

Bentley Parish Modified Neighbourhood Plan 2021-2040

Further Comments of the Independent Examiner

Prepared by

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1. On 31st January 2025, I issued my Initial Comments on the examination of the modifications to the Bentley Neighbourhood Plan, following my review of the Plan and the accompanying documents and my site visit. I am grateful for the responses submitted by both Bentley Parish Council and East Hampshire District Council.
2. I do need to explore with both parties, the housing policy position in greater detail and I would hope that can be achieved by further submissions so a public hearing can be avoided.
3. In my Initial Comments document, I asked whether the plan's housing proposals, particularly those in Policy BEN1, directing development to within the development boundary as set out in the Proposals Map and Appendix B and Policy BEM2 which establishes the development principles to guide the consideration of new housing, would enable the scale of development now set out through the recently published, indicative housing number – 206 new dwellings, issued by EHDC for the period 2024 to 2042. I need to further explore whether that has implications for the end date of the neighbourhood plan as it is currently proposed to be modified.
4. In its response to my questions, the parish council confirmed that it had received the indicative number. This figure is particularly important in the context of paragraph 68 of the NPPF (December 2023 version). It is also one of the two considerations in deciding whether the application of the tilted balance is engaged when determining planning applications, namely where a 5-year housing supply cannot be demonstrated, the neighbourhood plan is less than five years old and importantly “the neighbourhood plan contains policies and allocations to meet its identified housing requirement.”
5. One of the tests of a plan at examination (including modification proposals) is whether the plan will deliver sustainable development which includes “ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations” over the lifespan of the plan, which this modification extends from 2028 until 2040/2. It is also an NPPF requirement, set out in paragraph 11, that all plans should seek to meet the development needs of the area.
6. I have had particular regard to the Parish Council's comments set out in the supporting text, in paragraphs 4.12 and 4.13 of the latest version of the plan which sets out the spatial justification for the housing policies.
7. Whilst the modified neighbourhood plan is proposing to cover the same period of the emerging local plan, its justification draws

heavily on the strategic policies set out in the Joint Core Strategy which runs until 2028.

8. I do have serious reservations, that by extending the lifespan of the neighbourhood plan until 2040/2, it has the consequence for the neighbourhood plan of needing to respond to the new housing requirements over that extended timeframe. I believe that it would be inevitably require a rethink of the settlement boundary, as drawn because Policy BEN1 directs new housing development to within that envelope.
9. I appreciate that the indicative figure has emerged late in the modification process and, in my view, the significance of the new indicative requirement figure has serious implications for deciding how and where that scale of housing will be located in the village .It has set a new and different context for the work that has been carried out and will require difficult decisions to be taken.
10. I also acknowledge that the emerging local plan is still at a relatively early stage, with its Regulation 19 submission unlikely to be made until next year - 2026. It may well be that the District Council will need to look at whether the new local plan needs to make housing allocations to achieve these housing numbers.
11. From the perspective of this examination, I am currently faced with a modified plan which seeks to extend the life of the current neighbourhood plan by over a decade, but which does not seek to make provision for enabling the scale of housing development that will be required to be accommodated in the village over that extended period.
12. I do note that the Parish Council's response suggest that it intends to formally review the plan every five years. However, I do not feel that I can rely on that commitment, as the neighbourhood plan does not create the right parameters to allow the extended time frame housing requirements to be met. Such a statement is only an expression of intention on behalf of the Parish Council, and it would not be a basis for postponing work that needs to be done now for a plan to cover the period to 2040/2, in addressing how this level of housing development is to be accommodated.
13. I do not wish to be placed in a position of having to conclude that the plan fails to meet the basic conditions, and in particular having regard to the Secretary of State policy, in terms of meeting the housing needs of the plan area and whether it will deliver sustainable development in meeting the housing needs of present and future generations.
14. I am currently minded, in view of the above, to recommend the end date of the plan remains at 2028 which coincides with the end date

of the Joint Core Strategy and I deal with the other modifications on that basis. Once the new local plan has proceeded to a much more advanced stage, more work can be done both at district and parish level focused on establishing the parameters that will allow the parish's planning policies to meet the strategic policies which cover Bentley parish for that extended period.

15. I did contemplate using a public hearing to examine these issues in greater detail, but I have decided to pursue this matter by asking for further submissions both the Parish Council and District Council on the proposed change of end date as set out in this note. Clearly, I do still need to reserve the ability to call a public hearing, but I hope that the two parties' responses to this note should allow me to conclude the examination without the need to call a public hearing.

Concluding Remarks

16. I am sending this note direct to Bentley Parish Council and East Hampshire District Council. I would request that responses should be sent to me by 5 pm on **10th March 2025** and be copied to the other party.
17. I would also request that copies of this note and the respective responses are placed on the Parish Council's and District Council's websites.

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Independent Examiner to the Bentley Parish Modified Neighbourhood Plan