

**QUESTIONS RAISED AT BASINGSTOKE & DISTRICT ASSOCIATION OF PARISH & TOWN COUNCILS
ONLINE MEETING – 30 JULY 2020 – PLANNING MATTERS**

1. Richard Carrow - Burghclere Parish Council: Can you explain how you can change government policy. A 2 year 'life expectancy' of a made neighbourhood plan is a nonsense (I know it's more complex than that!)

The 'life expectancy' of neighbourhood plans is longer than 2 years, as once made it will remain in force for the plan period specified in the neighbourhood plan. However, clearly the new 5-year cycle for Local Plans will have some practical ramifications, as a new/updated Local Plan may stimulate a need to review the Neighbourhood Plan, depending upon the extent to which that is considered necessary.

For the purposes of this response it is assumed that the reference to the 2-year life expectancy is a reference to the 2-year protection set out in the NPPF (paragraph 14) in the event that the council does not have a 5 year housing land supply. The council fully understands the feelings set out and the associated frustrations. However, it is difficult for the council to change this situation as it is national level policy and therefore not something the council can control. Our only option would be to lobby the Ministry of Housing, Communities and Local Government, and to provide comments via relevant government consultations.

Moreover, the government is currently consulting on significant amendments to the planning system, which may well impact upon the current position concerning the 2-year protection referred to above, as it involves a proposal to remove the 5-year housing land supply requirement, and would also have wider ramifications for neighbourhood planning. The extent to which the consultation proposals will actually be taken through to legislative changes and the timescales for this is however currently unclear.

2. Gary Whiteside - Parish Councillor North Waltham: What plans do you have to develop a safe and joined up cycling network infrastructure in Basingstoke and Deane pls?

The council has an existing cycle strategy, which includes measures aimed at improving safety levels and the coverage and connectivity of the network. Further details are available via the following link:

<https://www.basingstoke.gov.uk/cyclestrategy>

Furthermore, the council will be seeking to further advance this process through the Local Plan Update which is currently being prepared. This will be addressed in the upcoming issues and options consultation and the council will welcome views on this issue as part of that process. This matter will also be considered in detail as part of the preparation of the evidence base for the Local Plan update. The council will also continue to support the implementation of this strategy through relevant planning applications.

3. Simon Greaves - Pamber Parish Council: what is your view on repeat applications following refusals of previous applications. do you not have the power to reject such applications?

The council does have the power to refuse to determine repeated applications (as set out in legislation). However, that discretion is limited, and if there has been any relevant change in

circumstances, or some form of attempt to overcome the previous problems, for example via the provision of additional information, then the council will still need to determine the application, provided that a genuine attempt has been made to address the problems identified. In practice, when submitting a repeat application most applicants will make some attempt to demonstrate that they are seeking to overcome previous concerns, meaning that there is usually only limited scope to refuse to determine repeated applications.

4. Gareth Davies - Herriard Parish Council: Can you give us an update on the Moto application for a new MSA at jnc 6 of the M3?

The application remains live and has yet to be determined by the council. The planning department is continuing to liaise with the agent, consultees and interested parties in order to establish the extent to which concerns which have been identified (e.g. highways impacts) can be successfully overcome. A significant part of the delay in being able to determine the application has been due to the applicant's attempts to address matters raised by the Highways Agency. This process is now entering a relatively advanced stage, but it is currently not possible to specify exactly when the application will be determined.

5. Cllr Roger Gardiner: What effect has Covid had on Enforcement activities?

The period during which there have been COVID-19 related restrictions has seen a rise in reports of breaches in planning control. Furthermore, initial limitations put in place meant that site visits were restricted. Once Government advice changed after the initial lockdown period the council brought in a revised site visit protocol for officers to follow which has created a practical solution but still means that the team is having to catch up to a certain degree.

There have been issues in resourcing the team, both more recently leading up to and during the pandemic period but also longer term. This is not unique to BDBC. While vacancies within the team remain, prioritisation is being given to the most important cases in line with the currently adopted Planning Enforcement Statement and the council have recruited an experienced Principal Planning Compliance and Enforcement Officer to manage the day to day activities and lead on key cases.

6. Martin Slatford - Basingstoke Parish: Are there potential reviews of transport infrastructure in Basingstoke? Could a Rapid Mass Transit tram system be considered again?

The council has worked in partnership with Hampshire County Council to produce a Transport Strategy for the borough and work is now progressing on its implementation. This is available to view via the following link:

<https://www.basingstoke.gov.uk/transport-strategy>

The Strategy includes the consideration of options available for Mass Rapid Transport and this work is progressing.

The council is also considering transport issues in detail as part of the process of producing the Local Plan Update and its associated evidence base, which will include a detailed transport assessment, and a thorough assessment of options available for improving sustainable transport options in the borough (including Mass Rapid Transport).

7. Hugo Cubitt - Mapledurwell and Up Nately: How come the Manydown site has taken so long? This debacle has to be the main reason we have no housing supply. Manydown was going to supply over 10,000 houses and we believe only 50 houses have been added to the supply for the 5 years supply.

The delays experienced have largely been due to issues encountered resolving the detailed highways aspects of the proposed development. In addition, during the lifetime of the application there have been some national planning policy changes which the applicant has had to address through amendments and additional information. It is not uncommon for large strategic sites such as Manydown to involve long lead-in times owing to the inevitable infrastructure requirements associated with such sites.

The delays have impacted on the 5 year housing land supply, along with other factors, including changes to national policy which set out more restrictive rules for what can be included in the 5-year supply. Also, housing delivery in the borough has increased significantly in recent years, meaning that the borough has passed the Housing Delivery Test. However, this then has a knock-on effect regarding 5 year supply, as those high delivery numbers need to be taken off future supply.

8. Simon Greaves - Pamber Parish Council: the planning inspectorate would seem to be reactive rather than proactive. what can you implement to ensure planning conditions are met. what action can you take to undertake enforcement where retrospective applications are rejected.

The council employs officers within the planning team who have the role of responding to applications for discharge of conditions. It is considered that providing a service whereby planning conditions can be discharged without becoming delayed by work on planning applications is the best way to facilitate compliance with conditions. Where applicants either start without complying with conditions and/or fail to adhere to conditions then the council has a number of options to consider formal enforcement action should voluntary compliance not be secured. Planning conditions can be enforced through using Breach of Condition Notices. This is mainly intended as an alternative to an enforcement notice for remedying a breach of control arising from failure to comply with any planning condition or limitation. But it may also be served in addition to the issue of an enforcement notice, perhaps as an alternative to a stop notice, where the LPA consider it expedient to stop the breach quickly and before any appeal against the enforcement notice is determined, because, for example, it is causing serious environmental harm, or detriment to amenity or public safety. More details are available via the following link:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/7709/319295.pdf

The approach taken to breach of conditions will depend on a number of factors including the condition being breached, the nature of the breach (e.g. whether it is causing immediate, irreversible harm) and its relationship to the rest of the development.

In the event of retrospective applications being rejected the council does have the power to remedy breaches of planning control via enforcement notices, which does include the ability to specify particular works, for example the demolition of a building. These powers are subject to an appeals process in the same way as a refusal of planning permission can be appealed. More information concerning enforcement powers and relevant considerations is available via the link below:

<https://www.gov.uk/guidance/ensuring-effective-enforcement>

9. Cllr Chris Tomblin - Vice Chairman Bramley PC: what plans do you have to improve the involvement of parish councils (full of local knowledge) with regards to planning applications, strategy and enforcement?

In terms of the strategic i.e. Local Plan context, the planning department engages extensively with parish councils throughout the process of producing the Local Plan and also in relation to neighbourhood planning. The council is intending to carry out an issues and options consultation on the Local Plan Update in September, and as part of this process will liaise directly with town/parish councils regarding the relevant issues. The council will welcome the views of parish councils throughout the progression of the Local Plan and will explore with parishes how best to co-ordinate the Local Plan and neighbourhood planning processes.

With regard to planning applications, parish councils are consulted on all planning applications within their area. On receipt of comments the council reports the parish council response verbatim within both officer and committee reports (other consultees have their comments summarised). In addition, parish councils are provided with a separate 4 min period for public speaking at Committee so as to emphasise their importance to the application process.

Parish councils play a key role in reporting enforcement cases, including reporting resident concerns. Where a parish council raises a complaint, they are registered as a point of contact, and will be updated when any substantive update is available. Given the in-depth local knowledge, and proximity to development sites, parish councils are often also able to provide information (including live information) that is central to investigations. Such liaison already occurs, and is of significant importance, and these relationships will be built upon in the future.

Moreover, this issue is likely to be impacted upon by the government consultation of the future of the planning system, as this will likely mean changes to the way in which engagement with parish councils is conducted in relation to every aspect of the planning system, but it's currently too early to anticipate what this will entail.

10. Cllr Roger Gardiner: Enforcement. Are we following up on existing enforcement cases?

Yes, we are following up existing enforcement cases, though this is impacted upon by limitations on site visits, staff resource, and the increased number of cases, which means that work is needing to be prioritised. Please let us know if there are any specific cases which are of concern and we are happy to provide an update.

11. Malcolm Bell: With no 5 yr land availability the parishes are open to ad hoc planning applications and then get decisions being made "presumption in favour of development". This happens without the infrastructure to support development. Up to April 2019, the housing supply from sites within the plan was only 56% with windfall sites contributing 31%. This is the pressure put on Parishes surrounding BDBC. How are we going to tackle this situation?

The council is obviously very concerned about the loss of it's 5-year housing land supply, and this will mean that more windfall sites come forward. A lot of the windfall units which have come forward in recent years have been on brownfield urban sites via the permitted development rights which allow for the conversion of offices to residential (which has so far delivered around 700 units). However,

clearly it means that sites are also coming forward in rural areas, which causes the council considerable concern owing to the impact this has on local communities.

The council has actually proven to be very successful at delivering housing in recent years, but that actually makes it more difficult to demonstrate a 5-year supply, as that housing is no longer available for the supply side of the process. The only ways of addressing the 5-year supply problem in a planned way is by allocating new housing sites, and/or by granting planning permission for suitable sites. Clearly this process can be elongated where there is significant objection to development.

The council is doing its utmost to address this via the decision to commence an update to the Local Plan, which will allow for new sites to be allocated in order to ensure that a 5-year supply is restored. However, unfortunately this will inevitably take time to put in place.

Furthermore, this process may now be impacted by changes to the planning system at national level, which includes a proposal to remove the 5-year supply requirement, and streamline the plan-making process.

Notwithstanding the above, it is important to stress that even in the absence of a 5-year supply of housing it is still possible to refuse planning permission in instances where the harm associated with the proposal significantly and demonstrably outweighs the benefits associated with granting consent.

12. Martin Slatford - Baughurst Parish: have you had experience of MMC factory built homes allowing new home delivery at pace and with zero carbon

It is recognised that MMC (modern methods of construction) techniques do potentially offer some significant advantages in terms of reducing construction times significantly, on site at least, and in so doing potentially reduce pollution levels and disruption experienced by local residents. They also facilitate some more sustainable design approaches, for example they tend to have greater levels of air-tightness. There are also low-cost versions of pre-fabricated homes which may provide opportunities for providing more affordable housing.

However, there are also concerns regarding the potential that this construction model has for increasing the standardisation of housing and hence reducing locally distinctive approaches to design. In addition, in general terms the development cost for this approach is higher than the traditional delivery model, and hence this approach has yet to become prevalent within the development industry. Undoubtedly it does have potential though to improve the efficiency of housing delivery and may well be suitable in certain circumstances. The planning department will continue to monitor the development of this industry/construction approach.

13. Richard Carrow - Burghclere Parish Council: Are you worried about the prospect of 'zoning' for planning? My comment on zoning arises from the Policy Exchange paper: 20200127-Rethinking-the-Planning-System-for-the-21st-Century-Policy Exchange

The council is currently considering its response to the consultation. There are advantages and disadvantages associated with a zonal system, and there are considerable differences in terms of how such a system can be operated in practice, depending upon where the balance is struck

between certainty and flexibility. For example, a development management system may remain for certain zones.

However, as a democratic institution clearly the council would be concerned about any changes which detrimentally reduce the level of public engagement associated with its planning functions. Consequently, it is hoped that any zonal system utilised still ensures suitable levels of public engagement and achieves high quality outcomes. Furthermore, currently it also appears unclear exactly how neighbourhood planning fits into this system, and resolving this issue will be very important from the council's perspective.

14. Brian Langer: would BDBC consider incorporating a contour line policy in its review of the Local Plan? I raised this years ago with Cllr Stephen Reid when he was a borough councillor - I think he is just a county councillor now - but nothing was done. I think it is particularly important now that the Portsmouth Estate is proposing development south of the M3 encroaching on Farleigh Hill, the link between the North Downs (Surrey Hills AONB) and the North Wessex Downs AONB. It also has a relevance to the Manydown development. On ridges or escarpments related to ridges a prohibition of development above 130/140m asl would go some way to protecting that superb landscape seen to the south between junctions 6 and 7 on the M3. It would also help around the highest areas of the proposed Manydown development.

My concern stems from attending BDBC DCC meetings over many years at which most visual presentations of sites give no 'feel' for topography, usually omitting any contour lines on plans. Also, councillors seem to have little or no appreciation of landscape and the effect development would have on it and the area of the borough under consideration which could be 20 miles from their own ward.

I'm happy to discuss this matter further with BDBC by phone or through email.

It's not clear exactly how a specific 'contour line policy' would operate. However, it is acknowledged that topography is an important consideration in the planning process. This issue will be considered as part of the analysis of sites when determining planning applications, and will clearly be an important element in any Landscape consultation responses. For many applications there is a requirement to submit a Landscape and Visual Impact Assessment (LVIA) which is reviewed by the council's Landscape Team and where relevant commented on by the AONB Officer.

Furthermore, in a planning policy context, both the current and emerging Local Plan is informed by extensive and detailed landscape analysis, which includes consideration of the topography. An example of evidence base studies which have previously been produced concerning landscape impacts is available via the link below:

<https://www.basingstoke.gov.uk/ENV08>

Please take the opportunity to provide more details on what you would like to see included in the Local Plan Update in this regard through future consultations. The council could consider further references to this issue to ensure it is considered in a consistent manner.