

Report to	Planning Committee
Date	9 February 2017
By	Director of Planning
Title of Report	SDNPA response to Submission (Reg 16) consultation on the Liss Neighbourhood Development Plan (LNDP)
Purpose of Report	To agree the content of the South Downs National Park Authority's (SDNPA) representation to the Independent Examiner

Recommendation: The Committee is recommended to agree the table of comments as set out in Appendix 2 of the report which will form SDNPA's representation to the Independent Examiner of the Liss NDP.

1 Introduction and Summary

- 1.1 The SDNPA actively promotes and supports community led plans, particularly Neighbourhood Development Plans (NDP) where growth needs to be accommodated and planning issues exist.
- 1.2 On adoption, NDPs form part of the development plan for the neighbourhood area, alongside the strategic planning policies which are prepared by the SDNPA.
- 1.3 Liss Parish Council (LPC) is the 'qualifying body' with responsibility for preparing the Liss Neighbourhood Development Plan (LNDP).
- 1.4 LPC submitted the Liss Neighbourhood Plan (**Appendix 1**) to the SDNPA for examination on 28 November 2016. An 8 week publicity period commenced on 16 December 2016 and runs until the 10 February 2017, during which time local residents and other stakeholders are invited to submit representations to the Plan's Examiner. The Submission consultation period was extended by 2 weeks as the Consultation was held over the Christmas holiday period.
- 1.5 The SDNPA's comments (Appendix 2) which was prepared using input from SDNPA officer's sets out the proposed representation to be submitted to the examination of the LNDP.

2 Background

- 2.1 The Liss NDP covers the plan period from 2011 - 2028 and has been prepared for a designated neighbourhood area which follows the Liss parish boundary. The whole parish of Liss is within the South Downs National Park. The area was designated by SDNPA on 14 August 2014. The area designation map is attached as **Appendix 3**.
- 2.2 The proposal to prepare a NDP was discussed at the Liss Parish Council AGM on 19 April 2014. Following that meeting the LPC took the decision to prepare a NDP at their meeting on 9 April 2014. A public exhibition was held on 25 - 26 July to explain the process of preparing a NDP and ask the wider community for their input on possible content. This public event was attended by over 400 people, and provided invaluable input to guide the production of the LNDP. Throughout the process LPC has engaged the wider community

through public events, household surveys and attending other community events. The group have also engaged local schools and other community groups. More details of the consultation process can be found in the [Consultation Statement](#)

- 2.3 A public forum held on 6 September 2014 asked local residents to put themselves forward to assist with the preparation of the LNDP. On 15 September 2014 the Parish Council appointed a steering group of eleven members to prepare the LNDP. The steering group included members of the Parish Council and local residents. The SDNPA has supported the parish council throughout the process by attending steering group meetings, public events and provided feedback on proposals (Pre Submission) in line with our duty to support the preparation of NDPs.
- 2.4 The Pre Submission consultation was launched at a public event on 19 March 2016, the formal consultation period ran for 8 weeks from 21 March – 16 May 2016 as is required by the Neighbourhood Planning (General) Regulations 2012. The [SDNPA response](#) to the Pre Submission consultation was agreed by Planning Committee on 12 May 2016. The SDNPA response focused on concerns relating to the allocation of the site at Brows Farm and the quantum of development proposed for that site. The pre submission response made a number of other comments relating to the Design Policy, Residential Development in the Countryside and Nursing and Retirement Homes.
- 2.5 The Submission version of the LNDP addresses many of the issues which were raised at Pre Submission consultation. Most of the comments raised at this stage (Submission consultation) relate to minor corrections and amendments. There are however, a number of outstanding more significant issues relating to conflicting policies, the allocation of land for housing and the repetition of strategic policies which will be in the South Downs Local Plan.
- 2.6 The SDNPA representation found at **Appendix 2** will be submitted to the independent examiner following approval at Planning Committee, the deadline for Submission comments is 10 February 2017.

3 Submission and Examination

- 3.1 The SDNPA is required under the Town and Country Planning Act 1990 (as amended) to support communities in the preparation of Neighbourhood Development Plans, this includes taking the plan through the process of independent examination.
- 3.2 All representations made on the LNDP, including those of the SDNPA, are collated by the SDNPA and passed to an independent examiner to consider as part of the examination of the LNDP. The independent examiner for the Neighbourhood Plan is required to consider whether the LNDP meets the “Basic Conditions” set out in law under the Localism Act 2011. In order to meet the Basic Conditions, a Neighbourhood Plan must:
 - Have regard to national policies and advice contained in guidance issued by the Secretary of State
 - Contribute to the achievement of sustainable development
 - Be in general conformity with the strategic policies of the development plan for the area; and
 - Be compatible with EU obligations and human rights requirements.
- 3.3 The SDNPA formal representation to the LNDP submission consultation is set out in **Appendix 2**. The following key points and overarching issues are raised in the representation:
- 3.4 The LNDP includes proposals for the designation of a number of Local Green Spaces (LGS). The LGS are shown on the Policies map part 3 in the LNDP and listed at Appendix IA. The SDNPA would suggest that the table listing all LGS sets out more information on the justification for proposing these LGS as per Paragraph 77 of the National Planning Policy Framework. This will enable the reader to better understand each LGS proposal and allow the examiner to properly consider their merit in determining their designation as LGS. It is also recommended that the map shows more clearly the proposed LGS designations. Further information on the justification is set out in summary in the Protected Views and

Local Green Space document, this information should be included in the main LNDP document.

3.5 At Pre Submission consultation the SDNPA representation suggested that the LNDP should provide a 10% buffer over the 150 housing requirement set for Liss to provide certainty that the LNDP would deliver its housing requirement. The LNDP allocated land for 152 dwellings. It is understood that the allocations are indicative, and therefore there is the potential for the plan to deliver more than the 152 set out in Policy Liss 8. However, the SDNPA consider it is important that a greater buffer is included in the housing allocation and the plan should set out allocations to deliver up to 165 dwellings.

3.6 Throughout the LNDP there are a number of policies which will duplicate policies in the development plan. The SDNPA appreciate that communities need to demonstrate that they have considered the wider communities aspirations and include policies which the community have requested. However, this often results in un-needed duplication. The SDNPA representation found at **Appendix 2** sets out areas where policies, or parts of policies could be deleted to avoid this situation.

4 Planning Committee

4.1 The LNDP is being considered by Planning Committee as it:

- It is one of the larger housing allocations set out in the South Downs Local Plan
- It allocates significant land for development

5 Next steps

Stage	Timescale & further details
Examiner appointment	The Examiner (Mr Robert Bryan) has been appointed to examine the Liss NDP
Examination	The Independent Examiner has indicated that he is able to start the examination in early March. Examination is expected to take 8-10 weeks including preparation and issuing of the final report.
Examiner issues final report	The Examiner makes one of the following recommendations: <ul style="list-style-type: none"> • The Neighbourhood Plan should proceed to Referendum, on the basis that it meets all legal requirements • The Neighbourhood Plan, as modified, should proceed to Referendum • The Neighbourhood Plan does not proceed to Referendum, on the basis that it does not meet the relevant legal requirements.
Decision on a Plan Proposal	If time allows ¹ , Planning Committee will be asked to consider the Decision Statement which sets out the modifications to be made to the plan in response to the Examiners report.
Referendum	Subject to a successful examination and the approval of the Decision Statement, there will be a referendum when the community are asked: <p><i>“Do you want the South Downs National Park Authority to use the neighbourhood development plan for Liss to help it decide planning applications in the neighbourhood area?”</i></p> <p>If over 50% of those who vote say yes, the LNDP will be adopted by the SDNPA.</p>

¹ Government regulations now require Decision Statements be published within 5 weeks of an Independent Examiner’s report being issued. If there is insufficient time to take the Decision Statement to Planning Committee, it will be delegated to officers.

6 Other Implications

Implication	Yes/No
Will further decisions be required by another committee/full authority?	Yes – Agreement of the Decision Statement and 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 Department for Communities and Local Government (CLG) to date. SDNPA have then granted Liss Parish Council £5,744 to support the cost of preparing the LNDP. In addition, 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 £7,000 (including the Examination and referendum) to £80,000.</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 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 who assesses the plan will consider whether the Consultation Statement meets regulatory requirements. One of the Basic Conditions which the LNDP is required to meet is to ‘Be compatible with EU obligations and human rights requirements’ therefore the examiner will be required to check that the plan does not breach this condition
Are there any Human Rights implications arising from the proposal?	None
Are there any Crime & Disorder implications arising from the proposal?	None
Are there any Health & Safety implications arising from the proposal?	None
Are there any Sustainability implications based on the 5 principles set out in the SDNPA Sustainability Strategy:	Liss Parish Council as 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

Implication	Yes/No
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	in the Basic Conditions Statement. 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. Strategic Environmental Assessment Liss Parish Council have undertaken a SEA/SA in support of their NDP. Liss Parish Council have also undertaken a Habitats Regulation Assessment in support of their NDP

7 Risks Associated with the Proposed Decision

Risk	Likelihood	Impact	Mitigation
The NDP does not meet the basic conditions	Low	Medium	SDNPA planning officers have been contributing to the preparation of the emerging LNDP and are comfortable that it meets basic conditions. This will be tested by the examination of the plan and should issues be identified there are a number of mechanisms available through which they can be addressed.

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Appendices

1. Liss Neighbourhood Development Plan – Submission version
2. SDNPA comments on the Submission version of the LNDP
3. Liss Designated Neighbourhood Area Map

SDNPA Consultees: Legal Services; Chief Finance Officer; Monitoring Officer; Director of Planning

External Consultees: The Submission version of the LNDP is open to anyone to comment on. The SDNPA has publicised it and circulated to all known interested parties. Officers will coordinate all the responses and forward them to the Examiner.

Background Documents

- [SDNPA response to the Liss Regulation 14 consultation](#)
- [Liss NDP Submission version Basic Conditions Statement](#)
- [Liss NDP Consultation Statement](#)
- [Liss NDP Strategic Environmental Assessment](#)
- [Liss NDP Habitats Regulation Assessment](#)
- [Liss Residential site selection process](#)
- [Liss NDP The Plan Making Process](#)

SDNPA response to Liss Submission (Regulation 16) Neighbourhood Development Plan

Ref	Comment	SDNPA Recommendation
General Comments		
N/A	<p>The progression of the Liss Neighbourhood Development Plan (LNDF) to submission stage is to be welcomed, it's the result of a considerable amount of hard work by the Parish Council and volunteers.</p> <p>The Liss NDP group should be congratulated for so effectively reflecting the aspirations of local people in the allocation of land for housing and local green spaces. Finding the balance between meeting local aspirations and working within the constraints of planning in a protected landscape is challenging and the Liss NDP group have succeeded in meeting this challenge.</p> <p>The Liss NDP group should also be congratulated on developing a plan which focuses on key issues affecting Liss, often relying on other plans, such as the South Downs Local Plan to cover more strategic issues.</p>	N/A
Policies Map and other supporting maps	The Policies Map is presented as three separate maps. Part 3 of the policies maps deals with the most relevant matter in relation to a policies map, land allocations and designations. It is recommended that this map is the first of the suite of policy maps	Policy map part 3 to be reordered to policy map 1
Introduction		
Section 1.1	The introduction describes a small part of Rake Village as not being part of Liss but being within the Liss Parish. This part of the introduction should be clarified to describe clearly the parish of liss and the settlements which exist within it, to ensure this accords with other policies in the plan, particularly the important gaps policy.	Consider reviewing the description of the village to ensure it is clear that the Parish of Liss is made up of different settlements which form the Parish but have their own individual identities. Ensure the text accurately describes the position of each of these settlements and their proximity to the village centre. It may be clearer to state that a part of Rake Village falls within the Parish but not in or close to the main settlements of Liss Village
Fitting in with other plans (section 1.12 onwards)	There are a number of Mineral Safeguarding Areas (Silica Sand and Clay) shown on the Hampshire Minerals and Waste Plan Policies Map which are located within the parish of Liss. The purpose of Mineral Safeguarding Areas (MSAs) is to safeguard mineral resources from needless sterilisation from non-minerals development. Policy 15 of the Hampshire Minerals and Waste Plan (2013) describes the circumstances in which development within an MSA may be permitted without the prior extraction of mineral	Include reference to the Hampshire Minerals and Waste Plan 2013, specifically policy 15 in the 'Fitting with other plans' section in the Introduction

Ref	Comment	SDNPA Recommendation
	resources. The Hampshire Minerals and Waste Plan (2013) forms part of the Development Plan and as such it would be helpful if the LNDP made reference to it – particularly policy 15 – mineral resources. An additional paragraph under the heading “Relationship to other policies” on page 9 should be sufficient.	
Policy Liss 1	The Settlement Policy Boundary	
Point 2	In point 2 of Policy Liss 1 there is a reference to Policy Liss 10, this is an incorrect reference. The reference should be to Policy Liss 11 Residential Development in the countrysideor is residential development in accordance with Policy Liss 10 <u>11</u>
Policy Liss 2	Protected Gaps	
Point 2	The gaps policy does not distinguish between the identification of gaps and the criteria for development in gaps. Consider putting the criteria first then clearly identifying the gaps separately	Policy Liss 2 should be split into two separate criteria. The first criterion identifies the protected gaps and includes points (a) to (e). The second criterion sets out the types of development that is considered acceptable in protected gaps, it includes points (f) to (i).
Policy Liss 3	Local Green Space and informal open space	
Supporting text	A number of Neighbourhood Plan examinations have resulted in Local Green Space proposals being removed from NDPs because they were not adequately defined or there was no clear justification for the sites selected. To ensure the Local Green Space proposals submitted in the LNDP are robust it is suggested that the table at Appendix 1A includes a brief justification (set out in the Protected Views and Local Green Space document) for the sites inclusion, relating to the criteria set out in the National Planning Policy Framework (NPPF) paragraph 77. Evidence to support the Local Green Space could refer to the issue identified at paragraph 3.13 of the LNDP, specifically the issue about providing alternative green space for dog walking to reduce pressure on the Special Protection Area.	Provide further justification for Local Green Space designations in the table at Appendix 1A. Supporting text could also include a description of the evidence used to support the choices made and the approach taken as per Planning Practice Guidance. The information is provided in summary in the Protected Views and Local Green Space document but it would be more appropriate if the justification was in the main NDP document
Point 1. Second paragraph	The policy sets out that development proposals that have an adverse impact on Local Green Spaces will not be permitted other than in very special circumstances. The NPPF sets out how development should be managed in Local Green Spaces therefore this part of the policy is not required. The policy could state that any development proposals should conform to paragraph 78 of the NPPF. The policy should avoid using the term ‘in very special circumstances’ and rely on the information provided in the NPPF.	Suggest the following wording: Local Green Spaces shown on the Open Spaces <u>Policies Map</u> will be protected and enhanced for their biodiversity and, where appropriate, for public access and informal recreational use. Development proposals <u>should be consistent</u>

Ref	Comment	SDNPA Recommendation
		with paragraph 78 of the National Planning Policy Framework that would have an unacceptable adverse impact on Local Green Spaces will not be permitted other than in very special circumstances.
Policy Liss 4	Landscape and Views	
Point 2.	It would be helpful to show the 75m contour line on the Policies map.	Apply the 75m contour line to the Policies map
Policy Liss 5	Biodiversity	
Point 1	Minor amendments to the Biodiversity policy are required to ensure its conformity with the South Downs Local Plan Biodiversity Policy. The proposed amendments are set out in the SDNPA recommendation	Development proposals resulting in a net increase in residential units will not be permitted within 400m of the SPA will be required to undertake a project-specific Habitats Regulation Assessment except in exceptional circumstances such as essential utilities provision which cannot be met elsewhere
Point 2	Minor amendments to the Biodiversity policy are required to ensure its conformity with the South Downs Local Plan Biodiversity Policy. The proposed amendments are set out in the SDNPA recommendation	Development proposals resulting in a net increase in residential units within 5km of the SPA will be required to undergo a Habitats Regulations Assessment Screening and should will only be permitted if it is demonstrated that its layout, design and construction minimises any potential disturbance to the SPA
Policy Liss 6	Flood Risk	
Point 2	Policy wording currently refers to Policy Liss 7 for allocation of land for residential development, this should refer to Liss Policy 8	Where land is allocated for residential development under policy Liss 7 8.....
Policy Liss 7	Local Housing Needs	
Point 1	The reference to Policy Liss 7 is incorrect as this links to Local Housing Needs not the housing allocations.	For the housing allocations provided in Policy Liss 7 8....
Point 2	The policy sets out priority for people with a local connection to Liss, this local connection needs to be explained clearly in supporting text to the policy or reference should be made to the eligibility for affordable housing being administered by East Hampshire District Council as the Housing Authority.	Provide a clear explanation for the term local connection in the policy supporting text, or amend text as proposed

Ref	Comment	SDNPA Recommendation
Policy Liss 8	The allocation of land for housing	
Point 2	To provide certainty in meeting the 150 housing requirement it is recommended that a greater buffer on the housing requirement is included to ensure the housing requirement is met. The current housing allocation will provide for 152 dwellings. It is, however, appreciated that the numbers are indicative which will provide some flexibility in the housing numbers delivered by the Liss NDP	Consider a small increase to indicative no. of dwellings to provide a greater buffer on housing requirement of 150
Policy Liss 11	Residential Development in the countryside	
Point 1.	This aspect of the policy is in conflict with point 2 of Policy Liss 1 (The Settlement Boundary) which clearly states that development outside the settlement boundary will only be allowed in exceptional circumstances, whilst Policy Liss 11 will only allow replacement and extensions outside settlement policy boundaries. This would stop any future potential for Rural Exception sites to come forward.	Delete criterion 1 of Policy Liss 11 as this is a matter covered by strategic policies of the Development Plan. This will also resolve the conflict between policy Liss 1 and Policy Liss 11.
Policy Liss 12	Retirement and Nursing Homes	
Point 2.	This part of the policy does not conform to point 1 of Policy Liss 11 (Residential Development in the Countryside). Does the proposal for change of use or conversion conform to the exceptional circumstances as set out in Part 2 of Policy Liss 11?	Delete criterion 2 of Liss Policy 12 as this is a matter covered by the strategic policies of the Development Plan. This will also resolve conflict with Policy Liss 1
Policy Liss 13	Business Provision	
Point 2.	Point 2 requires marketing for at least 6 months. The emerging South Downs Local Plan requires a marketing period of at least 12 months. Consideration should be given to increasing the marketing requirement of this policy to be in line with the emerging South Downs Local Plan.	Consider amending policy to align with emerging South Downs Local Plan or delete policy as duplicate of emerging Local Plan policy
Policy Liss 14.	Community and Sports Facilities	
Point 3.	The current policy wording will require all residential development to provide onsite open space or financial contribution. This would require individual dwellings to provide open space contributions which may be unlikely. The Community Infrastructure Levy will require individual dwellings to provide a financial contribution which could be used for this purpose if appropriate. The policy may be more effective if it were to require the sites allocated in the NDP to provide open space provision, and identify clearly where this provision is required and the type of provision required. These details could be included in individual development briefs.	The policy should only require public open space to be provided for the sites allocated in the Liss NDP. Individual dwellings will be liable for Community Infrastructure Levy which can be used to fund public open space provision as set out in the Infrastructure Delivery Plan
Policy Liss 18	Shop Fronts	

Ref	Comment	SDNPA Recommendation
Point 2	Reference to Policy Liss 8 should be amended to read Policy Liss 9 (Design of Development)	...and the design principles set out under Policy Liss 8 <u>9</u>
Point 3	Reference to Policy Liss 9 should be amended to read policy Liss 10 (The Historic Environment)	...meet the requirements of Policy Liss 9 <u>10</u>
Policy Liss 19	Development Briefs	
Point 1	Reference to Policy Liss 7 should be amended to read Policy Liss 8 (The allocation of land for housing)	Development of the housing sites allocated in Policy Liss 7 <u>8</u>
General point for all development briefs	Specific reference should be made to Hampshire Minerals and Waste Plan (2013) in the Development Briefs which relate to the six sites allocated for housing in the LNDP.	<p>Suggest the following text is added to development briefs:</p> <p>It is recommended that in the event of a developer taking a development proposal forward which overlays safeguarded minerals resource that a Minerals Assessment Report is produced for the Mineral Planning Authority. It would be most beneficial to the developer if this was submitted to the SDNPA prior to submission of any application to allow for early discussions to take place. The report should broadly address key issues including:</p> <ul style="list-style-type: none"> • Site setting – location, access, site description, geology and constraints • Planning status in respect of minerals safeguarding • Policy context (both national and local), Mineral Safeguarding Area • Constraints upon prior extraction – inter alia previous mineral working, hydrology of area
General point for all development briefs	All development briefs require a key / legend to clearly explain the symbols used on the indicative plans, it is not adequate to rely on the legend provided on policies maps	Include a key / legend to describe the symbols used on each development brief plan
	Land at Inwood Road	
Layout and Design	Bullet Point G – The statement about external lighting should more closely reflect the emerging South Downs Local Plan policy, suggested rewording provided.	Suggest the following text: External lighting <u>should be avoided but where</u>

Ref	Comment	SDNPA Recommendation
		<u>necessary</u> needs to be sited.....
	Land at Andlers Ash Central and South	
Layout and Design	Bullet Points A and E repeat the same point, consideration could be given to removing one of the bullet points.	Consider removing or rewording bullet point A or E
Access Bullet Point D	Bullet Point D suggests that a new footpath should be provided to link the development to the Liss Junior and Infant schools, this new footpath should be shown clearly on the Development Brief plan.	Provide further detail of the location of footpath connection

Liss Designated Neighbourhood Area

