

Health check template Report

Summary of Recommendations

It is apparent that much hard work has been devoted to the production of the draft East Coker Neighbourhood Development Plan (“the draft ECNDP”). In the opinion of the Examiner¹ conducting this Health Check, subject to recommended modifications and amendments, the draft ECNDP is sufficiently robust in its content. It complies with the prescribed conditions of the 2012 Regulations; and it fulfils the requirements of the Basic Conditions.

In summary, the draft ECNDP has been positively prepared; it is justified; it is effective; and it is internally coherent and consistent. The purpose and structure of the report is therefore supportable. It is not in breach of any of the relevant legislative considerations.

¹ In September 2017 Edward Cousins was retained to conduct this Health Check.

East Coker Health Check

Table and Notes November 2017

Part 1 - Process

	Criteria	Source	Response/Comments
1.1	Have the necessary statutory requirements been met in terms of the designation of the neighbourhood area?	<ul style="list-style-type: none"> • The Draft Plan • Letter from Jo Wilkins (Policy Planner at South Somerset District Council), dated 10 September 2013 	Yes, the neighbourhood area aligns with the parish council boundary (Draft Plan, page 4, paragraph 1.8) and was formally designated by South Somerset District Council on 10 September 2013.
1.2	If the area does not have a parish council, have the necessary statutory requirements been met in terms of the designation of the neighbourhood forum?	N/A	
1.3	Has the plan been the subject of appropriate pre-submission consultation and publicity, as set out in the legislation, or is this underway?	<ul style="list-style-type: none"> • Consultation Statement • The appendices to the consultation statement available online at http://www.eastcokerparish.com/consultation-statement/. In particular, re pre-Regulation 14 consultation: • CS3 2013 Survey Results Summary • CS5 Draft Policy Intents and SSDC Comments on them • CS9 Results of ECNP Community Questionnaire October 2015 	<p>The consultation statement documents <i>inter alia</i> the following pre-Regulation 14 consultation:</p> <ul style="list-style-type: none"> • First Parish Survey distributed to every household in the Parish and then results analysed (Oct 2013 – Jan 2014) • Second Parish Survey (Sept 2015), although it is unclear if this was distributed to every household in the Parish. • Your Parish – Your Plan public engagement event (15th Oct 2015) which over 150 local

		<ul style="list-style-type: none"> • CS10 ECNP Business Questionnaire Summary of Results October 2015 • CS12 ECNP Update for Parish News January April 2016 • CS15 SSDC Informal CommNet's on Reg. 14 Consultation Draft ECNP • CS16 UNDP group Response to SSDC Comments • CS18 Minutes 14th December 2016 <p>Regulation 14 Consultation</p> <ul style="list-style-type: none"> • East Coker Reg 14 Publicity Notice 4th Jan 2017 • CS18 Parish Newsletter January • CS19 Schedule of Statutory Consultees ² • CS20 Statutory Consultees Letter • CS25 Master Matrix 17th July 2017 • CS27 Appendix B to Matrix EC Plan Policy Amendments post -Regulation 14 	<p>people attended (Consultation Statement p. 13)</p> <ul style="list-style-type: none"> • Update on progress circulated to all householders in the Parish in the January (2016) Parish Newsletter; further update in April 2016 • Meeting with South Somerset DC planners in February 2016 to discuss the Draft Plan. • “Drop-in” consultation event at the Village Hall (19th March 2016) which over 70 people attended • Further consultation exercise in May 2016 • Informal officer level consultation with the Planning Department of South Somerset District Council (Nov 2016) <p>Regulation 14 Consultation</p> <p>(i) Publicity</p> <p>Between 23rd January – 20th March 2017 (Consultation Statement page 19). The consultation lasted 8 weeks to allow for any post-Christmas/New Year delays.</p> <p>Copies of the plan were available for inspection at a number of local community venues (Consultation Statement page 19).</p> <p>Furthermore, publicity included:</p>
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² This appears to be missing from the web-site

			<ul style="list-style-type: none"> • Information in the Parish Magazine in January (which appears to have been distributed to every household in the Parish) • Posters in key locations • Large banner • Consultation Event – Saturday 6 March 2017 <p>It appears to be impossible to access the posters via the website link (http://www.eastcokerparish.com/consultation-statement/). However, a document does exist entitled “<i>East Coker Reg 14 Publicity Notice 4th Jan 2017</i>”. This document outlines key information that would be required to be publicised in a manner likely to bring it to the attention of people who live, work or carry on business in the neighbourhood area under Regulation 14. Assuming this notice was disseminated in a manner likely to bring it to the attention of local people, it would seem that the requirements of Regulation 14 have been met. It seems likely that this is the publicity notice that was included in the posters – but this needs to be verified. Assuming it is, then it is to be noted that the consultation statement highlights that the posters were “<i>displayed at key locations in the Parish to publicise the availability of the Plan</i>”. This is probably sufficient to meet the Regulation 14 requirements, although further information on the “<i>key locations</i>” would be useful.</p> <p>It is, therefore, recommend that it be confirmed with the Parish Council that the notice referred to above</p>
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			<p>(“<i>East Coker Reg 14 Publicity Notice 4th Jan 2017</i>”) was distributed relatively widely around the Parish Council. It is suggested that the Parish Council make this fact clearer in the section in the Consultation Statement dealing with the Regulation 14 consultation period (pages 19-20). Otherwise there may be a risk that the consultation that took place specifically in the 8-week Regulation 14 consultation period could be seen as insufficient.</p> <p>It is to be noted that the notice in the Parish Magazine (CS18) refers to the consultation event in March as “<i>a more informal Community Consultation event</i>”. Although this did provide a time to inspect to the Draft Plan, it did not specify how to make representations or the deadline for them. It also does not link to the website, where it may have been possible for those details to have been communicated. Furthermore, the Statutory Consultees letter (CS20) does give information as to the date by which responses needed to be received and where to find information on the plan, but as is noted below, it has not been possible to access the Schedule of Statutory Consultees so it is not clear to whom this was sent. Presumably this was only sent to statutory consultees rather than distributed to the local community more generally.</p> <p>The available photographs of the banners/posters are not clear enough to ascertain what information was included in them.</p>
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			<p>(ii) Statutory consultees</p> <p>Access the “<i>Schedule of Statutory Consultees</i>” has not been possible because the version on the website appears to be an upload of the “Statutory Consultees Letter”.</p> <p>It cannot therefore be confirmed if the correct statutory consultees were consulted.</p>
1.4	Has there been a programme of community engagement proportionate to the scale and complexity of the plan?		Appears to be met (see outline of consultation steps and materials above).
1.5	Are arrangements in place for an independent examiner to be appointed?		Unknown.
1.6	Are discussions taking place with the electoral services team on holding the referendum?		Unknown.
1.7	Is there a clear project plan for bringing the plan into force and does it take account of local authority committee cycles?	<ul style="list-style-type: none"> The Draft Plan, Section 12 	<p>Appears to be met.</p> <p>Whilst Section 12 does not specify local authority committee cycles, it is clear from the documentation that the Parish Council is aware of the South Somerset District Council’s current plans/timeline for producing a revised Local Plan (e.g. Basic Conditions statement pages 6-7).</p>

1.8	Has an SEA screening been carried out by the LPA?	<ul style="list-style-type: none"> • SEA and HA Screening Report and Addendum (April 2016) • Basic Conditions Statement page 11 • Consultation Statement page 16 	Yes
1.9	Has an HRA screening been carried out by the LPA?	<ul style="list-style-type: none"> • SEA and HA Screening Report and Addendum (April 2016) • Basic Conditions Statement page 11 • Consultation Statement page 16 	Yes

Part 2 - Content

	Criteria	Source	Response/comments
2.1	Are policies appropriately justified with a clear rationale?	<ul style="list-style-type: none"> • The Draft Plan • Consultation Statement and Appendices • Basic Conditions Statement • East Coker Neighbourhood Plan – Evidence Base Report (June 2014). This is an overview report, and a number of other reports were produced for certain topic areas, each of which surveys relevant national policy, relevant development plan policies and the outcome of local surveys (12 in total)³; 	Appears to be met.

³ At <http://www.eastcokerparish.com/?s=neighbourhood+plan>.

		<ul style="list-style-type: none"> Housing Technical Paper (2nd May 2017)⁴ 	
2.2	Is it clear which parts of the draft plan form the ‘neighbourhood plan proposal’ (i.e. the neighbourhood <i>development plan</i>) under the Localism Act, subject to the independent examination, and which parts do not form part of the ‘plan proposal’, and would not be tested by the independent examination?	<ul style="list-style-type: none"> The Draft Plan 	<p>Yes. The Draft Plan is clearly set out with policies highlighted in orange boxes that are followed by explanatory text.</p> <p>In addition, the Draft Plan sets out a number of “<i>objectives</i>” in blue boxes. These will not be examined as “<i>policy</i>” but rather form part of the supporting text.</p> <p>The structure of the Draft Plan is logical, setting out first (i) a background section (ii) an introduction to the planning context (iii) the neighbourhood plan area and (iv) the overarching vision and objectives, before setting out the plan policies themselves – both (v) general and (vi) content specific (which are arranged in various chapters: e.g. “<i>housing</i>” and “<i>employment and business</i>”). The Draft Plan then considers (vii) implementation, monitoring and review, before concluding with (viii) a section on next steps and (ix) appendices.</p> <p>It is to be noted that appendix 2 provides definition and criteria of two terms “<i>local connection</i>” and “<i>local need</i>”, as well as providing guidance on how to apply policies in the Draft Plan for affordable housing arrangements (relating to eligibility and occupancy cascade arrangements).</p>

⁴ See Policy ECH1.

			<p>It may be useful to highlight two issues:</p> <ul style="list-style-type: none"> (i) It seems that no plan policy makes reference, within the policy itself, to “<i>local connection</i>”. (ii) If the appendix were cited as being within a plan policy, it would likely gain more weight in planning decision-making processes.
2.3	Are there any obvious conflicts with the NPPF?	<ul style="list-style-type: none"> • The Draft Plan • Basics Conditions Statement (pp.4-6) 	<p>No – regard has been had to the table in the Basics Conditions Statement that sets out each of the plan policies and the relevant NPPF paragraphs (pages 5-6). However, for the limited purposes of this Health Check the NPPF paragraphs cited have not been double-checked.⁵</p>
2.4	Is there a clear explanation of the ways the plan contributes to the achievement of sustainable development?	<ul style="list-style-type: none"> • The Draft Plan (particularly, paragraph 2.3 and EC1 and its supporting text) • Basics Conditions Statement (pages 11-13) 	<p>Appears satisfied.</p> <p>It might be useful to include a key to the table included in the Basic Conditions Statement (page 13). It is assumed that:</p>

⁵ South Somerset District Council stated in their e-mail, dated 6th December 2016, that **ECCN8** did not accord with paragraph 112 of the NPPF. This may not in fact be the case. Paragraph 112 provides as follows: *Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.*

ECCN8, as presently worded, states that: *Development that would result in the irreversible loss of Grade 1 agricultural land (in the Department for Environment, Food and Rural Affairs classification) will not be supported, unless there is no practicable alternative.*

The caveat of there being “no practicable alternative” is, in effect, similar to the requirement that development is “*necessary*” and the notion of considering alternatives relates to para 112’s requirement that poorer quality land should be preferred to higher quality land.

			<ul style="list-style-type: none"> • “++” means “strongly support”, • “+” means “support” • “/” means “not applicable” • “-” means “not support”
2.5	Are there any issues around compatibility with human rights or EU obligations?	<ul style="list-style-type: none"> • Basic Conditions Statement (pages 14-15) • SEA and HA Screening Report and Addendum (April 2016) 	Appears satisfied.
2.6	Does the plan avoid dealing with excluded development including nationally significant infrastructure, waste and minerals.	<ul style="list-style-type: none"> • The Draft Plan • Basic Conditions Statement (page 3) 	Yes, although producing an Equality Impact Assessment may assist further in demonstrating compliance with Article 14 of the ECHR.
2.7	Is there consensus between the local planning authority and the qualifying body over whether the plan meets the basic conditions including conformity with strategic development plan policy and, if not, what are the areas of disagreement?	<ul style="list-style-type: none"> • CS25 Master Matrix 17th July 2017 • CS26 Appendix A to Matrix Housing Issues August 2017 • SEA and HA Screening Report and Addendum (April 2016) 	<p>Whilst the LPA has raised a number of concerns with the Draft Plan (CS26 pages 5-6; Matrix document pages 4-8) it is not apparent that they are of the view that the current wording of the draft plan would not meet the basic conditions, or that it would not conform with the strategic development plan policies.</p> <p>Overall, the key tension area appears to be housing provision and the proximity of the Parish of East Coker to Yeovil, which is the largest settlement in the district, and for which there is a need for increased housing. The extant Local Plan (adopted in 2015) sets out a planned Sustainable Urban Extension, through Policy YV2, the south section of which (known as the “Keyford” site) falls within East Coker Parish. Whilst the Draft Plan intends to accommodate for this (for example, see ECH1 that specifies a housing provision</p>

			<p>minimum “<i>excluding development coming forward under Local Plan Policy YV2 (Keyford)</i>”, there appears to be some concerns still from stakeholders, including the LPA, that East Coker is restricting housing too much having regard to its proximity to Yeovil. However, it is notable that ECH1 now only provides for an “<i>at least</i>” figure. Therefore, this policy does not appear to be in conflict with the strategic policies of the development plan.</p> <p>NB: the LPA is seeking to revise its Local Plan, but it seems this is unlikely to be achieved before 2020.</p> <p>NB: the SEA and Habitats Regulations Screening Report, produced by South Somerset District Council (the LPA) notes at paragraph 5.2 that:</p> <p><i>The aims of the East Coker Neighbourhood Plan are particularly supported by South Somerset Local Plan 2006-2028 Policies SS2: Development in Rural Settlements, EP15: Protection and provision of local shops, community facilities and services, EQ1: Addressing Climate Change in South Somerset, EQ2: Design & General Development, EQ3: Historic Environment and EQ4: Biodiversity, all of which have been prepared in accordance with the SEA Directive by being subject to Sustainability Appraisal. The objective to work positively on the implementation of the South Yeovil (Keyford) Sustainable Urban Extension is consistent with Policy YV2.</i></p>
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2.8	Are there obvious errors in the plan?	<ul style="list-style-type: none"> • The Draft Plan • Basic Conditions Statement 	<p>No obvious errors apparent.</p> <p>However, there are two points which should be highlighted:</p> <ul style="list-style-type: none"> • In relation to Policy ECH4 (Affordable Housing), the reference to 10 units “<i>or</i>” where dwellings would combine gross floor space of more than 1000 square metres does not technically correspond to national policy – which has an “<i>and</i>” qualifier instead of “<i>or</i>” (see Written Ministerial Statement of 28 November 2014, reflected in NPPG Paragraph: 031 Reference ID: 23b-031-20161116); • As to the last bullet point on page 58, the Draft Plan would technically form part of the Development Plan (along with South Somerset Local Plan), rather than being just a material consideration.
2.9	Are the plan’s policies clear and unambiguous and do they reflect the community’s aspirations?	<ul style="list-style-type: none"> • The Draft Plan • Consultation Statement and appendices 	Appears satisfied.