

Report to	Planning Committee
Date	14 September 2017
By	Director of Planning
Title of Report	Liss Neighbourhood Development Plan Decision Statement
Purpose of Report	To note the Examiner's recommended modifications to the Liss Neighbourhood Development Plan and agree their publication of in the Authority's 'Decision Statement'.

Recommendation: The Committee is recommended to:

- 1) Note the Examiner's Report and recommended modifications (Appendix 2) to make the Liss Neighbourhood Development Plan meet the basic conditions.**
- 2) Agree the publication of the 'Decision Statement' as set out at Appendix 3 of the report, which sets out the modifications that will be made to the Liss Neighbourhood Development Plan in response to the Examiner's recommendations.**

I. Introduction and Summary

- I.1 Liss Parish Council (LPC) are to be congratulated on progressing the Liss Neighbourhood Development Plan (LNDP) to the final stage ahead of a community referendum. Getting to this stage is the result of considerable hard work by local volunteers and members of LPC over the past three years. The preparation of the LNDP has been particularly challenging as the steering group have had to balance the local community aspiration to maintain the 'hidden village' characteristics of Liss whilst finding adequate land to meet the housing requirement set by the development plan (East Hampshire Joint Core Strategy). In addition LNDP has had to have regard to the international nature conservation designation (Wealden Heath Phase II SPA), which is a significant constraint in the allocation of land for development.
- I.2 LPC submitted the LNDP to the South Downs National Park Authority (SDNPA) for examination on 28 November 2016. An independent examiner was appointed in January 2017 to examine the LNDP. The Examiner considered 19 individual written representations. Following the initial assessment of written representations the Examiner considered it appropriate to hold a Public Hearing to examine certain issues further; the Public Hearing was held on 30 June 2017. The Examiner has now issued his final report and concludes, that subject to a number of modifications, the LNDP can proceed to referendum. Before doing so, the SDNPA must issue a 'Decision Statement' setting out how the LNDP will be modified in response to the Examiner's Report.
- I.3 This Decision Statement is being considered by Planning Committee as LNDP is one of the NDPs with a significant housing provision as set out in the emerging South Downs Local Plan.

2. Background

- 2.1 The LNDP plan period runs from 2011-2028 and has been prepared for a designated neighbourhood area which follows the Liss parish boundary. The area was designated by SDNPA on 14 August 2014; the area designation map is attached as Appendix 1.
- 2.2 The LPC decided to prepare a NDP in April 2014, after asking the wider community for their views at the Annual Parish Meeting (March 2014) and two Public Exhibitions (July 2014). Following the initial public engagement, a steering group of 11 local residents and Parish Councillors was formed to lead on the preparation of the LNDP. Throughout the preparation of the LNDP there has been extensive public consultation. Details of individual events is set out in the Consultation Statement and activities included:
- Regular articles in the Parish Magazine
 - Seven public exhibitions / forums
 - Competitions for local schools
 - Press releases and public notices
 - Housing needs survey circulated to all homes in Liss
- 2.3 All this preparatory work culminated in the publication of a Regulation 14 Pre-Submission NDP which was consulted on from 21 March 2016 to 16 May 2016. The SDNPA provided comments on this consultation, which were agreed at Planning Committee in May 2016. After making a number of modifications to the Pre-Submission version of the LNDP, LPC submitted the LNDP to the SDNPA on 28 November 2016 for examination. Mr Robert Bryan MRTPI was appointed as Examiner with agreement from LPC.
- 2.4 The Examination of LNDP started immediately after the submission consultation period (16 December 2016 – 10 February 2017). Following the Examiner's initial assessment of written representations he requested further information to provide clarification on a number of matters. The SDNPA in consultation with LPC provided a response to the Examiner's initial questions. The Examiner also indicated at this time that he intended to hold a public hearing to allow further examination of a number of issues. The Public Hearing was held on 30 June where SDNPA, LPC and one site promoter were invited to respond to specific matters as set out in the Public Hearing agenda.
- 2.5 The Examiner submitted his report to the SDNPA for an initial fact check in July 2017. Following the SDNPA review of the Examiner's report a number of minor modifications were made to correct factual inaccuracies. The Examiner's report was published on the SDNPA and Liss Parish Council website in August 2017.

3. Recommended modifications to the LNDP to meet the Basic Conditions

- 3.1 The Examiner was appointed to assess whether the LNDP meets certain legal requirements for NDPs, known as the 'Basic Conditions', these state NDPs should:
- i) Have regard to national policies and advice contained in guidance issued by the Secretary of State,
 - ii) Contribute to the achievement of sustainable development,
 - iii) Be in general conformity with the strategic policies contained in the development plan for the area,
 - iv) Not breach, and otherwise be compatible with, EU obligations.
- 3.2 The Examiner has identified a number of modifications which are necessary to ensure the LNDP meets the basic conditions (**Appendix 2** – Examination Report). Officers have reviewed the Examiner's report in consultation with the LNDP steering group generally the modifications are minor in nature. Where there are more significant modifications proposed, the LNDP group and SDNPA officers have agreed that these modifications should be accepted.
- 3.3 There are a significant number of modifications proposed by the Examiner, the majority of these modifications are to the supporting text or minor modifications to policy wording. In these instances the modifications have been presented as they were set out by the Examiner. Where there are more significant modifications to policies the Decision Statement presents

the entire policy striking through proposed deletions and underlining additions proposed by the Examiner. This is to assist the reader where there are more complex modifications.

- 3.4 The following key modifications are highlighted for Members:
- 3.5 The Examiner raises concerns relating to Policy Liss 3. Local Green Space and informal open space. The LNDP describes a range of open spaces including Local Green Spaces, parks, sports fields, recreation grounds, allotments, informal open space and children's play space. All the open spaces described in the LNDP can be found at appendix 1a and 1b of the LNDP. The Examiner feels this causes confusion as to where the Local Green Spaces policy protection (as afforded by the National Planning Policy Framework) should apply. The Examiner has recommended that all these areas should be designated as Local Green Spaces to ensure the policy is clear. However, the Examiner suggests that the policy should be amended to allow for appropriate alterations to recreation facilities to ensure that these spaces can fulfil their potential. A more detailed explanation of this modification can be found in the Examiner's report (**Appendix 2**, paragraphs 93-99).
- 3.6 A number of representations raise concerns relating to the site selection process used by the LNDP group. The Examiner has considered this matter in detail in paragraphs 118 – 199, amongst other matters relating to the site allocations in the LNDP. The criticisms are considered in terms of whether the site selection process meets the Basic Conditions, which relates to guidance set out in National Planning Policy Guidance. The Examiner explored this matter further in the Public Hearing but has concluded that the process was proportionate and transparent and that the process used by the LNDP group allowed adequate opportunity for all the sites to be considered in full by the public.
- 3.7 The LNDP design policy (Policy Liss 9) has been assessed as meeting the Basic Conditions subject to a number of modifications. The most significant modification is the addition of policy wording which relates to extensions, residential annexes, residential care institutions and detached buildings in residential curtilages. Liss Policy 11 (Residential Development in the Countryside) set out to control these matters outside the Settlement Boundary. However, the examiner felt it was more appropriate for this to be set out in a more generic policy on residential extensions, which would apply both inside and outside the settlement boundary. The full justification for these modifications can be found at paragraphs 200-208 of the Examiner's report.
- 3.8 The Examiner's report sets out a number of modifications to Liss Policy 11 (residential development in the countryside). The policy as drafted would restrict residential development in the countryside to replacements dwellings and extensions. A number of representations, including the SDNPA, highlighted that this would not be in general conformity with the development plan. The policy as drafted would not allow for residential development with a genuine proven need for a countryside location, or for the development of affordable housing on rural exception sites. The modifications proposed by the Examiner focus this policy on residential annexes in the Countryside outside the settlement boundary, which was an important matter identified through public consultation. The full justification for these modifications can be found in the Examiner's report at paragraphs 212-222.
- 4. Decision Statement**
- 4.1 The Neighbourhood Planning (General) Regulations 2012 state that a Local Planning Authority must publish what action will be taken in response to the recommendations of an Examiner. This is known as the 'Decision Statement'. The Decision Statement outlines the alterations made to the LNDP in response to each of the Examiner's recommendations (Appendix 3 - Decision Statement). Once agreed, the Decision Statement will be published on the SDNPA website.
- 4.2 Officers have considered the Examiner's Report and accept all the recommended modifications. If the Decision Statement is agreed, the submission version of the LNDP will be revised accordingly.

5. Planning Committee

- 5.1 The LNDP was presented to Planning Committee on the 12 May 2016 (Pre Submission) and the 9 February 2017 (Submission) as the plan allocates a significant amount of land for housing.

6. Next steps

- 6.1 Following the publication of the Decision Statement, the LNDP can proceed to referendum which will be organised by East Hampshire District Council. It is currently anticipated that the referendum will be held in November. If over 50% of those voting, vote in favour of the NDP, then the Plan can be 'made' (adopted) by the SDNPA and will form part of the statutory Development Plan for the Parish of Liss.

7. Other Implications

Implication	Yes/No
Will further decisions be required by another committee/full authority?	Yes – Agreement to Make the LNDP at a subsequent Planning Committee if a referendum is successful.
Does the proposal raise any Resource implications?	<p>Yes - The SDNPA have claimed £5,000 in new burdens funding from CLG to date. SDNPA have granted Liss £5,740 to support the cost of preparing the LNDP and SDNPA have paid £13,212.25 for the cost of the NDP Examination. To date the plan has cost £18952.25 which is £13,952.25 more than the grants received. However, the SDNPA will be able to claim £20,000 shortly to cover the cost of the Examination and Referendum.</p> <p>The cost of Neighbourhood Planning to the SDNPA is currently covered by the grants received from CLG. However there are signs that these are going to start to reduce as Neighbourhood Planning increasingly becomes part of the mainstream. Currently within the National Park the cost of producing a plan ranges from around £8,100 (including the Examination and referendum) to £50,000</p> <p>Once a NDP is made, a Parish Council is entitled to 25% of Community Infrastructure Levy (CIL) collected from development within the neighbourhood area, as opposed to the capped 15% share where there is no NDP. The Parish Council can choose how it wishes to spend these funds on a wide range of things which support the development of the area.</p>
Has due regard has been taken of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010?	Due regard has been taken of the South Downs National Park Authority's equality duty as contained within the Equalities Act 2010. Liss Parish Council who have the responsibility for preparing the neighbourhood plan have also prepared a Consultation Statement demonstrating how they have consulted the local community and statutory consultees. The Examiner was satisfied that the consultation and publicity undertaken meets regulatory requirements.
Are there any Human Rights implications arising from the proposal?	None
Are there any Crime & Disorder implications arising from the proposal?	None

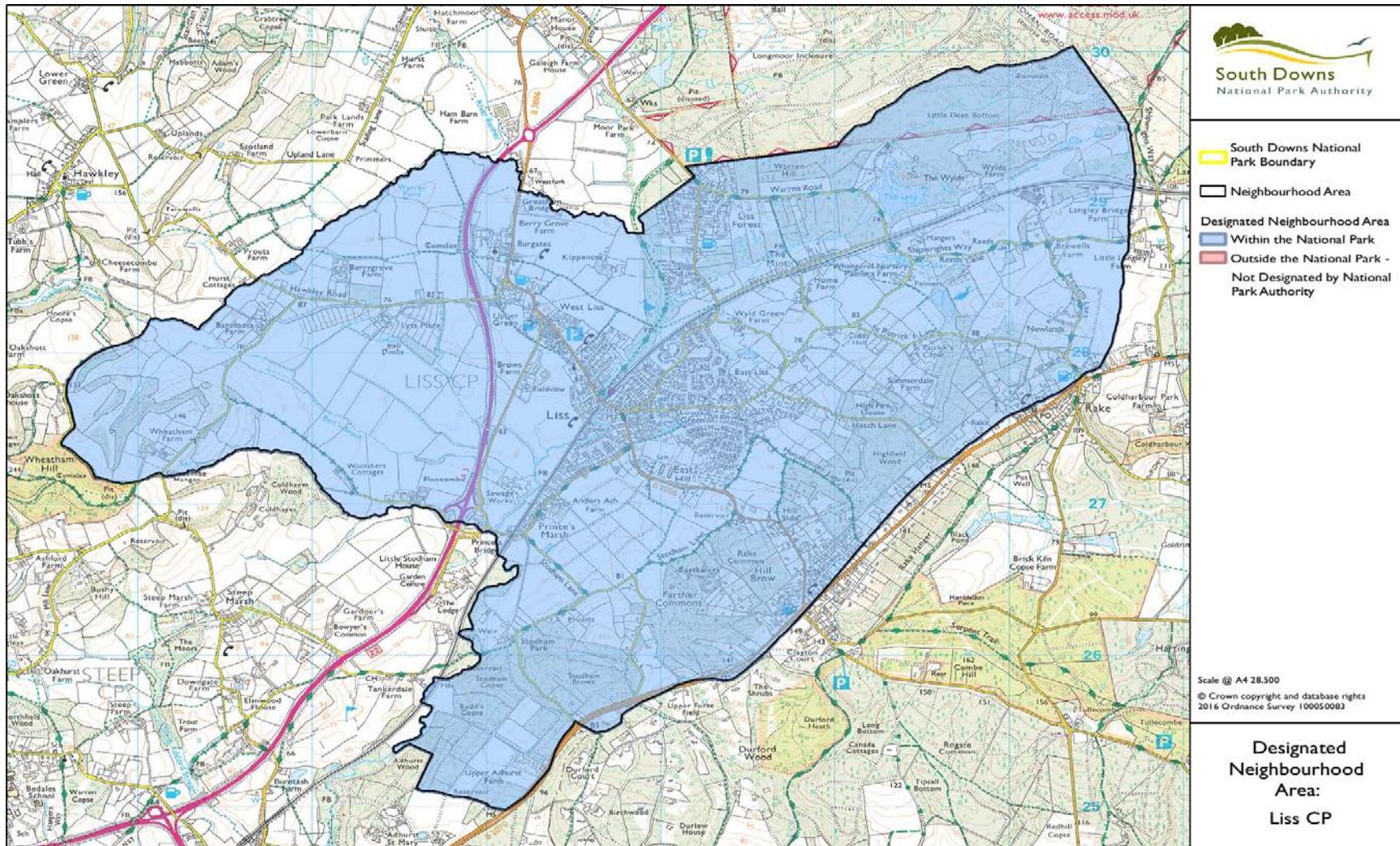
Implication	Yes/No
Are there any Health & Safety implications arising from the proposal?	None
<p>Are there any Sustainability implications based on the 5 principles set out in the SDNPA Sustainability Strategy:</p> <ol style="list-style-type: none"> 1. Living within environmental limits 2. Ensuring a strong healthy and just society 3. Achieving a sustainable economy 4. Promoting good governance 5. Using sound science responsibly 	<p>The qualifying body with responsibility for preparing the neighbourhood plan must demonstrate how its plan will contribute to the achievement of sustainable development. This is set out in the Basic Conditions Statement. The examiner who assessed the plan considered that it met the requirements if a number of modifications were made. Please note that the sustainability objectives used by qualifying bodies may not be the same as used by the SDNPA, but they will follow similar themes.</p> <p>Strategic Environmental Assessment</p> <p>It was concluded that an environmental assessment of the Liss Neighbourhood Plan was required as the scale of development was considered to have a likely significant effect upon the Wealden Heaths Phase II SPA. LPC undertook a SEA / SA to accompany the LNDP.</p> <p>Habitats Regulations Assessment (HRA)</p> <p>As the scale of development was considered to have a likely significant effect upon the Wealden Heaths Phase II SPA, it was recommended that a HRA was carried out for the LNDP. LPC undertook a HRA to accompany the LNDP.</p>

8. Risks Associated with the Proposed Decision

Risk	Likelihood	Impact	Mitigation
The Examiner has recommended modifications to ensure the LNDP meets the Basic Conditions. If these modifications are not implemented the LNDP would be at risk of legal challenge on the basis it does not meet the legal requirements for NDPs.	Low	Medium	The Examiners recommended modifications are agreed in full.

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Appendices
1. Liss Neighbourhood Area
2. Independent Examiner's Report
3. Decision Statement
SDNPA Consultees Legal Services; Chief Finance Officer; Monitoring Officer; Director of Planning
External Consultees None
Background Documents
[Liss Neighbourhood Development Plan \(Submission Version\)](#)
[Consultation statement](#)
[Examiners Initial Questions and LPC/SDNPA response](#)
[Public Hearing Agenda](#)
[Materials presented at the Public Hearing \(SDNPA\)](#)
[Materials presented at the Public Hearing \(LPC\)](#)



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