

Independent Examiners Report of the Gurnard Neighbourhood Plan

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SECTION 2

Summary

As the Independent Examiner appointed by Isle of Wight Council to examine the Gurnard Neighbourhood Plan, I can summarise my findings as follows:

- 1. I find the Gurnard Neighbourhood Plan and the policies within it, subject to the recommended modifications, does meet the Basic Conditions.*
- 2. I am satisfied that the Referendum Area should be the same as the Plan Area, should the Gurnard Neighbourhood Plan go to Referendum.*
- 3. I have read the Gurnard Consultation Statement and the representations made in connection with this subject I consider that the consultation process was robust and that the Neighbourhood Development Plan and its policies reflects the outcome of the consultation process including recording representations and tracking the changes made as a result of those representations.*
- 4. I find that the Gurnard Neighbourhood Plan can, subject to the recommended modifications proceed to Referendum.*
- 5. At the time of my examination the adopted local plan was the Island Plan Core Strategy adopted March 2012.*

SECTION 3

Introduction

1. Neighbourhood Plan Examination.

My name is Deborah McCann and I am the Independent Examiner appointed to examine the Gurnard Neighbourhood Plan.

I am independent of the qualifying body, I do not have any interest in the land in the plan area, and I have appropriate qualifications and experience, including experience in public, private and community sectors.

My role is to consider whether the submitted Gurnard Neighbourhood Plan meets the Basic Conditions and has taken into account human rights; and to recommend whether the Gurnard Neighbourhood Plan should proceed to Referendum. My role is as set out in more detail below under the section covering the Examiner's Role. My recommendation is given in summary in Section 2 and in full under Section 5 of this document.

The Gurnard Neighbourhood Plan has to be independently examined following processes set out in the Town and County Planning Act 1990 (as amended by the Localism Act 2011) and the subsequent Neighbourhood Planning (General) Regulations 2012.

The expectation is that the examination of the issues by the examiner is to take the form of the consideration of the written representations. However, there are two circumstances when an examiner may consider it necessary to hold a hearing. These are where the examiner considers that it is necessary to ensure adequate examination of an issue or to ensure a person has a fair chance to put a case. Having read the plan and considered the representations I did not consider that a Hearing was necessary.

2. The Role of Examiner including the examination process and legislative background.

The examiner is required to check whether the neighbourhood plan:

- Has been prepared and submitted for examination by a qualifying body*
- Has been prepared for an area that has been properly designated for such plan preparation*
- Meets the requirements to i) specify the period to which it has effect; ii) not include provision about excluded development; and iii) not relate to more than one neighbourhood area and that*
- Its policies relate to the development and use of land for a designated neighbourhood area.*

The examiner must assess whether a neighbourhood plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990 (as amended).

As an independent Examiner, having examined the Plan, I am required to make one of the following recommendations:

- 1. The Plan can proceed to a Referendum*

2. *The Plan with recommended modifications can proceed to a Referendum*

3. *The Plan does not meet the legal requirements and cannot proceed to a Referendum*

I am also required to recommend whether the Referendum Area should be different from the Plan Area, should the Gurnard Neighbourhood Plan go to Referendum.

In examining the Plan, I am required to check, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, whether: - the policies in the Plan relate to the development and use of land for a designated Neighbourhood Area are in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act 2004:

- The Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 to specify the period for which it has effect - the Plan has been prepared for an area designated under the Localism Act 2011 and has been developed and submitted for examination by a qualifying body.

I am also required to determine whether the Plan complies with the Basic Conditions, which are that the proposed 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; and*
- Is in general conformity with the strategic policies contained in the Development Plan for the area.*

The Plan must also not breach, and otherwise be compatible with EU obligations and Human Rights requirements.

The Isle of Wight Council will consider my report and decide whether it is satisfied with my recommendations. The Council will publicise its decision on whether or not the plan will be submitted to a referendum, with or without modifications. If the Neighbourhood Plan is submitted to a referendum, then 28 working days notice will be given of the referendum procedure and Neighbourhood Plan details. If the referendum results in more than half those voting (i.e. greater than 50%), voting in favour of the plan, then the Council must "make" the Neighbourhood Plan a part of its Development Plan as soon as possible. If approved by a referendum and then "made" by the local planning authority, the Neighbourhood Plan then forms part of the Development Plan.

SECTION 4

The Report

1. Appointment of the Independent examiner

The Isle of Wight Council appointed me as the Independent Examiner for the Gurnard Neighbourhood Plan with the agreement of Gurnard Parish Council.

2. Qualifying body

I am satisfied that the Gurnard Parish Council is the qualifying body.

3. Neighbourhood Plan Area

The designated Gurnard Neighbourhood Area covers Gurnard Parish. The Basic Conditions Statement submitted with the Gurnard Neighbourhood Plan confirms there are no other Neighbourhood Plans covering the Area of the Gurnard Neighbourhood Plan.

4. Plan Period

It is intended that the Gurnard Neighbourhood Plan will cover the period 2016-2026.

5. Isle of Wight Council Regulation 15 assessment of the Plan.

Gurnard Parish Council, the qualifying body for preparing the Gurnard Neighbourhood Plan, submitted it to Isle of Wight Council for consideration. Isle of Wight Council has made an initial assessment of the submitted Gurnard Neighbourhood Plan and the supporting documents and is satisfied that these comply with the specified criteria.

6. Site Visit

I carried out an unaccompanied site visit on 10th May 2017 to familiarise my self with the area and look at the sites referred to in the plan.

7. The Consultation Process

The Gurnard Neighbourhood Plan has been submitted for examination with a Consultation Statement which sets out the consultation process that has led to the production of the plan, as set out in the regulations in the Neighbourhood Planning (General) Regulations 2012.

The Statement describes the approach to consultation, the stages undertaken and explains how the Plan has been amended in relation to comments received. It is set out according to the requirements in Regulation 15.1.b of the Neighbourhood Planning (General) Regulations 2012):

(a) It contains details of the persons and bodies who were consulted about the proposed neighbourhood development plan;

(b) It explains how they were consulted; (c) It summarises the main issues and concerns raised by the persons consulted; and

(d) It describes how these issues and concerns were considered and, where relevant, addressed in the proposed neighbourhood development plan.

Examination of the documents and representations submitted in connection with this matter have lead me to conclude that the consultation process was thorough, well conducted and recorded.

A list of statutory bodies consulted is included in the Consultation Statement.

8.Regulation 16 consultation by the Isle of Wight Council and the record of responses.

The Isle of Wight Council placed the Gurnard Neighbourhood Plan out for consultation under Regulation 16 from the 13th of January 2016 to the 27th of February 2017.

A number of detailed representations were received during the consultation period and these were supplied by the Isle of Wight Council as part of the examination process. I considered the representations, have taken them into account in my examination of the plan and made reference to them where appropriate. These included representations made by the Isle of Wight Council.

9. Compliance with the Basic Conditions

The Gurnard Neighbourhood Plan working Group produced a Basic Conditions Statement on behalf of Gurnard Parish Council. The purpose of this statement is for the Neighbourhood Plan Working Group to set out in some detail why they believe the Neighbourhood Plan as submitted does meet the Basic Conditions. It is the Examiner's Role to take this document into consideration but also make take an independent view as to whether or not the assessment as submitted is correct.

I have to determine whether the Gurnard Neighbourhood Plan:

- 1. Has regard to national policies and advice*
- 2. Contributes to sustainable development*
- 3. Is in general conformity with the strategic policies in the appropriate Development Plan*
- 4. Is not in breach and is otherwise compatible with EU obligations and Human Rights requirements.*

Documents brought to my attention by the Isle of Wight Council for my examination include:

(a) The Gurnard Neighbourhood Plan: This is the main document, which includes the policies developed by the community.

(b) The Consultation Statement: This is a statement setting out how the community and other stakeholders have been involved in the preparation of the Gurnard Neighbourhood Plan and is supported by an evidence base which arose from the consultation.

(c) Basic Conditions Statement.

This is a statement setting out how Gurnard Parish Councils considers that the Neighbourhood Plan meets the Basic Conditions.

(d) Sustainability Statement: This is an appraisal of how well the Gurnard Neighbourhood Plan policies contribute to achieving sustainable development objectives. These reports also cover the screening for the Strategic Environmental

Assessment and Habitat Regulations Assessment requirements for the Gurnard Neighbourhood Plan.

Comment on Documents submitted

I am satisfied having regard to these documents and other relevant documents, policies and legislation that the Gurnard Neighbourhood Plan does, subject to the recommended modifications, meet the Basic Conditions.

An Equality Impact Assessment of the Plan was carried out by the Isle of Wight Council.

10.Planning Policy

10.1. National Planning Policy

National Policy guidance is in the National Planning Policy Framework (NPPF) 2012.

To meet the Basic Conditions, the Plan must have “regard to national policy and advice”. In addition, the NPPF requires that a Neighbourhood Plan “must be in general conformity with the strategic policies of the local plan”. Paragraph 16 states that neighbourhoods should “develop plans that support the strategic development needs set out in Local Plans, including policies for housing and economic development; plan positively to support local development, shaping and directing development in their area that is outside the strategic elements of the Local Plan”.

The Gurnard Neighbourhood Plan does not need to repeat these national policies, but to demonstrate it has taken them into account.

I have examined the Gurnard Neighbourhood Plan and consider that, subject to modification, the plan does have “regard for National Policy and Advice” and therefore the Plan does meet the Basic Conditions in this respect.

10.2. Local Planning Policy- The Development Plan

Gurnard is within the area covered by the Isle of Wight Council. The relevant development plan is The Island Plan Core Strategy adopted March 2012.

I have considered the policies of the Development Plan and the Policies of the Gurnard Neighbourhood Plan and consider that the Plan does, subject to modification meet the Basic Condition in this respect and is in general conformity with the Strategic policies of the the Island Plan Core Strategy adopted March 2012.

11. Other Relevant Policy Considerations

11.1 European Convention on Human Rights (ECMR) and other European Union Obligations

As a ‘local plan’, the Neighbourhood Development Plan is required to take cognisance of the EU Strategic Environmental Assessment (SEA) Directive 2001/42/EC Office.

A Strategic Environmental Assessment (SEA) screening opinion was sought as required from the following organisations during the formal consultation period:

- *Natural England*

- *Historic England*
- *Environment Agency*
- *Isle of Wight Council*

The conclusion of the SEA (Strategic Environmental Assessment) screening report was that a SEA was not required.

The conclusion of the HRA (Habitats Regulation Appraisal) screening report was that an HRA would not be required.

The Isle of Wight Council has undertaken a SEA (Strategic Environmental Assessment and Habitat Regulations Assessment (HRA) as part of the Isle of Wight Plan process. This is relevant as the Policies of the Gurnard Neighbourhood Plan must be in general conformity with the Strategic Policies of the Island Plan in order to meet the Basic Conditions.

11.2 Sustainable development

The Gurnard Neighbourhood Plan has been assessed by means of a Sustainability Statement, this forms part of the Sustainability Assessment and Screening Reports for Strategic Environmental Assessment and Habitats Regulations Assessment. The conclusion of this process was that the principles of Sustainable Development required in the NPPF have been taken into account in the development of the plan and its policies and where issues have been identified they were addressed by revisions to the document prior to submission. I am satisfied that the Gurnard Neighbourhood Plan subject to the recommended modifications addresses the sustainability issues adequately.

The Neighbourhood Development Plan is required to take cognisance of the European Convention of Human Rights and to comply with the Human Rights Act 1998.

I have considered this having particular regard for Policy H1.3 and have covered this in detail in Section 4 of this report

As part of my examination of the plan I asked for further clarification from the Qualifying Body on this policy and how they considered it meets the Basic Conditions. Their response was as follows:

Justification

- 2. The Policy was initially introduced to reflect a clear local aspiration from residents that any new development within the plan area should primarily be addressing local housing need. It will be noted that the draft policy enjoyed the highest level of support of all the housing policies at the Pre-Submission Consultation stage (Reg 14) with 89.2% either satisfied or very satisfied. (Page 28 of the Consultation Statement)*
- 3. Furthermore, the policy is justified by the evidence in the Housing Needs Report, which noted that house prices within the Parish were not affordable for first time buyers from the village. Furthermore, as set out in paragraph 2.48, the report highlights the need for elderly Gurnard residents being able to downsize to more manageable properties but still living in their village.*
- 4. The other main driver for the policy, has been the high level of second home ownership in Gurnard. Paragraph 2.38 of the Housing Needs Report quantifies this at 173 second homes – 17% of the housing supply.*

5. *The wording of the policy is based upon the policy BNDP H3 of the Bembridge Neighbourhood Plan, which passed its examination in 2014 and has been “made”. This is set down below*

BNDP.H.3 - Safeguarding of Development Delivered to Meet Local Need

Development approved as meeting a local need will be subject to planning conditions and/or planning obligations to require the first occupants to be existing residents of the Isle of Wight with a Bembridge connection meeting one of the following categories:

- (a) a person who currently lives in the Parish and wishing to move to a smaller property in order to release larger accommodation
- (b) a person who currently lives in the Parish and has an appropriate housing need because their family size has increased
- (c) a person who currently lives in the Parish and wishes to transfer to a similar sized property
- (d) a person from the Parish who is subject to a planned management transfer based on medical grounds
- (e) a person who has previously lived in the Parish for 5 or more years up to the age of 16
- (f) a person who has for 5 years prior to such acquisition or occupation been in continuous full or part-time employment (excluding seasonal employment) in the Parish or has accepted an unconditional offer of employment in the Parish.

The first period of occupancy in accordance with the above criteria to be for a minimum of three months thereafter occupation (subject to the same criteria) may be extended to the neighbouring parishes of Brading or St Helens for a further three months. Thereafter, the property may be offered on the open market.

In the case of essential agricultural dwellings, these are to be occupied by person(s) employed or last employed in agriculture.

6. *Bembridge is a similar seaside village to Gurnard and faces similar pressures of second home ownership and holiday accommodation. In fact, the Gurnard policy has a less stringent cascade mechanism to that used at Bembridge. The latter case requires properties to be offered to residents of the 2 adjoining parishes Brading or St Helens, if they initially are not required for local residents. The Gurnard policy allows any household from the Isle of Wight to be offered the property after 3 months. This is felt to be a realistic and pragmatic mechanism designed at meeting local housing need both in terms of Gurnard but the Isle of Wight generally.*

Having regard to Secretary of State Advice

7. *In paragraph 54, the NPPF states” In rural areas, [exercising the duty to co-operate with neighbouring authorities] local planning authorities should be responsive to local circumstances and plan housing developments to reflect local needs, particularly for affordable housing...”*
8. *The Parish Council and its residents value the village and the countryside as a rural area.*

Deliver Sustainable Development

9. *It is considered that the policy does help contribute to the delivery of sustainable development as described in the NPPF and in particular the social role as set out in paragraph 7 of the Framework – namely “supporting strong, vibrant and healthy communities by providing the supply of housing to meet the needs of present and future generations.” Also, it meets the definition of plan making, by “positively seeking opportunities to meet the development needs of the area and meeting objectively assessed needs”. Furthermore, Paragraph 10 of the section “Achieving Sustainable Development” states “Plans and decisions need to take local circumstances into account, so that they respond to the different opportunities for achieving sustainable development in different areas.”*

General Conformity with Strategic Policies of the Development Plan

10. *The policy is considered to be in general conformity with Policy SP2 of the Island Plan, as it is not in itself seeking to restrict the amount of new housing being built but to offer first preference for first occupation to addressing the housing needs of the Parish, before the units are then offered to households from elsewhere on the Island before then being available for people to occupy from the mainland and elsewhere. It is important to stress that the restriction only applies to new development and not the existing housing stock of the village. By having this cascade mechanism, it allows the market to provide housing to meet local need but a developer will have opportunities to secure occupation and not have units standing empty for an unreasonable period of time.*

European Directives and Human Rights Legislation

11. *The policy does not have any issues in relation to the European Directives and local occupancy conditions are an accepted response to specific housing needs. Where it has been adopted there has never been a question of breaching European or human rights legislation.*

Principal Residence Restriction

12. *As set out in paragraph 4 above, part of the justification for the policy comes from concerns about the high levels of second home ownership and also holiday lets in the village. This stems from properties standing empty for long periods through the year, plus the upward pressure second home ownership imposes on house prices as second home owners can inflate local house prices. The Plan is anxious to see Gurnard remain as a vibrant and viable community and it has been established that second home ownership can have detrimental effect as well as restrict housing supply for local residents.*
13. *At the time of the preparation of the Neighbourhood Plan the only neighbourhood in the country that had such a restriction was Lynmouth in the Exmoor National Park. Whilst that was also a seaside community it was not felt to be comparable because of the National Park designation. However, following the landmark St Ives policy and the Court's judgment on the subsequent legal challenge, it is noted that such policies are more commonly being applied to holiday destinations, so long as there is justification. It is contended that Gurnard can offer that evidence to justify such a policy.*
14. *If the Examiner is minded not to follow the example of the Bembridge Examiner and concludes that the policy as submitted does not meet basic conditions, then the Parish Council would encourage the Examiner to use her powers to recommend the insertion of a Principal Residence Restriction as an alternative. However, this would be a second preference behind leaving the policies as drafted which enjoys undoubted public support.*

Conclusions

15. *The Parish Council does believe that the policy does meet Basic Conditions – for the reasons set out above and invites the Examiner to retain the policy as submitted. However, the Parish Council would accept its substitution by a Principal Residence Restriction policy in lieu of the local occupancy to ensure that any new housing remains in perpetuity as available for full time occupation rather than becoming a second home or holiday let.*

I am satisfied that subject to modification, the Gurnard Neighbourhood Plan meets the Basic Conditions on EU obligations.

11.3 Excluded development

I am satisfied that the Gurnard Neighbourhood Plan does not cover County matters (mineral extraction and waste development), nationally significant infrastructure such as highways and railways or other matters set out in Section 61K of the Town and Country Planning Act 1990.

11.4 Development and use of land

I am satisfied that the Gurnard Neighbourhood Plan covers development and land use matters.

11.5 The Neighbourhood Plan Strategic Aims and Policies

The Gurnard Neighbourhood Plan Vision

Maintain and enhance the separate and distinct identity of Gurnard, its range of services and facilities, whilst allowing small scale development which meets the identified needs of the local community.

Neighbourhood Plan aims

Housing: *Gurnard Parish will remain a separate and distinct village. Housing development will generally be small scale to meet the identified housing needs of residents and their families.*

The local economy

General business aim: *Support the business community in Gurnard Parish, allow it to develop and adapt to changing economic conditions.*

Retail aim: *Protect and enhance shops and commercial services in Gurnard.*

Tourism aim 1: *Encourage people to visit Gurnard whilst discouraging the use of houses as second homes.*

Tourism aim 2: *Recognise Gurnard Pines as an important asset to Gurnard and maximise its benefits to the community.*

Travel: *Improve transport links from Gurnard to Cowes and Newport and increase opportunities to travel on foot, by bike or by public transport, delivering environmental and health benefits.*

Community assets: *Create a safe and healthy environment that supports the well-being of residents and visitors.*

Heritage, the Natural Environment and Renewables: *Safeguard and enhance Gurnard's valued landscape, open spaces and biodiversity for the benefit of the local community and visitors.*

I am satisfied the Gurnard Neighbourhood Plan Policies flow from the aims and objectives identified during the plan process and the relevant community consultation.

12. Gurnard Neighbourhood Plan Policies

Housing Policies

Policy H1 New housing development

H1.1 New residential development should be designed to meet local need and be located

within the settlement boundary where it shall be designed to reflect the character and density of the surrounding development or those Sites A and C which, Policy E1 identifies as having the lowest landscape sensitivity. Residential development will not be permitted on any other site.

H1.2 Proposals should demonstrate how they provide the housing types, design and tenures that meet local housing need especially the most recent housing needs survey for Gurnard, in particular the need for housing suited to the needs of older people.

H1.3 Development approved as meeting a local need, whether for market or affordable housing will be subject to planning conditions and/or planning obligations to require the first occupants to be existing residents of the Isle of Wight with a Gurnard connection meeting a minimum of one of the following categories:

(a) A person who currently lives in the parish as their main residence and wishes to occupy another property within the parish;

(b) A person who is seeking suitable housing in the parish because of long term illness or disability or to receive care and support provided by a professional provider or a friend or relative based in the parish;

(c) A person resident in the parish for five or more years up to the age of 16; (d) A person who has for five years prior to such acquisition or occupation been in continuous full or part-time employment (excluding seasonal employment) in the parish or has accepted an offer of employment in the parish.

If no households that meet the above criteria have sufficient financial standing or are otherwise unable to complete a sale or rental agreement to fund the purchase or rental of a new build or home within three months of first being available for occupancy, households resident on the Isle of Wight will be considered provided they can meet the above criteria. If after a further three months there is no purchaser or renter able to complete a sale or rental agreement the property, the dwelling may be offered on the open market.

If the dwelling is designated for affordable need and is managed by a registered provider the dwelling may be offered to other households within the Island's housing register if the dwelling remains unlet after six weeks.

In the case of essential agricultural dwellings, these are to be occupied by person(s) employed in the agricultural business that controls the land and buildings in perpetuity.

COMMENT

Policy H1.1

I have received representations from the Isle of Wight Council who consider that restricting development within the development boundary and not permitting residential development on any sites other than sites A and C which, policy E1 identifies as having the lowest landscape sensitivity is in conflict with the Island Plan Core Strategy, Policy SP1 and therefore doesn't meet the Basic Conditions. Policy SP1 allows development on appropriate land within or immediately adjacent to settlement

boundaries within the Key Regeneration Areas. Part of Gurnard Parish is located within the Medina Valley Key Regeneration area and the Council consider that Policy H1.1 will restrict development and prejudice the ability to meet the housing numbers where a specific need is identified. The Isle of Wight Council does not have a target number for housing in the parish of Gurnard. There is, however, a housing figure identified for the whole Medina Valley Key Regeneration Area within the Island Plan Core Strategy.

As this figure has not been broken down into individual Parish numbers I am unable to understand whether or not sites A and C could in fact deliver the level of growth anticipated. In addition, Policy SP1 refers to the development of “appropriate land within or immediately adjacent the defined settlement boundaries”. The definition of “appropriate land” is “land is considered to be deliverable within, and immediately adjacent, the settlement boundaries “. This definition is not particularly helpful or clear but could be interpreted to mean that land could be considered inappropriate due to landscape sensitivity, for example. This would to some extent, in my opinion give comfort to the community’s fear that the highly sensitive sites they have identified would not be considered “appropriate” for development. The policy also states that in all cases development on non-previously developed land will need to clearly demonstrate how it will enhance the character and context of the local area, in conformity with policy DMD2, this should provide additional safeguards in the process. I commend the Neighbourhood Plan Group for the landscape assessment work carried out for the Neighbourhood Plan and this should provide robust evidence for testing sites coming forward.

Having considered carefully the issues relating to this policy my conclusion is that the current wording of the policy is in conflict with SP1 and must be modified to meet the Basic Conditions. The policy modification is set out below and is intended to make the policy in general conformity with policy SP1. The modified policy restricts development to within the settlement boundary and prioritises sites A and C for development but removes the requirement for this development to be only for identified local need. It also makes provision for the identification of other appropriate sites “immediately adjacent” to the boundary if across the plan period there is evidence that the required housing target for this part of the Medina Valley Key Regeneration Area will not be met.

Not all of the Gurnard Parish falls within the Medina Key Regeneration Area. Areas falling outside the Key Regeneration Area are categorised as “the wider rural area” in the Island Plan Core Strategy and as such “development is not expected to occur in the wider rural areas unless, as set out in SP1, a local need for development can be demonstrated, or it is tourism related development.”

Policy H1.3

Policy H1.3 seeks to restrict the first occupancy of new residential development which has been developed to meet an identified local need. The imposition of an occupancy restriction on new residential development has to be given careful consideration in terms of whether or not it can meet the Basic Conditions. A number of Neighbourhood Plans have sought such restrictions and some of these have successfully passed examination including Neighbourhood Plans on the Isle of Wight. However, each Neighbourhood Plan is different and what may be appropriate for one community is not necessarily appropriate for another. It is also necessary to provide evidence as to why any restriction of this kind is required. The Housing Need Survey and Report have

in my opinion provided sufficient evidence to support the occupancy restriction for housing developed to meet identified local need.

Another consideration is whether or not such a restriction can contribute to Sustainable Development. The policy will contribute to maintaining the balance of the community and assist those wanting to remain within their community to do so. The policy relates only to the first occupancy of new residential development for identified local need and includes the safeguard of a cascade of occupation. In addition, I have modified H1.1 so that where appropriate residential development can take place within the Medina Key Regeneration Area which is not restricted in this way. I have considered the representation from the Qualifying Body regarding this occupation restriction and although the similar policy in the Bembridge Neighbourhood Plan was put forward as a comparable it must be noted that Bembridge Parish does not lie within a Key Regeneration Area.

It is also necessary to consider whether or not such a policy can meet the Basic Conditions in terms of impact on European Legislation. The Isle of Wight Council have carried out an Equality Impact Assessment of the Plan and concluded that there were no concerns relating to this policy. The policy relates only to the first occupancy of new residential development for identified local need and includes the safeguard of a cascade of occupation. In addition, I have modified H1.1 so that where appropriate residential development can take place within the Medina Key Regeneration Area which is not restricted in this way.

I have also taken into consideration the impact on H1.3 of the modifications I have made to H1.1 On balance, taking into considerations all of the above and taken in conjunction with the modifications to Policy H1.1 I consider that Policy H1.3, subject to the modifications set out below, can contribute to sustainable development, does take cognisance of of the European Convention of Human Rights and comply with the Human Rights Act 1998 and therefore does meet the Basic Conditions in this respect.

I have received representations from the Isle of Wight Council regarding Policy H1.3 regarding the Island Homefinder Allocation Policy suggesting the policy should be modified to reflect this policy. I consider this request appropriate and have included this revision in my modification of the policy below. The Isle of Wight Council also requested the modification of paragraph 4 of policy H1.3 for clarity and I have also included this revision in my modification.

In order to meet the Basic Conditions, policy H1 should be modified as follows:

H1.1 New residential development for Gurnard Parish falling within the Medina Valley Key Regeneration Area should be prioritised as follows:

- located within the settlement boundary where it shall be designed to reflect the character and density of the surrounding development or*
- on Sites A and B which, Policy E1 identifies as having the lowest landscape sensitivity.*

Residential development will not be permitted on any other sites unless:

- it is to meet identified local need or*

- *is on a site immediately adjacent to the settlement boundary and necessary to meet an identified shortfall in the delivery of housing across the Plan period is identified.*

On sites in the Wider Rural Area residential development will only be supported where a local need can be demonstrated.

H1.2 Proposals should demonstrate how they provide the housing types, design and tenures that where appropriate meet local housing need especially the most recent housing needs survey for Gurnard, in particular the need for housing suited to the needs of older people.

H1.3 Development approved as meeting a local need, whether for market or affordable housing will be subject to planning conditions and/or planning obligations to require the first occupants to be existing residents of the Isle of Wight with a Gurnard connection meeting a minimum of one of the following categories:

(a) A person who currently lives in the parish as their main residence and wishes to occupy another property within the parish;

(b) A person who is seeking suitable housing in the parish because of long term illness or disability or to receive care and support provided by a professional provider or a friend or relative based in the parish;

(c) A person resident in the parish for five or more years up to the age of 16; (d) A person who has for five years prior to such acquisition or occupation been in continuous full or part-time employment (excluding seasonal employment) in the parish or has accepted an offer of employment in the parish.

If after three months there is no purchaser or renter able to complete a sale or rental agreement the dwelling may be offered on the Local open market. If after a further three months there is no purchaser or renter able to complete a sale or rental agreement the dwelling may be offered on the open market.

If the dwelling is designated for affordable need and is managed by a registered provider the dwelling may be offered to other households within the Island's housing register if the dwelling remains unlet after six weeks.

In the case of essential agricultural dwellings, these are to be occupied by person(s) employed on the land in perpetuity or by persons employed as rural workers.

Local Economy Policies

Policy LE1 Business and retail opportunities

LE1.1 The provision of business and retail uses through new build within the settlement boundary or conversion of redundant buildings will be supported provided that the proposal would not have significant harmful impacts on the amenity of residents, the landscape or on other neighbouring uses.

LE1.2 Change of use of business and retail uses to non-employment uses will not be permitted unless the existing use can be shown to be no longer financially viable.

Prospective developers will be expected to provide evidence that that the site has been marketed at a reasonable price for business or retail use for at least 12 months and that no sale or letting has been achieved.

COMMENT

For clarity LE1.1 should be modified as follows:

Policy LE1 Business and retail opportunities

LE1.1 The provision of business and retail uses through new build within the settlement boundary or conversion of redundant buildings, other than those changes of use allowed under permitted Development, will be supported provided that the uses would not be detrimental to the amenity of residents or other neighbouring uses or harmful impact upon the landscape.

For clarity in relation to changes of use that can take place under Permitted Development LE1.2 should be modified as follows

LE1.2 Change of use of business and retail uses to non-employment uses, other than those allowed through Permitted Development, will not be supported unless the existing use can be shown to be no longer financially viable.

Prospective developers will be expected to provide evidence that that the site has been marketed at a reasonable price for business or retail use for at least 12 months and that no sale or letting has been achieved.

Policy LE2 Provision of visitor facilities

LE2.1 Proposed development which promotes Gurnard as a visitor destination, providing new and improved facilities particularly for day visitors will be supported. Proposals in open countryside, outside the settlement boundary will need to demonstrate that the use needs to be located in the rural area, rather than be a visitor use more appropriately located within the urban area and will not adversely affect the surrounding landscape.

LE2.2 The loss of visitor facilities to non-tourism uses will not be permitted unless it can be demonstrated that the facility is no longer viable or the proposed alternative use would provide equal or greater benefits for the local economy and community.

COMMENT

For clarity in relation to changes of use that can take place under Permitted Development LE2.2 should be modified as follows:

LE2.2 The loss of visitor facilities to non-tourism uses will not be permitted unless it can be demonstrated that the facility is no longer viable or the proposed alternative use would provide equal or greater benefits for the local economy and community.

Policy LE3 Gurnard Pines

LE3.1 Proposed development that provides improvements and extensions to the

visitor facilities at Gurnard Pines as shown as Site C in Appendix 4 to improve its leisure offer to residents as well as visitors to the parish will be supported.

COMMENT

I have no comment on this policy

Travel Policies

Policy T1 Private parking

New development must make adequate provision for off-street parking, taking into consideration the type of development and the accessibility of the location.

For residential development, a minimum of one off road parking space will be required for new dwellings that have one to two bedroom homes and two off street parking spaces should be provided for new dwellings that have three or more bedrooms.

COMMENT

I have no comment on this policy

Policy T2 Public parking

Proposals for additional public car parking will be supported in locations which will improve access to retail, community and leisure facilities. Particular consideration should be given to short stay parking serving Gurnard Primary School directly or providing parking near to the start of any future footpath linking the school to the village centre. Consideration should also be given to providing car parking for visitors to the parish and people with limited mobility.

COMMENT

I have no comment on this policy.

Policy T3 Footpaths and cycle ways

Development proposals will be supported where they:

- a) Improve the existing cycleway and footpath network*
- b) Provide connections between the village centre and the school*
- c) Provide connections between the wider countryside and the coastal path.*

Development proposals that result in the loss of existing footpaths and cycleways will not be supported, unless alternative provision of the necessary standard is made.

COMMENT

I have no comment on this policy

Community Asset Policies

Policy CS1 New community facilities

Proposals for appropriate health facilities to support the needs of local residents, new sport, community or recreational facilities will be supported subject to compliance with other policies in the development plan. There will be a presumption against the loss of any existing health, sport, community or recreational facility.

COMMENT

For clarity the policy should be modified as follows:

Proposals for appropriate health facilities to support the needs of local residents, new sport, community or recreational facilities will be supported subject to compliance with other policies in the development plan. There will be a presumption against the loss of any existing health, sport, community or recreational facility unless it can be demonstrated that the facility is no longer viable or the proposed alternative use would provide equal or greater benefits for the local economy and community.

Policy CS2 Local green space

The following sites are designated as local green space. Development will not be permitted on these areas other than in exceptional circumstances.

- **The old Gurnard Primary School orchard and playing fields off Hilton Road/ Cockleton Lane**
- **Gurnard Green on Gurnard seafront**

Schedule of Local Green Space

Map ref.

Proposed Local Green Space

Proximity to community

Approximate area

Community value and significance

LGS1

The old Gurnard Primary School orchard and playing fields off Hilton Road/Cockleton Lane. (See map below).

Hilton Road, within village

0.6 ha

Historically used by Gurnard Primary School children now leased to the parish council. Intended to be enhanced for community recreation and leisure. Contribution to rural setting of Gurnard.

LGS2

Gurnard Green on Gurnard seafront. (See map below).

Adjacent to Princes Esplanade, within the village

0.8 ha

Used for community events such as Gurnard Regatta; important village landmark, gathering place for residents; contains formal and informal play space. Contribution to the setting of Gurnard and views to and from the shore and Gurnard Bay. In public ownership.

COMMENT

I have received representations from Southern Water who are concerned that Local Green Space designation of certain sites will make it very difficult for them to carry out improvements to essential utility infrastructure. The Island Plan, Policy DM2 allows for new or improved essential utility infrastructure. Policy CS2 refers to “exceptional circumstances”. Southern Water suggest that the policy should be revised to:

“Development will not be permitted on these areas other than in very special circumstances, for example, it is essential to meet specific necessary utility infrastructure needs and it can be demonstrated there are no reasonable alternative sites available”

The National Planning Policy Framework uses the the phrase “very special circumstances” and in order to meet the Basic Conditions the first paragraph of policy CS2 should be modified as follows:

The following sites are designated as local green space. Development will not be permitted on these areas other than in very special circumstances, for example, it is essential to meet specific necessary utility infrastructure needs and it can be demonstrated there are no reasonable alternative sites available”

Policy CS3 Protection to assets of community value

Proposals that will enhance the viability and/ or the community value of any property that is included in the Register of Assets of Community Value will be supported.

Proposals that result in either the loss of the asset or will result in significant harm to the community’s value of an asset will be resisted, unless it can be demonstrated that the operation is no longer economically viable. Developers will be expected to provide evidence that the building/ site has been actively marketed for at least 12 months and that no sale or let has been achieved.

COMMENT

In order to meet the Basic Conditions, it is necessary that the policies of the Plan relate to the use of land. The first paragraph of this policy does not relate to land use and should be deleted from the policy but can be included within the Plan providing it is clearly identified as a community aspiration. The second paragraph can remain unchanged.

Heritage, the Natural Environment and Renewables Policies

Policy E1 Landscape protection and green gaps

Any development within Gurnard's settlement setting which will have a negative impact on the character and landscape of Gurnard Village and Gurnard Pines will be resisted.

In addition, any built development will be resisted within the Jordan Valley (LCA 8) and that part of East Gurnard Cliff and Woods (LCA 8) falling within Gurnard Parish in order to maintain the openness of this 'green gap' and prevent coalescence with Cowes.

Exceptions to this are:

• development within the following sites which are wholly or partly within the settlement setting and which have been assessed as having least impact on the identified landscape character areas and the settlement setting of Gurnard:

- Cockleton Lane - site A;**
- North of Gurnard Pines - site B.**

Development proposals for the above sites should incorporate mitigation of development impacts on the landscape and settlement setting identified in the landscape.

- buildings for agriculture or forestry;**
- provision of appropriate facilities for outdoor sport or outdoor recreation, as long as it preserves the openness and landscape character of the local gap;**
- the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building; and**
- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.**

COMMENT

For clarity, the first paragraph of E.1. should be modified as follows:

New development within Gurnard's settlement setting which could have a detrimental impact on the character and landscape of Gurnard Village and Gurnard Pines will not be supported.

Policy E2 Protect and Enhance Biodiversity

All development proposals should protect and enhance biodiversity by conserving, and where possible enhancing:

- Designated sites, protected species and ancient or species-rich hedgerows, grasslands and woodland.**
- Wildlife Corridors (as shown on the Wildlife Corridor Map), which allow for the**

migration and transit of flora and fauna.

COMMENT

I have no comment on this policy.

SECTION 5

Conclusion and Recommendations

1. *I find that the Gurnard Neighbourhood Plan has been prepared in accordance with the statutory requirements and processes set out in the Town and County Planning Act 1990 (as amended by the Localism Act 2011) and the subsequent Neighbourhood Planning (General) Regulations 2012.*
2. *The Neighbourhood Plan does not deal with County matters (mineral extraction and waste development), nationally significant infrastructure such as highways and railways or other matters set out in Section 61K of the Town and Country Planning Act 1990.*
3. *The Gurnard Neighbourhood Plan does not relate to more than one Neighbourhood Area and there are no other Neighbourhood Development Plans in place within the Neighbourhood Area.*
4. *The Sustainability Assessment and SEA/HRA Screening Report meets the EU Obligation.*
5. *The policies and plans in the Gurnard Neighbourhood Plan, subject to the recommended modifications would contribute to achieving sustainable development. They have regard to national policy and to guidance, and generally conform to the strategic policies of the Island Plan Core Strategy 2012.*
6. *I therefore consider that the Gurnard Neighbourhood Plan subject to the recommended modifications can proceed to Referendum.*

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14th June 2017