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***FEEDBACK STARTS BELOW:***

The draft of the King's Somborne Neighbourhood Development Plan (NDP) was made available for public consultation on the 10th May 2018. A screening opinion was received by the Parish Council on the 23rd May 2018 recommending both a Sequential Test be undertaken (Environment Agency) and a Strategic Environment Assessment (SEA) be undertaken (Historic England). Both assessments presume a review of planning processes with a mind to finding "reasonable alternatives" where issues are identified. This can only work by seeking relevant information at an appropriate stage in the plan development process. This has not occurred in the development of the NDP. As the National Planning Policy Framework (NPPF) and guidance on the use of SEA both state often regarding the use of various evidence sources such as Flooding Risk Assessment (FRA) and SEA: "The process should be started early in the plan-making process and key stakeholders should be consulted in identifying the issues that the assessment must cover."

The structure of the assessment and allocation process for the NDP has effectively ignored this most basic of requirements. The Sequential Assessment was carried out on after the site allocation process occurred and excluded most assessed sites from being included in this analysis, undermining the review of "reasonable alternatives". The SEA was not completed for public review before the end of the consultation period, 22nd June 2018 – indeed it has not even commenced. Neither document has been applied iteratively to inform the planning process, and the site allocation at this stage cannot have been able to consider the issues either assessment might raise. One problem is that the presumption that the review of "reasonable alternatives" will be included in these assessments has been unreasonably rebutted by the heavy reliance on the Landscape Assessment (LVIA) that was commissioned prior to site selection (unlike other assessments) and the structure of that report (see Appendix 1). As such other requirements have not been reasonably considered at the time of the response in contradiction to the NPPF and SEA Directive. As a result, the Plan may well be shown to have too few sites remaining in the site allocation for the community to reasonably anticipate that the Housing requirements of the plan will be met. Many viable sites appear to have been discounted unduly on single criteria, and the sites remaining have not been appropriately assessed and understood in terms of considerations such as Flooding, Conservation and Heritage and Highways. The NPPF further stipulates that: "the sites and the scale of development identified in a plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened."

The King's Somborne NDP draft states a desire to be balanced in its assessment of various criteria, but this has not been achieved in the timescale available (see Appendix 1). As such, as well as being at risk when assessed against national guidance, the plan's site development proposals are in contradiction to the stated policies in the draft, and within the Local Plan. Specifically:

- a. Policy E9 – Conservation Area, Heritage Buildings and Heritage Sites (the density of housing requirements focused on limited areas will impact character)
- b. Policy E10 – Flooding and Water Management (little understanding of site specific flood risk is available at this point, and sites should be discounted if they can offer opportunity of development should any currently selected site present flooding issues). And, in terms of the Local Plan to:
- c. Policy E7 – Water Management
- d. Policy E9 – Heritage

Further, this lack of focus has led to weak policies in the NDP, and specifically Policy E9 (Conservation) does very little to mitigate the risks apparent with the allocated sites, which are all within or immediately about the conservation area and the setting of listed buildings. It is anticipated that this will be borne out by the SEA, although this document is not available for review by the community at this point. It should already have been noted that Point 2.1 of the NDP Summary document states: "A key requirement of the Parishioners was to protect and enhance our natural and historic environment which includes the conservation area, its listed buildings and numerous rural views...". For example, in public consultation documents the site KS7, which sits in the setting of several listed buildings, has been presented with a buffer to protect the setting of the site. Similarly, KS6 – a small site with great listed building in close proximity – has been presented as being more than 50% un-developed in public consultation presentations due to these assets. However, in neither case has any policy been proposed in the actual plan document to ensure that these suggested buffer zones are part of the plans substance.

In summary the plan lacks robustness in detail of its development and lacks sufficient scope in the range of sites in the final options. Plans can be challenged (ref Haddenham). The Parish Council should take time now to respond to the broad concerns and ensure the final submission is appropriately accurate and robust. What is necessary to ensure a more honest and robust submission:

- 1) A formal pause is taken in the process to allow the FRA and SEA to be incorporated formally and fully in the preparation of the draft document;
- 2) Both the FRA and SEA are properly used, particularly in the assessment of "reasonable alternatives". For example, to inform the site allocation process (not just validate the current proposal) to ensure that reasonable alternatives are assessed, in line with guidance;
- 3) It is clear (see Appendix) that an independent review of the qualitative scoring of the LVIA needs to be included in the SEA to ensure it is a robust evidence source for site allocation to rely on;

4) Reassessment of all sites under the Traffic Light system to: a. Understand if some sites currently graded per the assessment as “not suitable for allocation”, should in fact be marked as “the site is a potential allocation subject to on- or off-site mitigation”. For many sites the factors offered as “red-flag” issues (e.g. “views” or relationship to settlement pattern) are often overstated as barriers or are equivalent hurdles to those found on several sites assessed as suitable for allocation (see appendix note). b. Understand if some sites currently graded per the assessment as “suitable for allocation” should in fact be marked as “the site is a potential allocation subject to on- or off-site mitigation” as any appropriate development would have to offer meaningful mitigations around widespread concerns regarding Water/Flooding, Heritage and Access/Highways.

5) Review the wording of Policy E9 entirely to reflect the overall intentions of the plan. Incorporate specific policies to safeguard heritage assets including minimum proximity and relative height assumptions for new development relative to existing heritage assets.

6) A new draft plan is prepared, and the consultation period re-started after point 1-5 are completed before it is submitted to the local planning authority, the ensure that the community and other bodies can review a robust plan, incorporating all required evidence.

As postscript – I would also note that despite efforts to inform the community of the plans it seems that many effected parties have only become aware detail of the plan at the very end of the consultation process. Equitable process would allow some further time for people to digest detail.

APPENDIX 1 – Specific structural concerns in LVIA and SEA which undermine balance of evidence used to assess the final proposal

In consultation and documentation, it has been stated that the planning process is one in which all factors have been equally weighed and considered in the process, and the same has been stated in writing by the South Downs National Park Authority (SDNPA) in respect of the LVIA. However, at some points not all factors seem to have been equally considered. The plan states that it is evidenced-based (point 1.1), but in the structure of the assessment not all evidence has been equally validated not valued. Ultimately, despite an apparently broad assessment only a single factor, drawn from the LVIA, has materially informed the site assessment process to the detriment of other evidence points. Relying on the LVIA as a sole expert document for the Traffic Light assessment methodology has resulted in too few sites now remaining in the draft plan for any amendment to take place and still enable the Housing criteria to be met. This undermines the purpose of the various other assessment (FRA, SEA) still incomplete before the end of the consultation period. All remaining sites are in areas with flooding and or conservation concerns. The structural errors in the process that have combined to create this structural bias are set out below:

LVIA Structure– reliance on Historic Settlement Pattern criterion

i. The final assessment grade in the LVIA is “Capacity for Development” and this has informed the Traffic Light assessment heaving (see b and c below).

ii. Only one factor has materially influenced SDNPA’s assessment of Capacity. Every site assessed as “negative” for the sub-criteria of “Historic Settlement Pattern” are then assessed a “Low” for Capacity. No other criteria have this impact, and the assessment is not balanced as presented in its introduction. Indeed, some factors appear to have been so weakly weighted as to have had no discernible impact on the Capacity Assessment at all.

iii. SDNPA have stated that the assessment process is not numeric. However numeric analysis is appropriate for then reviewing such assessments to confirm structure. In this assessment the correlation between “Historic Settlement Pattern” and Capacity is 0.93. This is absolute.

iv. On the contrary, for example, 4 sites are assessed as “High” for the criteria of Value of Landscape (which includes heritage and conservation aspects). But contrary to this, 3 of these are given are also given a “High” final Capacity assessment. The mathematical correlation over all sites is 0.35 between Value of Landscape and Capacity for Development. This criterion has had almost no impact on the final recommendations.

v. The inclusion of “Historic Settlement Pattern” as a defining criteria is unclear in the methodology. Both the SDNPA and Parish Council have cited the same document: Topic Paper 6: Techniques and criteria for judging capacity and sensitivity, (SNH & The Countryside Agency, 2002). No methodology for the inclusion of Historic Settlement Pattern as a sole dominant is apparent. No methodology presenting when it should be an over-weighted criterion is apparent, and the rationale has not been presented. Indeed point 5.5 of the document implies a much more balanced appraisal to be appropriate, and Figures 1(a) and 1(b) set out a clear approach to criteria in assessing Landscape Capacity for change.

vi. The criterion of Historic Settlement Pattern is actively at odds as a factor to concerns around flooding and conservation (as it drives development into the valley bottom and conservation area).

vii. Indeed a review of the balance of scoring, combined with a review of the commentary in Appendix 2, Table 3 “Capacity for Development” might suggest that the final evaluation has is “Lows” and “Highs” mis-ordered with respect to Value of Landscape, and in comparison to the documents own scoring definition in Appendix 1, Table 1.

viii. Further detail regarding the above available if required.

Summary – The LVIA has only taken a single factor into account in its final assessment. The methodology for this is unclear and can be demonstrated as unbalanced. The dominant criteria selected is internally contradictory to several stated goals of the LVIA and NDP.

b. Translation of the LVIA information into Site Assessment Traffic Light system.

i. Taking all site assessment forms in combination (Attachment 2.4.5 of the NDP) the Landscape Assessment has been referenced as a point of evidence on 29 occasions. It is a key reference, however does not seem to have been properly translated to the site assessment in all instances.

ii. Specifically, there appear to be some “cut and paste” errors in the translation of LVIA information into the Traffic Light assessment, where the information and grading attached to the reference do not appear to agree to the site assessment per the LVIA detail. I have noted the following, as examples:

a. KS2 received a “red-flag” for impact on Views In in its site assessment form despite having been judged as “Low” for visibility in the LVIA.

b. SHELAA site 186 received a “red-flag” for impact on Views In in its site assessment form but is graded “moderate” for visibility in the LVIA (sites KS5 and KS7 both received “moderate” for visibility in the LVIA but a green-light in site assessment).

c. KS1 received a “red-flag” for impact on Views In in its site assessment form but is graded “moderate” for visibility in the LVIA (sites KS5 and KS7 both received “moderate” for visibility in the LVIA but a green-light in site assessment).

d. Overall Assessment for KS2 includes the following statement for “not suitable” status: “In line with LANDSCAPE ASSESSMENT Appendix 2.5 due to its location within the conservation area and that it is adjacent to listed buildings...” This contradicts scoring of other sites.

e. SHELAA site 55 and 56 overall site assessment includes the following statement: “In line with the LANDSCAPE ASSESSMENT Appendix 2.5 development of this site would be an over development of Eldon Road area and create dwellings further removed from facilities than other evaluated sites”. The LVIA makes does not comment on proximity to facilities. Further, it awards the site a Low evaluation for Landscape Value because of its “intensive agricultural character and proximity to uncharacteristically located large scale modern housing development” (as reference in the LVIA but used to with opposite meaning in site assessment document). A similar analysis is true of the

Overall Assessment comment for SHELAA 57, and SHELAA 78. In all cases the meaning of a “Low” Landscape Value seems to have been reversed in assessment.

f. The above are examples, a fuller list can be provided at request.

Summary – The LVIA is the primary commissioned document for informing the site assessment process. It has not been drawn on consistency. Specifically, commentary and site assessment scoring on Views In and Landscape Value appear to have been incorrectly drawn across

Traffic Light assessment – use of red-flag criteria

i. 20 Red-flags scores were issued for either “Landscape Impact” or “Views In” in the site assessment. All red-flags reference LVIA as source evidence. All sites with the red-flags are removed from site allocation and, critically, from proper comparison of flooding and conservation concerns later in the process.

ii. 5 Red-flags are issues for concerns around Allotment protection. Relevant sites also have Landscape and Views red-flags and therefore are removed from site allocation under the same criteria with no change to outcome.

iii. 1 Red-flag issued for access concerns. The site remains in allocation.

iv. 0 Red-flags issued for Conservation and Heritage, biodiversity, Flood Risk, Access and Highways etc.

v. Leaving aside Allotments, only issues of “Landscape Impact” and “Views In” have been seriously regarded in the site allocation process. vi. The award of a “red-flag” for these issues appear overstated against the published scoring policy which suggests that Landscape issues receiving this level of assessment are:

a) In the North Wessex Downs Area of Outstanding Natural Beauty

b) Site is within a Local Gap

This is not true for and the sites assessed in the Traffic Light process.

Summary – 80% of red-flag issues are raised for “Landscape Character” and “Views In” concerns (the remainder for Allotments which overlap anyway). No red-flag issues are raised for any other criteria on any site. All sites with a “Landscape Character” or “View” concerns are removed from the site assessment. No other sites are removed from the site assessment. These red-flags appear to have been raised more excessively than the published scoring matrix recommends

Impact of “red-flags” on final site assessment outcomes

i. All sites receiving 2 or more “red-flags” have been removed from the site allocation process. One site receiving a single red-flag has remained in the site allocation process. This is assumed to be a material selection boundary.

ii. As highlighted in previous sections, several sites receiving a red-flag for “Views In” may need review.

iii. Ultimately all sites receiving 2+ red-flags have been awarded and overall assessment of “not suitable” for development in the Traffic Light process. All sites receiving 1 or less red-flags have received a “suitable” for development. No sites in either situation have been assessed as “a potential allocation subject to on- or off-site mitigation”. Given the fine and highly subjective assessments, it would appear that there has been a mistake in not awarding more sites through this assessment this grading. Summary – The traffic light process has been used in a hard and binary manner, reducing the options for development across the neighbourhood geography, and not recognising the issues that exist with those sites that might be allocated for development. Sites have been marked as unsuitable rather than requiring further assessment.

Incomplete evidence based used to assess other criteria

iv. The LVIA was completed in advance of the Traffic Light site assessment process and was used heavily to inform that process and has not been used to review “reasonable alternatives” as intended;

v. A SEA (requested by Historic England) has not informed the site allocation process and has not commenced by the end of the Parish Council’s public consultation period;

vi. An HRA has not informed the site allocation process and has not completed by the end of the Parish Council’s public consultation period;

vii. A Sequential Test was undertaken after the site allocation process and only in respect of those sites allocated in the process. It has not been used to inform the site allocation process, nor has it been used to fully assess “reasonable alternatives” in the plan as intended;

viii. A Flooding Risk Assessment has been commissioned at community request, it has not been used to inform the site allocation process nor has it been completed by the end of the Parish Council’s public consultation process.

Summary – The evidence base used in the site allocation process was incomplete when compared to the final evidence base requested for the NDP overall. This is contrary to the proposed site assessment guidance (Attachment 2.4.8, section 6) which recommends that the allocation group should “Try and include as much information as possible, using local knowledge supplemented with information from other sources. The more information you have, the better informed you will be when making an overall assessment.”

A case by case walkthrough of the assessment information available in the plan appendices would indicate:

1. The LVIA chose to incorporate Historic Settlement Pattern as a Primary criteria. Analysis shows this to be the clearly defining criteria in that documents overall Capacity for Development analysis.

2. The LVIA is the primary documentary source for generating “red-flag” observations in the site allocation process, however in several instances there may be variations and perhaps errors in drawing the LVIA into this assessment.

3. The Traffic Light selection process has allowed no room for later evidence sources in its process and has discounted further assessment evidence from informing scoring across the full number of sites possible.

It is recommended that the site allocation be re-opened to utilise the fullest evidence base, and that the structure of the LVIA assessment and traffic light scoring be reviewed by an appropriate independent party before a final submission occurs.