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Our ref: 176909  
Your ref: No Reference given



Dawn Smith  
Senior Policy Officer  
Planning Services  
Isle of Wight Council

Customer Services  
Hornbeam House  
Crewe Business Park  
Electra Way  
Crewe  
Cheshire  
CW1 6GJ

T 0300 060 3900

**BY EMAIL ONLY**

Dear Dawn

**Planning consultation:** Brighstone Neighbourhood Development Plan published by IWC for Regulation 16 consultation  
**Location:** Brighstone

Thank you for your consultation on the above which was received by Natural England on 22 January 2016.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

**WILDLIFE AND COUNTRYSIDE ACT 1981 (AS AMENDED)**

Natural England has reviewed the Brighstone Neighbourhood Development Plan and the associated Habitat Regulations Assessment and Sustainability Appraisal.

Natural England concludes, in so far as our strategic environmental interests are concerned (including but not limited to statutory designated sites, landscapes and protected species, geology and soils), that there are unlikely to be significant environmental effects from the proposed plan.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries relating to the specific advice in this letter only please contact Dr Pauline Holmes on 07917 651418. For any new consultations, or to provide further information on this consultation please send your correspondences to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

We really value your feedback to help us improve the service we offer. We have attached a feedback form to this letter and welcome any comments you might have about our service.

Yours sincerely

*P. Holmes*

Dr Pauline Holmes  
Sustainable Development Lead Advisor  
Dorset, Hampshire and Isle of Wight Area Team

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Natural England is accredited to the Cabinet Office Service Excellence Standard

Thank you for your consultation on the Brighstone Neighbourhood Development Plan.

We have reviewed the plan and would like to make the following comments:

The Brighstone Brook, and Shorwell Stream (both designated main rivers) run through the neighbourhood plan area. We would like to see some reference to the water environment made within section 9.3 “protecting our environment”.

Section 9.8 – please be aware that in terms of managing surface water amendments to the Development Management Procedure Order (DMPO) came into effect on 15<sup>th</sup> April 2015. As a result the Environment Agency is no longer a statutory consultee on planning applications for surface water, the Isle of Wight Council as the Lead Local Flood Authority is now the statutory consultee for ‘Major development with Surface Water Drainage’, we therefore recommend that you consult them.

BPNP Policy CSC1: In accordance with National Planning Policy Framework paragraph 101, development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.

Sequential and Exception Tests should be applied at the earliest possible stage of the planning process. The application of the Sequential Test requires an assessment as to whether or not other sites at lower flood risk are reasonably available. LPAs should be able to provide robust evidence that a sequential approach to growth and employment has been taken to steer development away from areas at risk from flooding.

It is for the local planning authority to determine whether or not there are other sites available at lower flood risk as required by the Sequential Test in the National Planning Policy Framework.

We would usually leave the decision on whether a planning application has demonstrated the development passes the Sequential Test to the LPA who have a duty to consider the requirements of the Sequential Test as part of their decision making process. However, for those larger sites with more complex issues we will look for evidence that the Sequential and ( where applicable) Exception Test(s) have been addressed.

We hope you have found these comments useful.

Many thanks,

Charlotte



**Charlotte Lines | Principal Planning Officer Sustainable Places West | Solent and South Downs Area | Environment Planning and Engagement**

**Environment Agency | Romsey | Canal walk | Romsey | SO51 7LP**

**Tel: 0179483 4585 [charlotte.lines@environment-agency.gov.uk](mailto:charlotte.lines@environment-agency.gov.uk) (or [PlanningSSD@environment-agency.gov.uk](mailto:PlanningSSD@environment-agency.gov.uk))**

*Via email*

**Wendy Perera, Head of Planning & Housing Services**

Isle of Wight Council, Council Offices,  
Seaclose, Fairlee Road, Newport, Isle of  
Wight, PO30 2QS

**Tel** (01983) 823552  
**Email** [planning.policy@iow.gov.uk](mailto:planning.policy@iow.gov.uk)  
**Web** [iowight.com/planning](http://iowight.com/planning)

**IWC Ref** BriNDP/Reg16  
**Your Ref**

**Contact** Ollie Boulter  
**Date** 4 March 2016

Dear Sir/Madam,

**Brighstone Neighbourhood Development Plan Submission Consultation**

Thank you for giving the Isle of Wight Council, as the local planning authority (LPA), the opportunity to comment on the submission consultation version of the Brighstone Neighbourhood Development Plan (BNDP) and accompanying background documents. The comments provided by the council are given under the spirit of the 'duty to support' set out in the amendments to the Town & Country Planning Act 1990. The comments are also informed by the LPAs experience of being involved in two 'made' neighbourhood development plans and, perhaps more importantly, their application in day-to-day decision making.

The LPA welcomes the fact that the majority of its comments (dated 27 November 2015) made during the previous consultation have been taken on board, and thanks the parish council for the opportunity to input into the preparation of the plan. The LPA also notes that prior to the publication consultation of the draft plan the Planning Inspector's report issuing planning permission for a mixed use development comprising 55 dwellings in Brighstone ([APP/P2114/W/15/3134495](#)) was published. For ease of reference I have attached the correspondence referred to above, along the Parish Council's response dated 10 December 2015.

As I have previously identified, a key role of the council is ultimately to determine whether the neighbourhood development plan meets the basic conditions and the council is not required to make this decision until after it has received the examiner's report.

It is also worth confirming that the LPA considers the strategic policies in the Island Plan Core Strategy, with which the proposed Brighstone NDP must be in general conformity, are policies **SP1-SP9** (with the SP standing for strategic policy).

The LPA has made the attached comments as it will ultimately be the body responsible for applying the policies (should the proposed plan be made), and wants to make sure the policies are as robust as possible. Being upfront on these issues at this stage will also ensure that all parties are clear and have reasonable expectations over how the policies will be interpreted and applied.

The LPA does not consider that there are any single 'show-stoppers' in terms of the proposed plan meeting the Basic Conditions. However, the LPA is concerned that a number of issues would collectively result in the proposed plan potentially not meeting the Basic Conditions (particularly in relation to general conformity with the NPPF and contributing to sustainable development). In order

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to address these issues the LPA suggests a number of amendments to the proposed plan, which it considers would address these 'collective' concerns.

In light of the comments attached to this letter, and as an overarching comment on the draft plan, the LPA would welcome greater definition of terms throughout the document. This will then provide clarity and certainty for applicants and decision-makers alike.

The LPA would also like to take this opportunity to confirm that all decisions are made in accordance with the development plan, unless material considerations indicate otherwise. Through the decision-making process judgements will also be made to the weight given to the relevant policies. For example, an application may not be in accordance with one policy, but the overall benefits of the application may be judged to outweigh this.

The LPA considers that the community's intentions and thrust of the proposed plan are not changed by the amendments suggested above; rather the amendments to the policies would strengthen them.

The LPA believes the examination into the proposed Brighstone Neighbourhood Development Plan can be dealt with through written representation, and is available to clarify any points should it be required.

I hope these representations are useful, and if you require any further information please do not hesitate to contact me.

Yours sincerely,



**Ollie Boulter**  
**Planning Team Leader**

Attachment 1 – LPA comments of pre submission BNDP 241115

Attachment 2 – Final Draft letter from PC re IWC comment on Pre-submission draft NP Dec15

*Cc (via email)*

*Wendy Perera (Head of Planning & Housing Services)*

*Susannah Jennings (Brighstone Parish Council)*

*John Cirrone (Brighstone Parish Council)*

*John Brownscombe (acting on behalf of Brighstone Parish Council)*

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The following comments are referenced to the specific policies or background documents they relate to, with text in italics giving the reason for any suggested amendments.

Policy H1 – To ensure the policy reads correctly the LPA recommends the following insertions: “it meets local need...” and “it is of a design...”. It is also suggest that the final bullet point becomes a standalone paragraph.

*This amendment will aid clarity to users of the policy.*

Policy H2 – The policy sets out the requirement for eligibility criteria to be used. The LPA suggests that the wording in the appendix, which states that “The following is the suggested form of words...” should be included in the policy. This will enable greater flexibility to enable the delivery of affordable housing in the parish.

The LPA also is concerned that the timescales included within the wording of Appendix 1 are long and unduly onerous. It places a greater level of responsibility on the LPA to verify any information submitted and this is considered to be unreasonable (both for the LPA and the applicant) and not practical given the current level of resource available to the LPA.

Serious difficulties in applying the policy and template as currently worded. No timescale indicated and there is no reference to the IWC’s Housing Register. Furthermore, whilst the LPA supports the provision of affordable housing in perpetuity, it considers that there are significant difficulties associated with applying the eligibility criteria to beyond the first occupier, particularly in terms of availability of mortgages. It is therefore suggested that this element of the policy is removed.

It is suggested to give greater flexibility that the wording of agreements can be undertaken without the need of a rigid template, and as such the LPA would suggest its removal. Failing that the wording set out in BNDP.H3 of the [Bembridge Neighbourhood Development Plan](#) should be used.

*This amendment will demonstrate regard to national policies and advice, and contribute towards achieving sustainable development.*

Policy H3 - The LPA welcomes the greater flexibility given to the policy by the introduction of the word ‘significantly’ in relation to the potential over supply of specialist housing for older people. Whilst the LPA believes it understands the intentions behind the proposed policy, the amendment referred to above does not negate the concerns that the general approach is unduly restrictive (i.e. seeking to prevent such accommodation being available for people with no local connection to the area).

The issue of planning for older people is a significant one on the Island, where there is a significantly higher than average number older people. The LPA is very concerned that restricting the ability to provide such accommodation (which could, in part or in whole, meet a local need in the context of the whole Island) will not be sustainable at either a parish or Island-wide level. Furthermore it is not considered that there is the evidence to justify restricting the nature of the provision (in terms of size, which may or may not be compatible with operators’ models and business plans). From the point of view of applying the policy it would be helpful if clarity is given by defining what is meant by “specialist housing”.

The LPA suggests the policy would benefit from the following wording changes: bullet point one: “contribute to meeting a local need...”. Bullet point five: “can be secured, in part or in whole, for long-term community benefit...”.

It is also suggested that to aid the application of the policy a definition of small-scale is provided (and this could be done either in the supporting text or within a glossary).

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*These amendments will demonstrate regard to national policies and advice, and contribute towards achieving sustainable development.*

Policy POE1 – It is suggested that a level of proportionality is introduced to the policy. As currently worded *all* “development proposals should demonstrate how the landscape, natural and historic environments of the Parish have been considered”. The practical application of this would then require, for example, minor applications being required to submit such information. Is this the intended outcome? The LPA recommends that the wording be revised to the following “Where it is necessary to assess the likely impact of a development proposal, proportionate information should be submitted to demonstrate how the landscape, natural and historic environments of the Parish have been considered”.

Due to legal requirements associated with validating planning applications, the LPA would not be able to invalidate a planning application if such information was not provided. Therefore, the LPA does not consider it would be able to refuse a planning application where the above information had not been submitted, subject to an assessment by the case officer of the proposal. The LPA wishes to raise this point at this stage to ensure that all parties are aware of the way the policy would be applied (if the draft plan were to be made).

*These amendments will demonstrate regard to national policies and advice, and contribute towards achieving sustainable development.*

Policy POE2 – The intention of the policy is understood, although it is worth highlighting that a range of development could be built under permitted development rights and as such would fall outside the scope of the policy (thus limiting the impact of the policy). Furthermore the installation of lighting on a property is not classified as development and therefore would not fall under the control of the LPA. The LPA considers that it would be very difficult, if not impossible, for development to “enhance” tranquillity. It is suggested that this test is therefore removed and a level of proportionality is introduced to the policy (i.e. would it apply to *all* development?).

The general approach in considering noise within the planning process is covered by paragraph 123 of the NPPF and other consenting regimes. If the plan is ‘made’ the LPA will apply the policy in this context and in a proportional manner.

*These amendments will demonstrate regard to national policies and advice.*

Policy TT1 – To give greater flexibility to the policy it is suggested that the opportunity for an alternative level of parking provision be provided, as long as what is being proposed is based on appropriate and sufficiently robust evidence.

*These amendments will demonstrate regard to national policies and advice, and contribute towards achieving sustainable development.*

Policy TT2 – While the LPA notes the efforts to improve the clarity of the policy, there are still a number of issues that it would welcome clarification on. Is it the intention / expectation that the policy will be applied to all development proposals or proposals solely relating to parking provision?

It would also be helpful for the LPA to understand who is expected to be responsible for identifying the need for a small scale public car park.

The second paragraph of the policy refers to “other developments with public access”. The LPA would welcome greater clarity on this, to ensure it is applied consistently and proportionately. For example, how would the policy be applied where a change of use is being sought (but between uses that would have public access)?

*This amendment will aid clarity to users of the policy.*

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Policy TT3 – The LPA notes that the second paragraph is intended to provide clarity over when the requirements of the policy will need to be met. It is suggested that an easier and clearer way of doing this would be to refer to “Major development proposals...” in the first paragraph and to delete the second paragraph.

*This amendment will aid clarity to users of the policy and demonstrate regard to national policies and advice.*

Policy JE1 – While the intention behind bullet point 3 of the policy is understood, this is not a consideration through the planning process and it is therefore recommended it is removed. The LPA would suggest that the wording in bullet point 1 (“suitable market price”) would reflect the appearance and physical condition of the property.

The final bullet point is unclear insofar as what is meant by ‘complement’ and ‘in keeping with the rural village setting’. Both of these can be subjective, and without any clear guidance on how this should be assessed the LPA, it will interpret and apply the policy (should it be made) based on the relevant caselaw, legislation, national and local policy, national guidance and the profession judgement of the case officer.

*This amendment will demonstrate regard to national policies and advice, and contribute towards achieving sustainable development.*

Policy JE2 – In a similar vein to the comments made against policy JE1, the LPA will apply the criteria based on the relevant caselaw, legislation, national and local policy, national guidance and the profession judgement of the case officer. As there are a number of subjective elements to the criteria of the policy (and no guidance on how they should be assessed) the qualifying body should be aware there is the possibility that decisions could be made that might not comply with the *intention* of the policy or the way in which they consider the policy should be applied.

The LPA is unclear over what is meant by the reference in bullet point 1 to “pay reference to the historic development of the site concerned”. It would be helpful if further clarity is provided particularly in relation to the extent that reference should be paid and in what context (design, layout, material etc?).

From a practical application point of view, and for the avoidance of doubt, it is suggested that the final bullet point is a standalone paragraph and that there is no need to duplicate the reference to larger sites/schemes. It would also be helpful for the term “large scale tourism related businesses” to be defined.

Policy JE3 – It is suggested that the policy would benefit from the final bullet point being amended to read “the scheme is compliant with other *relevant* policies in this plan”.

*This amendment will aid clarity to users.*

Policy D1 – Punctuation would help clarify whether the bullet points are and/or. It is noted that each bullet point requires a level of assessment on subjective issues. Whilst not currently explicitly stated in the policy as written, the LPA would apply the policy on a pragmatic and proportionate basis. It would be helpful if this point was made in the policy.

The LPA considers that the wording of bullet point one could be amended as the current wording suggests that the mass, height, size, layout and density would be achieved through the use of locally appropriate materials.

In the final bullet point it will be helpful for the LPA to receive clarification over what is considered to be sufficient garden space and what it is to be sufficient for. It is considered that the reference to parking provision is unnecessary as there is already a policy relating to it.

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*This amendment will aid clarity to users of the policy.*

Policy ICS1 – The LPA maintains its view that the requirement to meet a proven local need is unnecessarily restrictive, and will reduce the opportunity for new facilities within the community. There is no requirement to consider the potential overprovision in terms of community facilities, and this is not considered to be in-line with the NPPF’s requirement to “plan positively for ... community facilities”<sup>1</sup>.

For greater clarity it is suggested that “from premises” in the second paragraph is removed.

*These amendments will demonstrate regard to national policies and advice, and contribute towards achieving sustainable development.*

Policy ICS2 - The LPA notes the changes to Policy ICS2 by the removal of reference to ‘other important open and green spaces’ and protection of ‘views to and from settlements’ and the consideration by the Steering Group that these aspects should be moved to the Design Section of the plan (Policy D1).

Policy CSC1 – The LPA notes the repeated use of the word “encouraged” within the policy. This will make it difficult for the LPA to apply and require the approach to be undertaken. This is being raised now to ensure that expectations are managed over how the policy (if it is made) will be applied and what the outcomes will be. Furthermore it is also suggested that the reference to the “obligations of the Environment Agency” be removed, as the LPA does not believe that any such obligations exist.

*This amendment will aid clarity to users.*

Policy CSC2 – As currently drafted the LPA considers that the first paragraph of the policy would only apply to “new development on existing sites”. It is unlikely that this is the intention, and as such the LPA would suggest the removal of “on existing sites” and a reference to a proportional approach to providing information.

*These amendments will aid clarity to users, demonstrate regard to national policies and advice, and contribute towards achieving sustainable development.*

Design Statement - To make the Design Statement more user friendly it is suggested that the guidelines are presented at the front of the document. Point 8 states that “Neighbouring properties should generally complement each other and mixing styles or mixing of historic references should be avoided”. This seems to be an oxymoron and conflict with earlier information in the document. It would also be against paragraph 60 of the NPPF’s Requiring good design section. The LPA suggests that a more appropriate form of wording would be “Neighbouring properties should generally complement each other”.

The Design Statement also states that “guidelines should influence development whether or not formal planning permission is required”. However, to avoid doubt and manage expectation the LPA wishes to confirm that it cannot make people comply with the guidelines where planning permission isn’t required.

*These amendments will aid clarity to users, demonstrate regard to national policies and advice, and contribute towards achieving sustainable development.*

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<sup>1</sup> Bullet point 1, paragraph 70 of the NPPF

*Via email*

**Wendy Perera, Head of Planning & Housing Services**

Isle of Wight Council, Council Offices,  
Seaclose, Fairlee Road, Newport, Isle of  
Wight, PO30 2QS

**Tel** (01983) 823552  
**Email** [planning.policy@iow.gov.uk](mailto:planning.policy@iow.gov.uk)  
**Web** [iwight.com/planning](http://iwight.com/planning)

**IWC Ref** BriNDP/Reg14  
**Your Ref**

**Contact** Ollie Boulter  
**Date** 27 November 2015

Dear John,

### **Brighstone Neighbourhood Development Plan Pre-Submission Consultation**

Thank you for giving the Isle of Wight Council, as the local planning authority (LPA), the opportunity to comment on the pre-submission consultation version of the Brighstone Neighbourhood Development Plan (BNDP) and accompanying background documents. The comments provided by the council are given under the spirit of the 'duty to support' set out in the amendments to the Town & Country Planning Act 1990.

As I am sure you are aware, a key role of the council is ultimately to determine whether the neighbourhood development plan meets the basic conditions. The council is not required to make this decision until after it has received the examiner's report. I previously provided comments on the emerging BNDP, in a letter dated 10 September 2015, and I am pleased to note that a number of the suggestions made have been incorporated.

The LPA is able to draw on its experiences of offering advice to two neighbourhood plans that have been through the statutory process and now, perhaps more importantly, of implementing policies within those neighbourhood plans when determining applications.

I have shared the current version of the plan and supporting document with colleagues, and their feedback has informed this response. The comments provided are based on the consultation documents and the council reserves the right to raise further or new issues, later on in the process, should it be deemed necessary.

The following comments flag issues where the council considers amendments would contribute to giving greater confidence that the Basic Conditions will be met, to ensure that the plan and policies are fit for purpose and will result in the development that balances sound planning principles and the aspirations of the community, and to reduce the risk of 3<sup>rd</sup> party objections later on in the process.

As you will be aware the LPA is responsible for organising and paying for both the examination process and the referendum. It is in the LPA's best interest therefore to ensure that the BNDP stands the best chance of successfully going through the statutory processes.

The council reserves the right to come to a different view on whether the BNDP meets the basic conditions later on in the process, although I would hope that this would not be necessary due to the opportunity we have had to be involved at this stage.

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It is worth re-iterating that an examiner probably will not know Brighstone – the place, the people or the issues. The only way they will be able to understand these things will be through the information you (or third parties) provide. You can therefore reduce the risk of questions being raised, or the plan not meeting the basic conditions, by making sure that sufficient evidence is provided to support your policy approaches.

In the following comments where amendments to wording are suggested, additions are underlined and deletions shown with a ~~strike through~~. The reason for the suggestion and/or any commentary is set out in *italics*. The draft BNDP and supporting documents have been circulated within Planning Services, and the following comments reflect the input received from officers.

### Specific comments

8.1 ...monitoring of the Brighstone Parish Neighbourhood Plan once it has been adopted and becomes part of the a Development Plan used to determine planning applications within the parish of Brighstone ~~Document of the Island Plan~~. *This change is suggested to ensure that terminology consistent with legislation is used, thereby avoiding any confusion over the status of the plan.*

9.1.14 *Whilst the plan helpfully includes a Policies Map, does it show all the policies that identify specific sites/areas and other policy considerations (i.e. key views)? It would be helpful for the users of the plan to have all this information in one clear map, and the LPA is able to assist with this if required.*

9.2.1.5 This gives a housing need of a total of 30 individual properties of various size and tenure over the period 2014-2019. *Such an amendment would make the lifetime of the housing needs survey clear and reflect the wording of the policy.*

BPNP Policy H1: New Housing Development (Location) – *the amalgamation of housing policies into one is welcomed and supported. As raised in previous correspondence there are officer concerns relating to the proposed approach of restricting the size (either the number of dwellings or the physical size of the site). This position has not changed and there is still officer concern over the approach and its potential impacts, although it is acknowledged that the proposed approach is favoured by the respondents to the various public consultation exercises undertaken to inform the BNDP.*

*It is interesting to note that through the 'Defining the extent of the influence of our Rural Service Centre' it is suggested that Brighstone is the least accessible village on the Island. The paradox to this though is that the village does comprise a very good range of facilities for its residents that includes two local shops, a pub, a very highly rated primary school, a doctors surgery, hair-dressers, playing fields and tennis courts, Church, village hall, to name but a few. Indeed it was for these very reasons that Brighstone was identified as a Rural Service Centre in the core strategy, and being appropriate to accommodate future development.*

BPNP Policy H2: Affordable Housing – *the rewording of the policy is welcomed, as it gives greater clarity and reflects current guidance and policy. The LPA notes that this guidance may change (again) whilst the BNDP is going through the statutory adoption processes, and as such recommends that the issue (nationally introduced thresholds of when financial contributions towards affordable housing will not be required) is monitored.*

BPNP Policy H3: Specialist Housing – *officers welcome the greater flexibility given to the policy by the introduction of the word 'significantly' in relation to the potential over supply of specialist housing, although concerns still remain that the general approach is unduly restrictive (i.e. seeking to prevent such accommodation being available for people with no local connection to the area).*

BPNP Policy POE1: Conserving and enhancing our environment – *the last paragraph of the policy, 'Proposals should show conservation or in preference enhancements of these important assets',*

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*seems to introduce further (and different) requirements to those beyond the core strategy. It is unclear what the justification for such an approach is, particularly as it applies to three different elements (landscape, natural and historic environments), which have different statutory levels of protection and tests. For ease of use and improved clarity it is suggested that this paragraph is removed, as it is suggested the issues are already suitably covered in the core strategy.*

9.4.5.1 – *there seems to be a typographical error in the penultimate sentence*

BNP Policy TT2: Additional Car Parking Space for public benefit – *officers welcome the changes to the policy, which are considered to give greater clarity.*

BNP Policy TT3: Sites along the Military Road – *the wording of the policy suggest that the ways of mitigating the likely traffic generation are ‘through the use of public transport and the public rights of way network’ and therefore no other mechanism can be considered. Whilst public transport and the rights of way network can be used to mitigate any impacts, other measures could and should be considered. In light of this it is suggested that the following wording is removed ‘through the use of public transport and the public rights of way network’.*

BNP Policy JE1: Zone 1 – Brighstone Village Centre – *as drafted it is unclear whether all three of the first three bullet points are required to be met for a proposal to be compliant, or whether it is an and/or requirement.*

BNP Policy JE2: Zone 2 – Existing large scale tourism related businesses close to the coast - *officers welcome the amendment to bullet point 4 of the policy. However, bullet point 3 introduces the requirement to ‘incorporate opportunities to conserve and where possible enhance the area’. This is outside the context of national and local designations, and the approaches to which are already covered by national and local planning policies. In light of this, the addition of this ‘test’ seems unduly onerous, especially when considering there doesn’t appear to be any evidence that justifies the need for such an approach.*

BNP Policy JE3: Zone 3 – Rural business and tourism in the rest of the parish - *officers welcome the changes to the policy, which are considered to give greater clarity, and the support the policy gives in relation to the conversion, re-use or adaptation of rural buildings for small scale business or tourism purposes.*

*However, as a number of the bullet points in the policy are considered to duplicate existing policies (both in the document and the core strategy) it is suggested they are not necessary. Bullet point 3 relates to design is it necessary, bearing in mind that there is a dedicated design policy and design guide which covers these issues, and likewise for bullet point 4 which is already covered by Policy POE1: Conserving and enhancing our environment. Bullet point 5 covers parking (Policy TT1: Private Car Parking for New Development) and impact on road network (which is already sufficiently covered by policy SP7 Sustainable Travel).*

BNP Policy D1 – Design Criteria – *whilst the amendment to bullet point 4 is noted, it is suggested that the issue is covered by policy BPNP Policy ICS2: Public Access, Open/Green Spaces and views.*

*Within the Design Statement itself point 2 of the Landscape, Natural and Historic Environment, Settlement Pattern and Setting Guidelines, refers to retaining the distinctive silhouette of parish settlements by preventing the erection of structures or changes to buildings that would cause material harm to the landscape and AONB. Officers are not clear how evidence could be produced regarding the silhouette of the settlements and how this would or wouldn’t be harmed – particularly by one off buildings, and therefore be determined. If silhouette is taken to mean the overall outline of the settlements and spaces between, then it is suggested that the guideline would be more likely to achieve what is understood to be its intended outcomes by refer to larger developments that extended the form of the village.*

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*Point 4 of the design statement says that sub-division of larger plots must be controlled to ensure that the important character of existing plots ratios is retained. This is a good point, but it would appear to be too focussed on larger plots – subdivision of any site could cause harmful alteration to the historic layout of the villages and in any event, this comes down to character and context. It is suggested that the guideline is more positively worded to state that the layout of development sites should reflect the historic layout of settlements or simply remove this requirement and refer to criteria 9.*

*Criteria 5 says that ornamental planting should be restricted to gardens in settlement areas. This policy would seek to remove a person's entitlement to manage their garden as they see fit. There is no evidence in the plan to demonstrate why ornamental planting is harmful and indeed, other parts of the plan praise Mottistone Manor and yet its gardens are planted in a formal and manicured fashion. Officers consider that this requirement is unreasonable and would be difficult to enforce.*

*Point 12 states that decorations such as house colour and shop signs should blend in with the style of the locality. This is again prescriptive and lacks evidence as to why this is necessary. A person should be able to decorate their house as they see fit – unless it is a listed building and/or in a conservation area and some harm would be caused. Legislation means that the LPA already has the ability to protect listed buildings and the colour of signs that require consent.*

*Point 15 states that low hedges should be used to enclose boundaries. Whilst the idea behind this is understood, the LPA can't force people to keep low hedges as this would be too prescriptive and fall outside of the planning legislation, and bearing in mind a neighbourhood plan can't bring in new legal requirements.*

*Point 18 states that re-use of existing buildings conserves energy. Officers do not necessarily agree with this statement, as the adaption of buildings that have fallen into a very poor state or that have simply reached the end of their design life can use far greater amounts of resources than a re-build. It is agreed that historically important buildings should be retained but not that in all situations that this uses less resources.*

*BPNP Policy ICS1: Community Facilities/Services – an addition to the previous iteration of the policy is that proposals for new community facilities will be supported if they meet a proven local need. It is suggested that such an approach will restrict what community facilities may come forward, as they might not be able to demonstrate a local need (even if a wider need/demand was identified). This would seem to be unduly restrictive and may stop community facilities coming forward. Is this the intention?*

*BPNP Policy ICS2: Public Access, Open/Green Spaces and views – the proposed policy provides the hook for the information in the Brighstone Parish Green Space Audit. The 'locally identified Important Green Spaces' in the audit are extensive, and it is not clear how they relate to the approach toward, and criteria for, local green space.*

*From the maps provided in the audit a significant amount of 'locally identified Important Green Spaces' seem to be roadside verges. It may be that such land is 'highway land', and as such the Highway Authority are able to undertake highway-related works in those areas without the need for specific consents (planning or otherwise). In light of this it is considered that the policy as drafted (or at least based on a lot of the areas identified) cannot be implemented and would not meet the Basic Conditions.*

*It is suggested that the 'locally identified Important Green Spaces' are assessed against the above information and the criteria given in the National Planning Policy Framework in paragraphs 76 and 77, in the same manner that other neighbourhood plans have done. The benefit of designating areas as Local Green Space is that development would only be expected to occur in 'very special circumstances'.*

Cont ...

*It is noted that locations such as Brighstone Recreation Ground are not included in the Audit. Without pre-judging whether they would meet the criteria referenced above, it may be a useful exercise to establish whether such sites would be appropriate for the designation.*

*A number of 'key views' are identified in the Audit. However, there is no explanation as to why they are considered important and without such an assessment it will be difficult to apply the policy in a robust and defensible manner. Because of this it is suggested that each view should be accompanied by an explanation of its importance. The LPA remains to be convinced that all the views identified are of sufficient importance to warrant such a specific level of protection above the wider policy framework.*

*BPNP Policy CSC1: Flood Risk – existing guidance clearly sets out when a Flood Risk Assessment (FRA) is required, and as such the policy is not considered necessary or that sufficient justification has been provided to demonstrate why the approach should go beyond that already set out. It is considered that the policy as worded would effectively mean if a site that was not at risk of flooding was the subject of an application and did not contain a FRA, then it would be contrary to policy CSC1. This is considered to be unduly onerous.*

*BPNP Policy CSC2: Coastal Development – whilst the issue is an important local one and a locally distinctive approach is welcomed, it may be beneficial to introduce an approach commensurate to the level of development proposed. Is the intention of the policy to cover coastal defences or development as a whole? If so it would be helpful to make this clear in the policy. By using the word development in the planning sense this covers anything that requires planning permission. Perhaps a more proportionate approach would be to only refer to major development? To also aid clarity over the policy, the following wording is suggested:*

*There is a presumption against any major development seeking that would to reduce or prevent natural rates of coastal erosion due to the coastline's landscape and ecological importance of ~~the coastline in the parish.~~*

### Sustainability Appraisal

The Sustainability Appraisal will be a useful tool in demonstrating that the Plan is contributing to sustainable development (and how it is done), which is a Basic Condition. In light of this it is considered that the appraisal would benefit from further explanation of how alternative policy approaches have been considered, where appropriate assessed and compared, and a clear justification for why they were ruled out. This could be achieved by starting with a long list of all possible options and then through a relatively quick process, screen out those which are not realistic, either using set criteria and/or providing some justification for the determination made.

Following on from this point, it is considered that Table 2: Alternatives would benefit from an explanation of why and how potential options were ruled in or out as a summary of Appendix 2. Appendix 2 itself lacks any actual justification of assessment or rationale of the preferred identified option.

Within a Sustainability Appraisal one would normally expect to see details on proposed mitigation, suggested changes and policy iteration/development. It is not clear from the current document where these are and whether they meet the requirements of the SEA Directive.

If it would be benefit officers can attend a meeting to go through these issues in more detail.

### Habitats Regulation Assessment

To give greater confidence in the document and its findings it is suggested that references to the regional plan/South East Plan should be removed/amended as this has been revoked and that the correct (adopted) core strategy policies are referred to.

### General comments

Cont ...

A recent noteworthy experience has been the determination of a planning application in the parish of Bembridge. As I am sure you are aware the Bembridge Neighbourhood Development Plan seeks to restrict the size and yield of sites. However, an application ([P/01479/14](#)) to redevelop a former primary school site (therefore a brownfield site) for affordable housing (meeting a local need) was submitted with a level of residential development above the prescribed figure in the plan. To seek a lower figure would have, whilst being compliant with the particular element of a policy, resulted in underdevelopment of the site and made the development unviable.

Based on the facts of the case, the other relevant policies of the development plan and the requirement to determine planning applications in accordance with the development plan unless material considerations indicate otherwise, the LPA granted permission for the proposal. The issues associated with the application arose from the thresholds introduced through the neighbourhood plan, and I would again suggest that the implications of such a policy approach are considered very carefully against the policies of the development plan and the Basic Conditions.

It is considered that the community's concerns of over development and 'inappropriate' development are likely to arise over any visual impact and harm of a development, rather than an arbitrary distinction between the number of units. Any proposal will be considered in terms of likely visual harm and therefore officers consider that a strong suite of design policies and associated local character information will enable the LPA to make sound planning decisions and development that does not result in an unacceptable level of visual harm.

In summary officers retain their concern that the proposed approach of restricting the number of dwellings on a site and the scale of a site will restrict the likelihood of residential development coming forward to meet local requirements. This has the potential to be against the Basic Condition that requires neighbourhood plans to contribute to the achievement of sustainable development, and in light of this officers would welcome amendments to the proposed policy in-line with the suggestions in this letter. If the Qualifying Body does not wish to make such changes, officers suggest that the Basic Condition Statement covers the issue in a sufficiently robust

Unless the intention is for an approach towards local green space different to that set out in the NPPF, it is suggested that the approach towards local green space is aligned with the NPPF as set out in this letter.

I hope that you find these comments helpful and if you require any further information, or wish to follow-up any of the issues please do not hesitate to contact me.

Yours sincerely,



**Ollie Boulter**  
**Planning Team Leader**

*Cc (via email)*

*Wendy Perera (Head of Planning & Housing Services)*  
*Susannah Jennings (Brighstone Parish Council)*  
*John Cirrone (Brighstone Parish Council)*

## ***BRIGHSTONE (I.W.) PARISH COUNCIL***

*Clerk & Registrar: Mrs. Susannah Jennings  
`Frensham`, Chilton Lane, Brighstone, Isle of Wight, PO30 4DR.  
Telephone: (01983) 741448. E-mail: clerk@brighstoneparish.org  
Website: www.brighstoneparish.org*

Mr Ollie Boulter  
Planning Team Leader  
Isle of Wight Council  
Planning Services  
Seaclose  
Fairlee Road  
Newport  
Isle of Wight  
PO30 2QS

10<sup>th</sup> December 2015.

IWC Ref: BriNDP/Ref14

Dear Mr Boulter

### **Isle of Wight Council Planning Service consultation response to pre-submission draft Brighstone Parish Neighbourhood Plan.**

Thank you for providing detailed comments from yourself and colleagues from the Isle of Wight Council Planning Service.

These were discussed at the recent meeting of the Brighstone Parish Neighbourhood Plan Steering Group along with other comments received as a result of the consultation on the pre-submission draft of the Brighstone Parish Neighbourhood Plan. It was agreed at the meeting that a response should be given from Brighstone Parish Council (as the qualifying body for the production of the Neighbourhood Plan).

This letter provides details of our response to the points and questions that you have raised in your consultation response and comes in advance of our submission of the suite of documents (including a Basic Condition Statement) as required by Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (as amended).

Turning first to your general comments. You discuss your concern at the potential sustainability of our approach regarding the size and scale of new housing development as set out in BPNP H1. You provided details of the approach

undertaken by Bembridge in their Bembridge Neighbourhood Development Plan and details of the recent approval for development on a large brownfield site which was contrary to their adopted plan and therefore a departure from the Island Plan. In our opinion the situation in Bembridge is not comparable with the planning policy and local context of the Brighstone Rural Service Centre.

We believe our approach is fully justified primarily due to the location of the whole of Brighstone Parish and the village of Brighstone (the Rural Service Centre) within the Isle of Wight Area of Outstanding Natural Beauty, a nationally protected landscape. The National Planning Policy Framework (NPPF) clearly states that when making a Local Plan there is a need to restrict development in sensitive areas such as AONBs and Heritage Coasts (NPPF paragraph 14 footnote 9) and as it is the intention for the Brighstone Parish Neighbourhood Plan to become part of the Island Plan this consideration applies. NPPF also confirms that great weight should be given to conserving the landscape and scenic beauty of AONBs and critically there is presumption against major development which should only be given consent in exceptional circumstances where there is clear public interest (NPPF paragraphs 115 and 116). The Town and Country Planning (Development Management Procedure)(England) Order 2010 defines what constitutes major development and states that in relation to proposed housing as being 10 or more dwelling houses, or development on a site of more than 0.5 hectares.

In addition to the national policy framework, our approach is also consistent with:

- the policies of the Island Plan particularly policies SP1, SP2 (see 5.38), SP5, DM3 and DM4
- the findings of our research into the extent of influence of the Brighstone Rural Service Centre (see Defining the extent of influence of the Brighstone Rural Service Centre)- namely that Brighstone is the least sustainable of the eleven Rural Service Centres in terms of access to services not available in the local area and provides for the community of Brighstone Parish and to some extent people living in the neighbouring parish of Shorwell.
- the fact that Brighstone Church of England aided Primary School is currently expanding due to increased roll numbers with many of the students living outside of the parish
- the fact that local businesses have not identified that their viability is under threat due to a lack of major housing growth in the area
- the fact that small-scale incremental growth is consistent with the approach to development that has been taken over the last twenty or so years with such sites being accommodated without significant change to the size or character of the rural settlement
- the rural character of the protected landscape area is valued by the local community, is a major draw for visitors and contributor to the Island's tourism economy

- the approach taken has been influenced by the clear community support identified and evidenced by the results of the Residents Survey (with its over 50% return rate)

We will of course set this out again fully in the Basic Condition Statement.

Your second general point relates to the approach taken to green space in the Neighbourhood Plan. We are grateful to you for raising this issue as it has resulted in our decision to de-couple green space and views from our Improving Community Services policy (ICS2). We will now include reference to the findings of the Brighstone Parish Green Space Audit within our Design policy section. This better reflects our intention to emphasise the importance of views and green space to the character of the rural area. We will seek to encourage their consideration in new proposals for development with the Brighstone Parish Green Audit being illustrative rather than definitive in relation to the sites and views deemed to be of importance for their contribution to the character of the area and its nationally protected landscape status. By taking this approach we believe that there is no requirement to reproduce the maps shown in the Brighstone Parish Green Space Audit in the Neighbourhood Plan and it will also allow us to continue to direct readers to look at the Brighstone Parish Green Space Audit as an important background document alongside the Brighstone Parish Design Statement.

Regarding your more specific comments, we thank you for these and in many instances we are in agreement with the points you have raised and will amend the documents accordingly. However, we do wish to respond to several of the points you have raised where we disagree with your view and have set these out below:

- Brighstone Rural Service Centre (RSC) - we acknowledge that Brighstone village is one of the eleven Rural Service Centres identified in the Island Plan and recognise that this was largely based on an audit of services available in the area in 2008. However, we believe that we have given greater definition to the context for the Brighstone Rural Service Centre in our various documents and that the following underpin our approach:
  - the fact that RSC and the whole of Brighstone Parish are entirely located within the AONB and the requirements of the National Planning Policy Framework in this respect
  - the findings of the analysis in the 'Defining the extent of influence of the Brighstone Rural Service Centre' report which includes the Defra Access to Services data for those facilities not available locally
  - responses received from both Shorwell Parish Council and Calbourne Parish Council indicating some limited use of services in Brighstone Village by people living in Shorwell Parish, but little if any use by people living in the parish of Calbourne
  - the impact of reduced public sector funding for service provision

We believe that all of these have impact on the relative sustainability of the Brighstone village when compared to the other Rural Service Centres. We believe that this fully justifies our suggested small-scale incremental approach to new development in the area.

- BPNP H3 – Once again our justification for this approach relates to the fundamental requirement for small scale development in AONBs as conferred by the NPPF (see above) and is also reflected in the policy context of the Island Plan. For clarity, we do not see this policy being used in isolation from H1 and do not believe that this is unduly restrictive.
- BPNP JE2 – We disagree that the approach we are suggesting is outside of the national and local policy context. All these sites are within the Isle of Wight AONB, the Tennyson Heritage Coast and may also include SSSI and SAC designated land. As such they are internationally or nationally valued landscape and nature conservation areas where you would expect as a minimum conservation of these qualities and encourage enhancement wherever possible. We do not feel that our approach is unduly onerous and suggest it should be pursued as a matter of course. Interestingly the early 1960s report of the National Park Commissioners on the original designation of this coastline as part of the Isle of Wight AONB includes an expectation on the then Isle of Wight County Council to actively pursue improvements to the existing large tourism related sites which were specifically mentioned as requiring enhancement (see the Isle of Wight AONB designation history hard copy held by the Isle of Wight AONB Partnership). We would also draw your attention to the weight given to the AONB designation on the recent Planning Inspectorate’s appeal decision upholding refusal for development at Atherfield Bay (P/01199/13).
- Brighstone Parish Design Statement – We have considered the points that you have raised and we have altered the text accordingly. This includes the removal of terms such as ‘should’ to be replaced with ‘are encouraged’ to reflect that in some cases these matters are outside of the formal planning process.
- BPNP ICS1 – We believe that our suggested approach is justified as we wish to ensure that any development reflects the smaller-scale approach and local need requirements of the Brighstone Rural Service Centre. The lack of regular public transport (compared to other Rural Service Centres) is a major consideration and constraint. The bus service has declined over the last few years. Our conversations with Southern Vectis lead us to believe that there is no plan to reverse this decline in service as they now have a preferred straight line route through Calbourne to Yarmouth via Freshwater. We have been told by them that as far as they are concerned Brighstone is seen to be an ‘out of the way service’. At present there is a reduced daily service, no evening service on any day of the week and no Sunday service at all in the winter months. We believe that this factor contributes to the comparative lack of sustainability of Brighstone as a location for any services providing for a wider geographic area.
- BPNP ICS2 – As mentioned earlier in this response, we will remove references to green space and views from this policy, transferring them to the Design section of the Neighbourhood Plan. It is accepted that some activities that may have an impact on these facets of the character of the area may not require formal consent. However, we believe that our Brighstone Parish

Green Space Audit is a useful tool to assist organisations such as Island Roads in discharging their statutory duty to have regard to the conservation and enhancement of the Isle of Wight AONB, complementing the AONB Management Plan. Regarding views, we will amend the wording to encourage the consideration of views to and from settlements from coast and downland as part of the Design policy rather than requiring their blanket protection. We will continue to cite the Brighstone Parish Green Space Audit as a useful indicative rather than definitive document.

- BPNP CSC1 – We will reword but still include reference to encouraging the consideration of ground and surface water run off issues in new development.
- Sustainability Appraisal – We will include more information on the reasoning behind our chosen alternatives in both section 5 and Appendix 2 of the Sustainability Appraisal. We are confident that the SEA element of the document is commensurate with what is proposed in the Neighbourhood Plan and have had no contra-indication of this from Natural England in their consultation response, namely *'It is our advice, on the basis of the material supplied with the consultation, that, in so far as our strategic environmental interests are concerned (including but not limited to statutory designated sites, landscapes and protected species, geology and soils), that there are unlikely to be significant environmental effects from the proposed plan'*.
- Habitats Regulation Assessment – We will make the suggested change and remove all reference to the Regional / SE Plan.

We thank you once again for your comments prior to and during the pre-submission consultation process. We look forward to working with you to take the Brighstone Parish Neighbourhood Plan through the next stages and remain confident of its adoption as part of the Island Plan in 2016.

Yours sincerely

John Cirrone

Chairman of Brighstone Parish Council

Cc Brighstone Parish Neighbourhood Plan Steering Group



Historic England

Planning Policy  
Isle of Wight Council  
Seaclose Offices  
Fairlee Road  
Newport  
Isle of Wight, PO30 2QS.

Our ref: HD/P6001/  
Your ref:  
Telephone 01483 252040  
Fax

4<sup>th</sup> March 2016

Dear Sir or Madam,

### **Brighstone Parish Neighbourhood Development Plan Reg 16 Consultation**

Thank you for your e-mail of 22<sup>nd</sup> January advising Historic England of the consultation on the Brighstone Neighbourhood Plan under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012. As the Government's statutory adviser on the historic environment we are pleased to make the following comments.

The National Planning Practice Guidance (NPPG) states "... *where it is relevant, neighbourhood plans need to include enough information about local heritage to guide decisions and put broader strategic heritage policies from the local plan into action at a neighbourhood scale. ... In addition, and where relevant, neighbourhood plans need to include enough information about local non-designated heritage assets including sites of archaeological interest to guide decisions*". The National Planning Policy Framework explains that the conservation of cultural heritage is an important consideration in Areas of Outstanding Natural Beauty (paragraph 115).

We therefore welcome the references to the historic environment and heritage assets in Brighstone in paragraphs 4.1.4 - 4.1.6, 9.3.1.1 and 9.3.1.12 - 9.3.1.5. However, we would also welcome an explanation of the significance of so many important heritage assets and a description of the historical development of the parish. Why are St Mary's Church and the Church of St Peter and St Paul grade I listed?

We would also welcome information on when the four conservation areas were designated and what their special architectural or historic interest is? We note the reference to the Conservation Area Appraisals in paragraph 9.6.1.3, but this reference would also be valuable in paragraphs 4.1.5 and /or 9.3.1.14. Is there an opportunity to review their boundaries or to add to the Local List through the Neighbourhood Plan process?



Historic England, Eastgate Court, 195-205 High Street, Guildford GU1 3EH

Telephone 01483 25 2020 [HistoricEngland.org.uk](http://HistoricEngland.org.uk)

Please note that Historic England operates an access to information policy.

Correspondence or information which you send us may therefore become publicly available.



We welcome the references to the recent Historic Landscape Characterisation for the Isle of Wight in paragraph 9.3.1.11 and to the Isle of Wight Historic Environment Record in paragraph 7.1.2. However, are there any records for the parish on the Historic Environment Record? The bowl barrow on New Barn Down close to Rowridge scheduled monument is no longer on the Heritage at Risk Register. However, the Register does not include grade II listed buildings at risk – has there been a survey of the grade II listed buildings in the parish to determine if any are at risk?

We very much welcome the clear and strong support for the conservation and enhancement of the historic environment from the Residents' survey as noted in paragraph 9.3.2.1 and the Community Objective to conserve and wherever possible enhance the historic environment of the parish in paragraph 9.3.3.1 (although is the reference to traffic and transport issues an error?)

However, given this support, we find it surprising that there is no specific mention of the conservation and enhancement of that historic environment in the "Vision of Brighstone Parish in the year 2027" (except in relation to farming and forestry), or any specific historic environment policy to "*put broader strategic heritage policies from the local plan into action at a neighbourhood scale*". (We welcome the intent of BPNP Policy POE1, although it is questionable whether the first paragraph is strictly a planning policy and we feel the requirement for development proposals to demonstrate how the historic environment of the parish has been merely "considered" to be too weak).

Historic England considers that Neighbourhood Development Plans should be underpinned by a thorough understanding of the character and special qualities of the area covered by the Plan. Paragraph 58 the National Planning Policy Framework (NPPF) states that Local and Neighbourhood Plans should "... *develop robust and comprehensive policies that set out the quality of development that will be expected for the area. Such policies should be based on stated objectives for the future of the area and an understanding and evaluation of its defining characteristics*".

A characterisation study can also help inform locations and detailed design of proposed new development, identify possible townscape improvements and establish a baseline against which to measure change. We therefore welcome the revised Brighstone Parish Design Statement in addition to the Character Appraisals for the Conservation Areas.

We suggest that BPNP Policy H1 should contain a requirement that new development should not adversely affect the natural, built or historic environment of the parish. We welcome the third bullet point in Policy BPNP Policy JE2: "Zone 2 – Existing large scale tourism related business close to the coast" requiring proposals to have incorporated opportunities to conserve and where possible enhance the historic environment in the area.

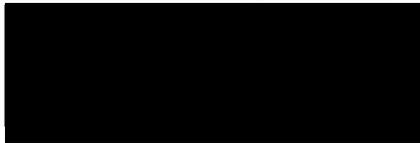
We would welcome the addition to Policy BPNP Policy JE3: "Zone 3 – Rural business and tourism in the rest of the parish" of a requirement that proposed conversions of rural buildings should retain the character of the building and any features of architectural or historic interest. Similarly we would welcome an additional consideration to Policy BPNP D1, which we generally welcome, of "not adversely impacting on architectural or historic significance".

Policy BPNP Policy ICS2: "Public Access" could be clarified by the addition of "Detrimental" before "changes" and "adverse" before "impact" in the second paragraph.

We hope you find these comments helpful. Should you wish to discuss any points within this letter, or if there are particular issues with the historic environment in Brighstone, please do not hesitate to contact us.

Thank you again for consulting Historic England.

Yours faithfully,



Martin Small  
Principal Adviser, Historic Environment Planning  
(Bucks, Oxon, Berks, Hampshire, IoW, South Downs National Park and Chichester)

E-mail: [martin.small@historicengland.org.uk](mailto:martin.small@historicengland.org.uk)





## Representation Form for the Brighstone Neighbourhood Development Plan

Ref:
Ack:
(For internal use only)

Representations should be returned to the Isle of Wight Council by **midday on Monday 7 March 2016**.

In the interests of sustainability, we would encourage you to return this form electronically via email to [policy.consultation@iow.gov.uk](mailto:policy.consultation@iow.gov.uk).

### Part A

Personal Details	Agent's Details (if applicable)	
<i>If an agent is appointed, please complete only the Title, Name and Organisation boxes below, but complete the full contact details of the Agent in 2.</i>		
Title	<input type="text"/>	<input type="text"/>
Name	<input type="text"/>	<input type="text"/>
Job Title (where relevant)	<input type="text"/>	<input type="text"/>
Organisation (where relevant)	<input type="text"/>	<input type="text"/>
Address and Postcode	<input type="text"/>	<input type="text"/>
Email Address	<input type="text"/>	<input type="text"/>
Telephone Number	<input type="text"/>	<input type="text"/>

If you wish to be notified of the Council's decision on whether to accept the Examiner's recommendation and future progress with the plan please tick here.

The Isle of Wight Council will acknowledge receipt of your representation(s) as soon as possible. Representations cannot be kept confidential. All representations received will be made publicly available and be identifiable by name and organisation (where applicable).

Please return completed forms to [policy.consultation@iow.gov.uk](mailto:policy.consultation@iow.gov.uk) or by post to:

Planning Policy, Isle of Wight Council, Seaclose Offices, Fairlee Road, Newport, Isle of Wight, PO30 2QS





Ref:  
  
(for internal use only)

**Part B – please use a separate sheet for each representation**

**1. To which part of the Brighstone Neighbourhood Development Plan does this representation relate?**

Paragraph / Page Number  Policy Number  Supporting Document

**2. Do you wish to:**

Support  Support with modifications  Oppose  Make general comments

**3. Please give details of your reasons for your support/opposition here, along with any suggested modifications or general comments.**

(Please continue on a separate sheet if necessary)



**HOME  
CONSULTANCY Ltd.**

OBJECTION TO THE DRAFT BRIGHSTONE  
PARISH NEIGHBOURHOOD PLAN

PREPARED BY

HOME CONSULTANCY LTD

COMPANY NO: 7630836

[HOMECONSULTANCYLTD@GMAIL.COM](mailto:HOMECONSULTANCYLTD@GMAIL.COM)

VERSION:1.0

Date: 04/03/2016

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# QUALITY STANDARDS CONTROL

## Quality Standards Control

The signatories below verify that this document has been prepared in accordance with our quality control requirements. These procedures do not affect the content and views expressed by the originator.

This document must only be treated as a draft unless it is has been signed by the Originators and approved by a Director.

DATE	ORIGINATORS	APPROVED
04/03/2016	Home Consultancy Ltd	Home Consultancy Ltd

### Limitations:

This document has been prepared for the stated objective and should not be used for any other purpose without the prior written authority of Home Consultancy Ltd; we accept no responsibility or liability for the consequences of this document being used for a purpose other than for which it was commissioned.

# 1.0 SUMMARY

## 1.0 Summary

1.1 Home Consultancy Ltd has been commissioned by a landowner, with an interest in promoting land for residential development within the parish of Brighstone, to object to the current draft of the Brighstone Parish Neighbourhood Plan.

1.2 This objection is based on our view that:

- The draft Brighstone Parish Neighbourhood Plan (BPNP) does not meet the basic conditions test and does not have full regard to National Policy,
- The draft BPNP does not plan positively to support local development,
- The draft BPNP introduces an assumption that it can be the subject of an amendment without re-examination and referendum which is not in accordance with the National Planning Policy Framework of the accompanying guidance.

1.3 A Neighbourhood Plan must not constrain the delivery of important national policy objectives. The National Planning Policy Framework<sup>1</sup> is the main document setting out the Government's planning policies for England and how these are expected to be applied.

1.4 Any qualifying body (Regulation 8 of the The Neighbourhood Planning (General) Regulations 2012) is advised to set out in its basic conditions statement how it has had regard to national policy and considered whether a particular policy is or is not relevant. A qualifying body is encouraged to set out the particular national policies that it has considered, and how the policies in a draft neighbourhood plan or the development proposals in an Order take account of national policy and advice.

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<sup>1</sup> <http://planningguidance.communities.gov.uk/blog/policy/>

## 2.0 THE BASIC CONDITIONS TEST

### 2.0 The basic conditions test

- 2.1 Paragraph 16 of the National Planning Policy Framework<sup>2</sup> is clear that those producing Neighbourhood Plans should support the strategic development needs set out in Local Plans, including policies for housing and economic development. Qualifying bodies should plan positively to support local development, shaping and directing development in their area that is outside the strategic elements of the Local Plan.
- 2.2 Paragraph 184 of the National Planning Policy Framework<sup>3</sup> states that Neighbourhood Plans should not promote less development than set out in the Local Plan or undermine its strategic policies.
- 2.3 The basic conditions test allows qualifying bodies, the independent examiner and local planning authority to reach a view in those cases where different parts of national policy need to be balanced.
- 2.4 The proposed BPNP has been published with a supporting document which is intended to constitute the basic condition statement for the Brighstone Parish Neighbourhood Plan and provide the required detail to satisfy paragraph 8 schedule 4b of the Town and Country Planning Act 1990 as inserted by the Localism Act 2011.
- 2.5 The BPNP basic conditions statement confirms that Paragraph 14 of the NPPF states that at the heart of the framework is the presumption in favour of sustainable development.

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<sup>2</sup> <http://planningguidance.communities.gov.uk/blog/policy/achieving-sustainable-development/>

<sup>3</sup> <http://planningguidance.communities.gov.uk/blog/policy/achieving-sustainable-development/plan-making/>

## 2.0 THE BASIC CONDITIONS TEST

- 2.6 This accompanying document then states that *'However, it recognises that this presumption requires restriction in certain 'sensitive' areas (footnote 9).'*
- 2.7 It is contended that the reason that this document has been written in this manner is in order to 'protect the AONB, coastline and Tennyson Heritage Coast' by ***restricting development.***
- 2.8 It is our contention that this wording does not have specific regard to the policies contained within the Local Plan in full nor does it have regard to all of the wording contained within the Local Plan as it does not align policies with the strategic needs and priorities of the **wider local area** in accordance with Paragraph 184 of the NPPF.
- 2.9 The Island Plan recognises that Brighstone is a Rural Service Centre and is therefore considered to be a sustainable location for growth. In fact, it is considered by the Core Strategy to be one of the 11 villages outside the Key Regeneration Areas and Smaller Regeneration Areas where the majority of 'sustainable development' should occur.
- 2.10 On the 12 September 2014 Appeal Decisions APP/P2114/A/14/2213876, APP/P2114/A/14/2219750 in respect of land at Arreton was supported by further clarification of the Inspector in relation to housing need with confirmation in paragraph 16 of the decision that *"Adopted Core Strategy Policy SP1 identifies Arreton as a Rural Service Centre (RSC). It supports development "on appropriate land within or immediately adjacent" to RSCs; and, for RSCs, proposals for greenfield land "will need to demonstrate that previously developed land is not available and an identified local need will be met". In that context, "local" means the ward area, though the Council accepts that Policy SP1 does not constrain development solely to meeting local need. Indeed, that interpretation seems apparent from the*

## 2.0 THE BASIC CONDITIONS TEST

*requirement in Core Strategy Policy SP2 for 980 dwellings over the Plan period “through smaller-scale development at the [RSCs] and wider rural area” – a figure surely much greater than any likely local need.”*

- 2.11 The basic conditions report then outlines the documents that have been referred to in the creation of the BPNP policies and the following main points are raised in relation to housing provision:

### **Island Plan Core Strategy**

- 2.12 The basic conditions report states that: *“The village of Brighstone is described as a Rural Service Centre in the Island Plan. The remaining area of the parish outside of the defined settlement boundary is deemed by the Island Plan as being in the wider rural area. As mentioned above the Neighbourhood Plan will need to be compliant with the Island Plan giving more local definition to its policies”.*
- 2.13 Policy SP1 of the Core Strategy confirms that *“The Council will, in principle and in line with its overarching approach to economic led regeneration and national policy, support development on appropriate land within or immediately adjacent the defined settlement boundaries of the Key Regeneration Areas, Smaller Regeneration Areas and Rural Service Centres and will prioritise the redevelopment of previously developed land where such land is available, suitable and viable for the development proposed. Appropriate land is considered to be deliverable within, and immediately adjacent, the settlement boundaries of the Key Regeneration Areas and Smaller Regeneration Areas. For Rural Service Centres, proposals for greenfield and/or non-previously developed land within or immediately adjacent to settlement boundaries will need to demonstrate that deliverable previously developed land is not available and an identified local need will be met.”*
- 2.14 It is our contention that the basic conditions report intends to **restrict**

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**development** further than what is required by policy SP1 through the use of the wording *'the remaining area of the parish outside of the defined settlement boundary is deemed by the Island Plan as being within the wider rural area'* without recognising that development in the wider rural area is acceptable in principle as long as it is on appropriate land within or immediately adjacent the defined settlement boundaries of Rural Service Centres. It is our contention that the most important part of policy SP1 is the use of the words *'appropriate land'*.

### The AONB

- 2.15 The basic conditions report states that: *"All of the Neighbourhood Plan area is within the designated AONB and the whole coastline falls within the Tennyson Heritage Coast. NPPF requires specific consideration of these designations as a necessary development restriction requiring great weight in plan making and decision taking."* In addition, the BPNP basic conditions test Table 2 confirms that *'Paragraph 14 (footnote 9) - requires more restrictive approach in sensitive areas such as the AONB in relation to presumption in favour of sustainable development. Paragraph 115 and 116 regarding protection of AONB and presumption against major development in AONB'*
- 2.16 It is our contention that the basic conditions report intends to **restrict development** further than what is required by the Local Plan as sites located within the AONB fall within the Strategic Housing Land Availability Assessment as 'deliverable land' and were subject to the Core Strategy Habitats Regulations Assessment.
- 2.17 Evidence of the approach taken by the Local Planning Authority in relation to SHLAA sites in the AONB can be examined in paragraph 1.9 of the latest SHLAA

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assessment completed April 2015<sup>4</sup> which confirms that: *“The Area of Outstanding Natural Beauty (AONB) has not been included as an environmental designation. This is because there would be a significant number of sites within and adjacent to rural villages which would be excluded from the SHLAA. Given the Island’s coverage of the AONB and the housing potential which could be provided to help meet, identified local needs, the designation has not been treated as an exclusionary criterion.”*

- 2.18 Therefore there is no presumption within the Core Strategy or the SHLAA that development located within the AONB has an additional development restriction over and above what is contained within the ‘full wording’ of paragraphs 115 and 116 of the NPPF as no site specific landscape assessment of each potential location for housing within the parish has been carried out to **positively rule some sites in or rule some sites out.**
- 2.19 This principle was recently tested under appeal APP/P2114/W/15/3134495 in relation to Land adjacent to Blanchards Moortown Lane and between Upper Lane and Main Road, Brighstone, Newport, Isle Of Wight PO30 4AH where the Inspector commented as follows: *“The National Planning Policy Framework states at paragraph 115 that great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The land is presently open and allows the open land of the downs to infiltrate the village as far as Main Road. That beneficial effect has to be moderated by the existence of development on either side of the finger of land along Upper Lane. The placement of development as proposed would retain the infiltration, whilst arranging built form more to the sides where it would appropriately address existing built form so as to not introduce significant harm. Whilst it is the presence of this finger of continuous undeveloped land that allows the site to be considered as natural and beautiful, playing a part in the designated area, the degree to which the*

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<sup>4</sup> <https://www.iwight.com/azservices/documents/2782-SHLAA-update-April-2015.pdf>

## 2.0 THE BASIC CONDITIONS TEST

*site is hemmed-in by buildings and roads limits the actual effect of this being part of the downs beyond.”*

- 2.20 The Planning Inspector further commented in relation to Planning Balance that *“Brighstone is a Rural Service Centre as defined in the Core Strategy, and the site is adjacent to the settlement boundary. Policy SP1 provides for development on appropriate land within or immediately adjacent to the defined settlement boundary of Rural Service Centres, prioritising the use of previously developed land where available. It is agreed that there is insufficient previously developed land in or adjoining Brighstone to provide for the development required. Policy SP2 seeks to deliver 980 dwellings in the Rural Service Centres or rural area, and of the 5-year housing land supply that the Council is required to be able to demonstrate under Framework paragraph 47, 49% comes from sites without permission or those within the Strategic Housing Land Availability Assessment. In Brighstone two sites are identified and the appeal site is the more sequentially preferable of the two. Policy SP1 identifies 4 out of the 11 Rural Service Centres as being in the Area of Outstanding Natural Beauty, in whole or part, and does not preclude development in the designated area as a result. There are compelling reasons to agree the principle of development in this location notwithstanding the location within the Area of Outstanding Appeal Decision.”*
- 2.21 The Inspectors use of the words *“Policy SP1 identifies out 4 out of the 11 Rural Service Centres as being in the AONB”* is a recognition of the NPPF in this regard but it is further confirmed that development within the AONB is not precluded and it is our contention that the wording of the BPNP basic conditions test places ‘significant emphasis’ on designations as a way of precluding development because the real intention behind the BPNP is to introduce policies that ‘restrict development’ which is not in line with the intentions behind Paragraph 47 of the NPPF ‘To boost significantly the supply of housing’.
- 2.22 Furthermore the Inspector confirms that *“The need for exceptional circumstances stated in the Framework is in this case not of significant weight in view of the provisions of the up-to-date Development Plan and its primacy under s38(6) of the 2004 Act. This states that if regard is to be had to the Development Plan for the purpose of any determination to be made under the planning Acts the determination*

## 2.0 THE BASIC CONDITIONS TEST

*must be made in accordance with the Plan unless material considerations indicate otherwise.”*

- 2.23 It is therefore contended that the wording contained in Table 2 of the BPNP basic conditions test that *“Paragraph 14 (footnote 9) - requires more restrictive approach in sensitive areas such as the AONB in relation to presumption in favour of sustainable development. Paragraph 115 and 116 regarding protection of AONB and presumption against major development in AONB”* is an attempt to **restrict development** further than what is required under the Island Plan and in that regard the BPNP is not considered to **positively plan to boost significantly the supply of housing** or be in general conformity with the Island Plan.

### Isle of Wight SHLAA

- 2.24 The basic conditions report states that *‘Although this document doesn't necessarily indicate that the SHLAA sites will be developed it is important for the Neighbourhood Plan to be aware of this Island Plan background document’*
- 2.25 It is our contention that the BPNP is deliberately silent in relation to the sites listed in the IWC SHLAA and that this does not positively plan as this would force the community to make choices over which land is suitable for development which is clearly not the intention of the plan. It is further contended that the only way to positively plan is by proposing allocations and by not doing so the BPNP fails the basic conditions test.

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### The Isle of Wight Strategic Housing Market Assessment (SHMA)

- 2.26 The basic conditions report confirms that the SHMA was compiled as part of the formulation of the Island Plan and subject to a recent review. This document identifies the Island's housing stock and identified housing need and the Neighbourhood Plan considered the results of the revised SHMA as part of its development.
- 2.27 It is our contention that the SHMA has formed no active part in the forming of policies in relation to housing requirements over the plan period. It is further contended that the relevant period for which 'general conformity' has to be established is the plan period to 2027 and not a shorter period as this does not consider the findings of the SHMA and therefore renders the statements made by BPNP incorrect in this regard.

### Housing need

- 2.28 The basic conditions test confirms that 'The results of the Housing Needs Survey helped to structure the policies in the NP and also defined the local need for future development for the period 2014-2019.'
- 2.29 The BPNP fails to take regard to Paragraph: 006 of the NPPG guidance<sup>5</sup> on Housing and Economic Development needs assessments which confirms that *"Town/parish councils and designated neighbourhood forums (qualifying bodies) preparing neighbourhood plans can use this guidance to identify specific local needs that may be relevant to a neighbourhood but any assessment at such a local level*

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<sup>5</sup> <http://planningguidance.communities.gov.uk/blog/guidance/housing-and-economic-development-needs-assessments/the-approach-to-assessing-need/>

## 2.0 THE BASIC CONDITIONS TEST

*should be proportionate. Designated neighbourhood forums and parish/town councils can also refer to existing needs assessments prepared by the local planning authority as a **starting point (my emphasis)**. The neighbourhood plan should support the strategic development needs set out in Local Plans, including policies on housing and economic development. The level of housing and economic development is likely to be a strategic policy.”*

- 2.30 Furthermore Paragraph: 014 of the same guidance confirms that *“Establishing future need for housing is not an exact science. No single approach will provide a definitive answer. Plan makers should avoid expending significant resources on primary research (information that is collected through surveys, focus groups or interviews etc. and analysed to produce a new set of findings) as this will in many cases be a **disproportionate way of establishing an evidence base (my emphasis)**. They should instead look to rely predominantly on secondary data (e.g. Census, national surveys) to inform their assessment which are identified within the guidance.”* Paragraph 15 confirms that *‘Household projections published by the Department for Communities and Local Government should provide the starting point estimate of overall housing need.’*
- 2.31 It is therefore contended that the BPNP fails to take regard of national guidance in relation to establishing its evidence base for housing requirements by only referencing a housing needs survey that is valid for the period 2014-2019. This approach does not have regard to other sources of evidence such as the Isle of Wight Councils Housing Register nor the findings of the Isle of Wight SHMA 2014 and is therefore considered to be a disproportionate way of establishing the evidence base.

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- 2.32 In addition the SHMA recognises that Brighstone, as a Rural Service Centre, forms part of the 'Rural West Wight' housing sub market and as such it is considered that as part of forming the evidence base for the BPNP further analysis of the inter-relationship between areas within this sub market should have been carried out with reference to the fact that there are only 2 Rural Service Centres within the 'Rural West Wight' (Brighstone and Niton) where the majority of development is expected to occur in accordance with the strategic policies of the Island Plan.
- 2.33 Furthermore the fact that the whole plan relies on information that will be largely 'out of date' by the time any proposed final BPNP may be adopted is considered to be further evidence that the plan fails to positively plan to boost the supply of housing.
- 2.34 Table 2 of the basic conditions test states that the plan conforms with: SP1 – *'Location of development based on hierarchy of settlements. Majority of development steered away from the AONB. Small scale development in Rural Service Centres to meet an identified local need and exceptionally in the wider rural area to meet an identified local need.'*
- 2.35 It is contended that the BPNP does not have full regard to the definition of housing need contained in the NPPF and does not support the delivery of SP1 over the plan period to 2027 as the evidence base only runs to 2019.
- 2.36 The BPNP does not conform with policies SP1 and SP2 in terms of identifying and meeting a local need because it only establishes an evidence base based on disproportionate evidence.

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### Policy H1

- 2.37 Policy H1 of the draft BPNP does not confirm how it intends to meet its housing requirement over the whole of the plan period. There is no assessment of whether there is sufficient land to meet their requirements over the whole of the plan period through the proposed wording of policy H1.
- 2.38 Policy H1 of the draft BPNP does not confirm how the community intends to take the findings of any subsequent Housing Needs Survey through the examination and referendum process.
- 2.39 The use of the wording 'primarily' in the policy does not have full regard to the housing requirements of the local community and is considered as a cynical attempt to address the fears of residents that more housing will be built within the local area whilst maintaining a back door to ensure compliance with National Guidance on Strategic Housing Market Assessments.
- 2.40 It is therefore contended that this is further evidence that this plan is not positively prepared.
- 2.41 Furthermore the use of wording *"The Housing Survey identifies the need for 30 properties over the next five years (some of these have been delivered as part of the scheme at The Lodge site (P/01850/12)"* gives the impression that the Housing Survey which was carried out on one day is the sole determinant of housing need and therefore is a 'tick list' against which development within the local parish should be considered. This is clearly not in accordance with National Planning Guidance on Housing Needs Assessments.

## 2.0 THE BASIC CONDITIONS TEST

### **Policy H2: Affordable Housing**

2.42 The Housing Needs Assessment fails to take regard to the Isle of Wight Council's Housing Register for Affordable Housing nor the findings of the SHMA within the local area. It is therefore deficient in considering the full range of needs over the plan period.

### **Policy H3: Specialist Housing**

2.43 The policy confirms that *"The Neighbourhood Plan recognises that there may be a need to provide some specialist housing for older persons, but expects this to be limited to meeting an identified local need and restricted to those meeting a local eligibility criteria. See Brighstone Parish Housing Needs Assessment."*

2.44 It is contended that the use of the wording 'may be a need' and 'limited' and 'restricted' is furthermore evidence that this plan has not been positively planned.

## 3.0 POSITIVELY PLANNING FOR NEW DEVELOPMENT

### 3.0 Positively planning for new development

3.1 Local planning authorities should set out the strategic priorities for the area in the Local Plan. This should include strategic policies to deliver:

- the homes and jobs needed in the area;
- the provision of retail, leisure and other commercial development;
- the provision of infrastructure for transport, telecommunications, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);
- the provision of health, security, community and cultural infrastructure and other local facilities; and
- climate change mitigation and adaptation, conservation and enhancement of the natural and historic environment, including landscape.

3.2 Crucially, Local Plans should:

- plan positively for the development and infrastructure required in the area to meet the objectives, principles and policies of this Framework;
- be drawn up over an appropriate time scale, preferably a 15-year time horizon, take account of longer term requirements, and be kept up to date;
- be based on co-operation with neighbouring authorities, public, voluntary and private sector organisations;
- indicate broad locations for strategic development on a key diagram and land-use designations on a proposals map;
- allocate sites to promote development and flexible use of land, bringing forward new land where necessary, and provide detail on form, scale, access and quantum of development where appropriate;
- identify areas where it may be necessary to limit freedom to change the uses of buildings, and support such restrictions with a clear explanation;
- identify land where development would be inappropriate, for instance because of its environmental or historic significance; and

## 3.0 POSITIVELY PLANNING FOR NEW DEVELOPMENT

- contain a clear strategy for enhancing the natural, built and historic environment, and supporting Nature Improvement Areas where they have been identified.
- 3.3 The BPNP has not been drawn up over an appropriate time scale. It relies on data which will be out of date in 2019 and there is no mechanism within the BPNP for this evidence to be reviewed.
- 3.4 It is therefore contended that in order to maintain transparency for residents it would be necessary to re-write the BPNP in 2019 and take this through a further examination process as it would rely significantly on alternative information on housing requirements (if adopted in its current form).
- 3.5 The intention behind the BPNP is to **restrict development** and therefore is not considered to plan positively because it does not:
- indicate land use designations on a proposals map
  - allocate sites to promote development
  - identify land where development would be inappropriate
  - balance the need to promote development with land where development would be inappropriate based on a full understanding of housing requirements over the plan period to 2027.

## 4.0 CAN THE BPNP BE THE SUBJECT OF AN AMENDMENT WITHOUT RE-EXAMINATION

### 4.0 Can the BPNP be the subject of an amendment without re-examination

#### Background

- 4.1 On 4 September 2014, the Secretary of State dismissed an appeal in respect of Land at Kingsland Laines, Sayers Common, West Sussex, an application for 120 homes under reference APP/D3830/A/12/2189451 in relation to the Hurstpierpoint and Sayers Common Neighbourhood Plan.
- 4.2 The Inspector recommended that the appeal be allowed, having held as follows: *“The Parish Council and local residents make reference to the emerging Neighbourhood Plan. The pre-submission draft Neighbourhood Plan for Hurstpierpoint and Sayers Common (dNP) was published by the Parish Council for consultation in March 2013.*
- 4.3 *In particular, attention is drawn to policy H7 which indicates that new housing at Sayers Common will only be permitted once the existing drainage infrastructure issues have been resolved, and that the village might accommodate 30-40 new homes.*
- 4.4 *Paragraph 216 of the National Planning Policy Framework indicates that, from the day of publication, decision takers may give weight to the relevant policies in emerging plans according to, amongst other factors, the plan’s stage of preparation - the more advanced the preparation the greater the weight may be given. So, whilst the dNP provides an indication of how local people might wish to see the village evolve in the future, the implication of the guidance in the Framework is that relatively limited weight can be given to the dNP, since its adoption process still has quite a way to go, and it could be that its policies change along the way. I am also mindful in this regard, that any Neighbourhood Plan will need to be in general conformity with the development plan, and should not promote less development than is required to meet the housing needs of the area.*

## 4.0 CAN THE BPNP BE THE SUBJECT OF AN AMENDMENT WITHOUT RE-EXAMINATION

- 4.5 *All in all, the adverse impact that I have identified does not significantly and demonstrably outweigh the benefits set out above, when assessed against the policies of the Framework as a whole.*
- 4.6 *I recognise that this finding will be disappointing for local residents and the Parish Council who have consistently opposed development of the appeal site and am mindful, in this regard, of the Government's 'localism' agenda. However, even under 'localism', the views of local residents, very important though they are, must be balanced against other considerations, including national planning policy and, in this case, the importance the Government attaches to boosting, significantly, the supply of housing development. On balance, the evidence in this case leads me to conclude that the appeal should succeed."*
- 4.7 The Secretary of State's decision at DL14-DL16 rejected the Inspector's recommendation making direct reference to the 10 July Statement: *"The Secretary of State has given careful consideration to the Inspector's description of the relationship between the NP and the appeal proposal at IR12.44-12.46, including policy H7 of the emerging NP which indicates that new housing at Sayers Common will only be permitted once the existing drainage infrastructure issues have been resolved and that the village might accommodate 30-40 new homes (IR12.44).*
- 4.8 *The Secretary of State has also taken account of the fact that, since the Inspector wrote her Report, substantial progress has been made in respect of the emerging NP, which has now been submitted to the Council for examination. Therefore, although the NP has yet to complete its assessment by an independent examiner and, if approved, be put to public referendum, the terms of the Framework and the guidance mean that it can now be given more weight than when the Inspector was considering it (IR12.46).*
- 4.9 Although the Inspector goes on to point out that the NP will need to be in conformity with the development plan and should not promote less development than is required to meet the housing needs of the area, the Secretary of State considers it appropriate (as stated in the Written Ministerial Statement of 10 July

## 4.0 CAN THE BPNP BE THE SUBJECT OF AN AMENDMENT WITHOUT RE-EXAMINATION

2014) to give local people an opportunity to ensure they get the right types of development for their community while also planning positively to support strategic development needs. The Secretary of State has therefore given significant weight to the fact that the emerging NP has identified housing allocations elsewhere within the NP area and that the Council has yet to complete an up-to-date objectively assessed housing needs analysis against which to measure the overall NP proposals. In the light of these, he considers it appropriate, as things currently stand, to tip the planning balance in favour of the emerging NP proposals, while accepting that these may need to be revisited in due course.

### Issues

- 4.10 It is considered that this decision is a material consideration in the preparation of the BPNP because it provides evidence to the local community that by 'positively planning' and **allocating sites for development** they can shape the future of their area. In addition, the Secretary of State has now made clear that he is prepared to refuse permission in advance of the commencement and completion of the examination phase, and certainly well in advance of the referendum but only if evidence can be provided that the local area has planned for alternative sites.
- 4.11 As the BPNP does not make allocations it leaves the community with a further layer of uncertainty to the application and appeal process. This should not be the intention of the Neighbourhood Plan process but this is how it is being presented to residents.
- 4.12 The BPNP is being presented as a way to 'control' development whereas it will just lead to the neighbourhood plans themselves having an ever diminishing status as more and more development is **planned by appeal**.
- 4.13 The proper sequence of the application of policies in a neighbourhood plan is implicit in paragraph 16 of the NPPF which confirms that *"The application of the presumption will have implications for how communities engage in neighbourhood planning. Critically, it will mean that neighbourhoods should:*

## 4.0 CAN THE BPNP BE THE SUBJECT OF AN AMENDMENT WITHOUT RE-EXAMINATION

- *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; and*
- *identify opportunities to use Neighbourhood Development Orders to enable developments that are consistent with their neighbourhood plan to proceed.”*

4.14 It is clear from paragraph 16 that the intention behind neighbourhood plans is the allocation and promotion of land by communities to meet their identified needs which the BPNP fails to do.

4.15 Paragraph 17 of the NPPF confirms that “Within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking. This paragraph confirms that planning should:

- be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area
- not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives
- proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs

## 4.0 CAN THE BPNP BE THE SUBJECT OF AN AMENDMENT WITHOUT RE-EXAMINATION

- 4.16 It is clear from the housing policies contained within the draft BPNP that 'land use' has not been considered which avoids the BPNP from having to take any hard decisions about the community that they live in. It is a recipe for long-term frustration of precisely the kind that emerges in what is often pejoratively termed by the same communities as "planning by appeal".
- 4.17 The Local Plan process has a 15-20 year timeframes, and the suggestion that instead of having any permanence for that period they could be subject to progressive alteration is at the very least not the basis upon which they are being presented to the adopting communities.
- 4.18 This approach effectively side-steps the fact that the housing policies in the neighbourhood plan will become out-of-date, and would therefore not meet the aims of Paragraph 14 of the NPPF as they would not meet objectively assessed needs, with sufficient flexibility to adapt to rapid change.
- 4.19 Objectively assessed needs for this purpose is intended to mean the SHMA, supported by the Brighstone Housing Needs Survey and additional information from the Isle of Wight Council's Housing Register over the whole of the plan period to 2027 rather than just using one source of evidence that may have a lifespan of 3 years and is being used to restrict development.
- 4.20 It is therefore our contention that using this method will lead to planning by appeal and as such the local community should consider the alteration of their policies otherwise it could be considered that the whole process would need to be restarted after a period of 3 years to reflect any updated needs survey with the necessary expense to local residents.
- 4.21 Residents want as much certainty as possible and this plan does not provide them with a tool for achieving this aim.