

INDEPENDENT EXAMINATION OF THE LISS NEIGHBOURHOOD  
DEVELOPMENT PLAN

AGENDA AND SUPPORTING NOTES

R J Bryan BA. Hons. M.R.T.P.I.  
Examiner of the Plan

Following my initial consideration of the Plan, I have decided that a public hearing is required to assist my examination of the Plan and this will commence at 10am on 30 June 2017. The public hearing will be held at Liss Village Hall, 41 Hill Brow Rd, Liss GU33 7LA. I anticipate that a one-day hearing should be sufficient to deal with the issues. This Note provides guidance as to how the hearing will be conducted, and includes an agenda and a further note of issues to be discussed.

In the statutory provisions, the general rule is that the examination of issues by the Examiner is to take the form of the consideration of written representations. I can assure all parties that I have considered, and will continue to consider, all the written representations, which have been made.

I have decided to hold the hearing so as to ensure that adequate examination is made of certain issues, which are set out below in the “Issues for the Hearing”.

A number of residents and organisations have made representations at the Regulation 16 stage. I have read all of these and they will inform my conclusions. This will be a public hearing and anyone can attend but it is only concerned with the matters referred to below.

The parties whom I wish to invite representations from, at the hearing are specified in the notes below in ***bold italics***. I do not intend to seek further views from other persons at the hearing.

It is for the examiner to decide how the hearing is conducted. In particular, I shall decide the nature and extent of any questions, and the amount of time for oral representations. The principle to be applied, is that questioning will be done by myself, except where I feel that questioning by other parties should be allowed to ensure either adequate

examination of a particular issue, or that a party has a fair chance to put their case.

We will take a short break during the morning session and, if necessary, in the afternoon session. I will have an adjournment for lunch at a suitable moment in the proceedings.

This hearing should be completed on this day.

### **Site visits**

I will have already carried out an unaccompanied site visit to the Neighbourhood Plan area on the day prior to the hearing. Immediately following the hearing, it may be necessary to carry out further site visits dependent on discussions at the hearing, at which it may be necessary for one or more of the relevant parties to accompany me. The purpose of any site visit is simply to identify matters, which have already been presented in the representations. No further evidence will be given.

### **Agenda**

The Agenda will generally be as follows:

(1) **Opening remarks-** by myself as Examiner

(2) **Discussion based on my individual questions:** These will look in turn at the questions, which I have attached to this note below. I have identified in these questions who should speak on them.

(3) **Examiners Closing Remarks**

## ISSUES for the HEARING

### Meeting the housing target

The Joint Core Strategy requires the Plan to provide for 150 dwellings on allocated sites. The Plan, in policy 8, provides an indicative number of 152 dwellings on allocated sites.

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. There should be an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land and provide a realistic prospect of achieving the planned supply. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20%(moved forward from later in the plan period)

I have received representations that there is limited scope for further windfall development within the proposed settlement boundary. The Parish Council also state that there are no “significant sites” within the existing settlement boundary. In the case of windfall sites, however, I do not consider it is a requirement of this Plan to anticipate and provide for a potential shortfall in the supply of windfall sites. This is a strategic matter for consideration in the emerging South Downs National Park Authority (SDNPA) Local Plan.

In order to satisfy “basic conditions’ the Plan, under examination, has to provide land for housing to meet the target 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 “buffer”.

I would like to examine how the plan can provide the requisite “buffer” and what that “buffer” should be. I note that the South Downs National Park Authority (SDNPA) has suggested a small increase in the indicative number of dwellings. This raises issues about whether all or some of the allocated sites can accept the increased densities. Some of the sites appear to have constraints with respect to access and design, which could influence the number of dwellings considered to be appropriate.

***I would therefore wish to discuss at the hearing with the Parish Council and the SDNPA;***

What the increase (buffer) should be ? I note that SDNPA have previously stated it should be 10%.

How is this to be provided?

If it is on existing allocated sites, which are considered appropriate for an increase in the indicative density figures ?

### Deliverability of sites- Upper Green and land formerly part of the Grange

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 appears to require some demolition. There are also concerns about the impact on trees, some (or all) I understand are covered by a Tree Preservation Order (TPO), as a result of the formation of an access.

I need clarification, at the hearing, from the landowner or representatives of the site at Upper Green that access can be achieved across “the Grange” to a public highway. I also need confirmation that access can be achieved onto Hawkley Road for pedestrians and cyclists, if necessary. If there is a requirement to cross land in another ownership I require written evidence that the permission of that owner will be forthcoming

Furthermore, I need clarification from SDNPA, in consultation with the Highway Authority and arboricultural advisors, that vehicular access can be achieved and there are no constraints to development as a result of the need to protect trees, including any covered by a TPO.

***I ask that the Parish Council, SDNPA and the site owner (or representatives) attend the hearing to discuss these issues.***

### Protected Gaps policy 7

Why is this policy required when there is general restraint on development outside of the settlement boundary?

***I ask that the Parish Council and SDNPA attend the hearing to discuss these issues.***

### Local Housing Needs policy 7

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 is not precise enough to enable effective implementation of the policy and there is no evidence quoted to support the requirement. I note that the report of the Parish Council’s Housing Working Group 2015 only produces anecdotal evidence regarding the demand for open market housing for older people.

Is there any supplemental evidence available to support the policy and help define what a “substantial contribution” should be?

***I ask that the Parish Council and SDNPA attend the hearing to discuss these issues.***

### Highway's response to allocated sites

Further to Mr. Paterson's (SDNPA) email of the 23/3/17 to myself, I wish to seek confirmation whether the SDNPA, following consultation with the Highway Authority, have any overriding objections to the principle of development on any of the allocated sites. This is on the basis that I am not aware that the access issues have been fully assessed. However, I only need to know that the principle of development is acceptable on these sites and highway requirements can be achieved to ensure the site is deliverable.

***I ask that the Parish Council and SDNPA attend the hearing to discuss these issues.***

### Site Selection

There is criticism that the scoring system for site selection was not applied consistently and has been too subjective, resulting in anomalous choices for allocated sites.

I have read the Residential Site Selection document in detail but I need further clarification on the manner in which the steering groups scored individual sites.

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

***I ask that the Parish Council and SDNPA attend the hearing to discuss these issues.***

### Specific site Selection issues

There are some specific issues, which I would like to clarify, as follows;

How was site 4a. "land formerly part of the Grange", assessed. I note it was brought forward in the later stages of the process but there is no assessment of it separate from site 4, Upper Green. Do the Parish Council and the SDNPA consider site 4a has the same or similar attributes as site 4 ?

I note that in the SHLAA development on the Eden Lodge(upper Grange) site was considered to have an adverse impact on the landscape character and yet in the LNDP site assessment in the criteria relating to "Landscape and Visual impact" it is considered favorably in terms of the number of "ticks". I would appreciate an explanation of this assessment from the Parish Council and the views of the SDNPA.

There are some specific site issues relating to the site selection process for which I seek clarity. I should point out that in relation to these issues I have read the comments from the SDNPA landscape officer and Mr. Hargreaves of the Parish Council, which were forwarded to me, by Mr. Paterson, during the examination following my request. Also I have not at the time of writing carried out a site visit but will have done so by the time of the hearing.

Hatch Development Ltd. has made a number of points about inconsistency in the scoring of their site. In particular I would appreciate further explanation of the following;

Why has the Hatch Lane site scored less well in terms of landscape impact than other sites, in particular Andlers Ash Road and Inwood Road ? I note both Hatch Lane and Inwood Road exceed the 75-metre contour.

Why was Hatch Lane awarded a favourable assessment (3 positive ticks) for low visual impact from key viewpoints into Liss and yet a very negative score of 3 “crosses” on “limited impact on local character and the special qualities of the Park” ?

Why was Hatch Lane awarded two negative “crosses” for walking and cycling distance to the village centre and Upper Green awarded two positive “ticks” when the sites are of a similar distance to the village centre ? I note there is reference to the steepness of routes from the Hatch Lane site but are there any further factors which influenced this scoring ?

Why has Hatch Lane been awarded three negative crosses in relation to “compatible with density and character of adjoining development and “potential to deliver small units” ?

Why has Hatch Lane received two negative “crosses” for impact on “dark skies”, compared to most other sites , which have fared favourably in relation to this criterion ?

Regarding the site, land north of Hill Brow Road a number of similar questions are raised, as follows;

Why has the Brows Farm site been given one tick when assessed against whether the site would have a “low impact on conservation areas, listed buildings and PROW” yet “land north of Hill Brow Road was given two “crosses” in relation to the same question ?

Also why was Brows Farm given three “ticks” in terms of ‘low visual impact from key viewpoints” despite the fact it is located within an identified view(G on policies map 1) ? Why was “land to the north of Hill Brow” given one tick in relation to the same question when it is not within an identified view ?

Similarly why were the Andlers Ash sites given two “ticks” when they are within two identified views ?

***I ask that the Parish Council and SDNPA attend the hearing to discuss these issues***

#### 65 metre and 75 metre contours

I require an explanation of how the criteria “below 65m along Andlers Ash” were applied to consideration of the site. It would be helpful if the 65 metre and the 75 metre contours were marked on a plan, which is available at the examination and able to be viewed by all present at the examination.

***I ask that the Parish Council and SDNPA attend the hearing to discuss these issues***

#### Policy Liss 11 Residential Development in the Countryside

In 3e) of the policy, there is reference to adequate parking and amenity space. Are there adopted or informal parking and amenity space guidelines to which the policy could refer?

***I ask that the Parish Council and SDNPA attend the hearing to discuss these issues***

#### Policy Liss 12 Retirement and Nursing homes

There are varying levels of care, which can be provided for the elderly. Most forms of care are institutionalized residential care and nursing homes, which fall within Class C2 of the Town and Country Planning (Use Classes) Order, 1987. However other forms of limited care may be considered not in any particular “use class” i.e. “sui generis” or even general residential development under Class C3. These developments could include development directed at the elderly but also that just circumscribed by a planning condition, limiting occupation to persons of retirement age.

Saved Policy H13 of the East Hants Local Plan is directed to refer to accommodation as that for persons of “statutory retirement age”.

It is important to define the exact type development covered by this policy and I would appreciate the views of the Parish Council and SDNPA on this matter.

Point 2 of the policy refers to the scope for conversion to existing large detached buildings. I note the inclusion of the word “Also” in point 2 which implies that and



development permissible under point 2 has “also” to comply with the criteria in point 1 a. to g. . I would appreciate clarification as to whether my interpretation is correct ?

I consider there is a need to define more closely the type of “existing large detached buildings” 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. I would appreciate a response from the Parish Council and the SDNPA as to the definition of buildings suitable for conversion under this policy.

***I ask that the Parish Council and SDNPA attend the hearing to discuss these issues***

R J Bryan BA Hons., M.R.T.P.I.