement and nursing homes are also allowed in some circumstances. Where need can be proven affordable housing is allowed on “exception sites.

Proposals will be considered in relation to development plan policies as explained below in “Relationship to other policies”.

Alter the supporting text as follows;

Add to the end of paragraph 3.48 the following;

“ The policy below seeks to add to development plan policy and control the use of residential annexes in the countryside so that they remain linked to their host dwelling and do not become separate independent dwellings in the future. Other requirements relate to the need to provide appropriate parking accommodation and the amenities of adjacent residents are protected.’

**In “Relationship to other policies” amend the last sentence as follows.
“Draft policy SD22 of the South Downs Local Plan sets restraint policies in the countryside for all development, draft policy SD5 protects landscape and SD45 prescribes the circumstances for appropriate replacement dwellings and extensions. A range of other policies seek to protect the landscape and biodiversity of the countryside.”**

Amend Policy Liss 11 as follows;

Delete points 1 and 2 from Policy Liss 11 and retitle the policy “Residential Annexes”

“Proposals for residential annexes either as extensions, adaptations or detached buildings in the countryside outside the settlement boundary will be permitted if they are:

a) of a scale which is subservient and in character with the host dwelling and in accordance with policy Liss 9; and

insert criteria c) and d) as drafted but re-numbered as b) and c) with “and” after each criterion

amend criterion e) and re-number as d) as follows

“d) provided with parking to meet the requirements of the Highway Authority and there is no detrimental impact on the amenities of adjoining residents as a result of overdevelopment or overlooking. “

POLICY Liss 12 Retirement and Nursing Homes

223. It is necessary to make it clear that this policy relates to institutional care for the elderly as described in Class C2 of the Town and Country Planning (Use Classes) Order, 1987, as amended. At the hearing the Parish Council confirmed this was its intention in drafting the policy rather than including development, which is simply designed for the elderly but is not institutional care.

224. The need for a specific policy for this type of development is justified given the area has proved attractive for this type of development and there is no reason to doubt this will not continue.

225. The policy is essentially aimed at siting this form of development in sustainable locations in relatively easy reach of services. This conforms to the overarching advice in the NPPF. The policy is also aimed at providing standards of amenity for residents.

226. The policy criteria do not allow for consideration of wider development management issue such as impact on neighbours and traffic safety, which need to be referenced

227. The policy includes restrictions on extensions to existing facilities. I cannot accept there is any evidential basis for subjecting extensions to the same criteria as new proposals and it is illogical that existing facilities, which are not accessible to services etc., should not be allowed to extend, in principle. The reference to extensions should be deleted. Extensions should be considered in relation to policy Liss 9.

228. It was agreed at the hearing there is a need to define more closely the type of "existing large detached buildings" referred to in point 2 of the policy more closely. This is in order to preclude conversion of buildings, which may be derelict, of insubstantial construction or incapable of conversion without effectively a new build or where change of use could impact on landscape character. It was agreed that relating the policy to dwellings rather than buildings could cover this. In this plan area it is realistic to assume that the only buildings suitable for conversion would be existing dwellings by virtue of their condition, character and location. This is similar to saved policy H13 of the Local Plan, which refers to houses. The Parish Council expressed a preference for reference to houses but I consider dwellings offers appropriate flexibility.

229. The SDNPA have concerns that the criterion policy as drafted is in conflict with draft policy 11. My recommended alterations to policy 11 including the supporting text reference to the need to conform to the development plan overcomes this concern. Also my recommended alterations to policy 1 ensure that it is and policy 12 are aligned.

RECOMMENDATION 13

Insert as a new second sentence in paragraph 3.51, the following;

" This policy relates to institutionalized care for the elderly as described in Class C2 of the Town and Country Planning (Use Classes) Order, 1987, as amended.

Amend Policy Liss 12 as follows;

Point 1 should read as follows:

"Development for new-build or change of use involving residential care or nursing homes within Class C2 of the Town and Country Planning (use Classes) Order 1987 (or subsequent amendment) will be permitted within the settlement boundary if it is compliant with other development plan policies and provided"

Insert all the criteria a. to g. but insert "and" after each one.

Delete point 2 and replace with the following;

“2. Outside the settlement policy boundary change of use of dwellings will be permitted where it conforms with other development plan policies and the criteria listed above in point 1.

POLICY Liss 13 Business Provision

230.This policy is essentially an interpretation of Core Strategy policy CP6 “Rural Economy and Enterprise”. This is confusing because it does not contain all the nuances and caveats within the Core Strategy.

231.The policy refers to business areas, which are not defined whereas policy CP6 allows farm diversification, change of use to commercial uses, extensions to existing premises and certain proposals, which promote the enjoyment, and understanding of the national park.

232.The policy is therefore contrary to basic conditions.

233.I recommend that the policy is deleted but the supporting text as modified be retained to indicate the support of to promote business in accordance with the established development plan policies.

RECOMMENDATION 14

Delete the policy Liss 13 but retain the supporting text as modified below.

**In paragraph 3.55 delete the first sentence and replace with the following :
“This Plan supports the development plan policies which encourage business development in appropriate locations.”**

Amend the title ‘relationship to other policies’ to “Relevant Development Plan policies”.

In paragraph 3.56 insert a new third sentence as follows; “ Policy CP6 Rural Economy and enterprise allows in principle farm diversification, change of use to business uses, extensions to existing premises and certain proposals which promote the enjoyment and understanding of the national park.

POLICY Liss 14 Community and Sports Facilities

234.This policy identifies facilities, which are valued by the community and should be protected where they are proven to be viable.

235.There is duplication with policy Liss 3, which is confusing. Policy Liss 3 also relates to informal open space and there is reference to some areas in both appendices 1 and 4.

236. Policy Liss 14 should simply refer to community facilities other than playing field and open spaces as Liss 3 adequately covers these. Appendices 1 and 4 should be amended to reflect this.

237. The Policies Map part 3 is of poor colour resolution and the referencing of sites in the key is incomplete.

238. The requirement in point 3 is a repetition of the Core Strategy Policy CP18 and is therefore unnecessary. It creates confusion as it does not contain the equivalent detail as policy CP18 and should be removed. Although the Core Strategy refers to “all” new residential development I accept SDNPA’s point that it is aimed at larger scale development such as that on allocated sites.

239. Point 4 is not a policy but rather an aspiration as to how CIL money may be spent. This should therefore be in the supporting text.

RECOMMENDATION 15

The Policies map part 3 requires improved resolution to make it easier to decipher the colour coding and referencing of sites.

Delete point 4 from the policy and insert it as a new paragraph after paragraph 3.60 in the supporting text.

**Delete point 3 from the policy and include it in “Relationship to other policies”. Delete “All new residential development” and replace with the addition at the start of the first sentence in point 3
“Policy CP18 requires that development on allocated sites ”.**

Put all the references to Playing Fields and Open Spaces, Amenity Land and Informal Open spaces and the named allotments in appropriate categories in Appendix 1.

POLICY15 Walking and Cycling Access

240. This policy is in accordance with basic conditions apart from some minor correction.

241. Point 3 produces a requirement, which is not defined sufficiently. It appears to be a similar requirement to that of point 4, apart from the reference to “signed” routes. Point 3 refers generally to “development” but given the plan policies, residential development is the only type of development with the capacity, whereby footpath and cycle route improvements may be justified. The advice in the NPPF paragraph 204 that planning obligations should be “fairly and reasonably related in scale and kind to the development.

242. Regarding point 4 of the policy, it is unreasonable to require all developments to

contribute to signage. Guidance in the NPPF, paragraph 204, and states that obligations of this nature should only be applied when necessary to make the development acceptable in planning terms directly related to the development and fairly and reasonably related in scale and kind to the development. The policy has not got a defined threshold for when it applies and I therefore recommend adding a reference to the government advice on planning obligations in the policy.

RECOMMENDATION 16

Delete point 3.

Alter point 4 to insert after “wherever possible” insert “and provided it is justified in terms of the National Planning Policy Framework advice on planning obligations”.

Insert “signed’ in 4a before “attractive” and in 4b before “cycle”.

**Insert a new point c as follows;
“footpaths and cycle routes shall be separated from roads wherever possible”.**

POLICY 16 Parking

243.This policy meets basic conditions.

RECOMMENDATION 17

In paragraph 3.67 first sentence “vehicles” should be “vehicular”.

POLICY 17 The Village Centre

244.The policy conforms to basic conditions subject to some relatively minor modifications. Although the policy is largely a repeat of policy CP8 of the Joint Core Strategy it does add extra design requirements in point 4.

245.In paragraph 3.69 the references to the other policies are numbered wrongly.

246.The policy should reflect the role of this local centre as established in policy CP8 of the Joint Core Strategy.

247.The policy needs to highlight on which policy map the centre is defined.

248.Point 3 of the policy refers to all development, which is unreasonable. The requirements of this point are more appropriately reflected in point 4, which makes a general reference to design policies.

RECOMMENDATION 18

In paragraph 3.69 renumber policy 7 to "9"; policy 8 to "10"; policy 19 to "16" and policy 22 to "18.

Alter point 1 of the policy as follows: " Development within the village centre must contribute to the vitality and viability of the centre, as defined on the policies map, in accordance with its role as a local centre and policy CP8 of the East Hants Joint Core Strategy."

Delete point 3 of the policy.

POLICY 18 Shop Fronts

249. This policy meets basic conditions subject to minor modifications.

RECOMMENDATION 19

In paragraph 3.73 alter policy Liss 7 to "9".

In point 2 of the policy alter policy Liss 8 to "9".

In point 3 of the policy alter policy Liss 9 to "10".

POLICY 19 Development Briefs

250. The policy is too prescriptive in requiring development to be "in accordance and conform" to the briefs. These are absolute terms and it would be more appropriate to use the term "take into account" in order to conform with the NPPF paragraph 59 and avoid unnecessary prescription and detail on design and yet provide clear guidance.

251. There is potential confusion in points 1 and 2, which does not state the extra briefs are in appendix 5.

252. Point 2 in the policy repeats the requirement in point 1 and contains matters relating to the process of securing the requirements of the brief should be stated in the supporting text.

253. Again, point 3 relates to the process of monitoring which should be in the supporting text.

254. There is a need to mention that the 2009 brief for Inwood Road contains reference to some policies, which have been, superseded both at national and local level.

RECOMMENDATION 20

Alter point 1 in the policy as follows;

“Development of housing sites allocated in policy Liss 8 shall take into account the guidance in the Development Briefs set out in Section 4 and the supplementary briefs in Appendix 5 of this Plan.

Delete points 2 and 3 from the policy.

In paragraph 3.17 delete the last two sentences and replace with the following;

“For the Inwood Road site a brief prepared in 2009 is still relevant and has been included as a supplement to a further new brief but it should be noted that some of the national and local policies referenced in it have been superseded. However, this brief is still relevant and should be taken into account with the advice on this site in section 4. In order to met concerns about landscape and views an additional brief has been prepared at Brows Farm site on landscape, design and layout.

Insert the text of points 2 and 3 as extra final paragraphs in the supporting text. In point 2, delete “conforms to” insert “takes into account”.

POLICY 20 Infrastructure and developer contributions

255.This policy is in large part repeating the provisions of policy CP 32 in the joint Core Strategy, which covers the need for developers to provide for the improvements to infrastructure in proportion to the demands, made on it by the development. It is not necessary and is potentially confusing to repeat these provisions as a policy in this Plan. However, the Plan does make a useful reference to the relevant development plan policy in the supporting text.

256.In point 4, the policy provides a useful list of local priorities, which can inform the assessment of planning obligations.

257.Hampshire County Council has stated that it is important that the pressure on schools is recognized and the policies in this Plan allow expansion in principle. The Joint Core Strategy policy CP16 allows this type of social infrastructure improvement when necessary and it is not necessary to repeat that provision in this plan.

RECOMMENDATION 21

In the first sentence of paragraph 3.78, alter Policy Liss 7 to “8”.

Delete points 1,2,3, and 5 of the policy.

Development Briefs

258.There are various modifications to the briefs, which I recommend in order to create more clarity or reflect the comments made in the regulation 16 consultations, which I consider are relevant.

259. I have made these modifications without the need for further comment unless stated below.

260. The development briefs should include a reference to the need for a project level HRA screening and that appropriate mitigation will be sought to avoid significant effects on the SPA. This general requirement is reflected in the policy 5 supporting text, as modified. However, in the interests of clarity I have made appropriate recommendations to amend the development briefs in these respects.

261. The following are site-specific recommendations, which warrant further explanation;

Andlers Ash Central and South

- I agree with the Cala Homes (Thames) Ltd. suggestion that in point g. in “Layout and Design” it would be more flexible if the word “lower” were substituted for “single–storey” to allow the option for more creative design to minimize visual intrusion. This flexibility is in accordance with paragraph 59 of the NPPF.
- In Layout and Design points a. and e. are repetitive.

Upper Green and land formerly part of the Grange

- At the hearing it was agreed that the site boundary should be extended to include the full width of the existing access to ensure that adequate access to Farnham Road could be achieved for both sites.
- SDNPA have asked that mineral safeguarding information be included in these briefs.

Brows farm

- It is important to respond to Historic England’s concerns that the development does not impact negatively on the setting of the listed Church of St. Mary. The brief needs to emphasize the need to seek to minimize the impact and enhance the setting of the church.

RECOMMENDATION 22

Inwood Road

Alter point g. under “Layout and Design” as follows;

“g. External lighting should be avoided but where necessary should be sited and designed to minimise light pollution in the national park.”

Alter point e. of “Landscape and open space “insert a new first sentence to point e. as follows;

“ A project level Habitation Regulation Assessment screening exercise shall be carried out and appropriate mitigation provided to avoid likely significant

effects on the Wealden Heaths phase 2 Special Protection Area (SPA).”

Introduce a key to the indicative plan to explain the access options.

Andlers Ash Central and South

**Alter point d. Under “Layout and design”,
“the amount will be based on the terms of the most recent assessment of household profile, market demand and housing need,”**

In point g. delete “single-storey”, insert “lower”.

**Alter point h. of Landscape, open space and biodiversity, by adding the following as a new first sentence as follows;
“A project level Habitation Regulation Assessment screening exercise shall be carried out and appropriate mitigation provided to avoid likely significant effects on the Wealden Heaths phase 2 Special Protection Area (SPA)”**

Introduce a key to the indicative plan to explain the access options. Show the location of the link to Liss Junior and Infant School.

In “Layout and Design” delete point e.

Upper Green and land formerly part of the Grange

In the “Upper Green” section after Upper Green insert “(site 4)”

In the “Land formerly part of the Grange” section after, “The site” insert “(site 4a”

**Plot the TPO trees on the indicative plan and alter the first sentence in “Landscape and open space” as follows;
“Development must respect the TPO trees which are shown on the indicative plan. It is important that the site is screened from the countryside to the south west of the site. ”**

Alter point e. in “Landscape and open space” by adding the following as a new first sentence as follows;

“A project level Habitation Regulation Assessment screening exercise shall be carried out and appropriate mitigation provided to avoid likely significant effects on the Wealden Heaths phase 2 Special Protection Area (SPA)”

Include the existing access to the Grange in the site boundary as coloured pink and edged red.

Include the following in the briefs for both of these sites, the following;

“Prior extraction of mineral resources may be required before planning

permission is granted unless it can be demonstrated that the sterilization of mineral resources will not occur; or it can be demonstrated that it would be inappropriate to extract mineral resources in that location, with regards to other policies in the Plan; or

the development would not pose a serious hindrance to mineral development in the vicinity; or

the merits of the development outweigh the safeguarding of the mineral “

Land next to Brows Farm

In point d. of the “Key principles of development “ insert “listed” before “church”. Add to the end of point d.“ and the setting of the church should be enhanced.”

Alter point h. in “Landscape and open space” by adding the following as a new first sentence as follows;

“A project level Habitation Regulation Assessment screening exercise shall be carried out and appropriate mitigation provided to avoid likely significant effects on the Wealden Heaths phase 2 Special Protection Area (SPA)”

Implementing and Monitoring the Plan

262.This is in conformity with basic conditions.

SUMMARY

263.I have completed an independent examination of the Neighbourhood Development Plan.

264.The Parish Council has carried out an appropriate level of consultation and clearly shown how it has responded to the comments it has received.

265.I have taken into account the further comments received as part of the consultation under Regulation 16 on the Neighbourhood Planning Regulations 2012. I held a hearing to allow for clarification of some issues.

266.I have recommended modifications to the policies in order to satisfy the basic conditions and to ensure that they provide a clear basis for decision-making in accordance with the national planning policy and guidance and local development plans policies.

267.Subject to these modifications, I am satisfied that the plan meets the basic conditions, as follows:

a) has regard to national policies and advice contained in guidance issued by the

Secretary of State,

- b) the making of the plan contributes to sustainable development,
- c) the making of the plan is in general conformity with the strategic policies contained in the development plan for the area of the authority,
- d) the making of the plan does not breach, and is otherwise compatible with, EU obligations and human rights requirements,
- e) the making of the neighbourhood development plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2012)

268. I am also satisfied that the Plan meets the procedural requirements of Schedule 4B of the Town and Country Planning Act 1990.

269. I am required to consider whether the referendum area should extend beyond the Neighbourhood Development Plan area and if it is to be extended, the nature of that extension.

270. There is no evidence to suggest that the referendum area should extend beyond the boundaries of the plan area as they are currently defined.

271. I recommend that the Neighbourhood Development Plan should proceed to a referendum based on the neighbourhood area authorised by the National Park Authority.

272. I am therefore pleased to recommend that this Neighbourhood Development Plan, as modified by my recommendations, should proceed to a referendum.