



The Planning Inspectorate

Report to East Hampshire District Council & South Downs National Park Authority

by Mr A Thickett BA(HONS) BTP MRTPI Dip RSA

an Inspector appointed by the Secretary of State for Communities and Local Government

Date: 15th April 2014

PLANNING AND COMPULSORY PURCHASE ACT 2004 (AS AMENDED)

SECTION 20

REPORT ON THE EXAMINATION INTO EAST HAMPSHIRE DISTRICT LOCAL PLAN JOINT CORE STRATEGY

Document submitted for examination on 25 May 2012

Examination hearings held between 23 October 2012 & 8 November 2012 and 29 & 31 October 2013

File Ref: PINS/M1710/429/7

Abbreviations Used in this Report

CIL	Community Infrastructure Levy
DPA	Dwellings per anum
ELR	Employment Land Review Update
JCS	Joint Core Strategy
LDS	Local Development Scheme
MM	Main Modification
MSA	Minerals Safeguarding Area
MWP	Minerals and Waste Plan
NPA	National Park Authority
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance
PUSH	Partnership for Urban South Hampshire
SA	Sustainability Appraisal
SANG	Suitable Alternative Natural Greenspace
SCI	Statement of Community Involvement
SEA	Strategic Environmental Assessment
SHLAA	Strategic Housing Land Availability Assessment
SHMA	Strategic Housing Market Assessment

Reference to documents in footnotes and elsewhere such as CD11/H35 or ID/18 relate to the document number in the examination library. References beginning EHSD relate to the Authorities' submissions and references set out thus; REP/342/001 relate to statements submitted by representors.

Non-Technical Summary

This report concludes that the East Hampshire Local Plan Joint Core Strategy is sound and provides an appropriate basis for the planning of the East Hampshire District up to 2028 providing a number of modifications are made to the Plan. East Hampshire District Council and the South Downs National Park Authority (the Authorities) have specifically requested me to recommend any modifications necessary to enable the plan to be adopted.

All the modifications necessary to make the Plan sound arose from the discussions at the Hearings and most were suggested by the Authorities. I have recommended their inclusion after considering the representations from all parties on these issues.

The principal modifications can be summarised as follows:

- The introduction of a new policy presuming in favour of sustainable development,
- Increasing the housing requirement to a minimum of 10,060 dwellings overall and, to be consistent with the Authorities position that 10,060 is the minimum to be provided, expressing the targets for settlements in a similar fashion
- The retention of reserve housing sites allocated under the Second Review Local Plan until they are reassessed through the South Downs National Park - Local Plan or Neighbourhood Plans,
- Deletion of a sequential approach to the release of land for housing,
- Setting targets for the provision of accommodation for gypsies, travellers and travelling showpeople,
- The introduction of a new policy relating to accommodation for the elderly,
- Updating the amount of housing, employment and retail development to be provided in Whitehill and Bordon and,
- The introduction of a new policy supporting development that improves employment and workforce skills

Introduction

1. This report contains my assessment of the East Hampshire Local Plan Joint Core Strategy (henceforth referred to as the JCS or Plan) in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with procedural requirements and the duty to co-operate and then considers whether the Plan is sound and whether it is compliant with the legal requirements. The National Planning Policy Framework (NPPF) states that to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy¹.
2. The starting point for the examination is the assumption that East Hampshire District Council and the South Downs National Park Authority (the Authorities) have submitted what they consider to be a sound Plan. The basis for my examination is the Pre Submission Draft Plan (February 2012) published for consultation in February 2012.
3. The examination was suspended between January and October 2013 to enable the Authorities to carry out further work principally in relation to housing need and supply². In August and September 2013 the Authorities consulted on modifications proposed in May 2012, modifications proposed during the Hearings in October and November 2012 and further modifications arising from the work carried out during the suspension.
4. My report deals with the main modifications that are needed to make the Plan sound and legally compliant. These main modifications are identified in bold in the report (**MM**) and are set out in the Appendix. In accordance with section 20(7C) of the 2004 Act the Authorities requested that I should make any modifications needed to rectify matters that make the Plan unsound/not legally compliant and thus incapable of being adopted.
5. As indicated above, prior to the resumption of Hearings in October 2013, all the modifications proposed by the Authorities were subject to public consultation. Those modifications, where necessary, were also subject to Sustainability Appraisal (SA) and Habitats Regulation Appraisal. As a result of discussions at the resumed Hearings the Authorities suggested a number of additional main modifications, some of which amended earlier proposed modifications. The additional main modifications, including some which I proposed or amended, were subject to public consultation in January and February 2014. I have taken all consultation responses into account in writing this report.
6. The National Policy Practice Guidance (NPPG) was introduced on 6 March. The NPPG consolidates previous guidance and the 'beta' mode of the NPPG (which is largely the same as the adopted guidance) was referred to in the discussion of the modifications. Consequently, neither I nor the Authorities considered it necessary to seek views on the implications of the NPPG on the soundness of the JCS as it was considered that not doing so would not prejudice any interested party.

¹ Paragraph 182

² Examination Document ID18

Procedural Requirements

Duty to Co-operate

7. The Authorities 'Statement of Duty to Co-operate'³ outlines engagement with other local planning authorities and public bodies throughout the preparation of the Plan. The National Park extends across administrative boundaries and the National Park Authority (NPA) is working to create joint plans with a number of authorities⁴. The three southern parishes in the District are within the Partnership for Urban South Hampshire area (PUSH). Nothing is submitted to lead me to question the assertion that PUSH *'provides an excellent forum for co-operation between councils, outside bodies and, increasingly, the Solent Local Enterprise Partnership'*⁵.
8. I have considered the argument that the duty is not met because the JCS makes no provision for alleged unmet need in other areas. However, Waverley Borough Council was the only local authority to approach the Authorities, enquiring as to the possibility of its unmet need being accommodated at Whitehill and Bordon. The Authorities declined but the duty to co-operate is not a requirement to agree. There is nothing in the NPPF which requires local planning authorities to provide for unmet need elsewhere if not requested to do so.
9. Whitehill and Bordon is the only strategic allocation in the JCS and the District Council and Waverley have been involved in assessing cross border issues. I note Waverley's concerns regarding the capacity of the highway network but it seems to me that the differences between the authorities relate to the delivery and the soundness of the strategic allocation rather than a failure to meet the duty to co-operate. In my view, the evidence contained in the Statement of Duty to Co-operate demonstrates that the Authorities complied with the duty imposed on them by section 33A of the 2004 Act in relation to the Plan's preparation.

Community Involvement

10. The NPPF says that in preparing local plans *'Early and meaningful engagement and collaboration with neighbourhoods, local organisations and businesses is essential'*⁶. The Pre-Submission Statement of Consultation⁷ catalogues the measures taken by the Authorities to engage the communities in the district and how representations were addressed. These included community area forums, workshops and exhibitions in the main settlements. Objectors argue that engagement was not meaningful because it did not influence later iterations of the Plan. However, I have neither seen nor heard anything to indicate that the Authorities did not listen. Meaningful engagement does not require agreement as its end product.
11. At the hearing into procedural matters the representative of the Bordon Area Action Group conceded that the Authorities had complied with the statement

³ CD4/30

⁴ Winchester City Council and the NPA adopted a Joint Core Strategy in March 2013

⁵ CD4/30, paragraph 5.1

⁶ Paragraph 155

⁷ CD4/28

of community involvement. I have no reason to take a different view and conclude that the Authorities have complied with the relevant legislation⁸ and national guidance with regard to engaging its communities in the preparation of the JCS.

Assessment of Soundness

Main Issues

12. I have considered all the representations, written evidence and the discussions that took place at the hearings and identified four main issues.

Issue 1 – Whether the Joint Core Strategy makes adequate provision to meet the full, objectively assessed needs for market and affordable housing in the District.

The overall need for new housing

13. My concerns regarding the number of new dwellings proposed by the submitted JCS and the evidence supporting it were the principal reason for the suspension of the examination⁹. The Authorities commissioned a new Strategic Housing Market Assessment (SHMA) which was published in April and updated in August 2013¹⁰. Having considered the findings of the April SHMA, the Authorities proposed a modification to Policy CP8 to make provision for a minimum increase of 10,060 dwellings between 2011 and 2028¹¹, 5,925 of which would be identified through new allocations¹². 10,060 dwellings over 17 years equates to around 592 dwellings per annum (dpa).
14. Almost 60% of East Hampshire district lies within the South Downs National Park and the Wealden Heaths Phase II Special Protection Area (SPA) lies in the north of the district. An objective assessment of need should be based on facts and unbiased evidence and should not be influenced by things such as historical build rates, infrastructure or environmental constraints¹³. According to national guidance, the starting point should be the household projections published by the Department for Communities and Local Government. Account may also be taken of, amongst other things, local demographic evidence, employment trends and market signals¹⁴.
15. The SHMA models a number of scenarios for growth including demographic led, economic led and an approach based on meeting the need for affordable housing. The August 2013 SHMA incorporated the 2011 sub national population projections and the latest interim household projections. Of the demographic led scenarios, Scenario B, which uses the latest projections, forecasts an annual need of 526 dpa. There are two economic led scenarios; the first (Scenario F) is based on February 2013 economic forecasts and would lead to a need for 735 dpa. However, to achieve that the population of the

⁸ Section s19(3) of the 2004 Act & Section 18 of the Town and Country Planning (Local Planning)(England) Regulations 2012

⁹ ID18

¹⁰ CD11/H32 & H35

¹¹ Including completions, commitments and windfall, total provision is estimated at 10,268, see EHSD039

¹² 2,725 at Whitehill & Bordon and 3,200 elsewhere

¹³ NPPG; Ref ID: 2a-004-20140306

¹⁴ NPPG; Methodology: assessing housing need

district would need to increase around 10,500 above the latest demographic projections. The low growth option (Scenario G, 403 dpa) is based on 2011 economic forecasts which are out of date.

16. Scenario H is based on meeting the need for affordable housing and proposes either 546, 610 or 688 dpa depending, in part, on the proportion of income households spend on housing¹⁵. I have serious reservations regarding this scenario. First, contrary to national guidance it is based on net rather than gross estimates of need¹⁶ and so significantly down plays the need for affordable housing.
17. National guidance advises that, in assessing the need for affordable housing, plan makers should identify the minimum household income required to access lower quartile housing¹⁷. The SHMA assumes that households will spend 25% of their income on renting a house, an assumption it says *'draws upon widely established and utilised benchmarks'*. The SHMA goes on to say that; *'In some cases it may be that in the face of acute housing affordability pressures, households choose to stretch their finances in order to access housing. This may reduce the level of affordable housing need, suggesting affordable needs may be fully met even at lower levels of housing delivery.....albeit with adverse consequences for those households in terms of discretionary income'*. The SHMA then goes on to recommend that a 30% income threshold would appear reasonable based on data that indicates that households are actually spending more than that on rent¹⁸.
18. So, instead of planning positively to help assuage acute housing affordability pressures by, say increasing supply, the SHMA appears to advocate an approach which down plays demand. It may well be that, in order to live in a decent home, people are forced to spend more. However, it is not right, in my view, to plan on the basis that it is acceptable for those in need to have their already limited incomes squeezed just so they can live in a decent home (and the need for affordable housing reduced for the purposes of plan making).
19. The SHMA's assumption of a net annual need of 275 affordable dwellings per annum is based on those with incomes too low to afford to rent a 1 bed flat. However, greater numbers are unable to afford to rent anything larger¹⁹ and the SHMA acknowledges that the majority of affordable housing need and demand will be for 1 and 2 bed units²⁰. Further, the figure is based on the existing backlog being met over the life of the Plan. Although referring to under supply generally, the NPPG states that local planning authorities should aim to deal with any under supply within the first 5 years of the plan where possible²¹. Taking all the above into account, I consider that the SHMA underestimates the need for affordable housing in the district.
20. According to the August SHMA, affordable housing need calculated using gross household formation is 1,621 dpa (backlog met over 5 years) or 1,404

¹⁵ 25% = 688 dpa, 27.5% = 610 dpa & 30% = 546 dpa

¹⁶ NPPG; Ref ID: 2a-024-20140306

¹⁷ NPPG; Ref ID: 2a-025-20140306

¹⁸ CD11/H35, paragraph 5.44 & 5.45

¹⁹ 68% of newly forming households compared to 54% for a one bed flat

²⁰ CD11/H35, Table 24 & Core Output 7

²¹ NPPG; Ref ID: 3-034-20140306

(backlog met over 17 years)²². This is significantly in excess of any of the demographic or employment led projections and the economics of supply and demand would make building at these rates unlikely.

21. However, the extent of the identified need for affordable housing gives weight to adjusting the assessment of overall need above household projections. The SHMA identifies low levels of affordable housing delivery since 1996/7 and that, at 9.99 times median earnings, house prices in East Hampshire *'outstrips Hampshire and the South East, representing the higher cost of housing in East Hampshire in comparison to other parts of the County and, indeed, the South East'*²³. The NPPG states that; *'The more significant the affordability constraints (as reflected in rising prices and rents, and worsening affordability ratio) and the stronger other indicators of high demand (eg the differential between land prices), the larger the improvement in affordability needed and, therefore, the larger the additional supply response should be'*²⁴.
22. The August SHMA groups its scenarios setting 5 ranges for growth from low to high and assesses their impact on the provision of housing, affordable housing and the local economy. The 'lower' and 'mid range lower' ranges (below 520 dpa, scenarios A, C, D and G) can be discounted as they are based on levels of growth below the latest projections. 'Mid range middle' (540 to 610 dpa, scenarios B, E and H) is favoured by the Authorities. According to the SHMA, at the upper end this range would *'exceed all estimates of structural demographic needs'*²⁵. However, the SHMA recognises that this level of growth may not provide sufficient housing to complement the economic potential of the district as identified in the Authorities' 2013 Employment Land Review²⁶. It is also unlikely that it would meet the SHMA's own 'net' based assessment of the need for affordable housing (based on 25% of household income spent on housing). The Plan's target of 592 dpa falls below the top end of this range.
23. 'Mid range upper' (690 dpa, scenario H, 25% of household income spent on housing) would exceed demographic projections but would provide affordable housing to meet the 'net' based needs assessment used by the SHMA. It would also provide for economic growth somewhere between the Authorities' 2008²⁷ and 2013 employment studies. However, to achieve that level (11,730 dwellings overall) the population of the District would have to increase to 23,661, over 8,200 above the latest projections²⁸. In addition to meeting all affordable housing needs the highest 'range' (740 dpa, scenario F) would support the full economic growth of East Hampshire. However, to achieve that level (12,580 dwellings overall) the population of the district would need to increase around 10,500 above the latest demographic projections.
24. In my view, the acute need for affordable housing in East Hampshire justifies setting a housing requirement in excess of the latest demographic projections. In taking account of market signals, including affordability, the NPPG states

²² CD11/H35, Table 22

²³ CD11/35, paragraph 3.69

²⁴ NPPG; Ref ID: 2a-020-20140306

²⁵ CD11/H35, paragraph 7.25

²⁶ CD11/E19

²⁷ CD11/E02

²⁸ EHSD046

that increases in supply (over and above projections of need) should be based on reasonable assumptions consistent with the principles of sustainable development. The NPPG also advises that local planning authorities need only consider future scenarios that could be reasonably expected to occur²⁹. It seems to me that the 690 and 740 dpa scenarios assume unrealistic levels of growth when compared with the latest household and population projections.

25. In light of the above, I consider that need should be set at the top of the mid range i.e. around 610 dpa, that being 10,370 new dwellings up to 2028. According to the latest figures relating to completions, commitments and windfall, total provision is estimated at 10,268³⁰ (604 dpa), 10,370 would, therefore, appear to be achievable. The Plan proposes 592 dpa (10,064 dwellings) which is less but not significantly so (about a 4% difference). Forecasting household need is not an exact science and I consider the difference to be well within a reasonable margin for error. Consequently, I consider that the evidence submitted to the examination supports the figure of 10,060 as the minimum number of new homes that should be provided to 2028.
26. Policy CP8, as proposed to be modified (**MM4**, **MM28** and **MM29** and revised housing table **MM128**), makes provision for a minimum of 10,060 new dwellings between 2011 and 2028. However, in order to ensure that the policy is effective, internally consistent and make clear that 10,060 is the minimum number that should be provided, **MM28** also sets a minimum of 700 in Petersfield (discussed in more detail below) and replaces 'about' with 'a minimum of' for each settlement/settlement category.

Delivery

Whitehill and Bordon

27. The South East Plan made provision for a new strategic development area at Whitehill and Bordon, including, amongst other things, an indicative figure of 5,500 dwellings. That number was separate to the South East Plan's target for East Hampshire as the strategic allocation was meant to serve a wider area. It became clear early on in the examination that the Authorities were relying on Whitehill and Bordon to meet the needs of the district. **MM100** deletes the statement in the JCS that should the MoD not leave the planned housing would not need to be provided elsewhere in East Hampshire.
28. The only allocation in the Plan is the strategic allocation at Whitehill and Bordon which includes 2,725 dwellings to be built by 2028. The proposals for Whitehill and Bordon are a direct consequence of the decision of the Ministry of Defence (MoD) to cease its long association with the area. It is anticipated that all military training activities will cease in 2015. The Plan as submitted proposed the provision of 4,000 dwellings by 2028 but the Authorities conceded that the proposed build rates were overly optimistic. Delivering 2,725 in 14 years remains a challenge but having considered the evidence which includes; the support of the major landowners, the reassessment of infrastructure requirements and funding and a commitment to have an outline

²⁹ NPPG; Ref ID: 2a-003-20140306

³⁰ EHSD039

planning permission in place by 2014³¹, it would appear to be achievable.

29. Almost all of the strategic allocation covers viable resources of soft sand/potential silica sand and lies within a mineral safeguarded area (MSA) designated under Policy 15 of the Hampshire Minerals and Waste Plan 2013. Policy 15 allows for development without the prior extraction of minerals in the MSA provided, amongst other things, sterilisation will not occur, mineral extraction would be inappropriate or the merits of the development outweigh the safeguarding of the mineral.
30. Paragraph 6.18 of the Minerals and Waste Plan (MWP) recognises that soft sand/silica sand is a scarce resource in this part of Hampshire and states that it will be protected from permanent sterilisation unless any non mineral proposal satisfies the criterion in Policy 15. It goes on to encourage prior extraction but only *'as long as it does not impede the Eco-town (Whitehill and Bordon) development and phasing'*. A Mineral Safeguarding Report commissioned by the Defence Infrastructure Organisation concludes that *'full scale prior extraction would be very likely to be disruptive to the development and phasing of the Eco-town to the extent that the whole project would be put in jeopardy'*³².
31. Not all the resource in the strategic allocation would be physically sterilised but the majority of the land not to be built on would form Suitable Alternative Natural Greenspace (SANG) and would therefore be precluded from development. However, Policy 3 of the MWP states that minerals development should not have a significant adverse impact on designated habitats and species and the proximity of the Wealden Heaths Special Protection Area (the reason SANGs are required) is likely to have a bearing on whether it would be appropriate to extract the mineral. Also a significant part of the MSA lies close to existing housing. Policy 10 of the MWP resists development which would have an unacceptable impact on nearby residents through noise, vibration or light pollution.
32. The Minerals Planning Authority does not object to the strategic allocation. Balancing of the need for the development against safeguarding the mineral will be a matter for the decision maker on any planning application but the need on the behalf of the local community to respond positively to the loss of the MoD and for housing in the District would doubtless be a factor. I am satisfied that, in principle, the MSA, does not preclude the delivery of the strategic allocation.

The remainder of the District

33. Outside Whitehill and Bordon Policy CP8 sets indicative figures for the market towns and large and small local service centres. The November 2012 Strategic Housing Land Availability Assessment (SHLAA) was updated in October 2013³³ and assesses the capacity, suitability and deliverability of sites that may come forward. The conclusion that there are sufficient sites to accommodate the Local Plan target is not challenged.

³¹ EHSD040

³² CD11/WBE22

³³ CD11/H26/1 & H36

34. The Infrastructure Delivery Plan (IDP) and the Hampshire Strategic Infrastructure Statement³⁴ set out the infrastructure critical to unlocking development, including works to Butts Bridge in Alton which holds the key to the growth planned in the town. **MM127** removes the IDP from the Plan which will enable it to be easily and regularly updated. The IDP shows that works are either ongoing or can be delivered through a combination of public funding and contributions through planning obligations and the Community Infrastructure Levy (CIL). Outside the National Park the allocation of sites will be for the Local Plan: Allocations plan but I am satisfied that the evidence shows that sites can be allocated to meet the requirements of Policy CP8 as modified.
35. New housing will not only come forward on allocated sites. The SHLAA also includes commitments (sites with planning permission) and an analysis of windfalls coming either from 'large urban potential' or small sites (less than 10 units). Past trends indicate that, on average, windfalls produce around 230 dpa (96 dpa and 135 dpa on large and small sites respectively). This rate has been maintained throughout the recession and, based on these figures, windfalls could provide around 2,700 dwellings over the plan period³⁵.
36. Notwithstanding the above, a cautious approach is taken to estimating the contribution of windfalls with 101 dpa assumed for small sites and an overall figure of 313 dwellings through large potential sites (identified separately in the SHLAA). This is sensible given the inherent unpredictability of supply from this source. For the same reason, I do not consider it prudent to plan on the assumption that past trends will continue and reduce allocations as a result.
37. Policy CP1 (Spatial Strategy) states, amongst other things, that new development should make the best use of land and buildings within existing built up areas. It goes on to say that '*additional land for development will be released in accordance with a sequential approach identified in the Settlement Hierarchy*'. The NPPF encourages the development of brownfield land but does not state that it must be used before greenfield land. Further, there is no detailed policy or mechanism for such an approach in the Plan. **MM9** removes paragraph 4.22 and that part of Policy CP1 which implies a brownfield first sequential approach to the release of land.
38. **MM9** has generated significant concerns but the district has a limited supply of available brownfield land and most allocations are likely to be greenfield. There is insufficient evidence to show that a brownfield first approach would deliver the homes the district needs at the pace or numbers required. Further, Policy CP8 directs most development outside Whitehill and Bordon to the most sustainable settlements and requires the Authorities and others in allocating sites (Neighbourhood Plans) to look to opportunities within settlement boundaries first. To my mind this is sufficient to ensure compliance with the NPPF's requirement for plans to encourage the effective use of brownfield land.
39. Not all new housing need be provided by volume house builders and **MM108** encourages alternative sources including self build and community land trusts. Contributions from such sources may be small but the modification will provide

³⁴ CD11/E21 & E22

³⁵ EHSD/040

flexibility and thus aid delivery.

Five year land supply

40. The NPPF requires local planning authorities to identify a supply of sites sufficient to provide five years worth of housing against their housing requirements with, in this case an additional buffer of 5%³⁶. Based on 10,060 the Authorities calculate there to be a 3.5 year supply of housing sites (a shortfall of 936 dwellings). This is a significant problem. The NPPF advises that where a five year supply cannot be demonstrated relevant policies for the supply of housing should not be considered to be up to date, which would include policies in this Plan the day it is adopted.
41. The District Council has adopted an interim housing policy which seeks to bring forward suitable sites quickly. As indicated above the evidence from the latest SHLAA indicates that there are sufficient sites to accommodate the Local Plan target. The District Council is also committed to moving swiftly after the adoption of this Plan to the production of its Local Plan: Allocations plan. In the National Park, the Petersfield Planning Group is producing a Neighbourhood Plan for the town and expect to be at publicity stage by mid 2014. The Authorities estimate that, counting planning applications submitted and pending, there could be in excess of 5 years supply of housing sites within 6 months.
42. Whilst this is encouraging there is no guarantee that the Allocations and Neighbourhood Plans will progress as quickly as the Authorities would like or that planning applications will be made or permissions granted. The fact remains that contrary to national guidance, the District currently lacks a five year supply of housing.
43. The Authorities, through the adoption of this Plan, propose to delete reserve housing sites allocated under Policy H2 of the East Hampshire Local Plan: Second Review. Those sites were only to be released in the result of a shortfall in the strategic housing supply for Hampshire. Any undeveloped reserve sites were to be re-assessed during any review taking into account, amongst other things, national policy and whether there is a need for sites to be allocated. It was envisaged that the less sustainable reserve sites allocated in the Second Review Local Plan would be replaced by sites that are considered to be more sustainable.
44. The reserve sites at Four Marks and Liphook have planning permission for 110 and 155 units respectively and the Authorities have no objection to the retention of the reserve site in Liss (25 units). That leaves 4 sites in Petersfield with a potential of 565 units. I note that one of the sites is not favoured by either the Petersfield Planning Group or the NPA. The National Park did not exist when the Second Review Local Plan was adopted but Petersfield lay within an Area of Outstanding Natural Beauty, the landscape of which benefits from the same level of protection as a National Park. The Inspector who examined the Second Review Local Plan clearly considered all the reserve sites to be suitable for housing, otherwise they would not have

³⁶ There is no record of persistent under delivery; Appendix 5 CD11/H36

been included in the Plan. I am not aware that there has been any significant change to the landscape around Petersfield since the adoption of the Second Review Local Plan.

45. Not deleting the reserve allocations would not solve the five year supply problem but ruling them out now is not justified in my view, particularly as if suitable in all other respects they could contribute to supply in the early period of the plan post adoption. To my mind, this outweighs waiting for the adoption of a Neighbourhood Plan for Petersfield. **MM133** amends the Local Plan by not deleting the reserve sites in Liss and Petersfield listed in Appendix 7.
46. The real possibility that the Authorities may not be able to resist development in areas they consider to be unsuitable provides a clear incentive to make progress in securing a five year land supply for housing. The current situation is unsatisfactory but, in light of the acknowledged need for housing in the District and particularly the urgent need for affordable housing, it would seem counter productive to find this Plan unsound when it is laying the foundations to meet the objectively assessed needs of the District.

The distribution of housing

47. The Plan ranks settlements, other than Whitehill and Bordon (dealt with separately below) from Market Towns (Petersfield and Alton) down to small villages and hamlets. The largest and most sustainable settlements at the top of the hierarchy take the largest proportion of new growth. This includes Petersfield which lies in the National Park and which should, in my view, accept a level of growth commensurate to its status provided it does not conflict with the purposes of the National Park. The NPA accepted at the examination that it was likely that 700 dwellings could be satisfactorily accommodated in Petersfield. Landscape evidence submitted by the NPA regarding certain directions of growth is challenged.
48. I do not consider that the evidence submitted to the examination demonstrates that no more than 700 could be accommodated without harm to the National Park and so consider that 700 should be set as the minimum that should be provided in the plan period. It will be for the Neighbourhood Plan to determine which sites are allocated. Nor, in my view, has it been shown that environmental constraints limit the number of new dwellings in villages in the National Park to about 100.
49. Policy CP8 says that the JCS provides for a minimum (my emphasis) increase of 10,060 dwellings. To leave the targets for the settlements listed in Policy CP8 as 'around' or 'about' would not be consistent with the overall thrust of the policy. Consequently, **MM28** modifies Policy CP8 by setting targets as minima.
50. The ability of Liphook, Rowlands Castle and other settlements to accommodate the proposed level of growth is challenged but mainly on the grounds of a perceived lack of infrastructure. The position of some settlements in the hierarchy is also questioned but I am satisfied that the criteria used to rank

settlements are reasonable and have been fairly applied³⁷.

Affordable Housing

51. Policy CP11 (Affordable Housing on Residential Development Sites) sets a target of 40% of all new dwellings to be provided as affordable housing outside Whitehill and Bordon. The Authorities published an Affordable Housing Availability Study in June 2013³⁸. The study was carried out by experienced consultants and assesses a number of development scenarios. Whitehill and Bordon is considered separately wherein, under Policy CSWB4, the target is 35%.
52. Dealing with the rest of the district first, assuming Code for Sustainable Homes Level 4, the study finds that 40% is a viable target for residential development on sites in use for agriculture or employment but not where residential is the existing use. However, as most new housing is expected to come from greenfield sites, I do not consider that these findings undermine the Authorities' approach. A commuted sum would be sought from developments of 4 dwellings or less and the study shows this to be viable in most situations.
53. The picture changes with the introduction of Code Level 5 build costs which the study concludes would result in significant viability problems when assessed against 2013 sales values. Under Policy CP22, Code Level 5 would not be required until 2016³⁹ and viability picks up if one assumes that the market will improve leading to higher sales values by 2016. This is far from certain but I am satisfied that the evidence shows that the targets in Policy CP11 are viable now. Further, the policy allows for the number of affordable homes and tenure split to be negotiated on a site by site basis depending on, amongst other things, development viability.
54. The assessment for Whitehill and Bordon tests the ability to achieve 35% affordable housing against differing levels of contributions (per unit) towards the cost of providing the infrastructure to deliver the strategic allocation. The analysis is complicated by the inability to apply an existing use value for the land⁴⁰ and the extended period over which the strategic allocation will be developed (2036). However, based on the assumptions made by the consultants (which are not challenged) a 35% target for affordable housing can be achieved with an infrastructure sum per unit of £20,000. On the basis of the evidence before me the 35% target appears viable and achievable. **MM106** provides the necessary flexibility by allowing account to be taken of site specific circumstances.
55. Changes to Policy CP12 (Affordable Housing for Rural Communities) and the reasoned justification to that policy and CP11 remove the need for Policy CP9 (Affordable Housing Sites to Meet Local Housing Need). **MM30** deletes Policy CP9 and associated text. **MM32, MM44, MM45, MM46, MM47, MM48,**

³⁷ CD4/20 & CD4/20/1

³⁸ CD11/H34

³⁹ Policy CP22 is to be modified to reflect that, as suggested in the Housing standards review consultation which ended in October 2013, the Government may make the delivery of code level standards the sole purview of the Building Regulations.

⁴⁰ The necessary information is not in the public domain

MM49, MM50, and MM51 set out the changes referred to above and will provide the tools for the Authorities to deliver affordable housing to meet local need. Affordable housing cannot be secured through the Community Infrastructure Levy and **MM39** corrects Policy CP11 accordingly. **MM40, MM41, MM42 and MM43** are necessary to update the Plan to include reference to evidence produced during the examination.

Gypsies and travellers

56. An assessment of accommodation needs for gypsies and travellers was ongoing at the time the Local Plan was submitted for examination and Policy CP13 left the setting of targets to the Local Plan Allocations DPD. The Travellers Accommodation Assessment for Hampshire⁴¹ was completed in April 2013. This led the Authorities to propose changes to Policy CP13 to include targets for permanent and transient pitches for gypsies and travellers and a target of 6 plots for travelling showpeople. The study includes details of existing provision across Hampshire and the results of a survey and interviews with members of the travelling community. As far as gypsies and travellers are concerned its findings are not challenged and I see no reason to question its findings.
57. The survey of travelling show people was carried out in the spring when most families are away plying their trade and show a return from only one of the 4 sites in the District. The Authorities accept that the study was not carried out at the best time but argue that the county wide basis of the study gives some comfort to the target of 6 plots in East Hampshire. However, the representative of the travelling showpeople at the hearing stated that just from within her own group of families the need is greater than 6.
58. There is insufficient evidence before me to come to a firm conclusion on the actual need for additional plots for travelling show people in East Hampshire. This is unfortunate but I do not consider that this shortcoming warrants a finding that the Local Plan is unsound. I consider that the compromise, agreed between the Authorities and the representative of the travelling showpeople at the hearing to be a sensible way forward and which would allow more than 6 plots to be identified either through the Local Plan: Allocations plan or planning applications. **MM52, MM53, MM54, MM55, MM56, MM57 and MM58** include this and other changes to Policy CP13 to ensure that it accords with Planning policy for traveller sites⁴².

Accommodation for the elderly

59. The SHMA records that the number of households where all members are over 65 accounts for almost a quarter of households in the District and predicts numbers to rise⁴³. **MM33, MM34, MM35, MM36, MM37 and MM38** introduce a new policy (CP10A) and new and amended reasoned justification which seeks to facilitate the provision of specialist housing for the elderly, including extra care accommodation and retirement communities and is necessary to ensure that the Plan makes provision for the full range of housing

⁴¹ CD11/H31

⁴² CD3/21

⁴³ CD11/H35' paragraph 6.10

needs in the District. **MM31** is necessary to ensure that Policy CP10 is consistent with the new policy. I see no need for Policy CP10A or CP10 to refer to particular types or locations.

Issue 1, Conclusions

60. For the reasons given above, I conclude that, subject to the necessary main modifications, the JCS makes adequate provision to meet the objectively assessed need for housing in the District.

Issue 2 – Whether the Joint Core Strategy makes adequate provision to meet the full, objectively assessed needs for employment in the District.

61. The May 2013 Employment Land Review Update⁴⁴ (ELR) led the Authorities to propose changes to the targets in Policy CP2 which were mainly based on a 2008 study⁴⁵. As modified (by **MM10**, **MM11** and revised supply table **MM129**) the Plan makes provision for 21.5ha of land for employment use distributed between Whitehill and Bordon (9.5ha), Alton (7ha), Petersfield (3ha) and Horndean (2ha). The overall total generally accords with the ELR (which is not significantly challenged). Representors argue that other settlements need employment land to balance recent and proposed growth in housing. However, the Plan directs new employment to the most accessible towns and the proposed distribution is consistent with the settlement hierarchy (having regard to Petersfield's location in the National Park).
62. The deletion and addition of text and a new policy which seeks to improve work force skills and employability as set out in **MM12**, **MM14**, **MM15**, **MM16**, **MM17**, **MM18** and **MM21** provide a clearer focus to the employment strategy and are necessary to make the Plan effective. The existing stock of employment land and premises has an important role to play and the ELR recommends resisting proposals which would result in the net loss of industrial floorspace. Policy CP3 does this but would permit the redevelopment of sites no longer suitable for such a use. This accords with the NPPF which warns against the protection of employment sites which have no reasonable prospect of being used for that purpose. **MM19** moves a statement of policy from the reasoned justification into Policy CP3 and is necessary to make the Plan effective. **MM20** is necessary to make Policy CP3 and its reasoned justification consistent.

Whitehill and Bordon

63. The JCS as submitted sought to favour Whitehill and Bordon by resisting economic development elsewhere which might have an adverse impact on the viability of the strategic allocation. Such an approach could prevent the creation of jobs in other settlements to their detriment and would be contrary to the principles of creating and maintaining sustainable and viable communities. This is rectified by **MM13** and **MM15** which encourages economic development across the District and particularly that which would complement the viability of Whitehill and Bordon. For the same reason **MM25** deletes text which seeks to prevent retail development in Alton and Petersfield

⁴⁴ CD11/E19

⁴⁵ CD11/E09

which might affect the viability of the proposed town centre in Whitehill and Bordon.

Tourism & Countryside

64. **MM27** changes Policy CP7 (Tourism) to make it clear that new tourism development in the countryside need not be limited to the re-use of rural buildings and is necessary to ensure the policy is flexible and accords with national guidance. **MM65** and **MM66** bring Policy CP17 (Development in the Countryside) into line with the NPPF which supports the growth and expansion of all types of business and enterprises in rural areas, not just to that related to farming and forestry.

Issue 2, Conclusions

65. For the reasons given above, I conclude that, subject to the necessary main modifications, the JCS makes adequate provision to meet the objectively assessed need for employment land in the District.

Issue 3 – Will the strategic allocation at Whitehill and Bordon deliver the planned new homes together with the employment and supporting infrastructure and services necessary to create a viable and sustainable community?

66. It is almost universally accepted that the departure of the MoD and the subsequent loss of population and jobs requires the injection of new housing and employment opportunities. Work to facilitate this began some time ago with the production of the Green Town Vision in 2008 and a successful bid for Whitehill and Bordon to become an Eco-town in 2009.
67. The question of whether the suite of policies in the JCS will deliver a settlement that satisfies the definition of an Eco-town is not a matter on which the soundness of the JCS depends. As far as this Plan is concerned, I consider that the role of the strategic allocation is to deliver the new homes the district needs together with the employment and supporting infrastructure and services necessary to create a viable and sustainable community.
68. The Council has been working with its partners throughout the examination leading to the need to update the JCS and provide clarification on a number of matters. It could be argued that taken individually the following modifications are not critical. However, in my view, they are necessary in order to provide certainty for developers and others and provide a sound foundation on which to carry forward the strategic allocation; **MM3, MM4, MM86, MM87, MM89, MM90, MM92, MM93, MM96, MM97, MM98, MM101, MM102, MM103, MM107, MM109, MM113, MM116, MM118, MM119, MM120, MM123, MM125, MM134**

Whether the strategic sustainable assessment/sustainability (SA/SEA) appraisal and habitats regulation assessment (HRA) supporting the JCS is adequate to support/justify the strategic allocation.

69. It is argued that the SA/SEA is flawed because it does not assess alternative locations for the housing and other allocations at Whitehill and Bordon. However, one of the purposes of the strategic allocation is to mitigate the

impact of the loss of the MoD on those that are left behind by the creation of new housing, jobs and services to ensure the continuation of a viable community. That would not be achieved by locating development elsewhere.

70. Policy MoD 2 of the Local Plan Second Review (adopted 2006) states that planning permission will be granted for the redevelopment of land outside settlement boundaries which has been declared surplus by the MoD. The South East Plan was subject to SA/SEA and Policy AOSR3 of the South East Plan made provision for a new strategic development area at Whitehill and Bordon, including, amongst other things, an indicative figure of 5,500 dwellings.
71. The existing, adopted Local Plan is permissive of the redevelopment of significant areas of surplus MoD land. The JCS carries this forward. The South East Plan has been revoked and the strategic allocation will now provide housing for East Hampshire but the reason for its conception remains and, in light of these particular circumstances, I do not consider it necessary or appropriate to consider alternative locations.
72. Policy AOSR3 of the South East Plan stated that should additional constraints become apparent a different scale of development should be identified and pursued through the local development framework. That was done and alternative levels of growth scenarios tested through a sustainability appraisal. That led to the number of dwellings being reduced to 4,000 overall. The principal reason for the reduction was the need to protect the Wealden Heaths Phase II Special Protection Area (SPA).
73. The JCS was screened in 2007 in order to confirm that significant effects on European sites could not be described as unlikely and that, as a consequence, an Appropriate Assessment would be required⁴⁶. That was carried out and updated in July 2013 to take account of the revised housing requirement. The Assessment describes the four areas that make up the SPA (including Sites of Special Scientific Interest [SSI] and Special Areas of Conservation [SAC]), their current condition and the likely impact of the plans and proposals contained in the JCS. The Assessment considers recreational pressures, the impact of urbanisation, air quality and water resources and concludes that subject to the introduction of a policy to address the recreational pressure impacts of Whitehill and Bordon, the plans and proposals in the JCS (as a whole and not just the strategic allocation) are unlikely to lead to significant effects on the SPA.
74. Policies CP19 and CP20 (generally) and CSWB9 (specific to Whitehill and Bordon) set out the Authorities approach to the conservation of the natural environment and internationally designated sites. Proposals for Whitehill and Bordon include the creation of 127 ha of SANG⁴⁷ and 30 ha of SANG network. Policy CSWB10 seeks to combine new and existing green spaces to create a green infrastructure network and requires its implementation in advance of development in line with the phased delivery of the strategic allocation.
75. Policy CSWB9 as proposed to be modified by the Authorities requires provision

⁴⁶ Paragraph 1.2.1 July 2013 HRA; CD11/N15

⁴⁷ As modified by MM144

to be made for the management of SANGs *'over a period of time as determined by Natural England and the planning authority, but not less than 80 years'*. This is challenged on the basis that in other areas management is required in perpetuity but Policy CSWB9 does not rule this out if it is considered to be necessary. Further, the policy requires the introduction of *'self-sustaining management and monitoring regimes'*. If a scheme is truly self sustaining there would seem to be no reason for it to cease provided it continues to be necessary. As submitted Policy CSWB9 gave no indication of how long SANG should be maintained and **MM115** is necessary to make the policy effective.

76. The Authorities and Natural England produced a Statement of Common Ground in August 2012 together with an addendum in October 2013⁴⁸. Natural England does not object to the JCS and is content with the measures contained within the Plan designed to protect and conserve the SPA. This includes **MM115** which provides certainty regarding the provision of SANG and which would permit employment development at the Louisburg Barracks within 400m of the SPA but only where measures are put in place to avoid or mitigate any adverse impact (Policy CSWB9)⁴⁹.
77. The RSPB and local residents have expressed a number of concerns regarding the Plan's approach to nature conservation and Natural England's position. Natural England is the principle advisor to the Government on such matters and, at a national level, is the guardian of the country's protected species and habitats. I cannot envisage that Natural England would not consider the strategic allocation and other proposals in the Plan very carefully or that it would countenance any policy or proposal that would have a detrimental impact on the SPA. I consider that I am entitled to rely on and give significant weight to the views of Natural England and that I can conclude that the SA/SEA and Appropriate Assessment supporting the JCS are adequate to justify the development proposed in the JCS.

Whether the strategic allocation will deliver a viable and sustainable community

78. Dealing first with the scale of the proposed development, no financial evidence is submitted to counter the District Council's assertion that the planned level of new development is necessary to create a viable project which would be attractive to commercial investors. **MM99** sets out the findings of the latest viability assessment, the inclusion of which in the JCS is necessary to provide important background information to assist developers. From what I have seen and heard, I am satisfied that the quantum of development planned provides the best opportunity of achieving the Council's aims.
79. The amount of employment land proposed to be allocated has fallen over the course of the examination⁵⁰ and is now set at 12.3ha, 9.5ha of which is to be provided within the Plan period. The assertion that this reflects a refined assessment of plot ratios and job densities⁵¹ is not challenged and the overall target for jobs has not changed (3,700 in the Plan period and 5,500 overall).

⁴⁸ CD12/SOCG1 & 1A

⁴⁹ MM143 is necessary to provide clarity and to make Policy CSWB9 effective.

⁵⁰ 18.4 ha on submission, rising to 21.5 ha in May 2012 and falling to 14.9 ha in October 2012

⁵¹ CD11/WBE23

The aim is to provide one job per new home and Policy CSWB1 seeks to balance the rate of provision of housing and employment to ensure they are available together. This will not be easily achieved and doubtless there will be compromises but the JCS provides the framework for requiring detailed phasing arrangements at planning application stage.

80. There is a preponderance of smaller houses in Whitehill and Bordon and Policy CSWB4 (Housing) seeks to redress the balance by requiring a mix of house types and sizes including 4 and 5 bed and 'executive' properties.
81. The amount of retail floorspace has also been reduced from 30,000m² (gross) to 23,000m² (gross), 16,000m² to be provided in the Plan period. The Retail Assessment for Whitehill Bordon Eco Town identified a projected capacity of around 1,270m² (net) convenience and about 13,250 m² (net) comparison retail development (around 14,500m² (net) in total, 19,500m² (gross)). Market testing has revealed supermarket operators interested in stores in the region of 3,000 to 5,000m² (gross) as part of the development of the proposed new town centre. The revised figure of 23,000m² (inserted into the Plan by **MM23** and **MM104**) is, therefore, justified by the available evidence and deliverable. **MM105** formally designates the new town centre as a town centre. This will provide certainty and comfort for potential investors and is necessary to aid delivery.
82. The existing Forest Centre includes a discount supermarket and a range of smaller shops. It is envisaged that some retailers would relocate to the new town centre and the JCS downgrades the Forest Centre from a District Centre to a Local Centre. A reduction in the range of shops and services is likely to have an adverse impact on the Centre and on those living nearby. However, the new town centre would be more centrally located and more accessible. **MM26**, **MM94** and **MM103** confirm the change in status and indicate that policies in the Second Review Local Plan will continue to define town and district centre boundaries and primary shopping areas until they are reviewed by the Local Plan: Allocations plan. There is no dispute that there is a leakage from Whitehill and Bordon to other centres, particularly for comparison goods. It is likely that some people will continue to shop elsewhere but the proposed new town centre has the potential to provide an attractive and viable alternative.
83. The new development will require new education facilities from pre-school to adults. **MM91** and **MM95** are necessary to introduce an element of flexibility whilst maintaining a requirement for appropriate education facilities. **MM117** ensures that the delivery of green infrastructure is provided in line with the phased delivery of the strategic allocation.
84. Given that some community facilities in Whitehill and Bordon will have been provided and maintained by the MoD and that they may not be in the right place to serve the expanded community, I consider it reasonable to relax the provisions of Policy CP14 (Protection and provision of Social Infrastructure) with regard to marketing etc in Whitehill and Bordon. **MM59** allows the Council to determine the evidence required to justify the loss or re use of such facilities. New community facilities would be secured under Policy CSWB1.
85. Sport England does not consider that the studies carried out in Whitehill and

Bordon have demonstrated that existing areas of open space that may be built are surplus to requirements. However, the strategic allocation will remodel the existing settlement and, in my view, the key question is will the open space to be provided be adequate to serve the residents of the expanded settlement? According to the evidence submitted to the examination there would be 16ha of outdoor pitches, 3.5ha of built facilities and 2.5ha of play areas. I have seen no evidence from Sport England or anyone else to show that this would be inadequate.

86. Encouraging the use of sustainable modes of transport is a key aim of the JCS and **MM84**, **MM91**, **MM104**, **MM121** and **MM124** are necessary to create an effective strategic framework to achieve this. The provision of a rail link to Whitehill and Bordon is unlikely and **MM122** avoids potential for blight by deleting the proposed safeguarding of land to facilitate such a proposal.
87. The objective of Policy CSWB6 is that the carbon footprint of the strategic allocation will be no greater than that of the existing settlement. I have my doubts but this is a laudable aim and deserves support. **MM110**, **MM111** and **MM112** are necessary to provide some realism and make clear that technical and financial viability needs to be taken into account. **MM113** clarifies the requirements relating to Life Cycle (Whole Life) Costing and is necessary to make Policy CSWB6 effective.

Issue 4 – Are the Plan's provisions in relation to; sustainable development, the historic and natural environment, infrastructure, retail development management and monitoring supported by evidence and effective?

Presumption in favour of sustainable development

88. The Plan was submitted for examination in May 2012, only a few months after the introduction of the NPPF. One of the first modifications put forward by the Authorities was to bring the plan in line with national guidance by introducing a new policy presuming in favour of sustainable development (**MM8**).

Historic Environment

89. Policy CP28 seeks to conserve and enhance the District's historic assets and is sound. However, a number of modifications are required to ensure that other policies and reasoned justification in the JCS which refer to the historic environment accord with national guidance and pay sufficient regard to the need to conserve and enhance historic assets. These are **MM2**, **MM5**, **MM6**, **MM7**, **MM63**, **MM64**, and **MM88**.

Infrastructure and community services

90. As stated above, I am satisfied that the IDP and the Hampshire Strategic Infrastructure Statement⁵² show that there are no insurmountable barriers to delivering the development planned in the JCS. **MM79** and **MM114** introduce the latest information on water supply and confirm that future development will need to be served through existing resources. Southern Water has

⁵² CD11/E21 & E22

confirmed that adequate water supplies will be available to accommodate the development planned in the JCS. **MM76** and **MM77** are necessary to enable that the Authorities can, through Policy CP24 (Water Resources/water Quality) ensure that the necessary infrastructure is in place for clean and waste water in advance of new development. The land needed to be safeguarded for the proposed Havant Thicket reservoir is not as extensive as originally thought to be necessary and **MM78** amends the relevant map.

91. **MM22** deletes text in Policy CP4 (Rural Economy and Enterprise) which conflicts with Policy CP14 (Protection and Provision of Social Infrastructure) and which could undermine the aim of that policy to resist the loss of existing community services. **MM59** and **MM60** tighten Policy CP14 and clarify its scope and are necessary to make it effective in protecting community facilities. **MM59** is also required to ensure that Policy CP4 complies with the tests in the CIL Regulations regarding the use of Section 106 agreements to secure new facilities.
92. The Open Space studies supporting the JCS⁵³ are getting long in the tooth but I have neither seen nor read anything to indicate that they are no longer reliable and Sport England is largely content⁵⁴. Policy CP16 (Provision of Open Space, Sport and Recreation and Built Facilities) sets out the requirements for new open space and recreation facilities. **MM62** is necessary to make clear that in Whitehill and Bordon provision will be determined through the strategic allocation rather than the Allocations DPD. **MM61** clarifies that the loss of recreation facilities (Policy C15, Protection of Open Space, Sport and Recreation and Built Facilities) will only be permitted where it is replaced with provision of at least equal quality and quantity and is necessary to comply with national guidance and to ensure that the policy is effective.

Retail

93. The East Hampshire Town Centres, Retail and Leisure Study identified need for additional convenience and comparison shopping in Alton and Petersfield⁵⁵. **MM24** provides an update and indicates that planning permissions for two supermarkets will meet the need for convenience shopping in Alton.

Natural Environment

94. **MM67** tightens the wording of Policy CP19 and is necessary to make it effective in maintaining and enhancing the Districts designated ecological assets. **MM68**, **MM69**, **MM73**, **MM81** and **MM82** bring the Plan up to date with the latest work on green infrastructure. A proposed modification agreed with Natural England could require housing proposals capable of affecting the Wealden Heaths SPA, no matter how far away, to be accompanied by a project specific HRA. I do not make light of the need to protect the SPA but to my mind, if applied slavishly this would be an unnecessary and unduly onerous burden on developers. **MM70** amends the JCS without threatening the Authorities ability to require a HRA where necessary.

⁵³ CD11/HO4/HO5/HO6 and HO7 (all 2008)

⁵⁴ According to the Statement of Common Ground agreed by the Authorities and Sport England, Sport England's unresolved objections relate to Whitehill and Bordon (CD12/SOCG04).

⁵⁵ CD11/EO1 updated for Petersfield in 2012; CD13/SD02

95. **MM71** removes some confusion by making it clear that the aim to maintain a 500m 'buffer' relates only to SAC and is necessary to make the Plan effective. **MM72** corrects a significant typographical error and is necessary so that users of the Plan properly understand the relationship between Policy CP21 (Gaps between Settlements) and landscape and countryside policy (CP18 and CP19).

Development Management

96. The Government is considering placing standards for sustainable construction under the regime of the Building Regulations and removing the ability of local planning authorities to set their own standards. **MM74** makes it clear that Policy CP22, which sets local standards, may be superseded if such a change occurs. In addition **MM74** together with **MM75** are necessary to provide clarity in relation to triggers and how the policy will be applied and should ensure that the policy can be applied effectively for so long as it remains in force.
97. **MM80** gives the Authorities the ability to resist proposals that would have an unacceptable impact by way of pollution (Policy CP25). Policy CP27 encourages good design and **MM83** deletes and introduces new text which will ensure that proper account is taken of the need to design out crime and to make provision for recycling.
98. Policy CP29, amongst other things, encourages improved car parking facilities at railway stations and, in order to promote the use of sustainable modes of transport, **MM84** expands that to include cycle parking and is necessary to make the policy effective. Traffic generated by development in East Hampshire and particularly the strategic allocation may have an impact outside the District and **MM85** is necessary to indicate that development in East Hampshire may need to contribute to measures outside the District. **MM84** is also required to ensure that Policy CP29 (Transport) complies with the tests in the CIL Regulations regarding the use of Section 106 agreements to secure new facilities.
99. The NPPF states that Local Plans should only include policies which provide a clear indication of how a decision maker should react to a development proposal. **MM132** deletes Appendix 6 which provides unnecessary descriptions of the District's main settlements, the purpose of which is unclear.

Monitoring and Implementation

100. Monitoring is important to ensure that policies and proposals in the JCS deliver the proposed housing etc and to indicate when intervention may be necessary. **MM130** and **MM131** introduce a monitoring framework which should provide an effective basis for this by providing specific and measurable targets by which the success of the JCS can be gauged and enabling informed decisions to be made to address any failings. **MM126** makes a necessary change to the title of Chapter 10 to clarify that it relates to monitoring and implementation and not transport and access.
101. There is one significant typographical error which warrants a specific mention. The Plan period runs to 2028 but in a number of places 2026 is given. This is rectified by **MM1**.

Assessment of Legal Compliance

102. The Joint Core Strategy is identified within the approved Local Development Scheme (LDS) of February 2012 which sets out an expected submission date of May 2012 with adoption by December 2012. The further work required, associated consultation which required a suspension and the need for further hearings means that the JCS is not likely to be adopted until mid 2014. Whilst this does not accord with the LDS, given the urgent need for an up to date development plan to facilitate and guide the growth the District urgently needs it makes no sense, in my view, to find the Plan unsound on the basis that its progress does not accord with the LDS. Having said this, the LDS ought to be up dated as soon as possible.

103. My findings with regard to compliance with the regulations regarding sustainability and habitat assessments are set out above. My examination of the compliance of the Plan with the other legal requirements is summarised in the table below. I conclude that the Plan meets them all.

LEGAL REQUIREMENTS	
Statement of Community Involvement (SCI) and relevant regulations	The SCI was adopted in July 2007 and consultation has been compliant with the requirements therein, including the consultation on the post-submission proposed 'main modification' changes (MM)
National Policy	The JCS complies with national policy except where indicated and modifications are recommended.
2004 Act (as amended) and 2012 Regulations.	The JCS complies with the Act and the Regulations.
Public Sector Equality Duty	The JCS complies with the Duty

Overall Conclusion and Recommendation

104. The Plan has a number of deficiencies in relation to soundness for the reasons set out above which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the Act. These deficiencies have been explored in the main issues set out above.

105. The Council has requested that I recommend main modifications to make the Plan sound and capable of adoption. I conclude that with the recommended main modifications set out in the Appendix the JCS satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the NPPF.

A Thickett

Inspector

This report is accompanied by the Appendix containing the Main Modifications