

MEDSTEAD AND FOUR MARKS NEIGHBOURHOOD PLAN

Medstead and Four Marks Neighbourhood Plan Examination,
A Report to East Hampshire District Council

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1. Introduction

The Neighbourhood Plan

This Report provides the findings of the examination into the Medstead and Four Marks Neighbourhood Plan (referred to as the Neighbourhood Plan).

Neighbourhood planning provides communities with the power to establish their own policies to shape future development in and around where they live and work.

“Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need.”

(Paragraph 183, National Planning Policy Framework)

Together, Medstead Parish Council and Four Marks Parish Councils make up the *qualifying body* responsible for the production of this Neighbourhood Plan. This is in line with the aims and purposes of neighbourhood planning, as set out in the Localism Act (2011), the National Planning Policy Framework (2012) and Planning Practice Guidance (2014).

This Examiner’s Report provides a recommendation as to whether or not the Neighbourhood Plan should go forward to a Referendum. Were it to go to Referendum and achieve more than 50% of votes in favour, then the Plan would be *made* by East Hampshire District Council. The Neighbourhood Plan would then be used to determine planning applications and guide planning decisions in the Medstead and Four Marks Neighbourhood Area.

Role of the Independent Examiner

I was appointed by East Hampshire District Council to conduct an examination and provide this Report as an Independent Examiner. I am independent of the qualifying body and the local authority. I do not have any interest in any land that may be affected by the Neighbourhood Plan and I possess appropriate qualifications and experience. I am a chartered town planner and an experienced Independent Examiner of Neighbourhood Plans. I have extensive land, planning and development experience, gained across the public, private, partnership and community sectors.

As the Independent Examiner, I must make one of the following recommendations:

- a) that the Neighbourhood Plan should proceed to Referendum, on the basis that it meets all legal requirements;
- b) that the Neighbourhood Plan, as modified, should proceed to Referendum;
- c) that the Neighbourhood Plan does not proceed to Referendum, on the basis that it does not meet the relevant legal requirements.

If recommending that the Neighbourhood Plan should go forward to Referendum, I must then consider whether or not the Referendum Area should extend beyond the Medstead and Four Marks Neighbourhood Area to which the Plan relates.

In examining the Plan, I am also required, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, to check whether:

- the policies relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act (PCPA) 2004;
- the Neighbourhood Plan meets the requirements of Section 38B of the 2004 PCPA (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one Neighbourhood Area);
- the Neighbourhood Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.

Subject to the contents of this Report, I am satisfied that all of the above points have been met.

Neighbourhood Plan Period

A neighbourhood plan must specify the period during which it is to have effect. The title page of the Neighbourhood Plan states that it covers the period 2015-2028. Given this, I confirm that the Neighbourhood Plan satisfies the relevant requirement in this regard.

Public Hearing

According to the legislation, *when the Examiner considers it necessary* to ensure adequate examination of an issue, or to ensure that a person has a fair chance to put a case, then a public hearing must be held.

However, the legislation establishes that it is a general rule that neighbourhood plan examinations should be held without a public hearing – by written representations only.

Further to consideration of the written representations submitted, I confirmed to East Hampshire District Council that I was satisfied that the Medstead and Four Marks Neighbourhood Plan could be examined without the need for a Public Hearing.

2. Basic Conditions and Development Plan Status

Basic Conditions

It is the role of the Independent Examiner to consider whether a neighbourhood plan meets the “basic conditions.” These were *set out in law*¹ following the Localism Act 2011. In order to meet the basic conditions, the 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;
- be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations.

I have examined the Neighbourhood Plan against all of the basic conditions above.

The Basic Conditions Statement, prepared by Medstead and Four Marks Parish Councils and submitted to East Hampshire District Council, sets out the basic conditions in full on page 2.

The wording of the basic conditions is the result of careful consideration and paraphrasing them, almost inevitably, results in their misapplication. I note this as the Neighbourhood Plan effectively makes up its own version of the basic conditions in Paragraph 2.7 on page 13. In so doing, it suggests that the Neighbourhood Plan needs to be “consistent” with national and local planning policy; promote the principles of sustainable development; and meet the requirements of European environmental standards. This is simply not the case.

For clarity and to avoid confusion, I recommend:

- **Replace the four bullet points on page 13 with the four bullet points from Paragraph 1.5 of the Basic Conditions Statement**

¹ Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990.

European Convention on Human Rights (ECHR) Obligations

I am satisfied that the Neighbourhood Plan has regard to fundamental rights and freedoms guaranteed under the ECHR and complies with the Human Rights Act 1998 and there is no substantive evidence to the contrary.

European Union (EU) Obligations

It is not a legal requirement for a neighbourhood plan to have a sustainability appraisal². However, it may be that, in some limited circumstances where a neighbourhood plan is likely to have significant environmental effects, a strategic environmental assessment will be required. Taking this into account, it is good practice to assess neighbourhood plan proposals in order to determine whether the plan is likely to have significant environmental effects. This process is referred to as a “screening” assessment. If the screening assessment identifies likely significant effects, then an environmental report must be prepared.

The Basic Conditions Statement confirms that East Hampshire District Council undertook a screening assessment. The screening assessment considered whether or not the contents of the Neighbourhood Plan required a Strategic Environmental Assessment. In East Hampshire District Council’s own words, it concluded that the Neighbourhood Plan

“will not give rise to any significant environmental effects. Therefore, a full Environmental Report is not required in support of the Medstead and Four Marks Neighbourhood Plan.”

Whilst a Habitats Regulations Assessment (HRA) is required if the implementation of the Neighbourhood Plan may lead to likely negative significant effects on protected European sites, there is no suggestion that the Neighbourhood Plan will have any effect on any European site. In this regard, East Hampshire District Council, in a letter to the Neighbourhood Plan Steering Group, stated that HRA is not required.

The above factors are relevant as, with regards European obligations, national guidance establishes that the ultimate responsibility of determining whether a draft neighbourhood plan meets EU obligations is placed on the local authority,

“the local planning authority must decide whether the draft neighbourhood plan is compatible with EU regulations.” (Planning Practice Guidance 11-031)

In this case, the local authority has decided that the Neighbourhood Plan is compatible with EU regulations. In reaching its decision, I note that East Hampshire District Council referred to the fact that none of the relevant Statutory Bodies

² Paragraph 026, Planning Practice Guidance 2014.

(Historic England, Natural England and the Environment Agency) have provided any “*adverse comments*” with regards compatibility with EU obligations.

Taking all of the above into account, and in the absence of any substantive evidence to the contrary, I am satisfied that the Neighbourhood Plan is compatible with EU obligations.

3. Background Documents and Medstead and Four Marks Neighbourhood Area

Background Documents

In undertaking this examination, I have considered various information in addition to the Medstead and Four Marks Neighbourhood Plan. This has included:

- National Planning Policy Framework (The Framework) (2012)
- Planning Practice Guidance (2014)
- Town and Country Planning Act 1990 (as amended)
- The Localism Act (2011)
- The Neighbourhood Planning Regulations (2012)
- East Hampshire Local Plan Joint Core Strategy (2014) (Joint Core Strategy)
- Basic Conditions Statement
- Consultation Statement

Also:

- Representations received during the publicity period

In addition, I spent an unaccompanied day visiting the Medstead and Four Marks Neighbourhood Area.

Medstead and Four Marks Neighbourhood Area

A plan showing the boundary of the Medstead and Four Marks Neighbourhood Area is provided on page 12 of the Neighbourhood Plan. The Neighbourhood Plan clearly establishes that the Neighbourhood Area includes the Parishes of Medstead and Four Marks, excluding those parts of Four Marks Parish that also fall within the South Downs National Park.

Further to an application made by Medstead Parish Council and Four Marks Parish Council, East Hampshire District Council approved the designation of Medstead and Four Marks as a Neighbourhood Area on 19th June 2014.

This satisfied a requirement in line with the purposes of preparing a Neighbourhood Development Plan under section 61G (1) of the Town and Country Planning Act 1990 (as amended).

4. Public Consultation

Introduction

As land use plans, the policies of neighbourhood plans form part of the basis for planning and development control decisions. Legislation requires the production of neighbourhood plans to be supported by public consultation.

Successful public consultation enables a neighbourhood plan to reflect the needs, views and priorities of the local community. It can create a sense of public ownership, help achieve consensus and provide the foundations for a successful 'Yes' vote at Referendum.

Medstead and Four Marks Neighbourhood Plan Consultation

Together, Medstead and Four Marks Parish Councils have submitted a Consultation Statement to East Hampshire District Council. Further to consideration, I can confirm that this sets out who was consulted and how, together with the outcome of the consultation. In this regard, the Consultation Statement meets the requirements of the neighbourhood planning *regulations*³.

The decision to produce a Neighbourhood Plan followed a public meeting jointly set up by the two Parish Councils in April 2014. Following this meeting, in June 2014, a Neighbourhood Plan Steering Group was elected. The Steering Group was made up of local residents, including Parish Councillors. The Steering Group then set up Work Groups to cover a range of relevant topics.

In connection with two local events, a Village Picnic and a Fete, the views of 248 residents, with regards expectations of the Neighbourhood Plan, were gathered during Summer 2014. Following a Workshop in September 2014, an Open Day was held in October 2014. This included exhibition boards, discussions, presentations and a Q&A session.

The results of the Open Day enabled key questions for the community to be created and Questionnaires were subsequently posted to every household and known business in the two Parishes during January 2015. A very high return rate, of around 44%, provided significant community feedback.

Consideration of responses supported the production of a draft plan, which was published in March 2015. A card was sent to every household and business in the Neighbourhood Area, informing people of where the plan could be viewed. As well as the provision of hard copies of the plan in various venues across the

³Neighbourhood Planning (General) Regulations 2012.

Neighbourhood Area, an electronic version was made available on the dedicated Neighbourhood Plan website, www.mfmplan.org.

Public consultation on the draft plan was supported by three Open Days, with exhibition boards and members of the Steering Group available for discussions. Around 200 people attended the Open Days. Comments on the draft plan could be made in writing, by email or directly on the website and around 220 people provided comments.

During plan-production, the consultation process was supported by meetings with East Hampshire officers and a District Councillor; articles in the Medstead Times and Four Marks News; and meetings with a range of clubs, organisations, businesses and landowners.

Consultation was widely communicated and publicised in a variety of ways, including via the dedicated website; via notices, flyers and posters; and through local publications.

The Consultation Statement notes that, throughout the process, the Steering Group *“maintained regular liaison with officers of East Hampshire District Council...District Councillors...local County Councillor.”* This reflects a positive approach and has regard to national policy advice, which supports collaborative working, as it enables a neighbourhood plan to benefit from shared knowledge, skills and experience.

Taking all of the above into account, the Consultation Statement sets out an audit trail that demonstrates the wide-ranging, comprehensive and transparent consultation that has taken place in support of the Neighbourhood Plan. This consultation was carried out in an open and comprehensive manner. People were not just provided with a fair chance to have their say, but were actively encouraged to engage in shaping the Neighbourhood Plan, with comments received duly considered.

Taking into account all of the evidence provided, I am satisfied that the production of the Neighbourhood Plan was supported by robust public consultation. There is plentiful evidence to demonstrate that the Neighbourhood Plan reflects the views of the community.

A representation has been submitted which states that local businesses were not consulted *“to a satisfactory degree.”* However, I note above that consultation was robust and widely communicated, and that people were actively encouraged to engage in shaping the Neighbourhood Plan. Furthermore, there is no substantive evidence before me to demonstrate that any individual or organisation – including any business – was prevented from engaging in the process.

5. The Neighbourhood Plan – Introductory Section

Where modifications are recommended, they are presented as bullet points and highlighted in bold print, with any proposed new wording in italics.

The policies of the Neighbourhood Plan are considered against the basic conditions in Chapter 6 of this Examiner’s Report. I have also considered the Introductory Section of the Neighbourhood Plan and make recommendations below which are aimed at making it a clear and user-friendly document.

The title page and contents page of the Neighbourhood Plan are clear and well presented. I also note that the Policy section is clearly set out, with the Policies, in bold print, standing out from the supporting text.

The purpose of planning is to help achieve sustainable development. National policy makes it clear that *Sustainable* means ensuring that better lives for ourselves don’t mean worse lives for future generations and *Development* means growth. As the opening to the Neighbourhood Plan, the Foreword sets the scene.

However, as worded, with reference to being “*under siege*,” the Neighbourhood Plan appears to begin from a very defensive and somewhat negative position. This is unreflective of the planning system and to some considerable degree, unreflective of the Neighbourhood Plan itself, which goes on to set out a number of positive planning Policies. I recommend:

- **Delete the first paragraph on page 3 and change opening of second paragraph to “*To provide for sustainable development, which is central...Plan*”**

In attempting to summarise the content of the Neighbourhood Plan in a couple of sentences (a difficult task in any circumstance), I find that Paragraphs 4 and 5 of the Foreword add some confusion and unnecessary detail, and don’t particularly reflect legislation or the overall content of the Neighbourhood Plan. For example, there is nothing in planning legislation to suggest that one of the main roles of neighbourhood planning is to “*say where new houses go*” as stated. Whilst neighbourhood plans can do this, amongst many other things, it is not a statutory requirement. I recommend:

- **Delete paragraphs 4 and 5**

The above change helps to make for a shorter, sharper Foreword and a more appropriate introduction to the Neighbourhood Plan.

Paragraph 1.2 of the introduction contains information that is historic, as well as repetition of matters set out elsewhere. Paragraph 1.3 includes some subjective

commentary that adds little to the Neighbourhood Plan by way of useful information. Furthermore, Paragraph 1.3 refers to the introduction to the plan as providing background information for people unfamiliar with planning. However, on consideration of all of the introductory pages prior to the Policy section of the Neighbourhood Plan, I find that a significant proportion of the information provided is either unnecessary and/or is worded in such a way that it lacks precision and clarity. As such, it takes focus away from the Policies and, in my opinion as an Independent Examiner, it takes so long to assimilate and attempt to understand, that readers may become less interested in the document as a whole.

Taking this into account, I consider that much of the introduction, rather than setting the scene for the most important part of the Neighbourhood Plan – its Policies – has the potential to obfuscate and detract from the content of the document as a whole. The recommendations that follow are therefore aimed at simplifying the supporting information, with the aim of ensuring that the Neighbourhood Plan provides clarity for all readers. They do not imply direct criticism of the authors and approach, but are made simply in the interest of creating a more concise, effective and relevant planning document.

I recommend:

- **Delete paragraphs 1.2 and 1.3**
- **Delete the “Roadmap”**

I note that the Roadmap provided a useful summary during the consultation stages, but that it is unnecessary for inclusion in the final version of the Neighbourhood Plan.

Pages 6 and 7 read as a somewhat defensive explanation of why the Neighbourhood Plan has chosen not to allocate land for housing. It sets out information relating to other planning documents, with much use of acronyms and I find, confusing use of various housing numbers. Some of the information provided is historic and none of it is entirely necessary. Overall, it reads more as a representation than a document setting out land use planning policy. Given the above, I recommend:

- **Delete pages 6 and 7**

Taking the above into account, the contents of pages 8 and 9 then follow on naturally from the reference to the questionnaire in Paragraph 1.1. Further, they form a far more interesting, distinctive and readily understandable start to the Neighbourhood Plan, by outlining the background to some of its main aspirations.

I recommend:

- **Paragraph 1.17, delete “...in Annexe C...” (I refer to Maps later)**

The information in Paragraphs 2.3 and 2.4 is repeated later in the Neighbourhood Plan, in the more relevant Planning Policy Context section. I recommend:

- **Delete paragraphs 2.3 and 2.4**

Paragraph 2.6 is notable for the clear and helpful way in which it sets out the difference between land use planning and non-land use planning matters. I make a recommendation re: changing Paragraph 2.7 earlier in this Report.

Paragraph 2.8 requires updating. I recommend:

- **Change second sentence of paragraph 2.8 to “*This was demonstrated in a Consultation Statement, which was submitted to East Hampshire District Council together with a Basic Conditions Statement, in line with legislative requirements.*” Delete remainder of sentence and delete paragraph 2.9**
- **Delete paragraphs 2.10 to 2.12 inclusive, which are out of date**

The following section, “Medstead and Four Marks – The Place” provides an interesting, informative and helpful description of the area, its history and relevant issues faced.

The Planning Policy Context is an important section. The following list of recommendations is made with the aim of providing a short, sharp, easy to understand section based on the most relevant information:

- **Paragraph 2.30, change last line to “*that it has regard to national policy and advice.*”**
- **Change paragraph 2.31 to “*The MFMNP must be in general conformity with the strategic policies of the development plan. In this case, the relevant development plan is the East Hampshire District Local Plan: Joint Core Strategy (Joint Core Strategy), which was adopted in June 2014.*”**
- **Change title above 2.32 to “*Joint Core Strategy 2014*”**
- **Paragraph 2.32 add “*The Joint Core Strategy...*”**
- **Paragraph 2.33 add “*Within the Joint Core Strategy, Core Policy 2...*”**
- **End Paragraph 2.36 at “*...level of growth.*” Delete the rest of the paragraph including all of the bullet points that follow. Delete paragraph 2.37.**

The last bullet point above takes account of the fact that it is unnecessary to simply list some of the policies contained in the Joint Core Strategy. The Neighbourhood

Plan already includes an appropriate reference to the need to be in general conformity with the strategic policies of that document, and draws particular attention to those policies that have a particular influence on housing growth. That is sufficient.

Similarly, there is no need to reproduce the Key Diagram from the Joint Core Strategy. This belongs to another document and its reproduction adds confusion rather than clarity to the Neighbourhood Plan.

It is confusing to refer to documents that are not yet adopted or that do not include relevant adopted strategic policies. In addition, the matter of material weight to be afforded to planning matters is not one for the Neighbourhood Plan to determine.

Paragraph 2.41 appears confusing – adopted documents are simply that. If the Parish Councils seeks to change these documents, then the due process will need to be undertaken in order for the resultant, different documents to become adopted.

Taking all of the above into account, I recommend:

- **Delete the Key Diagram on page 19**
- **Delete paragraphs 2.38 and 2.39**
- **Delete the last sentence of paragraph 2.40**
- **Delete paragraph 2.41**

Whilst the remainder of pages 20-22 add little in the way of positive content to the Neighbourhood Plan, I acknowledge that the text reflects local opinion and I do not recommend any changes. I note that the Vision and Objectives pages provide a link between the background work and community input to the Neighbourhood Plan and the Policies that follow.

6. The Neighbourhood Plan – Neighbourhood Plan Policies

The introduction to the Policy Section appears to set the Neighbourhood plan back a stage. It doesn't really make sense to pose a list of questions in the Policy section, after having already established the Vision and Objectives for the area. Given this, I recommend:

- **Delete paragraph 4.1**

Paragraphs 4.2 and 4.3 repeat information already provided and to some degree, state things that are self-explanatory. I also note that some of the Policies, as worded, contradict Paragraph 4.3. Paragraph 4.4 could be read as implying that the Framework and the Joint Core Strategy will cover every planning matter other than matters covered by Policies in the Neighbourhood Plan, but will not be used in relation to any topic covered by the Neighbourhood Plan. This is not the case. I recommend:

- **Delete paragraphs 4.2, 4.3 and 4.4**
- **For clarity, delete titles "Policy Issues" and "Land Use Policies"**

Paragraph 4.5 refers to the Policies Map being "*at the end of this document.*" As set out, all of the Neighbourhood Plan Maps are contained in an Annexe. This is inappropriate as all Maps relating to designations should be within the main body of the Neighbourhood Plan. I recommend:

- **Move all five Maps to follow on from the last Policy/supporting text in the Neighbourhood Plan. For clarity, each Map will be within the Neighbourhood Plan and not in an Annexe.**

I also recommend the following addition to Paragraph 4.5, which is a neat way of reducing the need to frequently cross-reference Policies, which can otherwise create cumbersome and unnecessary wording:

- **Add to end of paragraph 4.5, "*The Policies set out below must be taken into account as a whole, by applicants and decision-makers.*"**

Policy 1: A Spatial Plan for the Parishes

Policy 1 seeks to direct future development to the settlements of Four Marks/South Medstead and Medstead Village. It “proposes amendments” to existing settlement boundaries “to accommodate” changes that have taken place “since the SPB (*Settlement Policy Boundary*) was last drawn.”

Policy 1 supports development within settlement boundaries. The development boundaries drawn appear to provide some scope for windfall opportunities and there is no substantive evidence to demonstrate that this is not the case. Whilst the boundaries do not provide for the allocation of new residential sites on the edge of the settlements, the Neighbourhood Plan clearly establishes that the housing requirement for the area during the plan period⁴ has been exceeded. In this regard, I am especially mindful that East Hampshire District Council does not dissent from the Neighbourhood Plan being in general conformity with adopted strategic policies.

Given the above, there is no need for the Neighbourhood Plan to go on allocating additional land over and above that required. The results of consultation establish that the community is concerned that the essentially rural character of Neighbourhood Area, part of “the Hampshire Alps,” risks harm resulting from increased urbanisation. There are concerns that additional housing is not being supported by the provision of additional employment – resulting in unsustainable patterns of movement; and that investment in local infrastructure, including services and facilities, has failed to keep pace with housing growth.

National policy is explicit in its aim of “*allowing people and communities back into planning*” (Ministerial Foreword, The Framework). Neighbourhood planning gives communities the direct power to deliver the sustainable development they need. In this case, the local community has determined that new housing allocations are unnecessary. The Neighbourhood Area has already met in excess of its strategic housing requirements for the plan period. Subject to comments below, the Neighbourhood Plan does not preclude sustainable development from coming forward – including in the form of windfall development within the settlement boundaries.

Taking the above into account, whilst a number of objectors would like to see land they are promoting being allocated for residential use, there is no need for the Neighbourhood Plan to allocate new housing sites.

However, there are significant discrepancies with regards the “*Settlement Policy Boundaries*” in the Neighbourhood Plan. Whilst I acknowledge that the changes proposed to existing boundaries do not, in any way, purport to comprise a comprehensive boundary review – and for this reason do not comprise an

⁴ Joint Core Strategy Core Policy 10 establishes the “Spatial Strategy for Housing.” In doing so, it requires the allocation of sites to provide for a minimum of 175 dwellings at “Four Marks/South Medstead.” Evidence has been provided to demonstrate that, during the Joint Core Strategy plan period (2011-2028), the development of, and planning permission for, new housing has already considerably exceeded this requirement.”

opportunity for new allocations to be made, as part of “rounding off” or altering boundaries to take account of topographical or other features – they do seek to provide boundaries based on changes that have taken place “*since the SPB boundary was last drawn.*”

In this respect, I am concerned that development land with the benefit of planning permission, adjacent to the settlement boundary, has not been included within it. This includes sites at Cedar Stables and Lymington Bottom Road. It makes no sense to create a settlement boundary that fails to achieve its intention.

There is also a discrepancy between Maps 2 and 3, whereby they show different settlement boundaries. As a land use planning document, it is essential that all Maps within the Neighbourhood Plan are accurate.

The final part of the first sentence of Policy 1 appears unnecessary. By definition, a boundary provides exactly that. The Policy goes on to clarify that development within the boundary will, generally, be supported. In addition, I note that the phrase “*containing the physical growth*” is undefined. Whilst its general meaning can be gleaned, it is a concern that it implies that physical growth within the settlements will always be preferable to that outside them. I find that such a black and white approach may fail to provide for sustainable development and there is no substantive evidence to the contrary. Also, it is confusing for the Policy to refer to another policy in another document, over which the Neighbourhood Plan has no control.

Taking the above into account, I recommend:

- **Policy 1, change first and second sentences to “*The Neighbourhood Plan designates a Medstead Village Settlement Policy Boundary (MVSPB), a South Medstead Village Settlement Policy Boundary (SMVSPB) and a Four Marks Village Settlement Policy Boundary (FMVSPB) as shown on the Policies Maps. Development proposals on land within the Settlement Policy Boundaries will be supported, subject to accordance with relevant policies.*”**
- **Parish Councils, together with East Hampshire District Council, to undertake a checking exercise to ensure that all settlement boundaries take into account developments and planning permissions on the edge of the settlements. For guidance, I suggest that this is achieved by ensuring consistency with the East Hampshire Housing and Employment Allocations Plan, as appropriate.**

Policy 1 goes on to state that planning permission will be refused for development outside the settlement boundary, unless necessary for agriculture, forestry, enterprise, diversification or recreation “*that benefits the rural economy without harming the countryside interests.*”

This approach is exceptionally onerous. It even goes well beyond the requirements of Green Belt policy, which is significantly more restrictive than policies to protect the countryside. There is no evidence to demonstrate that the approach proposed has regard to national policy and advice, or that it is in general conformity with adopted strategic policies. Furthermore, no substantive evidence has been provided to justify an approach that could prevent sustainable development from coming forward.

Taking the above into account, this part of Policy 1 does not contribute to the achievement of sustainable development. In making my recommendation in this regard below, I am mindful that national and local policy already affords the countryside significant protection, whilst allowing for sustainable development.

The final part of Policy 1 seeks to refuse any subdivision of a garden. However, there is no substantive evidence to demonstrate that not one garden in the whole Neighbourhood Area could possibly be subdivided without causing significant harm to the (undefined) “*special character*” of the parishes. There is no evidence to demonstrate that the approach has regard to national policy, or that it would, for example, contribute to the achievement of sustainable development.

I recognise that Policy 1 seeks to protect local character and I acknowledge the contribution that gardens make to the character of the area. The general aim of the Policy in this respect has regard to the Framework and is in general conformity with the Core Strategy, both of which documents protect local character. I propose an alternative wording below.

Taking the above into account, I recommend:

- **Delete the third paragraph of Policy 1**
- **Change the last sentence of Policy 1 to “*The inappropriate development of residential gardens, for example, where such development would harm local character, will be refused.*”**

Policy 2: Local Gap between Medstead Village & South Medstead

Core Policy CP23 of the Core Strategy protects the generally undeveloped and open nature of gaps between settlements, helping to prevent coalescence and helping communities to retain separate identities.

In seeking to define a Local Gap between Medstead Village and South Medstead, Policy 2 is in general conformity with the Core Strategy. Further, by introducing an approach that is in general conformity with the Core Strategy's aim of protecting local character, Policy 2 has regard to national policy – which also protects local character - and contributes to the achievement of sustainable development.

However, the scale of the Policies Map is such that it is not possible to see the detailed boundary of the Local Gap. Also, for clarity, rather than simply referring to “*development plan policy*,” I recommend that Policy 2 is re-worded as follows:

- ***“The generally open and undeveloped nature of the Local Gap between Medstead and South Medstead, shown on the Policies Map and accompanying Local Gap Map, will be protected to help prevent coalescence and retain the separate identity of the settlements. Development will only be permitted within the Local Gap if: a) it would not undermine the physical and/or visual separation of settlements; b) it would not compromise the integrity of the Local Gap, either individually or cumulatively with other existing or proposed development; and c) it cannot be located elsewhere.”***
- **Produce an additional Map, “*Local Gap Map*,” providing a legible, detailed boundary on an Ordnance Survey base.**

Policy 3: Local Employment

Chapter 4 of the Framework, “*Supporting a prosperous local economy,*” establishes that planning policies should support economic growth in rural areas by, amongst other things, supporting expansion of business and enterprise. The general thrust of Policy 3, in expressing support for the expansion of existing businesses, has regard to national policy.

As worded, the first part of Policy 3 states that the loss of an existing employment or business use will not be permitted, unless it is demonstrated that any such use is no longer viable. Whilst I recognise that this approach may help to prevent the unnecessary loss of employment uses, a test of viability alone may be unduly restrictive. I note that no indication is provided as to who will judge viability and on what basis. Neither national nor local strategic policy set such a requirement as that presented in Policy 3. I consider this point in making my recommendations below.

The final part of Policy 3, “*provided their impact...can demonstrate proven and deliverable mitigation*” is confusingly worded - it is unclear how an impact can demonstrate mitigation. Consequently, the Policy does not provide decision makers with an indication of how to respond to a development proposal. I recommend a clearer approach below:

- **Re-word Policy 3, “Proposals that...*viable, or that there is no demand, demonstrated by an active and realistic twelve month marketing period. Proposals to...will be supported subject to no unacceptable harm to local character, residential amenity, highway safety or flood risk.*”**

Taking the above into account, Policy 3 contributes to the achievement of sustainable development and meets the basic conditions.

Policy 4: Local Shops and Village Centres

Policy 4 lists a number of Local Shops in isolation. I recommend:

- **Policy 4, opening sentence, add “...Map and listed below.”**

The Policy designates Village Centres and affords protection to Local Shops. This has regard to national policy, which, in Paragraph 28 of the Framework, promotes the retention and development of community facilities in villages, such as local shops. I note that some changes of use comprise permitted development and my recommendations take account of this.

As worded, part iv of the Policy goes well beyond any national or local policy, without justification. Furthermore, there is no definition of a “*Building or Structure of Special Character*” and no evidence is provided to demonstrate that there are any designated Assets of Community Value.

The Policy goes on to state, point blank, that the change of use of Local Shops will be refused. No evidence is provided to demonstrate that such an onerous approach has regard to national policy, or is in general conformity with local strategic policy. It does not provide for flexibility and would, for example, seek to enforce the ongoing use of a shop, regardless of demand or viability. It would also conflict with permitted development rights. This part of Policy 4 fails to have regard to the national policy aims of supporting a prosperous rural community or promoting healthy communities.

I recommend:

- **Policy 4, second paragraph, add, “*Proposals requiring planning permission affecting the defined...*”**
- **Change fourth bullet point to “*There will be no unjustifiable harm to the significance, community value or viable use of a heritage asset.*”**
- **Delete “Proposals related to defined...be refused.”**

Policy 5: Community Facilities

Paragraph 28 of the Framework promotes the retention and development of local services and community facilities in villages, including meeting places, sports venues, cultural buildings, public houses and places of worship.

Furthermore, Paragraph 70 of the Framework states that planning should

“plan positively for the provision and use of shared space, community facilities...and other local services to enhance the sustainability of communities...”

In supporting the appropriate extension or partial redevelopment of community facilities and services, Policy 5 has regard to national policy and contributes to the achievement of sustainable development. It meets the basic conditions and no changes are recommended.

Policy 6: The Railway Station Hub

Policy 6 supports the creation of a community hub on land around Medstead and Four Marks Railway Station.

This is a positive land use planning policy that has regard to national policy and advice with regards supporting the rural economy and promoting healthy communities. Further, the Policy is in general conformity with Core Strategy Core Policies 6, 8 and 16, which together amongst other things, support the rural economy and the development of local services and facilities.

Policy 6 contributes to the achievement of sustainable development and meets the basic conditions. No changes are recommended.

A representation has been received in objection to Policy 6, partly on the grounds of viability. However, Policy 6 is simply a positive, supportive Policy. It does not necessarily prevent alternative forms of development to those indicated from coming forward. Furthermore, there is no substantive evidence to demonstrate that the proposed uses are not viable. The fact that a different business in a different location has previously closed down does not, in itself, provide evidence that the proposals within Policy 6 are not viable.

Policy 7: Local Green Spaces and Open Spaces

Policy 7 seeks to designate twelve areas of Local Green Space.

The Framework enables local communities to identify, for special protection, green areas of particular importance to them. Paragraph 76 states that

“By designating land as Local Green Space local communities will be able to rule out new development other than in very special circumstances.”

Local Green Space is a restrictive and significant policy designation. The Framework requires the managing of development within Local Green Space to be consistent with policy for Green Belts. Effectively, Local Green Spaces, once designated, provide protection that is comparable to that for Green Belt land. Notably, the Framework is explicit in stating that

“The Local Green Space designation will not be appropriate for most green areas or open space.” (Para 77)

Consequently, when designating Local Green Space, plan-makers must clearly demonstrate that the requirements for its designation are met in full. These requirements are that the green space is in reasonably close proximity to the community it serves; it is demonstrably special to a local community and holds a particular local significance; and it is local in character and is not an extensive tract of land. Furthermore, identifying Local Green Space must be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services.

Taking the above into account, I consider that plan-makers have identified and designated Local Green Space in an exemplary manner. The *MFMNP Local Green Spaces study* referred to in the supporting text demonstrates that each Local Green Space meets the tests set out in the Framework and the location of each site is clearly defined on the Maps in the Neighbourhood Plan.

However, the wording of Policy 7 does not have regard to national policy, but rather, it introduces an alternative approach to that established in the Framework, without any justification for doing so. I recommend:

- **Re-word the first paragraph of Policy 7, “*The following areas, also shown on the Policies Maps, are designated as Local Green Space, where new development, other than in very special circumstances, will be refused:*”**
- **Delete paragraph “Proposals for development on the land...will be refused.”**

Policy 7 goes on to seek to rule out development on “*open space*.” It is not clear on what basis the Neighbourhood Plan seeks to protect “*open space*.” There is no evidence to demonstrate that such an approach has regard to national policy or is in general conformity with local strategic policy. Furthermore, no substantive evidence has been provided to justify what would comprise a completely new policy approach. I recommend:

- **Delete the rest of Policy 7, from “Proposals for development on any of the following open spaces...” For clarity, this includes deletion of all of the list of “open spaces”**
- **Delete all of the “open spaces” from the Proposals Maps**

Policy 8: Medstead Village Wild Flower Walk

Policy 8 proposes the development of a Wild Flower Walk. I note that land will be laid out as a wild flower meadow near to Cedar Stables and the meadow area will be retained as public open space as part of a Section 106 Agreement related to adjacent development.

The first Paragraph of Policy 8 is simply a statement and not a land use planning policy.

As worded, the second Paragraph of Policy 8 requires all development “*within the broad location of the walk*” to align public open space and other amenity requirements with its objectives. However, it may well be that the “*amenity requirements*” for all developments within such a “*broad location*” are not directly related to the Wild Flower Walk and/or that any such *alignment* is not fairly and reasonably related in scale and kind to the development. Consequently, as worded, Policy 8 would not have regard to national policy (Paragraph 204, The Framework). Furthermore, it is not entirely clear how development, across a broad area, that has not taken place, will or can meet the requirements of the second paragraph of Policy 8.

The route of the Wild Flower Walk, adjacent to the Wild Flower Meadow, as shown on the Policies Map makes little sense. Aligning it further away from the new residential development – on the other side of the meadow itself – would result in it being better aligned with the rest of the Walk, and mean less of the walk needing to be alongside a road. Furthermore, it would reduce the potential for possible conflict between walkers and householders.

I recommend the following:

- **Re-word Policy 8, “*The formation and maintenance of a Wild Flower Walk in the village of Medstead, as shown on the Policies Map, for the enjoyment of the local community and visitors, will be supported.*”**
- **Alter the route of the Walk as shown on the Policies Map, moving it to the opposite side of the Wild Flower Meadow (to the north), away from the new residential development.**

Subject to the above, Policy 8 contributes to the achievement of sustainable development.

Policy 9: Medstead and Four Marks Green Infrastructure Network

Policy 9 seeks to establish a Green Infrastructure Network. It has regard to the Framework, which supports “*establishing coherent ecological networks*” (Paragraph 109) and “*planning positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure*” (Paragraph 114).

The intent of Policy 9 is also in general conformity with Core Strategy Core Policies 20, 21 and 28, which together amongst other things, seek to protect and enhance landscapes and biodiversity and encourage the creation and management of green infrastructure.

As worded, however, it is not clear how the Policy will be implemented, as there is nothing to demonstrate that all development proposals within the “*broad location*” can or should align public space and amenity requirements with the objectives of the Policy. Consequently, the Policy does not provide decision makers with a clear indication of how to respond to a development proposal.

Taking all of the above into account, I recommend:

- **Policy 9, second paragraph, delete “...and Open Spaces, as identified in Policy 7...”**
- **Change third paragraph to “*Development proposals that impact on the Green Infrastructure Network must demonstrate how any public space and related requirements align with, and/or do not detract from, its objectives. Proposals to form, enhance and/or maintain the Green Infrastructure Network will be supported.*”**
- **Parish Councils and East Hampshire District Council to check all Maps to ensure that no land with planning permission for development is included within the Policies Maps and that Policies Maps are consistent with one another**

Policy 10: Green Infrastructure and Biodiversity

Like Policy 9, above, the general thrust of Policy 10 has regard to the Framework and is in general conformity with local strategic policies.

However, as worded, the policy requires *all* development to do various things, regardless of relevance. This is an onerous requirement. The Framework clearly links sustainable development with viability and deliverability (Paragraph 173) and there is no evidence to demonstrate that placing a burden on every form of development, as Policy 10 seeks to do, allows for viability and deliverability. I note that existing policy already protects local character and ecological resources.

I recommend:

Reword Policy 10, ***“The retention of existing green...habitats and the connection of wildlife habitats in the settlements to those in the countryside will be supported.”***

Subject to the above, Policy 10 contributes to sustainable development and meets the basic conditions.

Policy 11: Design

Good design is recognised by national policy as comprising

“a key aspect of sustainable development...indivisible from good planning”
(Para 56, The Framework)

and national policy requires good design to contribute positively to making places better for people (Chapter 7, The Framework).

Policy 11 fails to provide a clear approach to good design. The first paragraph states that any development must reflect existing architectural and historical character and scale, in all respects of what is a sweeping list of general design-related words – *“scale, density, massing, height, lighting...”* etc. There is no indication, for example, of what the existing architectural and historical character is in all parts of the Neighbourhood Area. Consequently, Policy 11 does not provide decision makers with a clear indication of how to react to a development proposal and nor does it provide potential applicants with any guidance.

The second paragraph of Policy 11 refers to *“the local views.”* It suggests that these are shown on the Policies Maps. This is not the case. There are symbols on the Policies Maps that vaguely indicate the location of a *“viewpoint”* and a list of statements *“describing”* views, but in no way do these equate to a thorough visual assessment and a clear indication of precisely what views are being protected and where. Again, in this way, the Policy fails to provide for necessary clarity. I note that the third paragraph refers to other documents that do not form part of the Neighbourhood Plan.

Policy 11 does not have regard to national policy or contribute to the achievement of sustainable development and does not meet the basic conditions. I recommend:

- **Delete Policy 11 and all supporting text.**

I note that other policies already support good design. I also note that a representation to the Neighbourhood Plan expressed disappointment at the absence of reference to climate change and energy in Policy 9. However, whilst they comprise important land use planning matters, there is no legislative requirement for Neighbourhood Plans to include Policies that make specific reference to climate change and energy.

Policy 12: Traffic Impacts

Paragraph 33 of the Framework states that

“Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”

Policy 12 seeks to impose a requirement that every new traffic movement from a development requiring a transport assessment must have *“a proven and deliverable plan for mitigation.”* Such an approach clearly fails to have regard to the Framework.

I note that a representation has been received suggesting that Policy 12 change to provide for *“suitable mitigation,”* but there is no indication of what *“suitable mitigation”* might entail and what would happen if it did not take place, but the impacts of the development were not severe.

I recommend:

- **Delete Policy 12 and all supporting text**

Policy 13: Sustainable Drainage Systems

In a Ministerial Statement made on 18 December 2014, the Government established that major development, including developments of 10 dwellings or more, should ensure that sustainable drainage systems for the management of run-off are put in place, unless demonstrated to be inappropriate.

Policy 13 has regard to this advice. However, as worded, it applies to all development and does not allow for flexibility, where such an approach may be inappropriate. I recommend:

- **Change wording of Policy 13 to “*All proposals for major development, as defined by the Town and Country Planning Act, which are acceptable under other policies of the Neighbourhood Plan will be supported provided that they are able to demonstrate that, where appropriate, they include one or more of the following sustainable drainage design features, as part of the site’s overall drainage strategy to manage the risk of surface water flooding: i) permeable...capacities.*” Delete final paragraph, which is a matter for detailed planning conditions.**

Subject to the above, Policy 13 contributes to the achievement of sustainable development and meets the basic conditions.

Neighbourhood Plan – Other Matters

The Implementation section sets out helpful background information.

Paragraphs 5.5 and 5.8 are worded in a definitive way, as though they formed part of Policies whereas, the text simply reflects an aspiration. I recommend:

- **Paragraph 5.5, change to “The Parish Councils *would like to see the following projects...*”**
- **Paragraph 5.8, change to “The Parish Councils *aspire to prioritise these projects as part of the forthcoming...2015. As part of this aspiration, the prioritisation and timing...*”**

8. Summary

I have recommended a number of modifications further to consideration of the Medstead and Four Marks Neighbourhood Plan against the basic conditions.

Subject to these modifications, the Medstead and Four Marks Neighbourhood Plan

- has regard to national policies and advice contained in guidance issued by the Secretary of State;
- contributes to the achievement of sustainable development;
- is in general conformity with the strategic policies of the development plan for the area;
- does not breach, and is compatible with European Union obligations and the European Convention of Human Rights.

Taking the above into account, I find that the Medstead and Four Marks Neighbourhood Plan meets the basic conditions. I have already noted above that the Plan meets paragraph 8(1) requirements.

9. Referendum

I recommend to East Hampshire District Council that, subject to the recommended modifications, the **Medstead and Four Marks Neighbourhood Plan should proceed to a Referendum.**

Referendum Area

Neighbourhood Plan Area - I am required to consider whether the Referendum Area should be extended beyond the Medstead and Four Marks Neighbourhood Area. I consider the Neighbourhood Area to be appropriate and there is no substantive evidence to demonstrate that this is not the case.

I recommend that the Plan should proceed to a Referendum based on the Medstead and Four Marks Neighbourhood Area as approved by East Hampshire District Council on 19th June 2014.

Nigel McGurk, November 2015
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