

RESPONSE TO HYTHE AND DIBDEN PARISH COUNCIL'S NEIGHBOURHOOD PLAN (REGULATION 14 CONSULTATION)

1. INTRODUCTION

- 1.1 In June 2018 Hythe and Dibden Parish Council published its draft Neighbourhood Plan for a period of pre-Submission public consultation. However, the document published for public consultation was incomplete and the formal representation period was undefined.
- 1.2 New Forest District Council (NFDC) undertook an informal 'health check' on the draft document and had some technical concerns about what the parish council had produced and published to date, and whether it was adequate for the purpose of the Regulation 14 consultation. Accordingly officers informally advised the parish council that further work needed to be undertaken by the Parish Council to meet the requirements of the Neighbourhood Planning (General) Regulations 2012 for the formal Regulation 14 pre-Submission public consultation, particularly in relating to the evidence base supporting proposals and their deliverability. That advice given can be found in Appendix A.
- 1.3 The purpose of this report is to give formal response to the Parish Council on its revised Neighbourhood Plan (Regulation 14 consultation).

2. BACKGROUND

- 2.1 The Hythe and Dibden Neighbourhood Plan 'Neighbourhood Area' was designated in December 2015 and covers the whole of the Parish. Around 25% of the plan area is within the New Forest National Park, and the remainder is within the District Council's planning area.
- 2.2 A neighbourhood plan needs to meet 'basic conditions', which are that a neighbourhood plan should:
 - have regard to national policy
 - contribute to the achievement of sustainable development
 - be in general conformity with strategic policies in the development plan for the local area
 - be compatible with EU obligations.
- 2.3 The Council has a role in providing advice or assistance to a parish council that is producing a neighbourhood plan, as required by paragraph 3 of Schedule 4B to the Town and Country Planning Act 1990 (as amended).
- 2.4 National guidance on neighbourhood plan preparation states that Neighbourhood Plans need to be supported by proportionate, robust evidence supporting the choices made and the approach taken in the plan. It states:

"A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared."
- 2.5 Following preparation of the draft Plan and the Regulation 14 consultations, the neighbourhood plan is received by the local planning authority/ies that must publicise the neighbourhood plan for a minimum of 6 weeks, invite representations, notify any consultation

body referred to in the consultation statement and send the draft neighbourhood plan to independent examination.

3. PROPOSED RESPONSE

3.1 The Parish Council has made good progress in drafting its Neighbourhood Plan for Hythe and Dibden.

3.2 Some of the policies, as previously drafted, provided little 'added value' to policies already in the Local Plans for the two local planning authorities. In some cases, policies in the Neighbourhood Plan gave less guidance than current Local Plan policies. Following the response of NFDC to the previous consultation in summer 2018, and further written feedback from NFDC, a number of points have been successfully addressed in particular:

- The Parish Council has clarified the period to be covered by the Neighbourhood Plan and has revised its timetable for preparation;
- It has published its evidence base alongside the Reg 14 consultation document;
- It has taken steps to ensure that, in general, its policies and proposals are robust and effective;
- The deletion of all proposed housing allocations in the plan removes the need to undertake a full Strategic Environmental assessment (SEA) and Habitats Regulations Assessment (HRA).

3.3 The Neighbourhood Plan seeks to address the possibility of port development on the Dibden Bay reclaim by the inclusion of proposals to encourage the creation of a 'buffer zone' around potential operational port land. The Parish Council is commended for putting forward positive measures in the Neighbourhood Plan which seek to address impacts that port development at Dibden Bay may have on its community.

3.4 We are also encouraged, as noted on p64 of the draft Neighbourhood Plan, that the Parish Council has met with ABP who are stated to be supportive of the buffer zone concept. Any correspondence from ABP that sets out their support, or agreed notes of that meeting, would be a useful addition to the published evidence base. Such addition would assist the future examiner in their consideration of the deliverability of the NDP policy proposals.

3.5 With regards the proposal that the buffer be 'at least 500m from operational port land, whilst appearing reasonable relative to the size of the port reclaim a specific figure set out in policy may need to be justified e.g. on the basis of specific environmental, landscape and amenity effects. A form of words in policy that seeks a buffer 'sufficient to adequately reduce or mitigate' such effects may be preferable, with the figure of at least 500m in supporting text as a guideline – not least in case a larger buffer is actually needed as and when specific port development proposals are submitted.

3.6 Once the Parish Council has had an opportunity to reflect on the responses received to this latest consultation, and following any changes it might make to the Neighbourhood Plan, Hythe & Dibden Parish Council should progress its plan towards submission to the local planning authorities.

4. CONCLUSION

4.1 The Parish Council has made good progress in drafting its Neighbourhood Plan for Hythe and Dibden. It has addressed the key issues identified in the NFDC response of August 2018 and there remain only a few outstanding points which the Parish Council should consider in its final submitted version (set out above). The plan is in general conformity with the adopted Local

Plan and the consultation process has been implemented in line with the relevant planning regulations. The Parish Council should progress its plan towards submission to the local planning authorities. We also consider that the draft Neighbourhood Plan is in general conformity with the submission Local Plan 2016-2036 Part One: Planning Strategy. Whilst not a basic conditions test this matters for the longevity of its relevance after the replacement Local Plan is adopted.

5. ENVIRONMENTAL IMPLICATIONS

- 5.1 Upon adoption the Neighbourhood Plan for Hythe and Dibden Bay would become part of the statutory development plan for NFDC and NFNPA, to be applied alongside the District and Park Authority local plans for the determination of planning applications in the parish.

6. FINANCIAL, EQUALITY AND DIVERSITY AND CRIME AND DISORDER IMPLICATIONS

- 6.1 The Council pays for the Neighbourhood Plan to be examined by an independent Examiner and pay for and arrange the referendum (if the plan passes examination). LPAs can claim £20,000 once they have set a date for a referendum following a successful examination.

7. RECOMMENDATIONS

- 7.1 It is recommended that in response to the consultation on the Regulation 14 Neighbourhood Plan dated December 2018, Hythe and Dibden Parish Council be informed of the comments and actions identified in this report.

8. PORTFOLIO HOLDER DECISION

I agree the recommendations set out in this report.

Signed: CLLR E J HERON

Date: 18 January 2019

Date on which notice given of this Decision - 18 January 2019

Last date for call-in - 25 January 2019

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Appendices:

- A. Portfolio Holder decision report for the Hythe and Dibden Neighbourhood Plan dated 10 August 2018

HYTHE AND DIBDEN NEIGHBOURHOOD PLAN

1. INTRODUCTION

- 1.1 In June 2018 Hythe and Dibden Parish Council published their draft Neighbourhood Plan for a period of pre-Submission public consultation. The Hythe and Dibden Neighbourhood Plan is stated as covering the period up to 2036. The status of the document published over the summer has been unclear, although it is understood that it was intended to be the Regulation 14 pre-Submission public consultation.
- 1.2 The purpose of this report is to give initial feedback to the Parish Council on the draft Neighbourhood Plan.
- 1.3 The document published for public consultation over the summer was incomplete and a formal representation period has been undefined. Officers have undertaken an informal 'health check' on the current document and have some technical concerns about what the parish council have produced and published to date, and whether it is adequate for the purpose of the Regulation 14 consultation. Accordingly officers have already informally advised the parish council that further work will need to be undertaken by the Parish Council to meet the requirements of the Neighbourhood Planning (General) Regulations 2012 for the formal Regulation 14 pre-Submission public consultation, particularly in relating to the evidence base supporting proposals and their deliverability. The purpose of this report is to confirm this advice as part of the response to the current round of consultation.

2. BACKGROUND

- 2.1 The Hythe and Dibden Neighbourhood Plan 'Neighbourhood Area' was designated in December 2015 and covers the whole of the Parish. Around 25% of the plan area is within the New Forest National Park, and the remainder is within the District Council's planning area.
- 2.2 A neighbourhood plan needs to meet 'basic conditions', which are that a neighbourhood plan should:
 - have regard to national policy
 - contribute to the achievement of sustainable development
 - general conformity with the strategic policies in the development plan for the local area
 - be compatible with EU obligations.
- 2.3 The Council has a role in providing advice or assistance to a parish council that is producing a neighbourhood plan, as required by paragraph 3 of Schedule 4B to the Town and Country Planning Act 1990 (as amended).
- 2.4 National guidance on neighbourhood plan preparation states that Neighbourhood Plans need to be supported by proportionate, robust evidence supporting the choices made and the approach taken in the plan. It states:

“A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.”

- 2.5 Following preparation of the draft Plan and the Regulation 14 consultations, the neighbourhood plan is received by the local planning authority/ies that must publicise the neighbourhood plan for a minimum of 6 weeks, invite representations, notify any consultation body referred to in the consultation statement and send the draft neighbourhood plan to independent examination.

3. HYTHE AND DIBDEN NEIGHBOURHOOD PLAN

Plan period

- 3.1 The Hythe and Dibden Neighbourhood Plan states it covers the period up to 2036. To cover the period up to 2036, the Hythe and Dibden Neighbourhood Plan needs to be prepared to be in conformity to the strategic policies of the Local Plans for that period prepared by the two local planning authorities. The Local Plan reviews for both the New Forest National Park and the New Forest District (outside the National Park), which will provide the strategy up to 2036 are still being prepared and are unlikely to be adopted until 2019. If the Hythe and Dibden Neighbourhood Plan wishes to cover the period up to 2036, it cannot be adopted in advance of the work on the two local planning authorities Local Plan Reviews. Alternatively, the Neighbourhood Plan can cover the period up to 2026 and be prepared to be in conformity with the current adopted Local Plans for this shorter period.

Action: The Parish Council is advised to clarify the period to be covered by the Neighbourhood Plan and, as appropriate, revise their timetable for preparation accordingly.

Evidence base

- 3.2 The evidence base to support a number of policies contained in the public consultation document is either not published or not available. Examples of where supporting evidence will be needed include:

- In support of housing policies which vary from adopted local plan policies, including policies H1 and H2
- To assess the traffic impact and deliverability of sites identified for potential park and ride infrastructure
- To confirm the suitability and deliverability of the burial ground proposal.

Evidence to confirm the deliverability of these policies and proposals is likely to be required to support the plan at Examination.

Action: The Parish Council is advised to complete and publish the evidence base which will support and justify the policies of the Neighbourhood Plan.

Strategic Environmental assessment (SEA) and Habitats Regulations Assessment (HRA)

- 3.3 In September 2017 the National Park Authority and District Council advised the Parish Council that their emerging plans contained matters which would need to be subject to SEA/ Sustainability Appraisal and HRA for the plan to be compatible with EU obligations. In particular, the inclusion of proposals for housing land allocations within the National Park, which is contrary to the policies of the NPA Local Plan, will need to be subject to the appropriate environmental impact appraisals. (Notwithstanding the

above, the housing proposals within the NPA area result in issues of general conformity with the National Park's Local Plan.)

Action: The Parish Council is advised to ensure that appropriate SEA/SA and HRA work has been undertaken.

Comments on proposals and policies

- 3.4 There are no major issues of conformity with the Local Plan for the District outside the National Park. However, there is some concern about the two locations identified for potential Park and Ride infrastructure – one is in the National Park (which has raised concerns from the National Park Authority), and the other, to the east of Hythe off Frost Lane, is partially on woodland/protected public open space and has poor access.
- 3.5 Many of the policies, as currently drafted, provide little 'added value' to policies already in the Local Plans for the two local planning authorities. In some cases, policies in the Neighbourhood Plan give less guidance than current Local Plan policies. While sites have been identified as housing allocations (Policy H5), little is said about how the sites should be developed.
- 3.6 The Neighbourhood Plan seeks to address the possibility of port development on the Dibden Bay reclaim by the inclusion of proposals to encourage the creation of a 'buffer zone' around potential operational port land. The Parish Council are commended for putting forward positive measures in the Neighbourhood Plan which seek to address impacts that port development at Dibden Bay may have on their community.

Action: The Parish Council is advised that the District Council consider the Neighbourhood Plan, as currently drafted, is in general conformity with the New Forest District (outside the National Park) Local Plan (Adopted Local Plans Part 1 and 2, and the Local Plan Review 2016-2036 Part 1).

Encourage the Parish Council to undertake further work on their evidence base to ensure their policies and proposals are robust and effective, and encourage further consideration of the relationship between policies in the Local Plan and Neighbourhood Plan.

Status of the document published in June 2018

- 3.7 Given the issues identified above, officers do not consider the document as published in June 2018 is adequate for the purpose of Regulation 14 of the Neighbourhood Planning (General) Regulations 2012.

Action: The Parish Council is advised that further work be undertaken prior to public consultation on a pre-Submission Neighbourhood Plan, in accordance with Regulation 14 of the Neighbourhood Planning (General) Regulations 2012.

4. CONCLUSIONS

- 4.1 While the Parish Council has made good progress towards preparing their Neighbourhood Plan for Hythe and Dibden there remain some significant technical issues which the Parish Council need to address before progressing their plan further towards submission to the local planning authorities.

5. FINANCIAL IMPLICATIONS

- 5.1 The Council pays for the Neighbourhood Plan to be Examined by an independent examiner and pay for and arrange the referendum (if the plan passes examination). LPAs can claim £20,000 once they have set a date for a referendum following a successful examination.

6. CRIME & DISORDER IMPLICATIONS

- 6.1 The Neighbourhood Plan aims to have a positive impact on crime and anti-social behaviour through its policies.

7. ENVIRONMENTAL IMPLICATIONS

- 7.1 The Neighbourhood Plan aims to have a positive impact on the local environment through its policies.

8. EQUALITY & DIVERSITY IMPLICATIONS

- 8.1 None.

9. DATA PROTECTION IMPLICATIONS

- 9.1 None

10. RECOMMENDATIONS

- 10.1 It is recommended that in response to the consultation on the draft Neighbourhood Plan dated June 2018, Hythe and Dibden Parish Council be informed of the comments and actions identified in this report.

11. PORTFOLIO HOLDER ENDORSEMENT

I agree the recommendation set out in this report.

Signed: E J Heron

Date: 10 August 2018

Date notice of decision given: 10 August 2018

Last date for call-in: 17 August 2018