

## **Report from Public Hearing held on 21<sup>st</sup> September 2023.**

The Inspector went through all four questions in depth and with reference to national and local planning policy and in some cases to legal decisions. He will rewrite those parts of the Plan which need to be adapted to meet Basic Conditions for acceptance and this will then be presented to the Parish Council for consideration as to whether it will be put forward to Referendum. He stated there was much that was good in the Plan but there were certain places where it was weaker, and in some cases contradictory.

His first recommendation was that we should build a Plan that aligns with the present RDC Local Plan (ie to 2028/29) as this would both simplify what we are trying to do, and remove the unknown of level of expected development in the developing plan. It would also mean we would not have to designate sites. All Parish Councillors at the meeting agreed this (DP, PL, HP, GS).

He also suggested the development boundary be extended to include Jempsons site.

### **Re Policy H1 Housing mix**

This does not comply with RDC policy in Core Strategy (40% affordable) and therefore cannot be included as a policy.

### **Re Policy H2 Rural affordable housing sites**

The Examiner had tested his understanding of the use of RDC policy LHN4 and suggested that it would not meet the needs of the Parish. Whilst LHN4 can designate whole sites for affordable housing these sites would then be open for any developer to purchase (eg Optivo) and would mean the Parish would not be able to ensure that they would be for people with local connections. The only policy which enables a parish council to give priority to local people is that for Rural Exception Sites and therefore this is how the policy H2 needs to be framed.

NB Rural exception sites do not count towards housing allocation but can be accepted as windfall sites.

### **Re Policy S1**

Development size he spent a considerable amount of time on how much the AONB effectively limits the size of developments referring specifically to NPPF paras 176/177 and footnote 75. He felt that if any development went to a Planning Inspector on appeal this

policy would automatically be over ruled as it could be argued (using case precedent) that the site would meet the 'extraordinary need' criteria.

Further the government, through its emphasis on sustainability, is actively looking to ensure that development sites are used to their full potential ie with as many houses as the site can feasibly take, again this would mean developers could challenge, and almost certainly win, an appeal against limiting numbers of houses on a site.

NB Reference to use of settlement boundary and development boundary. RDC references settlement boundary to those villages without a formal development boundary.

## **Infrastructure**

### **Re I2 sewerage improvement**

Whilst very sympathetic with what the Parish is trying to achieve the independent survey would not achieve this. There are statutory procedures which RDC has to comply with and this means the organisation they have to consult with is Southern Water – therefore any independent study would not have any status in a formal planning consultation if the views differed to those of Southern Water.

Developers also have to consult with SW in preparing a planning application and the same issues would arise.

He suggested we would not be able to achieve much of what we wanted to through reference to individual planning applications and it would be better tackled at a strategic level/through the Local Plan.

The Examiner asked whether the Parish Council had considered employing an independent consultant to look at the strategic impact of present problems with the system, which could then be presented to Southern Water, South East Water and RDC.

He will give thought to how a policy can be framed to replace present one.

NB He was concerned that there was a conflict at the heart of the Plan between saying capacity can't cope and then allocating additional sites.

## **SITES**

Overall he questioned whether the process used to choose sites was robust enough to stand against possible challenges through the planning process.

Recent changes to planning means that sustainability has to be at the heart of every planning decision. This often comes down to the simple question of whether people can get to local amenities without using a car.

Flackley Ash and Cornerways scored poorly on this.

Think he will go for Flackley Ash as well screened small site.

Cornerways less likely because of its high visibility and lack of screening with proposed solutions taking years to reach sufficient size. Felt we missed a trick by not saying it had been formally assessed through SEA.

Woodside – commented that the proposed access would be too expensive for a small site but could it take more houses? RDC more concerned by this site and particularly the impact on treeline along the side of the road.

Tanhouse seems to remain rejected.

Tanyard - Questioned whether reasons for moving from Amber to red were robust. His view was that as it met sustainability criteria it should be considered (although he considered it should have a much smaller footprint than suggested by Ethical Partnership) but he listened closely to Parish views. Long discussion on flooding and whether we were referring to flooding of houses in the new development or impact on existing homes. Asked RDC to provide information re prior applications and refusals (including on appeal).

Old Football Ground/Oaklands felt these were sustainable sites so long as access could be resolved and Parish Council should consider this in next Plan.

As Keith commented he did at times seem to move beyond what would actually be in the Plan (if reduced in length as recommended). However they were issues in our submitted Plan and he was using the opportunity to guide us on how we could develop the next Plan. Primarily he was guiding the Parish Council to take a much more proactive role in engaging with RDC in the development of the Local Plan regarding Peasmarsch. Examples being what he suggested re infrastructure and his thoughts that the Parish Council should be active in saying how do we make 'x,y,z' happen to enable Oaklands/Old Football Ground to be developed rather than just saying 'if it can be solved development could happen'.

Gina Sanderson