

Houghton Neighbourhood Plan

Regulation 16 Consultation Response Form

Please return your completed response form to Test Valley Borough Council via either:

- E-mail: Neighbourhoodplanning@testvalley.gov.uk **or**
- Post: Planning Policy, Beech Hurst, Weyhill Road, Andover, SP10 3AJ.

The consultation starts on Monday 27 September and ends at Noon on Tuesday 9 November 2021

Please review the Data Protection section, and sign and date at the end of this response form.

Guidance Note:

This response form has two parts:

Part A – Contact Details and Future Notification

Please provide your personal contact details. If an agent is appointed to represent you, then they would need to provide their full contact details in addition to your Title, Name and Organisation (if applicable). This information is required to enable the Independent Examiner to contact you for further information if required during the examination of the Neighbourhood Plan.

Consultees can request to be notified once Test Valley Borough Council has decided to ‘make’ the Houghton Neighbourhood Plan, following the Independent Examination and referendum. This decision is the final statutory stage in adopting a Neighbourhood Plan. Please indicate whether or not you wish to be notified.

Part B – Your representation(s)

If you are responding using this form, please use a separate Part B form for each different part of the Plan that you respond to (for example, one form per document or per policy).

Please use the table to set out which document and which part of that document your comments relate to. If your comment is on a specific element please set this out in the table. Your comments should then be written in the box – please state if you have included any attachments as part of your comments.

Part A – Contact Details and Future Notification

Contact Details

	1. Personal Details (or Client Details if applicable)**	2. Agent's Details (if applicable)
Title*	Mr	Mr
First name*	Nick	Craig
Last name*	Butler	Noel
Job title (where relevant)		Director
Organisation (where relevant)		Strutt & Parker
Address*		201 High Street, Lewes, East Sussex
Postcode*		BN7 2NR
Telephone Number		01273 407045
Email Address		

*Please note: these sections must be completed.

**If an agent is appointed, please provide the client's Title, Name and Organisation.

Future Notification

Do you wish to be notified of Test Valley Borough Council's decision to 'make' the Houghton Neighbourhood Plan? (Please tick):

Yes:



No:



Part B – Representation

Please use a separate Part B form for each document/paragraph/policy that you are making representations about.

To which document does this representation relate?

(please **tick only one document per Response Form** and indicate the section / policy number / paragraph number to which your comments relate to)

Consultation Document	Tick	Section/ Policy/ Paragraph
Houghton Neighbourhood Plan	✓	Policy HTN8
Basic Conditions Statement		
Consultation Statement		
Designated Area Map		

Please write your comments in this box: *(Continue on next page and attach an additional page at the back of your response if required)*

Strutt & Parker's Planning Department are instructed to respond to the Houghton Parish Council Neighbourhood Plan Consultation on behalf of Nick Butler, the owner of site LGS9 as proposed under Policy HTN8 of the Regulation 16 Neighbourhood Plan. This representation follows a previous representation submitted on behalf of our client during the Regulation 14 Consultation.

Background

On 22nd March, the Council wrote to our client, informing him of its decision to include Land South of Clarendon Way as a candidate Local Green Space within the Regulation 14 Neighbourhood Plan. Subsequently, an objection letter was submitted by Strutt & Parker in relation to Policy HTN8 – Local Green Space, and specifically to the site referred to as 'LGS9 (Land South of Clarendon Way)'. The letter provided our reasoning as to why the site should not be designated as Local Green Space.

On 28th September 2021, the Parish Council published the Regulation 16 version of the Neighbourhood Plan. This version of the Plan maintains all of the proposed Local Green Space allocations despite the representations received on this and other proposed LGS sites. Instead, amendments were made to the justification for allocation of the sites in Appendix C of the Plan. Given the limited change to Policy HTN8, our reasons for objection remain largely the same.

Consultation Statement

Alongside the Regulation 16 Local Plan, a Consultation Statement was published, containing the Council's responses to the Regulation 14 Plan consultation responses. This document was prepared by DJN Planning Limited on behalf of the Parish Council. The following was written in response to our previous letter:

“The proposed LGS designations are consistent with the local planning of sustainable development (NPPF paragraph 101). The settlement hierarchy set out in Local Plan policy COM2 with Table 7 provides the basis for the distribution of development across the Borough in sustainable locations. For Rural Villages such as Houghton the hierarchy envisages only limited development through windfalls, rural affordable housing sites, replacement dwellings, community-led development, small business uses and the re-use of buildings. Neighbourhood planning bodies do not have to seek to allocate sites for housing (PPG paragraph: 104 Reference ID: 41- 104-20190509). NDP Appendix C, which sets out the reasons for the proposed LGS designations, is to be reviewed in response to this and other comments and further detail provided. LGS9 is demonstrably special and holds a particular local significance. Its open, undeveloped nature and hedgerow boundary contributes to the rural character and setting of the village, and creates a natural break in frontage development along the village road. It is of landscape continuity with other proposed LGS to the north with which it defines the spatial relationship between the built form of the village and the River Test”.

The response focuses primarily on justifying why the Neighbourhood Plan does not allocate housing. There is little focus on the allocation of site LGS9 as Local Green Space in relation to the criteria set out within Paragraph 102 of the NPPF (2021), which was the thrust of our client’s objection. There was no proposal within our original letter that Land South of Clarendon Way should be allocated for housing, nor was there any mention of any reason why a specific site should be allocated. What was noted in our previous response was that through Policy HTN8, that the Neighbourhood Plan seeks to unreasonably limit the opportunities for future development on land within or adjacent to the settlement boundary. This, alongside the failure of the Plan to allocate any housing sites (nor to set any specific housing target), demonstrates that the plan does not promote sustainable development.

NPPG Paragraph 104 states:

“Where strategic policies set out a housing requirement figure for a designated neighbourhood area, the neighbourhood planning body does not have to make specific provision for housing, or seek to allocate sites to accommodate the requirement (which may have already been done through the strategic policies or through non-strategic policies produced by the local planning authority). The strategic policies will, however, have established the scale of housing expected to take place in the neighbourhood area.”

NPPG Paragraph 105 notes that:

“where strategic policies do not already set out a requirement figure, the National Planning Policy Framework expects an indicative figure to be provided to neighbourhood planning bodies on request. However, if a local planning authority is unable to do this, then the neighbourhood planning body may exceptionally need to determine a housing requirement figure themselves, taking account of relevant policies, the existing and emerging spatial strategy, and characteristics of the neighbourhood area”

The adopted Test Valley Local Plan does not provide a specific housing figure for the designated Neighbourhood Area, and instead addresses the entire ‘Northern Test Valley’ area within which Houghton is located, with a minimum requirement of 394dpa across the plan period of 2011-2029. We can see no evidence that Test Valley have provided an indicative figure to the Parish

Council. Yet the Neighbourhood Plan does not set out a housing requirement for the Neighbourhood Plan area.

Beyond the focus on the matter of housing allocations, the DJN Planning response fails to address any of the matters brought forward in our previous letter. In particular, no clarification has been provided on why the Council have alluded to the site's wildlife importance without any ecological evidence to support this claim. Nor does not address how the allocation proposed meets any of the criteria for Local Green Space designation under Paragraph 102 of the NPPF, or on how the allocation would align with the relevant policies contained within the Test Valley Local Plan.

Policy HTN8 - Local Green Spaces

The draft Houghton Neighbourhood Plan seeks to protect Local Green Space through Policy HTN8. However, this is a policy which is supported by weak or limited evidence.

The Neighbourhood Plan states that:

“National planning policy allows NDPs to designate land as Local Green Space in order to protect green areas of particular importance to local communities. Local Green Space designation should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should be capable of enduring beyond the end of the plan period. The designation should only be used where the green space concerned is in reasonably close proximity to the community served, is demonstrably special to the community and holds a particular local significance, and is local in character and not an extensive tract of land.”

Although Neighbourhood Plans can designate Local Green Spaces, this must not be done in a manner which undermines national and local planning policy principles for sustainable development.

The use of the power to allocate Local Green Spaces in the Houghton Neighbourhood Plan has not been exercised in the consistent and complimentary way anticipated in the NPPF. No sites for any form of development are proposed in the draft NP, despite Houghton being identified as a Rural Settlement with a defined settlement boundary in the current Test Valley Local Plan. Nor is any housing figure for the Neighbourhood Area set. Instead, the main function of the plan appears to be to eliminate sites which might perform a useful role in the future growth of the village, rather than properly identifying an area that is demonstrably special. This is not the reason why LGS designations were conceived.

Furthermore, the wording of Policy HTN8 is ambiguous as to how the Policy will be applied in line with National Policy and policy within the adopted Local Plan. Policy HTN8 states that *‘Development will be managed in a manner consistent with that applicable to designated Green Belt’*. However, given that there is no green belt land within Test Valley, we consider this statement to be imprecise. It does not make it clear what policies the Neighbourhood Plan considers that Test Valley should apply to LGS sites.

Site LGS9 – Land South of Clarendon Way

The rationale for allocating our client's site as Local Green Space is contained at Appendix C of the Neighbourhood Plan. This wording of Appendix C has been amended within the Regulation 16 Plan, but on the whole little has changed in the Parish Council's justification. Appendix C describes Site LGS9 as follows:

“Open space adjoining the village road and providing views from it towards the River Test (protected by policy HTN7, view 15), and from Sheepbridge footbridge over the River Test and the Clarendon Way looking west towards Houghton Farm and Houghton Farmhouse. It creates a natural break between areas of frontage development and provides visual relief. The hedgerows (a Habitat of Principal Importance) and trees contribute to the landscape and settlement character of the village and to its rural context. It is of local significance because of its beauty and tranquillity, which can be readily appreciated by users of the public footpath, together with its wildlife interest (the site is close to the River Test SSSI, with the intervening deciduous woodland also Habitat of Principal Importance).”

It is unclear where these important views are enjoyed from in relation to the site. From the road it is largely screened by mature hedgerow which is on the whole higher than head height. The only view possible from the road is via the access gate (which is the view reproduced in the Neighbourhood Plan). The Consultation Statement response states that the *“hedgerow boundary contributes to the rural character and setting of the village, and creates a natural break in frontage development along the village road.”*

This contradicts with the rationale contained within Appendix C of the Neighbourhood Plan, which states that the site provides views towards the River Test from the village road. It is therefore unclear which the Council believes is important, the views which are largely non-existent from the village road, or the function of the hedgerow along the village road in creating a break in development. Policy HTN8 has been supported by weak or contradictory evidence.

The identification of “Important Views” in the Neighbourhood Plan appears to be used to support the proposed LGS designations. There are two other proposed LGS sites where the draft Plan identifies Important Views under Policy HTN7 in similar circumstances – namely where views across the land are confined to access gates or breaks in hedgerow.

The draft Plan states that the Important Views:

“demonstrate the close relationship between Houghton and the surrounding open countryside, one of the key characteristics of the village. They are protected from blocking, intrusive or detracting development by policy HTN7. Where a development proposal could have an adverse impact on one of these views, a Landscape and Visual Impact Assessment or similar study should be carried out to demonstrate that the levels of effects are acceptable, and that the scheme has been sited and designed sensitively and appropriately reflecting, respecting, and where possible, enhancing the landscape context within which it is situated.

It is clear therefore that the effect of Policy HTN7 is very different from proposed designation as Local Green Space. However, there is no “new” justification provided for the designation of LGS9 other than the importance of this single viewpoint, something which is proposed to be addressed under Policy HTN7 in any case.

The following section sets out how why it is our contention that the allocation is not compliant with National Policy relating to Local Green Space allocations.

LGS designations and the NPPF

Paragraph 37 of the National Planning Policy Framework (NPPF) (2021) states that Neighbourhood Plans must meet certain ‘basic conditions’ and various legal requirements before they can come into force. These are set out in paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended).

The NPPF goes on to state that the designation of land as Local Green Space through a Neighbourhood Plan ‘*should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services*’ (paragraph 101).

It remains our contention that the designation of site LGS9 as Local Green Space does not conform with paragraphs 101 and 102 of the Framework and the wider aims of the revised NPPF. Therefore, in so far as the site is included under Policy HTN8, the draft Neighbourhood Plan is not considered consistent with National Policy, and fails to meet the basic conditions for adoption as under paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990 (as amended). In addition, the supporting evidence for the allocation referenced by Houghton Parish Council for the designation of the site as Local Green Space does not adequately justify this proposed allocation.

Chapter 8 of the revised NPPF refers to promoting healthy and safe communities. Within this chapter, paragraphs 101 and 102 refer to the designation of Local Green Space, as noted above. They state:

“101. The designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them. Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or updated, and be capable of enduring beyond the end of the plan period.”

“102. The Local Green Space designation should only be used where the green space is:
a) in reasonably close proximity to the community it serves;
b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and
c) local in character and is not an extensive tract of land.”

National Planning Practice Guidance states that Local Green Space should provide special protection against development for green areas of particular importance to local communities but should not be a blanket designation of open countryside as a ‘back door’ way to try to achieve what would amount to a new area of Green Belt by another name. The annotated plan at Appendix A demonstrates how the Houghton Neighbourhood Plan seeks to achieve what should be avoided under Policy HTN8.

We review each of the justifications for allocation of Local Green Spaces, as referred to in paragraph 102 of the NPPF, in relation to site LDS9 in turn:

a) *Proximity to the location it serves*

The site is located adjacent to the development boundary for Houghton, with the boundary adjoining the site on all sides except the south-east which fronts the River Test. It is therefore within close proximity to the community. However, it is not demonstrably a parcel of land which 'serves' the community in any meaningful way (in the manner that allotments or a village green might). The site is in private ownership, and is not accessible to the public, nor crossed by any PROWs.

b) *Demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife;*

There is no specific mention of the site in any local character assessments, nor any references to it as a valued local feature that we have been able to find, or that our client is aware of. There are no features on the land which are of any significance. Additionally, being largely screened from public vantage points by mature tree and hedgerows and inaccessible to the public, the site does not afford views to or from the settlement itself, with the only limited view across the site from the village being through the access gate on the village road.

The merits of a local green space could be associated with its unspoilt nature. However, it is no more or less unspoilt than other parcels of land around the settlement. As such it cannot be considered "demonstrably special". That term implies an intrinsic uniqueness, distinguishing the space from other areas around the village.

The site does not contain any historic buildings or heritage assets or historic landscape features. Furthermore, the site does not have any relationship with any historic events that we have been able to discern.

Being in private ownership with no public access, the site has no recreational value. This land is not 'open access land' or 'common land' as defined in the Countryside and Rights of Way Act 2000 and as such the public do not have the 'right to roam'.

The statement made in the Plan in relation to the site's wildlife interest at Appendix C of the Neighbourhood Plan is not substantiated by reference to any ecological surveys to form a proven evidence base. Reference is made to the site's proximity to the River Test SSSI and woodland on the Priority Habitats Inventory. However, the site itself does not contain any important features (such as Ancient Woodland, Site of Special Scientific Interest etc) and the site has not been evidenced by surveys or records to support a unique and or diverse range of wildlife.

The hedgerow surrounding the site would be considered a Habitat of Priority Importance. However, the same can be said of around 84% of hedgerows within Great Britain. The presence of the hedgerow does not make the site specifically demonstrably special. By this argument, all countryside sites surrounded by hedgerow should be considered Local Green Space. Therefore, the presence of hedgerow does not in itself support the allocation of the site as Local Green Space. If the Parish Council is concerned about hedgerow retention, a Policy relating to the

protection of landscape features of ecological importance (such as hedgerows) would be a more appropriate tool.

In terms of tranquillity, as undeveloped grazing land the site is unarguably relatively tranquil, as are the majority of undeveloped parcels of land on the edge of a Hampshire village. However, the tranquillity of the site is not of benefit to the general public as the site is in private ownership with no lawful public access. Again, there is nothing to suggest that this particular site is demonstrably special.

c) Local in character and is not an extensive tract of land.

At approximately 3 acres, the site is not a particularly extensive tract of land. However, we are concerned that the site appears little different in character from a number of the other proposed LGS designations, which taken together do cover an extensive part of the lands adjacent to the Houghton settlement boundary – over 17ha in total. As a result, the policy approach would nevertheless have the same or similar effect that a single designation of an extensive tract of land might have in limiting opportunities for potentially sustainable new development. The “salami slicing” of these areas should not be permitted to undermine the principle.

Site LGS9 is one of eleven sites which has been allocated in the draft plan as Local Green Space. The majority of these spaces share a common characteristic of being within or adjacent to the development boundary for Houghton. The majority of the proposed LGS sites appear prima facie as potentially suitable candidate locations for sustainable development. If all of these sites were to be allocated as Local Green Space, then the only opportunities for development within Houghton would be for the redevelopment of existing properties. Arguably, this is precisely what the LGS designations are seeking to achieve, namely seeking to ensure that Houghton would be unable to support sustainable development in line with Paragraph 11(b) of the NPPF (2021).

Houghton Parish Council Evidence Base to Support Local Green Space Designations

The Neighbourhood Plan evidence base relies heavily on work undertaken by Test Valley, including specific policies in the adopted Local Plan. Including Policies E5 and E6 of the Test Valley Local Plan, the Test Valley Green Infrastructure Strategy, and the Test Valley Borough Landscape Character Assessment. Our letter provided at Regulation 14 consultation (contained at Appendix B) set out why these were not relevant to the allocation of site LGS9. There has been no change or further justification as to why the Neighbourhood Plan contains these documents and policies as supporting evidence. As a result, our previous comments in our letter dated 1st June 2021 remain valid.

NDP Village Survey.

Part of the rationale for the inclusion of Policy HTN8 in the Draft Neighbourhood Plan is that *‘in the NDP Village Survey some 87% of respondents felt it is very important that these green spaces are protected (a further 11% thought this fairly important). To this end these open areas are designated as Local Green Space by policy HTN8.’*

The Neighbourhood Development Plan (NDP) Village Survey was created in 2018. The following question was asked:

The Green Spaces identified in the Village Design Statement as an important feature of our Conservation village, are shown on the map in the introduction of this survey. How important do you consider the protection of these spaces to be?

- *Very important*
- *Fairly important*
- *Not important*
- *No opinion*

Thus, respondents were provided with a fixed list of sites (essentially the same list now included in the draft NP). They were not invited to identify sites that they considered to be of particular local significance. The question was set out in a leading manner. It presupposed that the sites identified meet the relevant criteria, without any testing through consultation that we have been able to discern.

The question invites the respondent to take for granted the fact that the green spaces to be identified within the draft design statement are '*important*', then goes on to ask residents how important it is to protect these important features. It is evident that this question is purposely leading, in order to ensure that the maximum number of respondents answer in a positive way. It is difficult therefore to claim this as a mandate for the policy approach.

Village Design Statement

The Draft Plan at Regulation 14 referred to a draft (undated) Village Design Statement in seeking to justify the approach to LGS designations, stating that '*the draft VDS identifies one of the key characteristics of Houghton as the many open spaces within the village. These contribute to the dispersed character of the settlement; they often border the village road and include fields, allotments and small areas of woodland.*'

The Draft Village Design Statement did not appear to be publicly available to view within the Regulation 14 Neighbourhood Plan evidence base, the Parish Council website, or indeed in any other easily accessible location online. While Test Valley publishes adopted Village Design Statements on their website for public access, the Houghton Village Design Statement is not formally recognised by the Borough Council as supplemental planning guidance. This failure to provide access to evidence to support the NP denied the opportunity for assessment of the evidence base supporting Neighbourhood Plan Policy HTN8.

The draft Village Design Statement, which formed part of the Council's evidence base at Regulation 14 stage, was being used as supporting evidence to justify this allocation and policy HTN8 as a whole when the document itself was unavailable. Nowhere in the Consultation Statement, or anywhere within the Regulation 16 Local Plan, is this addressed. Instead, the reference to the Village Design Statement has been quietly removed from the Regulation 16 Plan as a form of evidence, and no mention is made as to why. Instead, it now only states within Paragraph 6.3 of the Neighbourhood Plan that the Village Design Statement is "in preparation".

This also demonstrates the flaws in the Parish Council's use of evidence to support their Plan. The Village Design Statement, which evidently did not exist at the time, was being used by the Council to support the frankly weak rationale for the 11 sites proposed to be allocated as Local Green Space.

Paragraph 41 of the National Planning Practice Guidance states that:

*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.***

The Draft Village Design Statement saga is clear evidence that the Parish Council's evidence base is not precise, appropriate or justifiably relevant.

Summary

The Houghton NP, at Regulation 16 stage has not been revised in a sufficient manner to demonstrate that Local Green Space site LGS9 is justifiably suitable for allocation in line with Chapter 8 of the National Planning Policy Framework (July 2021) and the Test Valley Local Plan.

The supporting evidence for the LGS designations appears to rely on largely unrelated policies and survey work undertaken by Test Valley, together with a single leading question in a NP survey and an Important Viewpoint (itself protected under a different draft policy). Furthermore, the removal of the Village Design Statement from the list of supporting evidence demonstrates the flaws in the Council's use of evidence to support the Neighbourhood Plan.

The lack of justification for Policy HTN8 (effectively the most important policy in terms of the 17ha or more of land potentially impacted by it) causes the Neighbourhood Plan to fail to meet the 'basic conditions' for adoption. Furthermore, the inclusion of Site LGS9 does not meet the tests set out on the NPPF for LGS designation.

We believe Houghton Parish Council should reconsider its approach to LGS designation. The 11 sites proposed are far too numerous to be credible across what is otherwise a relatively small settlement. It should certainly remove the proposed allocation of Site LGS9 from the Plan, and explore ways that could seek to protect sites and features viewed as important to the character of the village (such as the hedgerows) through alternative methods, and ensure that robust evidence is provided to support such protection.

Data Protection

Data Protection: The comments you submit will be used to inform the Neighbourhood Plan process and will be held for the lifetime of the Neighbourhood Plan. Please note that your comments will **not** be treated as confidential and will be made available for public inspection. However, contact details will not be made public and will not be passed to external parties, apart from the Examiner, without permission. For further information on how we use your personal data please visit <http://www.testvalley.gov.uk/gdpr>

Please tick the box to confirm you are happy for your comments to be used in this way

Signed C Noel Date 01/11/2021

Please return the completed forms by: Email: Neighbourhoodplanning@testvalley.gov.uk Post: Neighbourhood Planning, Test Valley Borough Council, Beech Hurst, Weyhill Road, Andover, SP10 3AJ.	For more information: Telephone: 01264 368000 Website: www.testvalley.gov.uk .
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If you require any assistance in completing this form or require further information, please contact the Neighbourhood Planning team.