

Hart District Council

Examination of the Hart District Local Plan: Strategy and Sites (2016 – 2032) (the Plan)

Schedule of Matters and Issues for the Examination

Inspector: Jonathan Manning BSc (Hons) MA MRTPI

Programme Officer: Ian Kemp.

Address: 16 Cross Furlong, Wychbold, Droitwich Spa, Worcestershire,
WR9 7TA.

Tel: 01527 861711 or 07723009166

Email: ikemp@icloud.com

Matter 1 – Legal requirements

Duty to co-operate

- 1.1 Overall, has the Plan been prepared in accordance with the Duty to Co-Operate imposed by Section 33A of the Planning & Compulsory Purchase Act 2004 (as amended)?

Other legal requirements

- 1.2 Has the Plan been prepared in accordance with the Council's Statement of Community Involvement and met the minimum consultation requirements in the 2012 Regulations?
- 1.3 Is the Sustainability Appraisal (SA) adequate? Has the Plan's formulation been based on a sound process of SA and testing of reasonable alternatives?

Please note: The Council has submitted additional SA work (Core Documents CD5c and CD5d, dated August 2018).

- 1.4 Does the SA suitably consider reasonable alternatives to the delivery of a new settlement at Murrell Green/Winchfield in terms of potential growth options in the long-term?
- 1.5 Has the Habitats Regulation Assessment (HRA) been undertaken in accordance with the Regulations and is it robust?
- 1.6 Has the Plan been prepared in accordance with the Council's Local Development Scheme?
- 1.7 Does the Plan include policies designed to secure the development and use of land that contributes to the mitigation of, and adaptation to, climate change?
- 1.8 Which document(s) make up the Policies map? Is it sufficiently clear what will be included on the Policies map once it is adopted? Would this best be illustrated by providing a full copy of the Policies map as it will be amended on adoption of the Plan?

Matter 2 – The Vision and Strategic Objectives

- 2.1 Is the vision justified and consistent with national policy?
- 2.2 Are the strategic objectives justified and consistent with national policy?

Matter 3 – Housing: the objectively assessed need for housing and the housing requirement

- 3.1 Having regard to the transitional arrangements contained in the NPPF, 2018 is the use of the standard methodology for calculating housing need justified?
- 3.2 Does the use of the standard methodology fulfil the requirements of the first bullet point of Paragraph 47 of the NPPF, 2012?
- 3.3 Is uplifting the housing requirement by some 33% above that calculated by the standard methodology to 388 dwellings per annum justified? What evidence are the uplifts based upon?
- 3.4 Does or should the housing requirement formally include any unmet need from Surrey Heath?
- 3.5 If the use of the standard methodology for calculating housing need was considered to be inappropriate, is the objectively assessed need figure of 382 dwellings per annum set out within the Strategic Housing Market Assessment (SHMA) robust?

Matter 4 – Housing: the spatial distribution of new housing

- 4.1 Is the settlement hierarchy set out in the Plan justified and based on up-to-date evidence?
- 4.2 Is Policy SD1 justified and consistent with national policy, namely Paragraph 14 of the NPPF, 2012?
- 4.3 Is the proposed distribution of housing set out in Policy SS1 supported by the Sustainability Appraisal, and will it lead to the most sustainable pattern of housing growth?
- 4.4 Does the Plan unreasonably restrict new development in rural areas? How will the housing needs of rural communities be met?
- 4.5 Are the identified settlement boundaries in each case justified?
- 4.6 Paragraph 103 of the Plan states that settlement boundaries will be reviewed through a future Development Plan Document. Is this justified?

Hartland Village

- 4.7 Are the criteria set out within Policy SS2 justified?
- 4.8 Can the site be delivered as proposed, without causing unacceptable impacts on the surrounding area and infrastructure?
- 4.9 Does the recent planning permission for the site make provision for accommodation for older persons and self/custom build homes?

Murrell Green/Winchfield

- 4.10 Is there a need for a new settlement Murrell Green/Winchfield within the Plan period?
- 4.11 The Housing Topic paper suggests that houses could be delivered by 2024 (a six year period from now). Is a long lead in time therefore required to deliver the new settlement, as suggested by the Council?
- 4.12 Is there sufficient evidence to suggest that a new settlement can be delivered in Murrell Green/Winchfield, without causing significant impacts to the surrounding area and infrastructure?
- 4.13 The Council suggest that the new settlement is needed to deliver a much needed secondary school. However, given that 90% of the proposed supply has already been granted planning permission, is this the case?
- 4.14 Is the area of search in terms of its boundary justified?
- 4.15 Are the criteria set out within Policy SS3 justified?

Matter 5 – Housing: trajectory, deliverability and housing land supply

- 5.1 Are the projected commitments in the Housing Trajectory based on a realistic and robust assessment of the likely timing of delivery?

Please note: the Council has suggested changes to Appendix 2 (Housing Numbers and Trajectory) of the Plan within Core Document CD11 (Version 2), dated 10 August 2018.

- 5.2 Is the anticipated delivery from Hartland Village for each year in the Plan period realistic?
- 5.3 Is the projected delivery from the Odiham and North Warnborough Neighbourhood Plan site allocations realistic?

- 5.4 Are the projected completions in the Housing Trajectory based on a sound assessment of infrastructure requirements?
- 5.5 Is there sufficient Suitable Alternative Natural Greenspace (SANG) capacity to support the level of housing proposed, including windfall sites?
- 5.6 Is the anticipated contribution to housing delivery from windfall development justified?
- 5.7 Are the delivery assumptions for sites within settlement boundaries robust?
- 5.8 Should an allowance from rural exception sites be included in the Trajectory?
- 5.9 Should any lapse rates be included in the Housing Trajectory?
- 5.10 Is there sufficient flexibility in the identified housing supply to adapt to rapid change, as set out in Paragraph 14 of the NPPF, 2012?

Housing land supply

- 5.11 Is the use of a 5% buffer justified? Has there been a record of persistent under delivery?
- 5.12 Will there be a 5 year housing land supply on adoption of the Plan?
- 5.13 On a related matter and having regard to the housing trajectory, what are the implications of the new Housing Delivery Test, particularly towards the end of the Plan period?

Matter 6 – Affordable Housing

Affordable Housing Need

- 6.1 Has the Council's affordable housing need been robustly calculated, in accordance with national policy?
- 6.2 Will the proposed housing requirement deliver sufficient affordable housing to meet identified needs?

Policy H2

- 6.3 Is Policy H2 justified and consistent with national policy?

- 6.4 Is the requirement for no less than 40% affordable housing justified and based on a sound assessment of viability?
- 6.5 Policy H2 requires developments of 11 dwellings or more to make provision for 'no less than' 40% affordable housing units. Will the Council therefore seek more than 40%? If so, under what circumstances?
- 6.6 Is Policy H2 justified, insofar, that it applies to specialist housing? Is this viable?
- 6.7 Are criterion d) and e) based on a sound assessment of viability and are the thresholds justified?
- 6.8 Who will be responsible for collecting the evidence required under criterion e) of Policy H2?
- 6.9 Paragraph 179 of the Plan refers to affordable homes being 'restricted for use by future eligible households'. Is this justified? If so, should it be set out in Policy H2 rather than in the supporting text?

Policy H3

- 6.10 Is the threshold of at least 70% of rural exception sites being affordable units justified?
- 6.11 Paragraph 192 of the Plan refers to rural exception sites being up to '20 dwellings', is this justified and consistent with national policy?
- 6.12 Is reference to the use of compulsory purchase powers in Paragraph 189 appropriate?

Matter 7 – Housing: provision for gypsies, travellers and travelling showpeople

The Hart Gypsy and Traveller Accommodation Assessment 2016 (GTAA)

- 7.1 The GTAA sets out that some households did not meet the definition of a Gypsy and Traveller as they only travel away for horse fairs? Having regard to the judgement *Maidstone BC v Secretary of State for the Environment and Dunn (2006)* (referred to on Page 5 of the GTAA) is this justified?
- 7.2 Were the surveys and interviews undertaken at an appropriate time of year and period of time (May and June 2016)? How many (and what

percentage) of the identified households were present and were either interviewed or refused to be interviewed?

- 7.3 Were all reasonable efforts made to contact and interview relevant households, particularly (but not limited to) those in bricks and mortar?
- 7.4 Is relying on supply (8 pitches) from households seeking to leave the sites to another site, local authority area or into bricks and mortar, justified? Can these be robustly relied upon to deliver supply and where a household is seeking to move to another local authority area, is there capacity to accommodate them?
- 7.5 Has the GTAA sufficiently considered any need arising from unauthorised sites?
- 7.6 Has the GTAA considered 'unknown need' appropriately? Is the use of a 10% national average (calculated by ORS) of Gypsy and Traveller households that meet the new definition justified? The GTAA, 2016 (Page 32) suggests that in Hart, of the 36 households interviewed, 7 meet the new definition, a total of 19%.
- 7.7 Should the GTAA have considered any 'unknown' need from Gypsies and Travellers (likely to meet the new definition) that are living in bricks and mortar housing who would wish to live in a caravan on a site if one was available?

Non Travelling Gypsies and Travellers

- 7.8 Have the needs of 'non travelling' gypsy and traveller households who do not meet the definition set out in the Government's Planning Policy for Traveller Sites (2015) been robustly assessed?
- 7.9 Should Appendix B of the GTAA, 2016 have considered any 'unknown' need from 'non travelling' gypsy and traveller households living in bricks and mortar housing, but would wish to live in a caravan on a site if one was available?
- 7.10 Is there likely to be an unknown need for 'non travelling' gypsy and traveller pitches on top of the identified need identified in Appendix B of the GTAA, 2016?
- 7.11 How is the Council planning on meeting the need identified in Appendix B of the GTAA (10 pitches) for 'non travelling' gypsies and travellers in the Plan?

Policy H5

7.12 Is Policy H5 and its criteria justified and consistent with national policy?

Matter 8 - Other Housing Types and Related Policies

Housing Mix – Policy H1

- 8.1 Is criterion b) based on a robust assessment of viability? Has the viability assessment underestimated the cost?
- 8.2 Is criterion c) effective and who will consider if it is appropriate to include specialist/supported accommodation?
- 8.3 Is criterion d) consistent with national policy?
- 8.4 What is meant by 'suitable site' in criterion d)?
- 8.5 Are the thresholds set out in criterion d) justified? What evidence is there to suggest they are appropriate?
- 8.6 The supporting text at Paragraph 176 sets out that if self/custom build plots are not taken up after two years, the Council will allow them to revert back to conventional building plots. The Council has proposed a modification to one year. Is that an appropriate time period?
- 8.7 Is the supporting text at Paragraph 178 setting out policy?
- 8.8 Provisions set out in the Housing and Planning Act 2016 now include a duty (under Section 8 of the 1985 Housing Act) for local authorities to consider the need for moorings for houseboats. Has the Council considered such matters within its consideration of housing need?

Specialist Housing – Policy H4

- 8.9 What are the identified needs for housing for older people, particularly residential institutions (Use Class C2)?
- 8.10 Does the Plan do enough to ensure that the needs of older people are met?
- 8.11 Is criterion b) i) overly onerous?
- 8.12 Is criterion b) ii) justified and is it of relevance to all types of specialist and supported accommodation?

Internal Space Standards – Policy H6

- 8.13 Is the requirement for all developments (needing planning permission) to meet or exceed the nationally described space standards justified?
- 8.14 Does the Council’s topic paper on the matter provide clear local evidence in terms of need?
- 8.15 Is Policy H6 based on a robust assessment of viability?
- 8.16 Is the Council’s approach to not including a transitional time period justified?
- 8.17 To be effective, should Policy H6 include some flexibility?

Matter 9 – Economic Development

- 9.1 Has the need for employment land in both quantitative and qualitative terms been robustly assessed in the Employment Land Review, 2016?
- 9.2 What is the current status of the Article 4 Direction consultation that the Council has referred to? Is reference to it within the Plan justified?

Policy ED1

- 9.3 Is Policy ED1 positively prepared and are each of its criteria justified?
- 9.4 Is criterion d) justified, insofar, that it requires an ‘overriding’ need to be demonstrated?
- 9.5 To be effective, should Policy ED1 at criteria a) refer to the Policies Map?

Policy ED2

- 9.6 Is the approach of Policy ED2 to safeguarding Strategic Employment Sites justified and consistent with national policy? Further, should there be an element of flexibility?
- 9.7 Is the approach of Policy ED2 to safeguarding Local Employment Sites justified and consistent with national policy?
- 9.8 Are criterions a) to d) in Policy ED2 justified and consistent with national policy?
- 9.9 Is each employment site and its boundary set out within Policy ED2 justified and based on robust evidence?

- 9.10 To be effective, should Policy ED2 refer to the Policies Map?
- 9.11 Is a 6 month marketing period set out within Paragraph 224 justified?
- 9.12 Are Paragraphs 226 and 227 setting out Policy? Should they be incorporated into Policy ED2?

Policy ED3

- 9.13 Is Policy ED3 and each of its criteria justified and consistent with national policy?
- 9.14 Is the wording of Policy ED3, particularly the use of 'or' after some of the criteria, effective? Are some of the criteria meant to be read in combination?

Matter 10 – Retail and Town Centres

- 10.1 Where has the identified need for additional comparison and convenience floor space set out in Policy SS1 been derived from? Why do the figures not appear to correlate with the identified need identified in the Retail, Leisure and Town Centres Study 2015?
- 10.2 How is the Plan seeking to deliver the identified need for additional floorspace in the Town, District and Local centres, as set out in the Retail, Leisure and Town Centres Study 2015? Is the Plan positively prepared in this regard?
- 10.3 To be positively prepared and consistent with national policy should the Plan identify primary and secondary frontages of the town centres/primary shopping areas?
- 10.4 Overall, does the Plan fulfil the requirements of Paragraph 23 of the National Planning Policy Framework (2012)?

Policy ED4

- 10.5 Is the retail hierarchy set out in Policy ED4 justified?
- 10.6 Is a 1,000 square metre threshold requirement for a retail impact assessment justified?
- 10.7 Does Policy ED4 preclude positive re-development opportunities?
- 10.8 Overall, is Policy ED4 consistent with national policy and justified?

Policy ED5

- 10.9 To be positively prepared, should Policy ED5 set out the need for additional floorspace within Fleet?
- 10.10 To be effective and consistent with national policy, should Policy ED5 refer to residential development and/or mixed-use developments?
- 10.11 Is Policy ED5 positively prepared and does it plan positively for re-development opportunities?
- 10.12 Overall, is Policy ED5 consistent with national policy and justified?

Policy ED6

- 10.13 To be positively prepared, should Policy ED6 set out the need for additional floorspace within each of the District and Local centres?
- 10.14 To be effective and consistent with national policy, should Policy ED6 refer to residential development and/or mixed-use developments?
- 10.15 Is Policy ED6 positively prepared and does it plan positively for re-development opportunities?
- 10.16 Overall, is Policy ED6 consistent with national policy and justified?

Matter 11 – Infrastructure

- 11.1 Is the Plan based on a sound understanding of infrastructure requirements and their delivery? Is the Infrastructure Delivery Plan robust?

Policy I1

- 11.2 Is Policy I1 consistent with national policy, insofar, that it requires all developments to make provision for infrastructure, including tariff style planning obligations?
- 11.3 To be effective and consistent with national policy, should Policy I1 refer to financial viability?

Policy I2

- 11.4 The Government's Planning Practice Guidance (Paragraph: 029 Reference ID: 8-029-20160211) sets out that: 'Local Plans should identify the strategic location of existing and proposed green infrastructure networks...'. Does the Plan fulfil this requirement?

11.5 For the Plan to be effective should the existing Green Infrastructure network be illustrated on the Policies map?

Policy I3

11.6 Is Policy I3 justified, effective and in accordance with national policy?

11.7 Is the Transport Assessment supporting the Plan robust?

11.8 Can the Plan be delivered without causing significant harm to the highway network, including Junction 4a of the M3?

Policy I4

11.9 Is the Hart Open Space Study, 2016 based on robust evidence?

11.10 Has Policy I4 been subject to a robust consideration of viability?

11.11 Is Policy I4 consistent with national policy, insofar, that it requires all developments to make provision for open space (tariff style planning obligation)?

11.12 Are each of the standards set out in Table 2 justified and in accordance with national policy and relevant guidance?

11.13 Is the reference to 'sites per 1,000 head of population' in Table 2 effective? Is it clear what would be required of a development?

11.14 Is the Plan sufficiently clear when an off-site contribution might be considered appropriate?

11.15 To be effective should Policy I4 refer to the need for open space or other facilities to be connected to sustainable travel routes?

11.16 To be effective, should Policy I4 refer to the expansion of schools on to play fields?

11.17 Is the requirement for natural / semi -natural greenspace in addition to SANG requirement within the Thames Basin Heath Special Protection Area Zone justified?

Policy I5

11.18 Is criterion ii at the end of Policy I5 justified?

11.19 Is Policy I5 justified and consistent with national policy?

Policy I6

11.20 Is Policy I6 justified and consistent with national policy? Is there a need to refer to viability?

Policy I7

11.21 Is Policy I7 effective and justified?

11.22 Is the proposed flood alleviation scheme deliverable?

Policy I8

11.23 Is Policy I8 effective, justified and consistent with national policy?

Matter 12 – The Environment

Policy NBE1

12.1 Does Policy NBE1 unreasonably restrict development in the countryside?

12.2 Is Policy NBE1 justified and consistent with national policy, most notably (but not limited to) Paragraph 55 of the NPPF, 2012?

12.3 Are each of the criteria set out within Policy NBE1 justified?

12.4 Is the supporting text at Paragraph 267, justified and consistent with national policy, insofar, that it states that applications which are primarily made on the grounds of providing security will not generally be supported?

Policy NBE2

12.5 Is Policy NBE2 justified and consistent with national policy?

12.6 Is Policy NBE2 effective, insofar, that the boundaries of the gaps are indicative? How would a planning application be considered against them if they are only considered to be indicative?

12.7 Is the reliance on a subsequent development plan document or neighbourhood plans to identify the precise boundaries of the gaps justified?

12.8 Is each of the identified gaps and its indicative boundary justified?

12.9 Is the methodology used in the Topic Paper to consider gaps robust?

Policy NBE3

12.10 Is Policy NBE3 justified and consistent with national policy?

Policy NBE4

12.11 Is Policy NBE4 justified and consistent with national policy?

12.12 Are the standards and arrangements set out in Policy NBE4 for SANG justified and reflective of Natural England's guidance?

Policy NBE5

12.13 Is Policy NBE5 justified and consistent with national policy?

12.14 Is Policy NBE5 and its supporting text (namely Paragraph 303) consistent with the Conservation of Habitats and Species Regulations 2017?

Policy NBE6

12.15 Is Policy NBE6 justified and consistent with national policy?

Policy NBE7

12.16 Is Policy NBE7 justified and consistent with national policy?

Policy NBE8

12.17 Is Policy NBE8 justified and consistent with national policy?

12.18 Is Policy NBE8 based on a sound assessment of viability?

Policy NBE9

12.19 Is the Plan based on adequate, up-to-date and relevant evidence about the historic environment within Hart?

12.20 Is Policy NBE9 justified and consistent with national policy?

Policy NBE10

12.21 Is Policy NBE10 and each of its criteria justified and consistent with national policy?

Policy NBE11

12.22 Is Policy NBE11 justified and consistent with national policy?

12.23 Is the Energy Opportunities Plan (EOP) incorporated in the North Hampshire Renewable Energy and Low Carbon Development Study (2011) robust and up-to-date?

Policy NBE12

12.24 To be effective should Policy NBE12 refer to cumulative effects?

12.25 Is Policy NBE12 justified and consistent with national policy?

Matter 13 - Monitoring Framework

13.1 Is the proposed monitoring framework effective and justified?