

Bassett Neighbourhood Plan

Report by Examiner

Graham Self

June 2015

Introduction

1. I was appointed in May 2015 as the independent examiner for the Bassett Neighbourhood Plan. The plan has been prepared by the Bassett Neighbourhood Development Forum (shortened below to "the Forum" or "BNDF") with the support of the local planning authority, Southampton City Council, and other bodies.
2. The examiner's role is to provide an independent review of the plan and to make recommendations in accordance with the 2011 Localism Act and related regulations. In particular, the examiner has to consider whether the plan meets certain "basic conditions", satisfies legal requirements, and identifies an appropriate area for a referendum.
3. In order to act as examiner I am required to be appropriately qualified. I am a chartered town planner with previous professional experience in local government, consultancy and the Planning Inspectorate. I am independent of Southampton City Council and of the BNDF, and I have no interests in any land or property in or near Southampton.
4. The basic conditions, which are set out in the legislation,¹ are intended to ensure that neighbourhood plans fit with their wider context. In summary, the plan must:
 - have regard to national planning policies and guidance;
 - contribute to achieving sustainable development;
 - be in general conformity with the strategic policies of the development plan; and
 - be compatible with European Union law and human rights obligations.
5. The policies of neighbourhood plans should also relate to the development and use of land in a designated neighbourhood area, should be prepared by a qualifying body, should specify the period for which they are intended to have effect, should not include provisions on excluded development, and should not cover more than one neighbourhood area.
6. National policy is set out in the National Planning Policy Framework ("NPPF"), published in 2012. National Planning Practice Guidance ("NPPG") provides advice on the preparation of neighbourhood plans.
7. Neighbourhood plans are sometimes referred to as "neighbourhood development plans" and the latter term is used in legislation. I do not draw any distinction between these terms.

The Development Plan

8. According to the Basic Conditions Statement, the Neighbourhood Plan was prepared to ensure its general conformity with the "Amended Local Plan Review (2010)" and "Adopted Core Strategy (2010)". However, the statutory development plan for Southampton has changed since 2010. The development plan current for Southampton at the time of writing consists of the following:²

¹ The legal source of these basic conditions is the Localism Act 2011, which inserted Schedules 4A and 4B into the Town and Country Planning Act 1990. I have paraphrased the Basic Conditions here.

² This list is based on an email to me from the City Council.

City Centre Action Plan (March 2015).

Local Development Framework Core Strategy Development Plan Document Amended Version Incorporating the Core Strategy Partial Review, March 2015

City of Southampton Local Plan Review - Adopted Version Second Revision (2015)

Adopted Core Strategy (January 2010)

Amended Local Plan Review (January 2010)

Minerals and Waste Plan (September 2013)

Community Infrastructure Levy Charging Schedule (July 2013)

9. The City Centre Action Plan and the Local Development Framework Core Strategy Development Plan Document Amended Version Incorporating the Core Strategy Partial Review³ were adopted by the City Council in March 2015. The Adopted Core Strategy (January 2010) and Amended Local Plan Review (January 2010) were consequently amended in March 2015; but none of the changes appear to have affected the relationship between the policies of the Neighbourhood Plan and the statutory development plan for Southampton.

The Neighbourhood Plan and Other Documents

10. The version of the Bassett Neighbourhood Plan I have examined, which I refer to as the "submission version", superseded an earlier document entitled: "Bassett Neighbourhood Plan Regulation 14 Consultation Draft" dated August 2014. Apart from the Neighbourhood Plan itself, the main source documents which I have read or referred to, all of which were sent to me by the City Council, are as follows.

Bassett Neighbourhood Plan - Publication Version Basic Conditions Statement, January 2015.

Bassett Neighbourhood Plan - Publication Version SEA and HRA Formal Screening Opinion and Sustainability Appraisal of Policies, January 2015.

Bassett Neighbourhood Plan Consultation Statement - Regulation 14 Consultation, January 2015.

Bassett Neighbourhood Plan Regulation 14 Consultation Draft Strategic Environmental Assessment/Sustainability Appraisal and Habitat Regulations Assessment Screening Report, August 2014.

Bassett Neighbourhood Plan Regulation 16 Publication Stage - Schedule of Representations.

Examination Procedure

11. I judged that the consultation responses which had been submitted to the City Council (sometimes named "Regulation 16" responses after one of the relevant regulations)⁴ could be considered on the basis of written representations, so it was not necessary to hold any hearing. Where I felt that I needed further information, or that the Forum and City Council should have an opportunity to

³ This is a long and convoluted title for a document (I have taken it from the document's front cover, simplifying as far as possible by omitting track-change deleted words), so I shall refer to it elsewhere simply as the 2015 Core Strategy.

⁴ Further information about these representations is in paragraphs 26-28 below and Appendix 1.

comment on an issue, I put a number of written questions or invitations to comment. The questions and responses were made by email.

12. I am grateful to all those involved in responding to my questions. The information supplied assisted me in carrying out the examination and completing my report.

Format of Report

13. I have set out this report in the following sequence. In the next section I cover some general matters relating to the plan area, preparation procedures and regulatory requirements, and I refer to the written representations submitted during the most recent period of consultation on the Neighbourhood Plan. The policies of the plan and the explanatory text supporting the policies are then considered in plan sequence, with recommendations made where appropriate. Some comments are then made about other aspects of the plan. A final section briefly considers the next stage.
14. Some of my recommendations arise from my consideration of the submitted representations. Others arise from my own assessment of the plan.⁵ In addition to recommendations, this report contains what I have termed suggestions. The *recommendations* (which are in bold text) cover matters where I consider a specified action needs to be taken, although recommendations are not binding. My *suggestions* (not in bold text) are on points which I think are of lesser importance as they mostly relate to the way information is presented and do not affect policies.
15. While reading the plan I noticed a number of textual flaws such as typographical errors. The Forum and the City Council may be aware of at least some of these, but since they detract from the quality and readability of the plan I have provided a list with suggested corrections as Appendix 2 to this report. I hope this will help the process of editing the plan before it is finalised.

General Matters

Plan Area, Preparation Procedures and Regulatory Requirements⁶

16. The plan area is the area of the Bassett Ward within the city of Southampton. The City Council designated this area as a neighbourhood area and confirmed the Bassett Neighbourhood Development Forum as the "qualifying body" for preparing the Neighbourhood Plan in December 2013.
17. The initial stages of plan preparation were evidently carried out by a process of delegation to residents associations covering different parts of Bassett. The Forum established a constitution and a steering committee on which all the residents associations were represented. The associations were responsible for preparing "mini-plans" for their areas and for consulting with local people. In areas with no residents associations, local councillors contacted local people using letters, surveys, public meetings and questionnaires.
18. The process of consultation evidently varied between the different residents associations. Direct contact was made with major landowners, schools, the university, hospital, local businesses and statutory bodies.

⁵ It may be assumed that I have no recommendations on any parts of the plan on which I do not comment.

⁶ The source of most of the information reported here about the plan preparation procedures is the Consultation Statement. Other information is sourced from the Basic Conditions Statement.

19. A number of main issues of concern, which appeared to be common across the whole Ward area, were identified. These were the subject of various discussions and communications as set out in the schedule of events on pages 8-13 of the Consultation Statement. The main themes which emerged were collated so as to seek common ground for developing the policies of the plan. A draft plan was then subject to "pre-submission" consultation. The plan was publicised by distributing a brochure (5000 copies of which were printed) and by other means such as website information, an article in the Southampton Daily Echo newspaper, public meetings and direct contact. Appendix 1 of the Consultation Statement lists about 400 organisations, businesses and other groups as having been consulted by the City Council on behalf of the Forum. Some 200 written responses were received during this period, together with numerous other comments as summarised on pages 17-33 of the Consultation Statement.
20. The submission version of the plan was subject to a further consultation period ending on 24 March 2015. During this period representations were received from nine persons or organisations.
21. The plan is intended to cover the period from 2014 to 2029, with a review every five years to take account of changes, including new legislation and changes in national or city-wide planning policies.
22. A European Union Directive requires a "Strategic Environmental Assessment" to be undertaken for certain types of plans or programmes which would have a significant environmental effect, and related regulations require a screening procedure to be carried out. The procedure involves consultation with statutory bodies (English Heritage,⁷ the Environment Agency, and Natural England) and the publication of a Screening Statement. This task was undertaken by the City Council. An initial screening was carried out on the then draft Neighbourhood Plan. In summary, as reported in the August 2014 Screening Report, this provisionally found that the draft plan would have no significant environmental effects.
23. A further screening opinion and sustainability appraisal of the Neighbourhood Plan's policies was undertaken as recorded in the January 2015 Screening Report. This took account of responses from the statutory consultees. As a result of this exercise, the City Council confirmed that a Strategic Environmental Assessment and full "appropriate assessment" were not required. The main reasons, as stated in the January 2015 report, are that the Neighbourhood Plan does not make new land use allocations or set a development quantum, and the policies do not go beyond the provisions of the existing Core Strategy or Local Plan.
24. The Neighbourhood Plan contains policies aimed at ensuring that development is sustainable and it contributes to achieving sustainable development. Subject to consideration of the recommendations made in this report, the plan would be in general accordance with the strategic policies of the development plan for this area.
25. In summary, the information available to me shows that the Neighbourhood Plan has been prepared by a properly constituted qualifying body, that the plan covers a suitably designated area, and that all other appropriate regulations relating to the preparation process either have been met or would be met after amendment as recommended.

⁷ Now named Historic England.

Representations

26. As noted above, the closing date for "Regulation 16" representations to be made following the most recent public consultation on the Neighbourhood Plan was 24 March 2015. Representations were submitted by the following:⁸
- Test Valley Borough Council
 - Max Holmes
 - Natural England.
 - Environment Agency.
 - Coal Authority.
 - Southern Water.
 - Hampshire Gardens Trust.
 - Southampton City Council.
 - Southampton Commons and Parks Protection Society.
27. The City Council received a further representation from English Heritage after the closing date.⁹
28. Most of those listed above made only a few comments; others made more extensive submissions, notably Southampton City Council who raised about 25 objections. I have taken account of all the representations where appropriate when considering the policies of the plan and the related text later in this report.

The Plan and its Policies

National Context

29. The NPPF states that: "plans should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency".¹⁰ A similar point is made in the NPPG, which states:
- "A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence".¹¹
30. One reason for the guidance in the NPPG is that unclear or ambiguous policies are liable to cause problems for those responsible for deciding planning applications or appeals, and can be exploited by developers seeking to carry out development contrary to what plan-makers intended. Therefore in carrying out this examination I have paid particular attention to the plan's policies, whilst also making recommendations or suggestions on other parts of the plan.

References to NPPF in Policies

31. Three of the policies (BAS 1, BAS 2, and BAS 14) include references to specific paragraphs in the National Planning Policy Framework. These references are

⁸ These are listed in date order as in City Council's the Schedule of Representations. A summary note of the main matters raised in each of the representations is attached to this report as Appendix 1.

⁹ See footnote to Appendix 1.

¹⁰ NPPF paragraph 17.

¹¹ NPPG, Section 5.

unnecessary and potentially rather misleading. For example, Policy BAS 1 mentions proposals which "provide a wide choice of high quality homes, particularly family houses and large family homes" and this is immediately followed by a bracketed reference to "NPPF paragraph 58". To many readers, this would imply that paragraph 58 of the NPPF refers to family houses and large family homes, which is not so - this part of the NPPF refers to an area's quality, character, history and other considerations but does not mention large family homes.

32. Similarly, Policy BAS 14 refers among other things to the possible need for "a condition as part of a planning approval that a drainage statement be submitted to and agreed by the local planning authority (NPPF paragraph 162)". The implication many readers would get from this is that paragraph 162 of the NPPF refers to such a condition - but that is not so.
33. There is also some inconsistency in references to the NPPF - for example, Policy BAS 4 which mentions an area's "existing character" could also have referred to paragraph 58 of the NPPF but does not. In any case, the plan's policies should stand on their own, with any supporting references to national policy confined to the explanatory text.
34. A further issue is that national policy guidance may change, at a time when no review of the Neighbourhood Plan is due. In those circumstances, for example, the statement in Policy BAS 1 that "new development should follow the national guidelines (NPPF paragraph 59)" could cause confusion. That would not be so much of a problem if references to the NPPF were limited to the explanatory text of the plan.
35. For those reasons **I recommend that the references to the NPPF in policies be omitted.**

Section 1 - Production of the Plan

36. Southampton City Council object to the content of paragraph 1.10 on the ground that text should be added to state clearly that the appendices are background information and therefore not actually part of the plan. I make three points.
37. First, the reference to "supporting documents and their appendices by area" appears to refer to the annex to the plan itself. If that is so (and I am not certain of this), the text here should refer to the annex to the plan, not to supporting documents and their appendices. Alternatively specific supporting documents should be referred to. Secondly, the statement: "These should be read in conjunction with the overview and policy document" is unclear (which "overview" and which "policy document"?).
38. Thirdly, it seems to me that paragraphs 1.10 and 1.11 are at least partly repetitive. I consider that paragraph 1.10 could be omitted and paragraph 1.11 could be modified to allow for the City Council's point about the need to clarify the status of the annex material. I recommend accordingly.
39. **I recommend that paragraph 1.10 be omitted and that paragraph 1.11 be modified to read as follows.**

The views expressed, feedback forms and other replies received were all taken into account when formulating the plan. The annex to the plan describes the characteristics of the different areas within Bassett and the rationale for the densities defined on the density map. This material does not form part of the plan's policies but is included in this document so as to provide background information.

Section 4 - Economic Sustainability

40. Southampton City Council suggest that the reference to "family homes being lost to building plots" in paragraph 4.4 needs to be clarified. This text is apparently intended to refer to situations where single houses are set in fairly large plots and the sites are redeveloped, typically by converting an old house into flats or by demolition and rebuilding. I agree with the City Council that "changing into building plots" is imprecise. Also, there may well be no good reason for the plan to oppose the redevelopment of a site containing one old dwelling to provide several new family-sized houses, provided the site is suitable. I note, for example, that a recent development by Linden Homes of five houses, replacing two old properties, is described as having "added to the character of the area". This scheme was evidently carried out after consultation with local people and with their "full agreement".¹²
41. Unless the reference to "building plots" can be made more specific, I consider that the words "by developers changing them into HMOs and building plots" should be amended to "by changes of use or redevelopment", but I leave this as a suggestion rather than a recommendation.

Section 7 - Housing Site Allocations

42. Southampton City Council suggest that paragraph 7.3 should be expanded to mention the preparation of the city-wide Local Plan. Although not in my view essential, this would appear to be a useful point of information.
43. I therefore suggest that a sentence be added to paragraph 7.3 stating: "Southampton City Council is currently in the early stages of preparing a city-wide Local Plan which will identify future housing needs for the whole of the city."

Policy BAS 1 - New Development

44. This policy evidently reflects the concern expressed by many local people during the consultation process about the loss of family homes. Nevertheless from the evidence before me I consider that the policy gives too strong an emphasis on "large" family homes. There are a few references to "large family homes" in the summaries provided in the Consultation Statement, but the general thrust of most of the views on this subject appears to be the need to retain, and encourage the development of, family homes of all sizes. I am therefore recommending an amendment to the wording of this policy. My recommendation also takes account of the points made in paragraph 40 above.
45. **I recommend that Policy BAS 1 be amended to read:**
1. **Development proposals which would provide a wide choice of high quality homes, particularly family houses, will be supported.**
 2. **Development proposals should be in keeping with the scale, massing, and height of neighbouring buildings and with the density and landscape features of the surrounding area.**

Policy BAS 2 - Consultation

46. This policy partly duplicates itself, since the term "new development" would include "any development in existing garden land". Although developers cannot normally be required to consult local people or organisations before submitting planning applications, such consultation is encouraged as a matter of national policy, as is stated in the Neighbourhood Plan. I have some reservations about how "the local community" and "consult" or "engage with" would be defined in

¹² The quotations here are from page 33 of the Regulation 14 Consultation Statement.

practice, but such expressions are used in the NPPF guidance. The syntax of the policy ("new development...will be strongly encouraged to be subject to consultation with..." is rather contorted. My recommendation takes those points into account.

47. I recommend that Policy BAS 2 be amended to read:

Proposers of development are encouraged to consult the local community and take note of the views expressed by local people and organisations before submitting an application for planning permission.

Section 9 and Policy BAS 3 - Windfall Sites

48. The City Council point out that paragraph 9.3 is factually incorrect, as paragraph 48 of the NPPF advises that planning authorities may make an allowance for windfall sites when calculating a five year supply if there is compelling evidence for doing so. This point is covered in paragraph 9.2 and I consider that the text here would be more straightforward if paragraphs 9.3 and 9.4 were simply omitted.

49. I recommend that paragraphs 9.3 and 9.4 be omitted.

50. Policy BAS 3 needs minor amendment so that it refers to "proposals for development" rather than "sites", and to avoid the unnecessary double reference to the development plan ("the relevant Core Strategy and other development plan policies") which arises because the term "development plan" covers relevant policies in the Core Strategy. Some readers would probably find it helpful if a description of what is meant by "windfall sites" were included in the supporting text, so I leave that as a suggestion.

51. I also consider that this policy should be made more concise. As drafted, it expresses support for development on windfall sites, provided that the development would meet other policies in the Neighbourhood Plan, the Core Strategy and other development plan policies. In my view a simplified wording to this effect is all that is required. The requirement to "conform to the density....of the area as per policies BAS 4 and BAS 5" is an unnecessary repetition of those policies on which I comment below. On a matter of detail, it appears that this policy is intended to relate specifically to proposals for housing development on windfall sites; if so, it would be useful to mention this.

52. Taking all those points into account, I recommend that Policy BAS 3 be amended to read:

Proposals for housing development on windfall sites will be supported, provided that the proposed development would not conflict with other policies in this Neighbourhood Plan or in other parts of the development plan for Southampton.

Policy BAS 4 - Character and Design

53. The City Council contend that changes to this policy are required to ensure clarity and a balanced approach between character and density issues. Irrespective of that contention, the policy as drafted is somewhat impractical. The requirement for new development to "follow....the need to take account of the existing character within the context of the street scene by complementing and enhancing the existing rhythm, proportion, height....[etc] of its surroundings" is difficult to interpret and would be difficult to apply in practice - it is unrealistic to expect a new building to "enhance" the scale, materials or heights of its surroundings. Much the same applies to the requirement that development "enhances the context of the street scene".

54. The requirement for development to "follow" the densities set out in Policy BAS 5 also appears too rigid - the development by Linden Homes mentioned in paragraph 41 above (replacing two houses with five) must have involved an increase in density. The supporting text in paragraph 10.8 states that residents were keen that their areas retained their current character and that any new development reflected this. I am recommending a simpler wording bearing this desire in mind whilst making the policy more realistic.
55. I do not see any need to refer specifically to semi-detached, terraced and bungalow properties since such features would all be part of an area's character or of the street scene. If such detail is considered necessary this could more suitably be included in the supporting text rather than in the policy.
56. **I recommend that Policy BAS 4 be re-worded to read:**

New development must take account of the densities set out in Policy BAS 5 and the existing character of the surrounding area. The design of new buildings should complement the street scene, with particular reference to the scale, spacing, massing, materials and height of neighbouring properties.

Section 11 and Policy BAS 5 - Housing Density

57. I agree with the City Council's suggestion that the words "'purely to increase densities" in the first sentence of paragraph 11.4 should be omitted, since the balanced approach referred to here is evidently aimed at preventing significant decreased (as well as increased) density. I also consider that the first sentence in paragraph 11.5 should be omitted, as it is not really correct: it does not automatically follow that just because a development proposal has "an appropriate density" it would be in character with its surroundings. However, the substitute wording suggested by the City Council here is not needed, as the point about a balanced approach is covered elsewhere.
58. The last sentence in Policy BAS 5 would be more suitably placed in the supporting text - I suggest as an addition to paragraph 11.1 - and amended to state that the annex to the plan provides background information explaining the derivation of density criteria.
59. I perceive a degree of inconsistency in Policy BAS 5, and between the policy and its explanatory text. The first part of the policy states that the density map outlines the densities "to be applied to new development", implying a rigid application of the densities; but the last part of the policy refers to "guidelines" contained in the annex. The text in paragraph 11.4 accepts that on larger plots there may be opportunities to increase the number of dwellings - indicating that increased density may well be acceptable in some circumstances. In my view the density criteria should provide "guideline criteria" for development proposals, such that any proposal to depart from them would have to be justified on the grounds that there is good reason to make an exception (or similar wording).
60. Policy CS 5 of the 2015 Core Strategy sets out a table relating low, medium or high residential densities to "public transport accessibility levels" ("PTALs"). The proposed residential densities in the Neighbourhood Plan do not correspond exactly with the PTALs shown in the 2015 Core Strategy; but provided the density criteria are not applied as rigidly as is implied in the draft Neighbourhood Plan, I judge that this aspect of the plan would be in general conformity with the development plan. My recommendation is intended to enable departures from the density criteria where justifiable. Policy CS 16 of the 2015 Core Strategy seeks to provide a mix of housing types and "balanced communities; Policy CS 5

of the 2015 Core Strategy refers to the need for development to be "of an appropriate density for its context"; the Neighbourhood Plan would be in general conformity with those aspects of the development plan.

61. Test Valley Borough Council are apparently concerned about some "cross boundary impacts" and say that Policy BAS 5 will need to ensure that future development proposals would not undermine the character of Chilworth. I do not consider that a modified policy would cause such a problem in the neighbouring planning authority.
62. The map titled "Map of Proposed Residential Densities for New Residential Development" does not actually show in its key the areas designated as "Medium Density 35-50 dwellings per hectare" referred to in Policy BAS 5. Provided that the map is made clearer in this respect, the definitions of low, medium and high density in the policy itself appear unnecessary. This map would be easier to read if it were to be in colour - the uncoloured copy supplied to me is difficult to decipher.
63. The unnumbered paragraph which appears in the text after Policy BAS 5 (referring to advice from Southern Water) appears to be unnecessary. Unless this text has a purpose which I cannot see, I suggest that it would be better omitted.
- 64. I recommend that**
- (i) The words "purely to increase densities" be omitted from paragraph 11.4 .**
 - (ii) The first sentence in paragraph 11.5 be omitted.**
 - (iii) Policy BAS 5 be amended to read:**

Proposals for new residential development must show that they have had regard to the densities shown in [Figure 2] [the Map of Proposed Residential Densities for New Residential Development].¹³ Proposals which depart from these densities will only be permitted where it can be shown that there is good reason to make an exception and that the character of the area will not be adversely affected.

Section 12 and Policy BAS 6 - "Houses of Multiple Occupation"¹⁴

65. This section of the Plan is headed "Development of Student Accommodation and HMOs". Policy BAS 6 concerns what the plan terms "Houses of Multiple Accommodation". The City Council suggest changes to this policy and the related text. One suggestion is that the first sentence of Policy BAS 6 should be amended to read: "Changes of use to houses in multiple occupation contribute to housing needs"....etc. I can understand why the council would like to see a more balanced approach in this policy, since HMOs do indeed contribute to housing needs, but I think this point would more appropriately be made in the supporting text than in the policy itself. The council's other suggestions relate to the existence of a "Supplementary Planning Document", which has been adopted as council policy. The council are concerned that the Neighbourhood Plan should not cause deviations from that document. I partly accept the council's concerns on this point but I think references to these documents would be better placed in supporting text.

¹³ These are alternatives depending on whether my suggestion about Figure numbering (see Appendix 2) is adopted.

¹⁴ I use quotation marks here as the normal term is "houses in multiple occupation".

66. **I recommend that Policy BAS 6 be modified so that sub-paragraphs (d) and (e) become a single sub-paragraph (d) as follows:**

d. the proposal would not result in an over-concentration of HMOs in any one area of the Ward, to an extent which would change the character of the area or undermine the maintenance of a balanced and mixed local community.

67. I also suggest that the supporting text to this policy should mention that HMOs make a contribution to housing need and should include an explanation that the "balanced and mixed community" mentioned in the policy should be judged in accordance with the provisions of the adopted Supplementary Planning Document on HMOs and Policy H4 of the development plan.

Section 13 and Policy BAS 7 - Highways, Traffic and Transport

68. Some changes to paragraph 13.11 are sought by the City Council. These are intended either to clarify references or to remove a reference to "Policy R2", which is not a development plan policy. These minor changes appear to be sensible. The council also submit that Policy BAS 7 should contain a proviso, mentioning the need for funding to be subject to priorities across the city as a whole. I consider that the policy should remain unaltered, but I suggest that the need to take account of city-wide priorities can be mentioned in the supporting text in paragraph 13.16.

69. Paragraph 13.11 of the plan refers to the need for new development to comply with "set standards of parking provision as per...NPPF 39". This appears to be a reference to paragraph 39 (not page 39) of the NPPF; but in any case it is not appropriate, since paragraph 39 of the NPPF does not set any parking standards: it merely describes the matters which planning authorities should take into account if they are setting such standards.

70. **I recommend that paragraph 13.11 be re-worded as follows:**

New development must comply with the standards of parking provision set out in Policy CS 19 of the Core Strategy and in the City Council's Parking Standards Supplementary Planning Document. Where proposed development is likely to generate additional demand for parking, the information submitted with planning applications should include the results of a local survey carried out on at least two occasions at different times showing the parking spaces available on the street in the immediate vicinity.

71. I also suggest that:
- (i) The reference to "NPPF 39" be omitted from paragraph 13.11.
 - (ii) In the first line of paragraph 13.16, the phrase: "related to the need to set city-wide priorities" be inserted after "restraints".

Section 14 - Open Spaces and Woodland

72. In their written representation, Hampshire Gardens Trust have drawn attention to the fact that Bassett Wood is included in the Hampshire Register of Parks and Gardens and that this designation reflects its local importance as a historic landscape resource. The Trust would like to see this point mentioned in the plan and I think it would be a useful addition to the text of paragraph 14.1. I do not see any need to mention the Common (which evidently lies outside the plan area) in the way suggested by the Trust.

73. I suggest that a sentence be added to paragraph 14.1, along the following lines: "Bassett Wood is included in the Hampshire Register of Historic Parks and Gardens, reflecting its local importance as a historic landscape resource".

Section 15 and Policy BAS 8 - Bassett Green Village

74. The first paragraph of Policy BAS 8 ("The village must retain its status as a Conservation Area and the village green maintained as amenity space") sets out a general principle or aim but is not really a statement of policy which could be readily applied when development proposals are being assessed. The principle is set out in paragraph 15.5 and there is no need to repeat such a general statement in the policy itself.
75. The second part of Policy BAS 8 conflicts with the law as it stands. Proposals for development in conservation areas must have regard to the desirability of preserving or enhancing the character or appearance of the area. A requirement to "conserve *and* enhance the design *and* character of the surrounds" [my italics] would be an unreasonably severe test when assessing planning applications.
76. The City Council say that paragraph 15.4(b) is factually incorrect as the council no longer offers funding towards the cost of repairing historic buildings. As it seems this commitment no longer exists, I consider that this sub-paragraph should be omitted. I do not think it sensible to adopt the council's suggestion that a third criterion should be added to Policy BAS 8, to the effect that "subject to funding and resources, the council will review and update the Bassett Green Village Conservation Area Appraisal within the lifetime of this plan". The proviso about funding and resources makes this statement so indefinite that it would be better not included.
77. Taking the above points into account **I recommend that:**
- (i) **Sub-paragraph 15.4(b) be omitted (with resultant re-numbering of subsequent sub-paragraphs).**
 - (ii) **Policy BAS 8 be modified to read:**

"Proposals for development in or adjacent to the designated conservation area at Bassett Green village will only be permitted if it is shown that they have had regard to the desirability of preserving or enhancing the appearance or character of the area."

Section 16 - Trees and Grass Verges

78. Policy BAS 9 is not well expressed. The second paragraph is more or less a repeat of the first, since if development which would cause a loss of the type of trees described in the first paragraph would not be permitted, it must follow that proposals should be designed to retain those types of trees. The third paragraph is too sweeping - it would be unreasonable to require all "proposals" (a term which could include, say, a proposal for a small house extension not near any trees) to be accompanied by a tree survey.
79. The City Council's suggested addition of text referring to "maintaining or increasing canopy cover through tree retention and planting" is unnecessary in my view, as the point is adequately covered by the references to tree retention and planting in paragraph 16.1.

80. I recommend that:

- (i) **Paragraph (2) of Policy BAS 9 be omitted.**
- (ii) **In what is currently the third paragraph of Policy BAS 9, the opening words should be: "Proposals which could affect existing trees should be accompanied by..." etc.**

Section 17 and Policy BAS 11 - Shops and Local Services

81. The City Council have proposed that the supporting text in this section could mention public houses as community assets, and that Policy BAS 11 should refer to community uses as well as local shops.
82. Whether local pubs should be identified as community assets is the sort of detailed issue which I think can only be decided by those with local knowledge, so I merely draw attention to this and suggest that it be considered. Policy BAS 11 needs to be re-worded so that it refers to development proposals rather than making a general statement, and a reference to community uses could usefully be included.
- 83. I recommend that Policy BAS 11 be re-worded as: "Proposals for development which would cause the loss of the local shops and community uses in Copperfield Road will be resisted".**

Policy BAS 12 - Business and Industry

84. Like some other policies, Policy BAS 12 makes a general statement but would be better re-phrased so that it could be applied more effectively to development proposals.
- 85. I recommend that Policy BAS 12 be re-worded as: "Proposals for development which would help to generate employment at the Hollybrook Industrial Estate will be encouraged".**

Section 19 and Policy BAS 13 - Sports Centre and Golf Course

86. The City Council make about six objections or comments on this part of the plan. Some of these appear to be minor points of fact (for example, about the precise charitable status of the bodies who operate the sports facilities). The council's main objection to Policy BAS 13 is that it would prevent "enabling development" - that is to say, development which could help to finance the improvement or provision of sports facilities. I consider that the possibility of some suitably controlled, probably small-scale, development which could help to improve sports facilities should not be ruled out. I am making suggestions to take account of the council's objections, although I do not see any need to delete the restriction implied by the second part of paragraph 19.8 as suggested by the council. The word "that" at the start of each paragraph in this policy appears to be out of place.
87. I perceive some inconsistency about this part of the plan. The importance of the sports centre, the golf course and amenity woodland is stressed, and in paragraph 19.10 there is a reference to paragraph 76 of the NPPF, which states that local communities, through local and neighbourhood plans, should be able to identify for special protection green areas of particular importance to them. However, the plan does not mention the link to the immediately following sentence in paragraph 76 of the NPPF, which states: "By designating land as Local Green Space local communities will be able to rule out new development other than in very special circumstances".

88. It seems odd that the plan goes most of the way to justifying designating land as Local Green Space, but does not then make any such designation. A Local Green Space designation would normally involve what might be termed a "quasi green belt" policy where most types of development are prevented except in very special circumstances (as mentioned in paragraph 78 of the NPPF). I can understand the City Council's concern about having too restrictive a policy, which could prevent useful "enabling development" helping to finance improvements to sports facilities. However, such circumstances could be allowed for by stating in the supporting text of a modified policy that for the purposes of this policy, very special circumstances could include such development. A need for essential infrastructure (for example relating to drainage or water supply) might also constitute very special circumstances.
89. This is one of the topics on which I invited comments from the Forum and the City Council, and I have taken the responding comments into account. National policy guidance is that Local Green Space designation should not apply to extensive tracts of land. The land potentially covered by this designation is quite extensive, and there is room for debate about whether it would fall within the meaning of the imprecise expression "extensive tract of land". Bearing in mind that the area involved here is largely (except for the north-west) surrounded by built-up areas and the boundaries can be defined by reference to established physical features, I do not think this would be of such a scale as to be what national guidance terms "an extensive tract of land". The policy I am recommending would provide the strong protection which I think the plan is seeking whilst also allowing for the possibility that some types of development may be justified or acceptable in the right circumstances.
90. The wording I am recommending refers to "open or undeveloped land" so that a proposal involving, for example, the redevelopment of an existing building would not need to show the same justification based on very special circumstances which would apply to the open space at which Policy BAS 13 appears to be aimed (the policy in the submission version of the plan refers to "public open space"). This aspect of the recommendation is broadly in line with a suggestion by the City Council, though I use the words "open undeveloped" rather than merely "undeveloped" as suggested by the council because strictly speaking as a matter of planning law, land used as a golf course is "developed". The precise boundaries of the area subject to Policy BAS 13 probably do not need to be specified in the policy if they are made clear on a map, but that is a matter I leave to be decided by those with detailed knowledge of the area.
91. I suggest that:
- (i) Paragraph 19.2 be re-worded so that it states: "At the time of writing, the operation of the facilities is contracted out to two organisations: Active Nation, which is a registered charity; and Mytime Active (City Golf Course), which is a social enterprise with charitable objectives."
 - (ii) The words "now largely superseded" be added to the last bullet point in paragraph 19.4.
92. **I recommend that**
- (i) **Policy BAS 13 be re-worded as follows:**

All the open or undeveloped land within the boundaries of the Outdoor Sports Centre, City Golf Course and the nearby amenity woodland as shown on Figure [insert Figure number] is designated as Local Green Space. Within this area, proposals for development will not be permitted except in very special circumstances.

- (ii) **The explanatory text to this policy should include a statement to the effect that for the purposes of this policy, "very special circumstances" could include circumstances where development would help either to fund improvements to sports or recreation facilities, or to improve or provide such facilities directly, or where it can be shown that there is an essential need for the provision of utility infrastructure.**
- (iii) **The map titled "Map of Protected Open Spaces" be modified so that it shows "Local Green Space".**

Section 20 and Policy BAS 14 - Drainage

93. Southern Water have suggested some changes to the wording of paragraph 20.2, which states that Southern Water have raised concerns about the capacity of their infrastructure and its ability to meet the forecast demand for some of the proposed housing sites in Bassett. The Regulation 14 Consultation Statement records a statement by Southern Water that in the Bassett area the sewerage and drainage system is poor and in places inadequate. Therefore it seems to me that there is nothing wrong with the wording of paragraph 20.2 referring to "concerns" raised by Southern Water. However, as an alternative option, which I leave as a possible suggestion without making a recommendation, this paragraph could be modified to read:

"Southern Water have also commented that the sewerage and drainage system in the Bassett area is poor and in places inadequate. Southern Water are not suggesting that these problems constrain development, but point out the need for a policy to support the provision of local infrastructure."

94. For the reasons explained in paragraphs 31-35 I recommend that the reference to the NPPF paragraph 162 should be omitted from Policy BAS 14. On a separate point, the words "if necessary" (in the phrase "if necessary there should be a condition as part of planning approval that a drainage statement be submitted to and agreed by the local planning authority") make this part of the policy too vague - the policy does not meet the national policy guidance about precision which I have quoted in paragraph 29 above. I am therefore recommending that this second part of the policy should be deleted, but it would be open to those deciding planning applications to require a drainage statement where appropriate.
95. **I recommend that Policy BAS 14 should be re-worded thus:**

Proposals for new housing development of more than one dwelling must provide evidence that the means of drainage has been examined to ensure it is capable of coping with the extra peak flows.

Other Aspects

Section 21 - Community Infrastructure Levy Payments

96. The text in this section (which does not lead to any policy) needs to be amended simply for grammatical reasons, since paragraphs 21.2 and 21.3 are not constructed as sentences. A suggested correction is in Appendix 2.

Annex to the Neighbourhood Plan

97. In line with my recommendation in paragraph 39 above, I consider that a sentence should be added to the introductory paragraph of this Annex, so as to reinforce the statement in the modified paragraph 1.11 of the plan about the status of the Annex.

- 98. I recommend that a sentence be added to the first paragraph of the Annex stating: "This Annex does not form part of the plan's policies".**

General Objection to the Plan

99. One of the submitted objections (by Mr Max Holmes of Concept Design and Planning) objected to the plan on the ground that previous representations relating to the plan's soundness had not been addressed. The previous representations were evidently concerned with the concept of the Neighbourhood Plan, the way the forum was set up, the alleged lack of public consultation and other matters including the Core Strategy and the relationship between the Neighbourhood Plan and the Core Strategy. Mr Holmes also considers that the density criteria set out in the plan would be too rigid and not in accordance with the Core Strategy.
100. Some of those points are outside the remit of a neighbourhood plan examination. That applies to criticisms of the Core Strategy and to issues of "soundness" - I am not testing the soundness of the Neighbourhood Plan in the same way as would be appropriate for an examination of a Local Plan, because soundness is not one of the "basic conditions". As regards the preparation of the Neighbourhood Plan, from the evidence before me I have no reason to believe that there was anything unreasonable about the way the Forum was formed and worked, or that there has been undue secrecy or improper conduct by those involved. From what I have read I get the impression that one or two individuals may have driven the process, but there is evidence of extensive consultation with local residents and businesses. I have discussed the issue of housing density in paragraphs 57-64 above.

The Next Stage - the Referendum and its Area

101. This report contains about 17 recommendations, relating not only to policies in the plan but also to other parts. As is mentioned in the introduction to this report, the recommendations are not binding, but they will now need to be considered as part of the next stage. Although I expect that the Forum will have an input, the responsibility for deciding whether to modify the plan will now lie primarily with Southampton City Council as local planning authority, since regulations require the planning authority to decide what action to take in response to an examiner's recommendations. The decision and the reasons for it also have to be published.
102. **I recommend that the Neighbourhood Plan, as modified following my recommendations, be submitted to a referendum.**
103. I do not see any reason to alter the plan area for the purpose of holding a referendum. If the plan goes forward to a referendum and receives a simple majority of the votes cast, it can then proceed to be "made" by the City Council, so that it can become part of the statutory development plan for the area, carrying the weight appropriate to such plans when planning decisions are taken.

Graham Self MA MSc FRTPI

26 June 2015.

APPENDIX 1: REPRESENTATIONS

<u>Name</u>	<u>Main Topics</u>
Test Valley BC (Kathryn Waldron)	Comments on "cross-boundary" issues.
Max Holmes (Concept Design and Planning)	Previous representations have not been addressed.
Natural England (Aileen Finlayson)	No specific comments.
Environment Agency (Laura Lax)	No detailed comments. Supports Policy BAS 14.
Coal Authority (Anthony Northcote)	No specific comments.
Southern Water (Clare Gibbons)	Minor amendment proposed to paragraph 20.2.
Hampshire Gardens Trust (Chris Williams)	Comments on Bassett Wood and the Common.
Southampton City Council (Warren Jackson-Hookins)	Various (about 25) objections or comments on text of the plan and policies.
Southampton Commons and Parks Protection Society (Graham Linecar)	Support for policies and proposals relating to open space and green space.
<u>See Footnote Below</u> ¹⁵	
English Heritage (Martin Small)	Various comments but considers the plan meets the Basic Conditions.

¹⁵ English Heritage's representations were not received by the City Council until about eight days after the closing date. I have been made aware of EH's comments and I have noted them, but as they were not submitted during the consultation period and do not raise any major issues I have not given them weight.

APPENDIX 2: SUGGESTED EDITING CORRECTIONS

Note: The list below is not intended to be comprehensive, but records the textual or other flaws which I have noticed when reading the plan.

Page

The plan sent to me did not have any title page or front cover, except for a clear plastic sheet, so the title of the document appeared to be "Forward - National Planning Policy Framework". A front cover or title page is necessary.

1. "Forward" should be "Foreword".
1. The date of the Localism Act and is 2011, not 2012.
4. In paragraph 1.7, it is not clear from the reference in brackets "see map" which map is being referred to.
4. In paragraph 1.10, it would be helpful to refer to specific documents and appendices rather than generally to "supporting documents and their appendices".
5. The map referred to in paragraph 1.18 is many pages away. This reference would be more helpfully stated as "the map on page 34".
5. In paragraph 2.1 "comprises of" should be "comprises".
- 8-9. In paragraphs 5.1 and 7.1, the references to "Strategic Housing Land Availability Assessment 2013 (SHLAA) and to "SHLAA" should be reversed, so as to follow the normal convention of identifying the full name first and then using the abbreviation.
9. In paragraph 8.1, there seem to be unnecessarily repeated references to the NPPF paragraph 53.
10. In paragraph 8.8, "Large Family" should be "large family".
13. In paragraph 11.3, "areas" should be "area's".
- 14-15. It would be useful to number these and other maps (Figure 1, Figure 2 etc). The maps are only just readable, and difficulties could arise when trying to relate the boundaries on the map of residential densities to property boundaries when applying policies. If possible, it would be better if the maps were at a larger scale and preferably printed in colour.
15. In paragraph 12.1, "chnaged" should be "changed".
16. There are several places in the text of the plan where unexplained terms are used, such as "C4" in paragraph 12.10. Many readers of the plan would not be familiar with "use classes" legislation (the Town and Country Planning (Use Classes) Order 1987 as amended). It might be helpful to provide a brief explanation in a footnote, especially as there is no glossary.

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17. In policy BAS 6, the grammar is awry as a plural is followed by a singular ("Changes.....will only be permitted where it.....").
17. In the last part of paragraph 13.3, it would be helpful to provide a specific reference, rather than "see appendix to supporting documents".
18. In paragraph 13.3, "access" should be "accesses" (to relate to the later plural "they").
18. In paragraph 13.16, "prioritizing" should be "prioritising" (except perhaps for American readers!) but the last part of this sentence ("subject to the Council prioritising.....with city-wide priorities") would be better expressed as "subject to the Council setting priorities for the distribution of funding across the city as a whole".
19. In Policy BAS 7, "Criteria 7" should be "Criterion 7" (assuming this is a singular criterion).
- 21-22 The text box containing Policy BAS 9 appears to be oddly placed, as some of the supporting text to this policy comes before the policy and some (paragraphs 16.4 and 16.5) after it.
23. The second sentence in paragraph 17.8 has a singular subject and plural verb ("the level....are retained"). I suggest that this sentence may be better re-worded, perhaps as "...this policy will help to ensure that existing shops are retained, whilst allowing...." etc.
25. Paragraphs 21.2 and 21.3 appear odd. It seems that there should be a colon after "development" in paragraph 21.1, followed by the text of paragraphs 21.2 and 21.3 arranged as sub-clauses separated by a semi-colon.