

**INDEPENDENT EXAMINATION OF THE
PETERSFIELD NEIGHBOURHOOD PLAN
SUBMISSION DRAFT 18 JANUARY 2015**

INITIAL NOTE FROM EXAMINER

Christopher Lockhart-Mummery QC

Introduction

1. I have been appointed by the South Downs National Park Authority (SDNPA), the local planning authority, and Petersfield Town Council (the Qualifying Body) to conduct the independent examination of the Submission Draft of the Petersfield Neighbourhood Plan (PNP). The purpose of this Note is threefold. First, to state my decision that a hearing will be held for the purpose of receiving oral representations, and to set out the arrangements for such hearing. Second, to raise some initial comments and queries on certain aspects of the PNP. Third, to raise certain comments and queries on some of the duly made representations. The purpose of raising these matters at this stage is to ensure that later stages of the examination, and in particular the hearing, can proceed in an informed and efficient manner.

2. I invite responses (so far as practicable) to the questions below exclusively from the SDNPA and the Qualifying Body. In the interests of full transparency, this Note and any answers to it will be made publically available so that all persons interested can follow the process.

Hearing

3. Paragraph 9(2) of Schedule 4B of the Town and Country Planning Act 1990 provides that an Examiner must cause a hearing to be held for the purpose of receiving oral

representations about a particular issue at the hearing in any case where the Examiner considers that the consideration of oral representations is necessary to ensure adequate examination of the issue or a person has a fair chance to put a case. From my reading thus far of the PNP and the principal supporting documents, I have determined that a hearing is necessary to ensure adequate examination of a number of issues that have arisen. I am also satisfied that it is necessary in order to ensure that certain of the representors have a fair chance to put their case, namely representors R9, R32/33, R36, R37 and R38. This may also apply to R34, dependent on any response to a query I raise below.

4. Up to 1½ days will be set aside for the hearing, with accompanied site visits (insofar as I consider necessary) during the balance of the second day. The hearing, which is a public hearing, will open at 10 am on 4 June 2015 (and continue as necessary at 10 am on 5 June) at Festival Hall, Heath Road, Petersfield, Hampshire GU31 4EA.
5. Invitations will shortly be extended to the representors listed above. In advance of the hearing, I will set out an agenda and guidance for the conduct of the hearing.

Comments on the PNP

6. I need clarification as to the precise extent of the statutory development plan. The principal element of the development plan, against which general conformity has been assessed, is the Joint Core Strategy 2014. There were, however, saved policies of the East Hampshire District Local Plan: Second Review which were not superseded by the adoption of the JCS. I need to know whether these policies have subsequently been superseded, and if so how.
7. The PNP is commendably clear (page 3) in attempting to distinguish its land use policies (in blue) from its “aspirational” policies (in pink). However, a

Neighbourhood Development Plan “is a plan which sets out policies (however expressed) in relation to the development and use of land...”: Planning and Compulsory Purchase Act 2004, section 38A(2). PPG advises:

“Neighbourhood planning can inspire local people and businesses to consider other ways to improve their neighbourhood than through the development and use of land. They may identify specific action or policies to deliver these improvements. Wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non-land use matters should be clearly identifiable. For example, set out in a companion document or annex”.

This preserves the potential for “aspirational” objectives or policies to form part of the PNP, and some Examiners have accepted this. Having regard to the fact that the PNP will form part of the section 38(6) development plan, I am nonetheless concerned at the intermingling, despite the colour-coded approach. I may recommend that the aspirational material be removed to a companion document or annex. Would there be strong objection to this, and if so why?

8. PNP page 9 – should the reference to “flats” be changed in the light of R25?
9. HP5 “mandates” a phasing policy. My provisional view is that this does not conform to national guidance. Would it not be preferable to link development with the provision of necessary infrastructure (as suggested by R25)?
10. HP6 (affordable housing) is unclear as presently drafted. See R25 and R39. Please could a re-drafted version be supplied?
11. HP1 and HP7 envisage some 15% of the housing provision coming from self or custom build only. Many cogent representations are made relating to the delivery of

this provision on this scale, and to the rigidity of the occupational criteria. Would a preferable approach be to allocate small sites for this purpose, or scatter the provision among allocated sites, as suggested by R35?

12. I am concerned at the highly prescriptive nature of HP8 and HP9. In addition, these policies would appear to be at odds with the ministerial statement dated 25 March 2015 on the new national technical standards, and the Technical Housing Standards dated March 2015.. BEP4 is likewise very prescriptive.
13. I have a number of concerns as to the GAP policies. For example, how is GAP1 related to development, and deliverable? The same goes for GAP2, which also seems to propose obligations on the highway authority. Similar criticism can be made of GAP3 and GAP4. Is GAP6 a land use policy, or a request to the highway authority?
14. I would be most grateful for brief responses to the above points.

Comments/queries on Representations

15. The following comments/queries are raised by reference to the representor number.
16. R9 – please supply a red line location plan showing the land promoted.
17. R11 – can this allocation now be maintained, and if so why?
18. A number of representors question the deliverability of a number of allocation sites, presently in use for other purposes. Example are H9, H10, MU1, MU2 etc. A brief response on such matters would be helpful.

19. R15 – is Southern Water correct in its assumption as to HP1? My understanding is that the design principles and the delivery considerations are intended to be mandatory.
20. R18 – a response to the Environment Agency representation is needed.
21. R28 – a response to the comment on BP1, would there not be merit in simply using the term “employment”?
22. R32/R33 – please supply a location plan of this site.
23. R34 – in relation to HP9, can these parking standards be maintained in the light of the 25 March 2015 policy statement?
24. R35 – is the MPA satisfied by the response at R39?
25. R37 raises contentions as to the legal adequacy of the SEA in relation to the consideration of reasonable alternatives. A brief response would be helpful. If possible, this response might also respond to R43, contending that different options/distributions (southern/eastern focus, or dispersal) should have been tested. Additionally, please supply a location plan showing the intended enlargement of the H1 site.
26. R39 – is it intended to propose specific textual amendments to deal with these points, at this stage?

Christopher Lockhart-Mummery QC

Examiner

23 April 2015.