

Report to	<b>Planning Committee</b>
Date	<b>14 September 2017</b>
By	<b>Director of Planning</b>
Title of Report	<b>East Meon Neighbourhood Development Plan Decision Statement</b>
Purpose of Report	<b>To note the Examiner's recommended modifications to the East Meon Neighbourhood Development Plan and publish these in the Authority's 'Decision Statement'.</b>

**Recommendation: The Committee is recommended to:**

- 1) Note the Examiner's Report and recommended modifications (Appendix 2) to make the East Meon 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 East Meon Neighbourhood Development Plan in response to the Examiner's recommendations**

**I. Introduction and Summary**

- I.1 East Meon Parish Council (EMPC) are to be congratulated on progressing the East Meon Neighbourhood Development Plan (EMNDP) 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 EMPC over the past three years. The preparation of the EMNDP has been challenging as the steering group have had to identify sites to meet the housing requirement of 15 dwellings with very limited available sites. The majority of sites which were identified as 'having potential' in the Strategic Housing Land Availability Assessment, have not been appropriate for a number of reasons, leaving the EMNDP group with limited options for housing site allocations. The EMNDP has also faced challenges in balancing the aspirations of the local community with the sensitivity of planning in a National Park.
- I.2 EMPC submitted the EMNDP to the South Downs National Park Authority (SDNPA) for examination on 18 January 2017. An independent examiner was appointed in February 2017 to examine the EMNDP. The Examiner considered 16 individual written representations, and decided that the Examination of the EMNDP could be completed through written representations only, and that no public hearing would be required. The Examiner has now issued his final report and concludes, that subject to a number of modifications, the EMNDP can proceed to referendum. Before doing so, the SDNPA must issue a 'Decision Statement' setting out how the EMNDP will be modified in response to the Examiner's Report.

- 1.3 Due to there being one significant modification to the EMNDP, this Decision Statement is being considered by the Planning Committee in order for them to reach a decision as to whether to accept the modifications proposed in the Examiner's report.

## **2. Background**

- 2.1 The EMNDP plan period runs from 2016-2032 and has been prepared for a designated neighbourhood area which follows the East Meon parish boundary. The area was designated by SDNPA on 14 August 2014, the area designation map is attached as **Appendix I**.

- 2.2 The residents of East Meon have supported the preparation of a Neighbourhood Plan since an Annual Parish Assembly held in 2013 sought the views of the wider community on preparing a Neighbourhood Plan. All those who attended the meeting voted in support of preparing a NDP. At the same event 23 residents put themselves forward to assist in preparing the NDP. This event was followed by an interactive open day in January 2014. At this event residents were able to identify preferred locations for new development, suggest topics which the NDP should cover and put forward their opinions on landscape views, valued amenities and issues which had been identified in an initial community questionnaire. The questionnaire was distributed to all households before the open day, 110 surveys were returned (21% of all households). The EMNDP has also been informed through the following consultation methods:

- Regular articles in the Parish Magazine (Meon Matters)
- Pop in events and consultation days
- Bespoke consultation with community groups, businesses and the Local School
- Press releases and public notices
- Community survey and leaflet drops to all households
- A dedicated NDP website
- An independent Housing Needs Survey

More information on the very comprehensive of community engagement can be found in the Consultation Statement.

- 2.3 All this preparatory work culminated in the publication of a Regulation 14 pre-submission consultation NDP which was consulted on from 14 May 2016 to 25 June 2016. The SDNPA provided comments on this consultation which were agreed under Delegated Authority by the Director of Planning. After making a number of modifications to the Pre Submission version of the EMNDP, EMPC submitted the EMNDP to the SDNPA on 18 January 2017 for examination. Mr John Slater MRTPI was appointed as Examiner with agreement from EMPC.
- 2.4 The Examination of EMNDP started immediately after the submission consultation period (27 January 2017 – 10 March 2017). Following the Examiners initial assessment of written representations he requested further information to provide clarification on a number of matters. The SDNPA in consultation with EMPC provided a response to the Examiner's initial questions. Following the Examiners site visit, further information was requested in relation to Highways advice on one particular site allocation. Pre Application advice was sought from the Highways Authority to provide the Examiner with further information in relation to this request. The site promoter requested this advice and provided the advice to the Examiner via the EMNDP group.
- 2.5 The Examiner submitted his report to the SDNPA for an initial fact check on 12 August 2017. Following the SDNPA review of the Examiners report a number of minor modifications were made to correct factual inaccuracies. The Examiners report was published on SDNPA and East Meon Parish Council websites in August 2017.

## **3. Recommended modifications to the EMNDP to meet the Basic Conditions**

- 3.1 The Examiner was appointed to assess whether the EMNDP 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 EMNDP meets the basic conditions (Appendix 2 – Examination Report). Officers have reviewed the Examiner’s report in consultation with the EMNDP steering group, generally the modifications are minor in nature, where there are more significant modifications proposed the EMPC and SDNPA officers have agreed that these modifications should be accepted.
- 3.3 The following key modifications are highlighted for Members;
- 3.4 The Examiner had significant concerns with the allocation of Land at the Corner of Coombe Road (site B9). The Examiner’s concerns related primarily to the proposed access to the site, specifically the difference in levels between the site and the road level. The difference in level would have resulted in a very steep access. This issue was also highlighted by Members during the NDP site visits, and reflected in the SDNPA submission comments. The Examiner requested that the site promoter seek Highways advice to ascertain whether access could be achieved. The Highways Authority confirmed that access could be achieved, but this would require significant engineering works, including the widening of Coombe Road, the removal of trees at the site access and the introduction of new street lighting. The Examiner, and SDNPA officers felt that this requirement would be inappropriate in a rural location such as East Meon, especially given the rural nature of the road at the point of access. The Examiner considered it appropriate to delete site B9 (Land at the Corner of Coombe Road) from the EMNDP.
- 3.5 Following the deletion of site B9 (Land at the Corner of Coombe Lane) the Examiner proposed that the 5 dwellings proposed for site B9 should be allocated at Site B2 under policy EM16. The Examiner carried out site visits and felt that the site could accommodate the additional 5 dwellings. To ensure the wider communities aspirations for small clusters of development was maintained the Examiner made recommendations that the 5 dwellings were added to the allocation at site B2 (Land South of Coombe Road) in an additional cluster with a separate access. Whilst this site was not identified as ‘having potential’ in the SDNPA Strategic Housing Land Availability Assessment, the SDNPA Settlement Context study identified the area as an Aural/Visual Intrusion. Therefore the SDNPA considered that the allocation of this site would be appropriate with proper mitigation which has been included in the development brief. Officers have met with EMPC to consider this significant modification and the EMPC agree that this modification should be made to ensure the EMNDP meets the basic conditions.
- 3.6 The EMNDP included a policy to influence the allocation of affordable housing to those with a direct connection to East Meon. The Examiner felt that this approach went beyond what a planning policy can achieve, and extended into a District Council (Housing Authority’s) role in preparing a Housing Allocation policy. The Examiner considered it appropriate to replace the affordable housing policy (EM4) with an affordable housing policy (suitably modified) as set out in the made Petersfield Neighbourhood Plan.
- 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 EMNDP in response to each of the Examiner’s recommendations (**Appendix 3**). 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 EMNDP will be revised accordingly.

## 5. Planning Committee

- 5.1 The EMNDP was presented to Planning Committee on the 9 March 2017 (Submission) and as the plan proposed to allocate a higher housing allocation that the requirement set by the South Downs Local Plan: Preferred Options.

## 6. Next steps

- 6.1 Following the publication of the Decision Statement, the EMNDP 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 East Meon.

## 7. Other Implications

Implication	Yes/No
Will further decisions be required by another committee/full authority?	Yes – Agreement to Make the EMNDP 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 EMPC £5,000 to support the cost of preparing the EMNDP and SDNPA have paid £6,118.80 for the cost of the NDP Examination. To date the plan has cost £11,118.80 which is £6,118.80 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. East Meon 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"> <li>1. Living within environmental limits</li> <li>2. Ensuring a strong healthy and just society</li> <li>3. Achieving a sustainable economy</li> <li>4. Promoting good governance</li> <li>5. Using sound science responsibly</li> </ol>	<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><b>Strategic Environmental Assessment</b></p> <p>It was concluded that an environmental assessment of the East Meon Neighbourhood Plan was not required as the scale of development was not considered to have a likely significant effect.</p> <p><b>Habitats Regulations Assessment (HRA)</b></p> <p>The EMNDP was screened out as requiring a Habitats Regulations Assessment</p>

## 8. Risks Associated with the Proposed Decision

Risk	Likelihood	Impact	Mitigation
The Examiner has recommended modifications to ensure the EMNDP meets the Basic Conditions. If these modifications are not implemented the EMNDP 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.

### TIM SLANEY

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Appendices

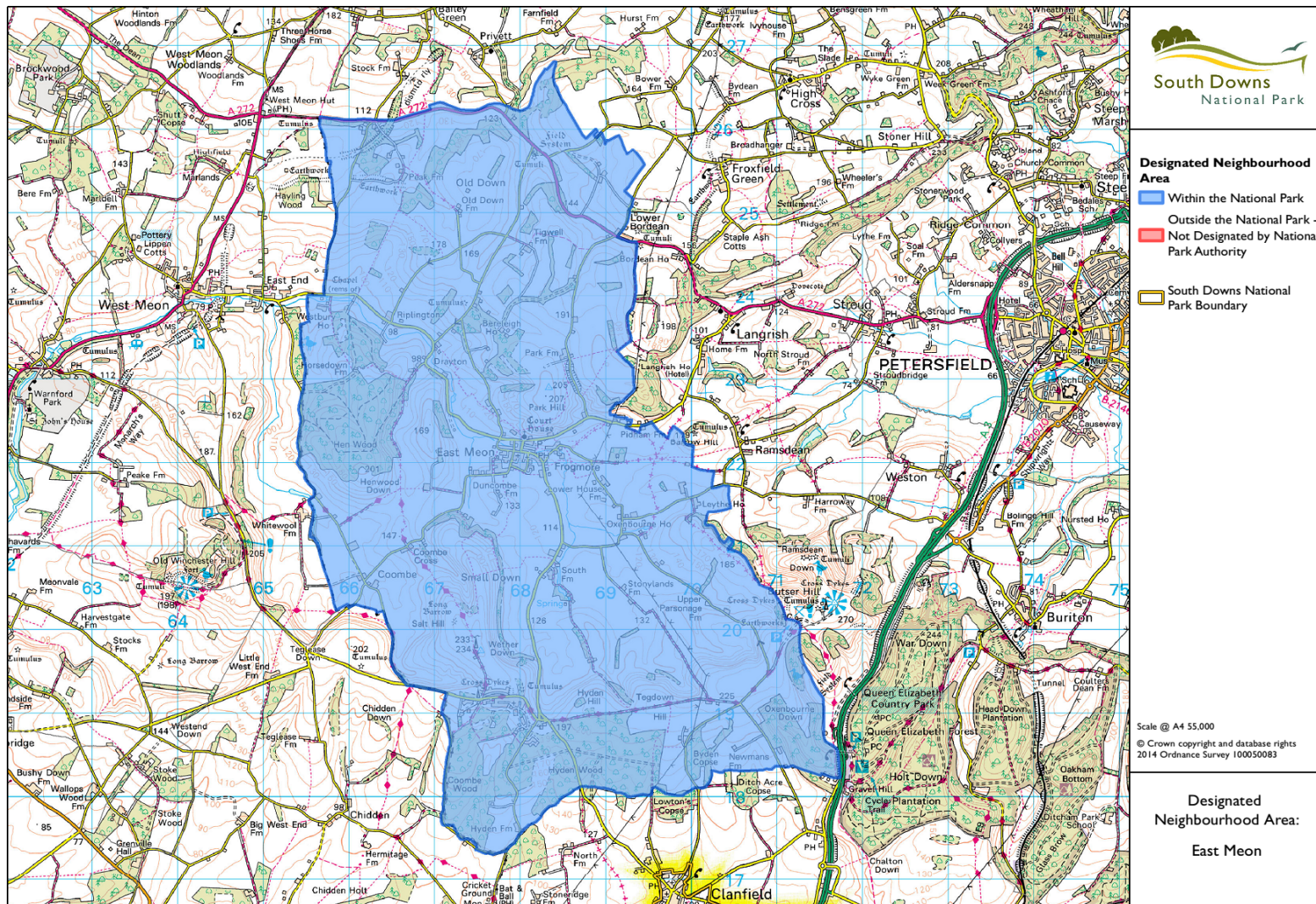
1. East Meon Neighbourhood Area
2. Independent Examiner's Report
3. Decision Statement

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

External Consultees None

Background Documents [Consultation statement](#)  
[Basic Conditions Statement](#)  
[Examiners Initial Questions and EMPC/SDNPA response](#)





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