

SDNPA & East Meon Parish Council response to Examiners Initial Comments relating to the Examination of the East Meon Neighbourhood Plan

The following statement sets out the East Meon Parish Council (EMPC) and the South Downs National Park Authority (SDNPA) response to Initial Comments of the Independent Examination of the East Meon Neighbourhood Plan.

To ensure clarity to the reader, the comments raised by the Examiner are set out in text boxes with a response provided directly below each box

Status of the Development Plan

3. The plan rightly refers to the existing development plan as the East Hampshire Local Plan– Joint Core Strategy and the saved policies of the East Hampshire Local plan– Second Review (2006.) If and when this neighbourhood plan is made, then it too, will form part of development plan.

4. Paragraph 184 of the NPPF is particularly relevant to my thinking. This requires that “neighbourhood plans must be in general conformity with the strategic policies of the local plan... neighbourhood plans should reflect these policies...” However, in the next paragraph it states that “once a neighbourhood plan has demonstrated its general conformity with the strategic policies of the local plan and is brought into force, the policies it contains take precedence over existing non-strategic policies in the local plan for that neighbourhood, where they are in conflict.”

5. The South Downs National Park Authority has given me a provisional view that it is all the policies in the Joint Core Strategy that are the strategic policies and I cannot fault that position.

6. My concern is how would the neighbourhood plan relate to the saved policies of the 2006 Local Plan, which is now, in any event, somewhat out of date and predates the publication of the NPPF.

7. I will illustrate my concern by taking as an example - Policy EM3– Size of Dwelling. This seeks to control the size of replacement dwellings by reference to the number of bedrooms. Policy HI6 of the 2006 Local Plan refers to a floor space percentage increase.

8. In effect, an applicant or any decision maker will have to have regard to the policies in 3 separate development plan documents. These are, this neighbourhood plan and the Joint Core Strategy as well as the 2006 saved policies. In the case of a replacement dwelling - Is an applicant expected to be subject to a restriction in floor space of the replacement dwelling or just a restriction as to the number of bedrooms?

9. My interpretation of the situation is, if there is any policy in neighbourhood plan covers a particular topic, that policy will replace the policies in the 2006 Local Plan and I am proposing to make that point explicit in my report.

10. However, I would welcome the views of both the LPA and Qualified Body on this matter. I believe that it is important to give certainty in the planning system to applicants and decision makers, so that they are not faced with a situation where an application meets the requirements of the neighbourhood plan but could fail to comply with the policies in a different development plan document, covering the same issues.

The SDNPA and EMPC agree with the Examiners understanding on this matter. Where the East Meon NDP Policy covers a particular topic which is similar to that in the East Hampshire 2006 Local Plan Saved Policies the East Meon NDP will replace those policies in the East Hampshire 2006 Local Plan. To ensure clarity for decision makers EMPC and SDNPA have prepared a table which sets out where EMNDP Policies will replace Saved Policies in the East Hampshire 2006 Local Plan. It is proposed that this table is incorporated into the East Meon NDP. This table can be found at Appendix I.

The SDNPA would take this opportunity to highlight that Policies H1 (Baseline Housing Allocations) and H2 (Reserve Housing Allocations) of the 2006 East Hampshire Local Plan Saved Policies are considered strategic policies. However neither Policy H1 or Policy H2 have any bearing on the East Meon NDP as they describe housing allocations, one of which (Land adjacent Village Hall, Inset Map 26) has subsequently been built and occupied in East Meon.

South Downs Local Plan– Preferred Options

11. The South Downs National Park Authority is preparing their local plan. This is currently an emerging plan. The published version of the document is still at a relatively early stage in its preparation. The Preferred Option version was published in September 2015 and was the subject to public consultation. That plan may be changed as a result of the consultation process. In addition, it may be modified further by the local plan examiner, as a result of objections made to the Submission Version of the plan. The adoption of the local plan is somewhat off and indeed it may have to be subject to further modifications following future changes in national policy which arise following the publication of the Housing White Paper, for example in the methodology of calculating housing numbers.

12. The issue I am concerned with is that this neighbourhood plan is predicated on seeking compliance with the current version of the emerging local plan. There are instances where in the neighbourhood plan policy makes specific reference to a local plan policy, which is not part of the development plan. That effectively would enshrine in a development plan (through the made neighbourhood plan) a current version of local plan policy that may change during lifetime of the neighbourhood plan.

13. I would particularly call attention to the Secretary of State's advice contained in the Planning Practice Guidance entitled "Can a neighbourhood plan come forward before an up-to-date local plan is in place "[paragraph 009 reference ID: 41– 009–2016 021 1]" I will particularly call attention to the following paragraph

"A draft neighbourhood plan or Order must be in general conformity with the strategic policies of the development plan in force if it is to meet the basic condition. Although a draft neighbourhood plan or Order is not tested against the policies in an emerging Local Plan the reasoning and evidence informing the Local Plan process is likely to be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested. For example, up-to date housing needs evidence is relevant to the question of whether a housing supply policy in a neighbourhood plan or Order contributes to the achievement of sustainable development."

14. I therefore need to be satisfied particularly that the level of housing being promoted in the plan is the appropriate figure to "meet the needs of present and future generations" which is one of the strands of delivering sustainable development - one of the basic conditions.

15. I note that there has been a housing needs survey undertaken and this may be helpful to me in coming to a view on the Basic Condition as to whether the making of the Plan will achieve the delivery of sustainable development. In addition, I would ask for an explanation, perhaps by the LPA, on how the housing figure in the emerging policy ST 23 "of approximately 15 dwellings" for East Meon, was arrived at.

In response to the Examiners comments at Paragraph 11 and 12, The SDNPA and EMPC suggest that any specific references to policies in the emerging South Downs Local Plan are deleted from the East Meon NDP.

In response to the Examiners comments in paragraphs 13, 14 and 15 the SDNPA and EMPC feel there is adequate robust evidence to support the housing requirement of 15 set by the South Downs Local Plan: Preferred Options and to support the housing allocation of 17 proposed in the East Meon NDP. The following information is submitted to support this statement:

The SDNPA housing figure for East Meon and all the other settlements identified in draft policy SD22 of the South Downs Local Plan: Preferred Options is a capacity based figure that also takes into account the services and facilities available in settlements. The Local Plan is landscape-led and the NPA considered that the development of 15 new homes in East Meon in suitable locations would not have an adverse impact on the landscape. The main evidence based studies supporting the housing requirements are the Strategic Housing Land Availability Assessment (SHLAA), the Settlement Facilities Assessment and the South Downs Integrated Landscape Assessment (SDILCA). All these can be accessed on the SDNPA website here:

<https://www.southdowns.gov.uk/planning/planning-policy/national-park-local-plan/evidence-and-supporting-documents/>

The Strategic Housing Market Assessment (SHMA) is the main evidence based study on the need for housing in the National Park. It provides park-wide information on housing need, which is then broken down by housing market area (HMA) and district. It does not provide information on a village level and so the local housing needs survey will provide more information for the NDP.

The East Meon NDP is required to be in general conformity with the strategic policies of the Development Plan (East Hampshire Joint Core Strategy and Saved Policies of the 2006 Local Plan). The East Hampshire Joint Core Strategy sets out a housing requirement for settlements in the District (including the part of the District covered by the South Downs National Park) at Policy CP10. This policy states that the other villages in the National Park should deliver a minimum of 100 dwellings. Policy CP2 of the East Hampshire Joint Core Strategy establishes a list of Settlements in the National Park part of East Hampshire District which will have a Settlement Boundary. It is therefore appropriate to assume that those settlements listed at Policy CP2 described as 'other settlements with a settlement policy boundary' in the National Park should allocate housing to deliver a minimum of 100 dwellings as set out in Policy CP10.

The South Downs Local Plan: Preferred Options sets housing requirements to deliver over 100 dwellings at the following settlements, which are described in Policy CP2:

| Settlement | Housing allocations set in the South Downs Local Plan |
|-------------------|--|
| Binsted | 12 |
| Buriton | 7 |
| Chawton | 6 |
| East Meon | 15 |
| Greatham | 30 |
| Selborne | 6 |
| Sheet | 20 |
| Stroud | 11 |
| Total | 107 |

Therefore it clearly demonstrates that East Meon's housing allocation of 15 contributes to the requirement set out in Policy CP10 of the Development Plan to deliver a minimum of 100 dwellings at other villages in the National Park.

The Housing Needs Report identified that 36 households in East Meon intended to move in the next 5 years. In addition, there were 4 concealed households identified that wished to live in East Meon. Of those planning to move a total of 24 identified that they wished to live within East Meon. This gives a demand for 24 homes and future availability of 36 homes. Matching the housing needs of the 24 with the housing becoming available gave only 4 matches and therefore the net demand for new housing is 20. 17 of the 20 wished to move to 2 or 3 bedroom houses. There was demand for one affordable one bedroom home and a one bedroom flat. Given the landscape constraints in East Meon, particularly on the Dip Slope character area and retaining the grid and cluster typology that is the key to the locally distinctive development patterns, the NDP proposes an allocation of 17 new dwellings to address the need for 2 and 3 bedroom houses.

Housing numbers

16. I note that Policy EMI states that of approximately 15 dwellings will be built within the plan period. However, the policy sets out the sites as well as the specific site allocation policies, referred to a maximum number of units to be provided on the site. Therefore, according to the policy, if proposals came forward for fewer units than the maximum, then the policy would not ensure that the target of 15 units would be achieved? One could have confidence that the policy could deliver that number, if the criteria was changed to “at least X units” rather than a maximum figure. I would appreciate views on that possible modification.

The SDNPA and EMPC agree with the Examiners proposed modification to amend the wording to read ‘at least x units’

Definition of Local Need

17. I have concerns about the Policy EM4: Allocation of Affordable Housing. Neighbourhood plan policies are required to deal with the “use and development of land”. It could be argued that the policy extends beyond the remit of the planning system, and into the Housing Allocation Policy of a local authority or registered social landlords, who will have their own distinct policies for allocating social housing, based on housing legislation and case law.

18. This policy will require specific evidence and justification. It may have been possible for matters to be looked at differently if the sites being advanced which are outside the settlement boundaries were being promoted as “exception sites”, i.e. to meet specific affordable housing need in the village, but that does not appear to be the justification for the inclusion of the sites.

19. It could be argued that the Plan as proposed allows any person to buy a new house built in the East Meon irrespective of their links to the area but if a person to be allocated an affordable home, they must demonstrate a local connection. I am concerned that there could be human rights implications, in terms of how this policy could operate and I will be interested in the views of the Local Planning Authority on whether an Equalities Impact Assessment is required. I am conscious that one of the sites is within the existing settlement boundary and is likely to be social housing.

The SDNPA and EMPC have proposed a modification to Policy EM4 in response to the Examiners comments below.

Policy EM4 was included in the Pre Submission and Submission consultations and has not been challenged by the Housing Authority. However the SDNPA and EMPC understand the Examiners concerns in relation to this policy. The SDNPA and EMPC would draw the Examiners attention to the second Bullet Point of EM14 which states that '*allocation of affordable housing should be determined by Policy EM4, The SD Local Plan and the relevant criteria in the Hampshire Home Choice policy*'. It is the latter part of this policy statement which is relevant. The SDNPA and EMPC would also draw to the attention of the Examiner the Examiners report on the Petersfield Neighbourhood Plan, in particular paragraph 75 which related to Policy HP6 of the Petersfield Neighbourhood Plan, which was concerned with the provision of affordable housing. This is relevant because the proposed modification was to resolve concerns relating to the allocation of affordable housing for those with a local connection.

The amended policy wording (for affordable housing eligibility) proposed for the Petersfield Neighbourhood Plan was as follows:

The eligibility for affordable housing will be administered by EHDC as the Housing Authority. The definition of local need is therefore as laid down by the Hampshire Home Choice service's Allocation Framework. However, priority will be given to people who can demonstrate a local connection to Petersfield in the first instance.

SDNPA and EMPC consider that the above wording could be used to replace Policy EM4 of the East Meon NDP.

To remove the policy entirely would potentially undermine the East Meon NDP and jeopardise the referendum process as the wider community were concerned that all affordable housing should be allocated to meet local needs. Whilst the Qualifying Body appreciate the concerns raised by the Examiner, they would like to see an Affordable Housing policy remain in the East Meon NDP.

20. I am interested in the LPA's position regarding the thresholds for requiring affordable housing or commuted sums in relation to affordable housing following the recent changes in government advice following the judgement in the Reading BC and the West Berkshire case.

The SDNPA would advise that the relevant development plan as stands is the East Hants Joint Core Strategy (EHJCS). This sets a threshold of 1 or more additional dwellings (net), with on-site provision expected on sites of 5 or more (Policy CPI3).

Regard should also be had to the legal judgement Reading BC and W Berks vs SSCLG. The judgement has been widely interpreted to mean that whilst the Written Ministerial Statement of 28th November 2014 was a material consideration in planning decisions, it does not constitute primary legislation and it is appropriate for decision-makers to have first regard to the statutory adopted Local Plan reflecting local evidence. This has recently been confirmed by the Planning Inspectorate, in a letter to Richmond and Wandsworth Councils from Ashley K Gray, which states:

"The correct approach, if minded to allow an appeal in such circumstances [that is, where an affordable housing contribution has not been offered on the basis of the WMS], would be for an Inspector to start with the development plan and any evidence presented by the LPA supporting the need for an

affordable housing contribution, establish whether the proposal is in conflict with those policies if no contribution is provided for, and, if there is conflict, only then go on to address the weight to be attached to the WMS as a national policy that post-dates the development plan policies. An Inspector would then be entitled to find in the balancing exercise that the WMS outweighs the development plan policies, as opposed to discounting the development plan's weight at the outset."

Notwithstanding the above, SDNPA officers would advise that the Neighbourhood Plan should be in any case looking forward to the emerging South Downs Local Plan, which is due to be submitted to the Secretary of State in February 2018. The emerging affordable housing policy, Policy SD28, sets a threshold of 3 or more dwellings for provision of on-site affordable housing on a sliding scale (with higher proportions for more homes). The policy, if found sound at examination, will also require provision of 50% of homes on sites of 10 or more to be affordable. The Neighbourhood Plan is correct to defer to the higher level Local Plan whose period broadly coincides with the Neighbourhood Plan, i.e. the South Downs Local Plan.

21. Similarly, I would wish to hear the LPA's views as to whether the occupancy conditions and local connection criteria, currently proposed in Policy SD24 of the emerging local plan, would limit occupation to just the parish, when considering "local need" or whether it would allow a development to meet the local housing need to say a family in housing need who live in an adjoining Parish, that did not have a housing allocation.

Policy SD24 of the South Downs Local Plan has been modified since the Examination of the East Meon NDP began. The modified policy is set out below. However, there is still potential for this policy to change through modifications made by Inspector following the consultation period. Therefore it is suggested that the Examiner consider the response made to points 17, 18 and 19 above.

Emerging Policy S24 states: "Occupancy conditions and local connection criteria will be applied to affordable housing to ensure local needs are met. Specific criteria will be determined by the Authority, in close partnership with established community-led and legally constituted organisations or CLTs where applicable." Local connections need not be restricted to a specific settlement, but may be focused on community connection and cohesion and allow for a wider interpretation within a national park context. It will be assessed in a cascade manner; to include the needs of the relevant settlement; then the parish; and then the wider area including nearby settlements and parishes, as necessary. Rural local connection criteria, which is linked to parishes, will take precedent over district- or city-wide need.

Protection of Valued Views

22. This policy refers to the impact of development on significant views. These are described in paragraph 4.25 of the supporting text, although that is caveated by saying the list is not limited to these views. An applicant or decision maker should have certainty as to whether their proposals would be affected by the policy requirement i.e. will their development be considered to be development affecting a significant local view. I have examined other plans where important viewpoints are shown on a map with a cone of sensitivity indicated. Would it be possible for these views to be shown on a map?

A map setting out the key views is set out at Appendix 2 below.

Phasing of development

23. What is the justification for not allowing development to take place on site B9 until 2025? Are there any impediments, such as infrastructure constraints, to its delivery earlier in the plan period?

The selected sites include 3 along Coombe Road. The village school is situated on Coombe Road. The purpose of restricting development on B9 until 2025 is to limit the level of disruption along Coombe Road by staggering the developments to ensure that the developments do not run concurrently thereby reducing disruption to residents. It is also desired that there are pauses between developments so that residents do not have overly extended periods of disruption.

The East Meon NDP team are content to remove the date restriction on B9 in lieu of another mechanism to achieve the objectives above and we welcome the Examiner's suggestions on how this can be achieved.

Settlement boundaries

24. I know that is intended to redraw the settlement boundaries around the development sites once the construction is completed. What is the mechanism for that change to settlement boundaries, in what will be part of the development plan? Will it be done on a piecemeal basis, as and when each site comes forward or will there be a comprehensive review of the settlement boundary when all the departments are completed?

25. If the neighbourhood plan is indicating that a site is appropriate for residential development why should the land not be shown within the settlement boundaries now? Upon completion of the houses but prior to the revision of the boundaries, I assume that the properties will be treated as falling within a countryside designation.

The EMPC and SDNPA considered that it would be inappropriate to establish a Settlement Policy Boundary which presumed that the proposed allocations would be appropriate. Therefore the decision was taken to show the proposed allocations outside the current Settlement Policy

Boundary. The intention was that the Settlement Policy Boundary would be re drawn to incorporate the allocated housing sites once the East Meon NDP had passed its Examination (a recommendation would be included in the Examiners report to this affect). It is agreed that the sites should be included in the settlement boundary as the allocations establish the principle of development.

We request that the Examiner includes this recommendation in his report. However, we would request that the Examiner makes clear that the amended Settlement Policy Boundary should be based on the proposed site boundaries set out in the Site Specific Policies of the East Meon NDP. This will provide assurance to the local community that the proposed housing sites will be restricted by the Settlement Policy boundary.

We would also ask that the Examiner considers the representation made by the SDNPA in relation to the Settlement Policy Boundary sites B3/4. The SDNPA representation references Policy EM2 (The Settlement Policy Boundary). This can be found on page 185 of the SDNPA representation.

Appendix 1. Mapping of East Meon NDP Policies to the 2006 Saved Policies of East Hampshire Local Plan

The following tables shows how the policies in the East Meon Neighbourhood Development Plan (EMNDP) related to the 2006 Saved Policies of East Hampshire Local Plan. It should be noted that all saved policies from the 2006 Local Plan will be replaced by the South Downs Local Plan when it is adopted.

Policies in the EMNDP that replace or supplement EHDC 2006 Saved Policies

| Saved Policy | Deleted from Saved Policies | EMNDP Policy |
|--|-----------------------------|--|
| H3 Residential Development within Settlement Policy Boundaries | Y | Replaced by Policy EM2 |
| H14 Other Housing Outside Settlement Policy Boundaries | y | Replaced by Policy EM2. Please note that Policy EM2 makes specific reference to exceptional circumstances described in Policy SD22 of the South Downs Local Plan. As this reference is to be removed the Examiner may consider it appropriate to refer to Policy CP19 of the East Hampshire Joint Core Strategy which refers to development in the countryside. The reference to essential utilities should remain as a request from statutory body. |
| H16 Maintaining a Range of Dwelling Sizes Outside Settlement Policy Boundaries | y | Replaced by Policy EM3 and EM9 of the East Meon NDP. Policy EM3 Size of Dwellings relates to all development both in and outside the Settlement Policy Boundary. Policy EM9 deals with extension and alterations which is also relevant to maintaining a range or dwelling sizes. Policy CP11 of the East Hampshire Joint Core Strategy also makes reference to dwelling size |
| HE2 Alterations and Extensions to Buildings | y | Replaced by EM9 Extensions and Alterations |

East Meon Parish Council (Qualifying Body)

24nd April 2017

Appendix 2. Map showing important views relating to the Settlement of East Meon

