

OVERTON NEIGHBOURHOOD PLAN

Overton Neighbourhood Plan Examination,
A Report to Basingstoke and Deane Borough Council

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1. Introduction

The Neighbourhood Plan

This Report provides the findings of the examination into the Overton Neighbourhood Plan (referred to as the Neighbourhood Plan).

Neighbourhood planning provides communities with the power to establish their own policies to shape future development in and around where they live and work.

“Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need.”
(Paragraph 183, National Planning Policy Framework)

Overton Parish Council is the *qualifying body* responsible for the production of this Neighbourhood Plan. This is in line with the aims and purposes of neighbourhood planning, as set out in the Localism Act (2011), the National Planning Policy Framework (2012) and Planning Practice Guidance (2014).

This Examiner’s Report provides a recommendation as to whether or not the Neighbourhood Plan should go forward to a Referendum. Were it to go to Referendum and achieve more than 50% of votes in favour, then the Plan would be *made* by Basingstoke and Deane Borough Council. The Neighbourhood Plan would then be used to determine planning applications and guide planning decisions in the Overton Neighbourhood Area.

Role of the Independent Examiner

I was appointed by Basingstoke and Deane Borough Council, with the consent of the qualifying body, to conduct an examination and provide this Report as an Independent Examiner. I am independent of the qualifying body and the local authority. I do not have any interest in any land that may be affected by the Neighbourhood Plan and I possess appropriate qualifications and experience.

I am a chartered town planner and an experienced Independent Examiner of Neighbourhood Plans. I have extensive land, planning and development experience, gained across the public, private, partnership and community sectors.

As the Independent Examiner, I must make one of the following recommendations:

- a) that the Neighbourhood Plan should proceed to Referendum, on the basis that it meets all legal requirements;
- b) that the Neighbourhood Plan, as modified, should proceed to Referendum;
- c) that the Neighbourhood Plan does not proceed to Referendum, on the basis that it does not meet the relevant legal requirements.

If recommending that the Neighbourhood Plan should go forward to Referendum, I must then consider whether or not the Referendum Area should extend beyond the Overton Neighbourhood Area to which the Plan relates.

In examining the Plan, I am also required, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, to check whether:

- the policies relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act (PCPA) 2004;
- the Neighbourhood Plan meets the requirements of Section 38B of the 2004 PCPA (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one Neighbourhood Area);
- the Neighbourhood Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.

Subject to the contents of this Report, I am satisfied that all of the above points have been met.

Neighbourhood Plan Period

A neighbourhood plan must specify the period during which it is to have effect. The Neighbourhood Plan is not clear in this regard.

The title page refers to the month when the Neighbourhood Plan was submitted to Basingstoke and Deane Borough Council for consultation, but does not specify the plan period. Page 4 of the Neighbourhood Plan states that *“The Plan will be valid for fifteen years from the date the Plan is ‘made’ or 31st December 2030 whichever is the later.”* This is inappropriate because it leaves the period during which the plan is to have effect open to doubt.

However, the Neighbourhood Plan goes on to seek to allocate land for the period 2016-2029 and that the reasoning behind the housing allocations refers to information supporting the emerging Basingstoke and Deane Local Plan, which runs to 2029. Taking this into account, I recommend:

- **Title page, change “August...submission” to “2016-2029”**
- **Change the sentence on page 4 referred to above to “The plan period runs from 2016 to 2029.”**

- **For clarity, on Page 27, change the reference in the sixth bullet point from “2030” to “2029” and do the same on the third line under “Future need” on page 28 (there is no need to alter the later calculation in that paragraph).**

Taking the above recommendations into account, the Neighbourhood Plan satisfies the relevant requirement in this regard.

Public Hearing

According to the legislation, *when the Examiner considers it necessary* to ensure adequate examination of an issue, or to ensure that a person has a fair chance to put a case, then a public hearing must be held.

However, the legislation establishes that it is a general rule that neighbourhood plan examinations should be held without a public hearing – by written representations only.

Further to consideration of the written representations submitted, I confirmed to Basingstoke and Deane Borough Council that I was satisfied that the Overton Neighbourhood Plan could be examined without the need for a Public Hearing.

2. Basic Conditions and Development Plan Status

Basic Conditions

It is the role of the Independent Examiner to consider whether a neighbourhood plan meets the “basic conditions.” These were *set out in law*¹ following the Localism Act 2011. In order to meet the basic conditions, the Plan must:

- have regard to national policies and advice contained in guidance issued by the Secretary of State;
- contribute to the achievement of sustainable development;
- be in general conformity with the strategic policies of the development plan for the area;
- be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations.

I have examined the Neighbourhood Plan against all of the basic conditions above.

The Neighbourhood Plan refers to the basic conditions, but does not provide any specific detail. The Basic Conditions Statement, submitted alongside the Neighbourhood Plan, sets out how, in Overton Parish Council’s view, the Neighbourhood Plan meets the basic conditions.

I note that page 9 of the Neighbourhood Plan refers to “*ensuring conformity.*” There is no legislative requirement to ensure conformity with adopted or emerging local policies, or with local or national policies and guidance.

The basic conditions are set out above. Their wording is the result of careful consideration and it is inappropriate to paraphrase them, as this can result in their misapplication.

I recommend:

- **Page 9, first bullet point, change to “*Having regard to national policy and guidance and being in general conformity with the strategic policies of the Adopted Local Plan.*”**

¹ Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990.

European Convention on Human Rights (ECHR) Obligations

I am satisfied that the Neighbourhood Plan has regard to fundamental rights and freedoms guaranteed under the ECHR and complies with the Human Rights Act 1998 and there is no substantive evidence to the contrary.

European Union (EU) Obligations

Whilst there is no legal requirement for a neighbourhood plan to have a sustainability appraisal², it may, in some limited circumstances, where it is likely to have significant environmental effects, require a Strategic Environmental Assessment.

Taking the above into account, draft neighbourhood plan proposals should be assessed to determine whether the plan is likely to have significant environmental effects – a process known as a “screening” assessment. An environmental report must be prepared when the screening assessment identifies likely significant effects.

Basingstoke and Deane Borough Council undertook a screening assessment and provided Overton Parish Council with a screening opinion in October 2014. This stated that:

“when considered in relation to the environmental constraints and the amount of development proposed in the Neighbourhood Area, namely 150 new homes, and a possible employment land allocation, it is considered that significant effects on the environment are likely.”

Given this, Basingstoke and Deane Borough Council determined that a Strategic Environmental Assessment was required.

A Habitats Regulations Assessment (HRA) is required if the implementation of the Neighbourhood Plan may lead to likely negative significant effects on protected European sites. Basingstoke and Deane Borough Council also considered the need for a HRA. As there are no European sites within a 10km radius of the Neighbourhood Area, it was determined that

“there are not likely to be significant effects on any European sites flowing from the Neighbourhood Plan. Accordingly, an HRA is not required.”

Consequently, the production of the Neighbourhood Plan was supported by a Sustainability Appraisal. The Sustainability Appraisal, incorporating the requirements of the European Strategic Environmental Assessment Directive, was submitted alongside the Neighbourhood Plan. This provides evidence to demonstrate that Sustainability Appraisal was integral to the plan-making process.

² Paragraph 026, Planning Practice Guidance 2014.

The three statutory bodies, the Environment Agency, English Heritage (now, with regards to planning matters, Historic England) and Natural England were all consulted at the scoping stage. All three bodies also provided representations at the submission stage.

None of the statutory consultees has raised any concerns with the Sustainability Appraisal or its conclusions. I note that, in its comments at submission stage, Natural England stated:

“We have reviewed the Neighbourhood Plan and the SA Report, and we have no comments to make”

and the Environment Agency stated that:

“We support the Overton Neighbourhood Plan in its current form.”

Whilst it is clear that the statutory bodies have no concerns regarding the Neighbourhood Plan’s compatibility with European obligations, national guidance establishes that the ultimate responsibility of determining whether or not a draft neighbourhood plan meets European obligations lies with the local authority,

“the local planning authority must decide whether the draft neighbourhood plan is compatible with EU regulations.” (Planning Practice Guidance 11-031)

With regards this latter point, Basingstoke and Deane Borough Council has stated that whilst *“it would have preferred if SA (Sustainability Appraisal) work was undertaken to appraise other reasonable alternatives”* with regards the assessment of alternative development sites, it has not stated, anywhere, that in its opinion, the Neighbourhood Plan is not compatible with European obligations.

I note that Basingstoke and Deane Borough Council has described previous concerns regarding an earlier version of the Sustainability Appraisal to that submitted with the Neighbourhood Plan as having been *“met.”*

Taking all of the above into account, I am satisfied that the Neighbourhood Plan is compatible with EU obligations.

3. Background Documents and Overton Neighbourhood Area

Background Documents

In undertaking this examination, I have considered various information in addition to the Overton Neighbourhood Plan. This has included:

- National Planning Policy Framework (The Framework) (2012)
- Planning Practice Guidance (2014)
- Town and Country Planning Act 1990 (as amended)
- The Localism Act (2011)
- The Neighbourhood Planning Regulations (2012)
- Basingstoke and Deane Borough Adopted Local Plan (2006) (Saved 2009)
- Basic Conditions Statement
- Consultation Statement
- Sustainability Appraisal
- The Process of Housing Site Assessment

Also:

- Representations received

In addition, I spent an unaccompanied day visiting Overton Neighbourhood Area.

Overton Neighbourhood Area

A plan showing the boundary of the Overton Neighbourhood Area is provided on page 4 of the Neighbourhood Plan.

Further to an application made by Overton Parish Council, Basingstoke and Deane Borough Council approved the designation of Overton as a Neighbourhood Area on 25 July 2013.

This satisfied a requirement in line with the purposes of preparing a Neighbourhood Development Plan under section 61G (1) of the Town and Country Planning Act 1990 (as amended).

4. Public Consultation

Introduction

As land use plans, the policies of neighbourhood plans form part of the basis for planning and development control decisions. Legislation requires the production of neighbourhood plans to be supported by public consultation.

Successful public consultation enables a neighbourhood plan to reflect the needs, views and priorities of the local community. It can create a sense of public ownership, help achieve consensus and provide the foundations for a successful 'Yes' vote at Referendum.

Overton Neighbourhood Plan Consultation

Overton Parish Council submitted a Consultation Statement to Basingstoke and Deane Borough Council in line with legislative requirements. As required by the neighbourhood planning *regulations*³, this sets out who was consulted and how, together with the outcome of the consultation.

Further to the decision to produce the Neighbourhood Plan, the Parish Council invited parishioners to join a neighbourhood planning group, the NP Group, at the end of 2013. By 2014, the NP Group comprised 24 members and in April of that year, a Project Manager was appointed and initial consultation was undertaken during May, June and July 2014.

During this initial period, events were held and articles published in the local press. A questionnaire was sent to every household in the Parish and 600 of these were completed and returned. Businesses in Overton High Street and Winchester Street (44 businesses) were contacted during a "*business consultation*," with 24 of them responding with a range of views.

Information gathered help to inform a draft plan, which was published for consultation in November 2014. A summary of the draft plan was distributed to every household and a focused consultation on the allocation of housing sites was held, with 284 people attending two exhibitions. Evidence is provided to demonstrate community support for the draft plan and housing allocations.

A public exhibition was held in January 2015. This provided information, including that relating to housing sites, employment land, discussions with landowners and developer proposals. With specific regard to housing sites, further to the work and consultation undertaken during 2014 – which the Process of Housing Site

³Neighbourhood Planning (General) Regulations 2012.

Assessment document sets out in some detail – attendees at the January exhibition were asked to rank three possible scenarios.

Pre-submission consultation took place during February and March 2015. A summary version of the pre-submission draft plan was delivered to every household in the Parish and hard copies of the document were made available in the village. People were invited to attend four separate sessions held at the local community centre and a reminder about the consultation was included in the Parish newsletter before the close of the consultation period.

There were 263 responses to this consultation period and the Consultation Statement notes that 205 respondents ticked the “*nothing I want you to change*” box.

During consultation, various stakeholders, including the Fire Service, Hampshire County Council, Overton Surgery and Overton Biodiversity Society were also consulted. Consultation was publicised via “*Overton News and Views*,” published monthly by the Parish Council, via the village website and through notices and posters.

Having regard to all of the above, the Consultation Statement provides information to demonstrate that, through various forms and rounds of public consultation, people and organisations were provided with a fair chance to have their say. Consultation was publicised and the reporting process was transparent. A significant volume of evidence has been provided to demonstrate that the Neighbourhood Plan reflects the views of local people.

Taking all of the evidence into account, I am satisfied that the consultation process was comprehensive and robust.

5. The Neighbourhood Plan – Introductory Section

Where modifications are recommended, they are presented as bullet points and highlighted in bold print, with any proposed new wording in italics.

The policies of the Neighbourhood Plan are considered against the basic conditions in Chapter 6 of this Examiner’s Report. I have also considered the Introductory Section of the Neighbourhood Plan and make recommendations below which are aimed at making it a clear and user-friendly document.

The Neighbourhood Plan includes an interesting array of plans, photographs and diagrams and the Policies are distinctive from the supporting information. It is well presented.

The Contents page is clear, as is the Foreword. However, the introduction includes some confusing information. There is no need to refer explicitly to a development that already has planning permission and it is incorrect to state that Basingstoke and Deane Borough Council “requires” the allocation of land for a minimum of 150 dwellings in the Neighbourhood Area. This figure is set out in an emerging planning document and as such, it is not yet a “requirement.” The remainder of the Introduction refers to information that is largely out of date.

For clarity, I recommend:

- **Introduction, delete the second paragraph and replace with “*The Plan allocates sites for approximately 150 dwellings. This figure is reflective of information supporting the emerging Basingstoke and Deane Local Plan (2011-2029). This emerging Local Plan contains a policy (SS5) suggesting the allocation of approximately 150 homes in Overton.*”**

The plan structure on page 6 is a clear and helpful way of describing what can be seen as a complex process, and the text on page 8 provides helpful background information.

The housing site selection summary includes a couple of errors, including one addressed earlier in this Report. However, taken as a whole, it provides a clear and easy to understand summary of how the housing allocations in the Neighbourhood Plan were selected. It sets out that, taking into account community support further to consultation, it was decided in November 2014 that the Neighbourhood Plan would seek to deliver housing allocations on small sites with the least adverse impact on the landscape.

Together with a detailed, yet very informative diagram on Page 10, the text summarises how sites were identified and assessed, how various scenarios were considered and how sites were finally chosen, taking into account the Sustainability

Assessment. The information provides a relatively easy to understand summary of information contained in the Process of Housing Site Assessment document. It demonstrates a logical approach to housing site assessment in a manner proportional to neighbourhood planning.

The diagram on page 10 states that a “*developer was not willing to restrict the number of homes to 150*” on a site that formed part of the site assessment process during 2014. A representation submitted in objection to the Neighbourhood Plan states that this was not the case.

Given that the information supporting the Neighbourhood Plan demonstrates community support for a strategy of delivering approximately 150 dwellings across small sites, there appears to be no need, in any case, to include the above reference in the Neighbourhood Plan. I recommend:

- **Page 9, change first sentence to “*This Plan allocates land for approximately 150 homes. Having...*”**
- **Page 10, change wording of box with four bullet points to “*4 sites removed as they failed to meet requirements further to consultation and assessment.*”**

Page 11 provides a very impressive, easy-to-understand, summary of the relationship between the community infrastructure levy (CIL) and neighbourhood planning that adds significantly to the content of the Neighbourhood Plan. I make one recommendation with regards this section:

- **Page 11, third paragraph, line 7, add “*...Levy to help fund infrastructure...*”**

Pages 11-18 inclusive provide relevant and interesting information, distinctive to the Neighbourhood Area. However, Section 3 does not provide a clear introduction to what follows, but does provide a somewhat confusing description of the relationship between the Neighbourhood Plan and other documents.

Page 19 then goes on to refer to “*the relevant higher level policies*” that Neighbourhood Plan Policies “*support.*” However, I find that the occasional references to both adopted and emerging Local Plan policies are not comprehensive and, in the case of emerging policies, are inappropriate. Furthermore, it is the purpose of examination to test the Neighbourhood Plan against the basic conditions and it is therefore unnecessary to provide such Policy references, unless they are directly relevant and form an integral part of the supporting text.

I recommend:

- **Page 19, change first two sentences to “*The objectives of the Neighbourhood Plan are followed by policies to deliver the vision for the*”**

future development of Overton...must apply all relevant policies when considering whether a proposal should be approved."

- Delete the rest of the text on Page 19

6. The Neighbourhood Plan – Neighbourhood Plan Policies

The Policies comprise the most important part of the Neighbourhood Plan. These will help to determine development outcomes across the Neighbourhood Area. Whilst useful in strengthening the link between the views of the community and the Policies themselves, the Objectives do not carry the material planning weight of the Policies. To be clear, the Objectives are not Policies.

Taking the above into account, the numbering of the Objectives is confusing. For example, LBE1 is an objective, yet there is also a Policy LBE1. This also presents the possibility that a reader may mistake an Objective for a Policy.

As there is no requirement for Objectives to be numbered, I recommend:

- **Replace all numbers for Objectives with a “*”**

Landscape, the Built Environment and Local Distinctiveness

Policy LBE1 – Landscape, the built environment and local distinctiveness

The background information to Policy LBE1 is highly informative and it is distinguished by the presence of plans and photographs. Good design is recognised by national policy as comprising

“a key aspect of sustainable development...indivisible from good planning”
(Para 56, The Framework)

and national policy requires good design to contribute positively to making places better for people (Chapter 7, The Framework). In addition, Local Plan policies E1 and E6 seek to protect local character.

Policy LBE1’s general aspiration of promoting good design and protecting local character has regard to national policy and is in general conformity with the Local Plan. It contributes towards the achievement of sustainable development.

However, as worded, some of the detail within Policy LBE1 does not meet the basic conditions.

The opening sentence of the Policy seeks to allow any development *“in terms of building design, site layout and setting”* but is unclear on what *“terms”* development would not be allowed. The Policy goes on to make several requirements, whether or not these are relevant or appropriate for all development. No substantive evidence is provided to demonstrate that it would be appropriate for all development proposals to conform to the Overton Village Design Statement and Conservation Area Appraisal. (NB, the word *“Area”* is missing from the Policy).

In addition, CABE’s Building for Life standards simply provide a guide, rather than set a policy requirement, and all twelve standards are not relevant to all forms of development. Also, it is not clear how a proposal can meet standards that don’t exist – the Policy refers to *“emerging”* standards.

A Neighbourhood Plan can appropriately encourage engagement, having regard to meeting the needs of the community. In this regard, Policy LBE1 requires at least two *“rounds”* of engaging with the community, but it is unclear as to what engagement should comprise or when the second *“round”* should take place.

No indication is provided with regards what an *“appropriate visual presentation”* might comprise. I note that there is already a requirement for planning applications to be accompanied by a set of relevant plans.

Much of criteria 5 is unnecessary, as it simply refers to other Policies in the Neighbourhood Plan and the final sentence of the Policy is not supported by any

evidence to demonstrate that an application that does not meet all of the criteria set out in the Policy would fail to meet the basic conditions.

Taking all of the above into account, I recommend:

- **Policy LBE1, delete and re-word as “Development proposals should demonstrate, where appropriate, that they conserve or enhance the character of the landscape and built environment. Where possible, proposals should demonstrate how they have taken into account the Overton Village Design Statement, the Overton Conservation Area Appraisal and the CABE Building for Life standards. Applicants are strongly encouraged to engage with the community before and during the planning application process.”**
- **Delete the supporting text from “LBE1(1) This policy...” to the end of the Landscape and Built Environment section on page 27.**
- **Views and local distinctiveness are subject to change, without necessarily leading to harm and in this way, they are not irreplaceable assets. Change text immediately below LBE(1) to “Conserving landscapes, views and local distinctiveness will...85%”**

Subject to the above, Policy LBE1 meets the basic conditions.

Housing: People and Homes

Policy H1 – Responding to local need

Policy H1 generally supports housing development within Overton and on allocated sites. It has regard to Chapter 6 of the Framework, “*Delivering a wide choice of high quality homes*” and in this way, it contributes to the achievement of sustainable development.

Further to the above, whilst I note that some evidence of local needs has been provided, Policy H1 does not provide clarity on what specific evidence will determine the mix of dwelling sizes required and consequently, it does not provide an applicant with clarity, or a decision maker with a clear indication of how to respond to a development proposal.

Whilst the reference to “*6 or more*” dwellings may be applicable in designated rural areas, such as the AONB, there is no substantive evidence to demonstrate that such an approach should apply everywhere outside the settlement boundary.

The Policy’s approach to Lifetime Homes, is set out in a way which allows for considerable flexibility – it simply calls for some “*provision,*” unless it is unviable to do so. As such,. However, whilst this approach meets the national policy requirement to contribute to plan for a mix of housing, as set out in Paragraph 50 of the Framework, it conflicts with the Ministerial Statement of March 2015⁴ states that “*qualifying bodies preparing neighbourhood plans should not set...any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings.*” Consequently, part 3 of the Policy fails to have regard to national policy.

No relevant detail is provided with regards “*an initial marketing period*” to Parish residents and people with a local connection, so there is no information pertaining to how this part of Policy H1 would be controlled. The final part of the Policy effectively seeks to give Policy status to information that only comprises guidance, although I recognise that this reflects an aim to provide for a safe environment, having regard to Paragraph 58 of the Framework.

Taking all of the above into account, I recommend:

- **Policy H1, change to “*Residential development within the existing built-up area of Overton and on the sites allocated in this Plan will be supported subject to: 1) the provision of 40% affordable homes in developments of 11 or more (6 or more in the AONB); 2) the provision of a mix of dwelling sizes; 3) demonstrating that, where affordable housing is provided, consideration*”**

⁴ Written Statement to Parliament 25 March 2015

has been given to local need; 4) demonstrating that consideration has been given to the guidelines set out in 'Secured by Design' (ACPO)."

- Delete all supporting text below the Policy, including references a and b

Policy H2: New homes will be phased over the plan period

The Neighbourhood Plan and its evidence base provide information to establish that there is community support for the phased delivery of housing sites. Whilst I acknowledge this, as well as the possibility that phasing might possibly support gradual social integration, there is no evidence to demonstrate that the proposed approach to phasing contributes to the achievement of sustainable development and there is no evidence to demonstrate that, without phasing, there will be no social integration.

Further to the above, I am mindful that what appears to be a fairly arbitrary approach to phasing, given the lack of evidence, might prevent the Policy contributing to the achievement of sustainable development, contrary to the basic conditions. It may, for example, reduce the viability of development proposals, or unduly restrict housing needs being met and there is no evidence to the contrary.

Taking the above into account, I recommend:

- Delete Policy H2 and supporting text. Replace with a new Policy H2 *"This Plan allocates land for approximately 150 dwellings. Policies for all allocated sites are included later in the Plan."*

Policy H3: New housing will be sustainable and efficiently conserve natural resources, restrict pollution and promote biodiversity.

The first requirement of Policy H3 requires every residential development to provide an *"open book"* assessment to demonstrate the financial viability of the scheme against best practice in energy efficiency and generation. This is unduly onerous and no evidence is provided to demonstrate that it has regard to national policy or is in general conformity with the strategic policies of the Local Plan.

Furthermore, there is no indication of who might assess financial viability and on what basis. No indication is provided to demonstrate what *"best practice"* in energy efficiency and generation comprises. The reference in the policy to emerging guidance is not helpful in this regard, as such emerging guidance may change.

No evidence is provided to demonstrate that all residential development, including the development of a single dwelling, can, in all circumstances, enhance biodiversity.

Further, there is nothing to demonstrate that failure to enhance biodiversity in all cases will result in a failure to contribute to sustainable development. In this regard, whilst the Framework supports the conservation and enhancement of biodiversity, the requirements of Policy H3 do not meet the basic conditions.

The final part of Policy H3 refers to something outside the control of the Neighbourhood Plan and its inclusion in the Policy is therefore inappropriate. Taking all of the above into account, I recommend:

- **Change Policy H3 to “*Applications for residential development should demonstrate how they have taken account of best practice in energy efficiency and generation; and should demonstrate that landscaping responds positively to the character of the area, is well related to the design of the proposed development and where possible, conserves or enhances biodiversity.*”**
- **Delete the text from “Regarding pollution...dated 2013”**

Subject to the above, Policy H3 contributes to the achievement of sustainable development and meets the basic conditions.

Policy H4: Housing developments must be fully supported by adequate infrastructure

Development already needs to demonstrate adequate drainage infrastructure for sewage and surface water and this is a matter outside the control of the Neighbourhood Plan.

Grey water recycling can bring significant sustainability benefits and support for its provision as part of residential development contributes to the achievement of sustainable development. Similarly, sustainable urban drainage systems can contribute to the achievement of sustainable development, although Policy H4 introduces confusion and a lack of clarity by referring to “*best practice guidelines*” without definition or reference.

Taking the above into account, I recommend:

- **Policy H4, change to “*Grey water recycling and the utilisation of sustainable drainage systems (SuDS) will be supported. Applicants are encouraged to maximise opportunities for grey water recycling and utilise SuDS wherever practical and viable.*”**
- **Delete supporting text “H4(1). Overton...householder development” Retain “These policies aim to provide...sustainability” and delete “Policies H4...(Infrastructure)”** (some of the supporting text to be deleted reads as though it were a Policy, which it is not).

Working

Policy W1: Employment opportunities

Paragraph 18 of the Framework supports economic growth. Policy W1 has regard to this. As worded though, the Policy is ambiguous as it generally supports employment development anywhere, subject to it being “*appropriate to the location.*”

The supporting text to the Policy states that “*appropriate to the location*” “*can be judged from the existing small employment sites in the Parish.*” This provides little in the way of clarity, as the Policy itself does not refer to size or location. There is no detailed analysis of what the characteristics of existing employment sites are.

Taking the above into account, Policy W1 does not provide any more detail than that set out in national guidance, but does provide for confusion. I recommend:

- **Delete Policy W1 and supporting text**

Policy W2: To support local employment by making the village more attractive to tourists and visitors

National policy is supportive of a prosperous rural economy and promotes sustainable rural tourism and leisure developments, including the *“provision and expansion of tourist and visitor facilities.”*

Whilst Policy W2 has regard to national policy, it is a concern that, as worded, it could allow the development of say, a hotel, within a residential street, or in the middle of a field in the countryside, subject only to matters of design and size. No evidence has been provided to demonstrate that such an approach has regard to national policy or is in general conformity with the strategic policies of the Local Plan.

As a consequence of the above, Policy W2 provides insufficient clarity and does not provide a decision maker with a clear indication of how to respond to a development proposal. It could result in development that fails to contribute to the achievement of sustainable development.

Similarly, the second part of Policy W2 supports the development of places to eat, drink and shop anywhere in the Neighbourhood Area, subject only to *“design and size.”*

Taking the above into account, I recommend:

- **Delete Policy W2 and supporting text**
- **There is no need to delete the “Working” text on page 34 or the “Objectives for Working” on page 35. These provide helpful background information.**

Shops and Services

Policy S1: Local shops

Chapter 3 of the Framework supports the retention and development of facilities in villages, including local shops. Paragraph 70 of the Framework recognises that local shops provide an important community function and should be able to develop and modernise, and be retained for the benefit of the community.

In supporting the provision of new shops and the improvement of existing shops, Policy S1 has regard to national policy. Furthermore, subject to the recommendations below, the Policy provides for clarity by focusing on Winchester Street and High Street. This approach has regard to national policy's support for the retention and development of facilities in village centres.

The reference to being comparable in size to other shops is not particularly helpful, in that no indication is provided as to what the size of other shops is. Also, as worded, the Policy affords general support to development that may be inappropriate in some parts of the Neighbourhood Area.

I recommend:

- **Policy S1, re-word "*Proposals to improve existing shops and/or provide new shops in Winchester Street and High Street will be supported, subject to respecting local character.*"**
- **Delete reference to (emerging) Local Plan Policy CN6**

Policy S2: Shops, change of use

Policy S2 seeks to restrict the loss of shops and also commercial premises, although no definition of commercial uses is provided. The Policy applies to the Overton Conservation Area. The Conservation Area includes High Street and Winchester Street, where the majority of shops in Overton are located.

Policy S2 has regard to national policy's support for the vitality of centres and for the retention of local shops, as per Paragraph 28. However, I note that not all applicants are "owners."

Taking the above into account, and for clarity, I recommend:

- **Policy S2, change to *"Proposals requiring planning permission to change the use from retail to private dwellings in the Conservation Area will not be supported unless it can be demonstrated that, further to 12 months active marketing, a retail use is no longer economically viable."***
- **Delete the last sentence of supporting text underneath the Policy "It complies with...services)."**

Learning and skills

Policy L1: Nursery school places

Supporting the provision of nursery school places has regard to national policy's promotion of healthy communities (Framework, Chapter 8 "*Promoting healthy communities*").

However, as worded, Policy L1 would allow any form of development, so long as it did not result in noise and disturbance. This may have unintended consequences, whereby inappropriate development is supported.

No indication is provided to set out how the Policy will ensure that development is "*in line with demand.*" I recommend:

- **Policy L1, re-word "*The development of existing and new nursery schools that results in an increased number of nursery school places and that respects local character and does not harm residential amenity, will be supported.*"**

Policy L2: Developer contributions; learning and skills

Policy L2 refers to developer contributions. I note that there is no community infrastructure levy (CIL) policy in Basingstoke and Deane Borough and it is not clear on what basis Policy L2 will capture "*developer contributions,*" what these will be and how such contributions will relate to the proposed allocation of funds.

Furthermore, Policy L2 refers to the responsibility of Hampshire County Council, whereas the Neighbourhood Plan has no control over that authority. I recommend:

- **Delete Policy L2 and replace with a new bullet point "*Community Action. The Parish Council will seek, where possible, to allocate developer contributions to projects that ensure that Overton Library has premises adequate for the projected Parish population growth, including publicly accessible internet access.*" For clarity, this is not a Policy.**
- **Change sentence below bullet point to "*The aim of the above is to improve...*"**

Getting Around

Policy T1: Multi-use paths

Policy T1 introduces an onerous requirement for all development to provide “*multi-use paths*.” It is not clear how all development can provide for this, or why all development should provide for this. There is no evidence to demonstrate that such an approach has regard to national policy or is in general conformity with the strategic policies of the Local Plan.

However, the Framework recognises that rights of way can contribute to healthy communities. Given this, I recommend:

- **Re-word Policy T1, “*The provision of multi-use paths is supported.*”**
- **Delete the sentence at the top of page 42**

Policy T2: Parking

I note above that there is no adopted CIL policy in Basingstoke and Deane. Given this, Policy T2 reflects an aspiration of the Parish Council. I recommend:

- **Delete Policy T2 and replace with “*Community Action. The Parish Council will seek, where possible, to allocate developer contributions to the creation of parking opportunities throughout the village and to upgrading community car parking.*” For clarity, this is not a Policy.**
- **Change penultimate sentence on page 42 to “*The aim of this is to reduce...*” and delete final sentence on page 42**

Community Services

Policy CS1: Community Services

Policy C8 of the Local Plan protects essential services and the Framework recognises the need to “*guard against the unnecessary loss of valued facilities and services*” (Paragraph 70).

Policy C1 seeks to protect existing services. In so doing, it has regard to national policy and is in general conformity with the Local Plan.

The Policy names “HSBC Bank” as an essential service. The banking sector is radically different today than in the past and there is no substantive evidence to demonstrate that the physical presence of HSBC Bank provides an essential service.

I recommend:

- **Policy CS1, delete “HSBC Bank”**

Enjoyment and Recreation

Policy E1: Social, sporting and recreational facilities and green space

The first part of Policy E1 refers to the allocation of developer contributions, but it is not clear on what basis this will occur.

The second part of Policy E1 refers to a “*net loss*” of social, sporting and recreational facilities and public green spaces. Whilst there is a general plan on page 23, entitled “Green Areas,” no detailed information is provided with regards all social, sporting and recreational facilities and there is nothing to indicate on what basis a “*net loss*” can be calculated. Furthermore, the Policy would prevent essential infrastructure, should there not be an “*alternative feasible site*” (itself, an undefined term) for any of the facilities or spaces.

Policy E1 adds little but confusion to existing national and local policies that already protect open space and recreational facilities. I recommend:

- **Delete Policy E1 and supporting text**

Policy E2: Designated environmental areas and heritage assets

Policy E2 seeks to control existing policies in other documents. A Neighbourhood Plan Policy cannot control policies that are the responsibility of other bodies. I recommend:

- **Delete Policy E2 and supporting text**

Policy E3: Access to the countryside

Policy E3 refers to the allocation of developer contributions without providing a detailed policy basis on which to do so.

I recommend:

- **Delete Policy E3 and supporting text**

The Allocated Sites

Policy SS1

The title page of the Neighbourhood Plan states that it is to be read as a whole. It is unnecessary for Policy SS1 to refer to other Policies.

The Neighbourhood Plan refers to “*approximately 150 homes.*” Policy SS1 fails to reflect this and as such, is inflexible and it does not, for example, provide for changing market conditions over time, having regard to the Framework (Paragraph 50).

The inclusion of Site QB in this Policy is confusing, as it does not form part of any allocation referred to earlier in the Neighbourhood Plan.

I recommend:

- **Policy SS1, change to “*The development of approximately 150 homes will be permitted on the following sites:*”**
- **Add “*approximately*” before each number of dwellings**
- **Delete reference to Site QB**

Policy SS2

Policy SS2 has regard to national policy’s support for good design.

For clarity, I recommend:

- **Policy SS2, change to “*...information should, where relevant, provide sufficient detail to enable the following topics to be considered...heritage; landscaping and provision of green space; and public benefits.*”**

Site F specific policies

Earlier in this Report, I recommend the deletion of the approach to phasing set out in Policy H2. Also, the Neighbourhood Plan cannot control the responsibilities of other bodies, including the highway authority and utility providers.

In addition to the above, it is not clear why the road layout must be suitable for a public service bus.

No substantive evidence has been provided to demonstrate that it is necessary, commercially viable, or likely, that a public service bus will enter into a site for approximately 70 dwellings. Consequently, the Policy may reduce the viability of the site for no apparent reason.

I recommend:

- **Site F policies, delete 1., 2. and 5.**
- **change 3. to “Access will be to the B3400.” (delete remaining text)**
- **delete sentence below the Policy**

Site J specific policies

Taking the background to the recommendations immediately above into account, I recommend:

- **Site J policies, delete 1. and 4.**
- **Change 2. to “Access will be to the C29.” (delete remaining text)**
- **Delete first sentence below the Policy**

The second sentence below the Policy reads as though it were a Policy, which it is not. For clarity, I recommend:

- **Replace last sentence on page 50 with “The Parish Council would like to see provision of a Community Shop on the site, and would like allotments to be gifted to the Parish Council.”**

Site A specific policy

- **With regard to the above, delete Site A specific policy**

Site B specific policies

This Policy provides for self-build housing. This has regard to national policy, which supports the provision of a wide range of homes. It is not clear what “*particular care*” means in land use planning terms. I recommend:

- **Site B policies, delete 1.**
- **Change 3. to “*Proposals must demonstrate that landscaping will screen development in a way that protects local character.*”**
- **Delete sentence below Policy**

Site K specific policies

The Risk Assessment Table on page 53 introduces some confusion to the Neighbourhood Plan. It sets out some possible risks, but does not assess all risks, or a full range/mix of risks. It does not explain the impact of the consequences, or what these are measured against, and there is no substantive evidence to demonstrate that the Table contributes to the achievement of sustainable development.

The Table does not provide clarity with regards when or why Site K should come forward. Furthermore, there is no evidence to establish the requirement for the inclusion of Site K.

I recommend:

- **Delete all text and the plan on page 53.**
- **Delete Site K specific policies and related text on page 54**

Site QB

Site QB comprises an area of open countryside that contributes to the attractive rural character of its surroundings. It appears to have been allocated as employment land on the basis that “*the site is available for sale*” and is near to existing business units.

Whilst national policy supports a prosperous rural economy (Framework, Paragraph 28), there is no substantive evidence to demonstrate that simply allocating a field in

the open countryside for employment has regard to national policy or is in general conformity with the strategic policies of the Local Plan.

Furthermore, there is no substantive evidence to demonstrate that the development of a field in the open countryside for “*business units*” would contribute to the achievement of sustainable development. The allocation does not meet the basic conditions.

The Neighbourhood Plan states that “*the site has been assessed by the same criteria as the possible housing sites and found to be reasonable for inclusion in the Plan.*” However, unlike the housing sites, which were supported by a considerable evidence base, no such evidence base has been submitted in support of the allocation of Site QB.

In addition to the above, I am mindful that Basingstoke and Deane Borough Council’s May 2015 employment land review update states that

“There is no strong evidence that there is justification for allocating new employment floorspace in Overton through the local plan or subsequent site allocations DPD.”

Whilst this, in itself, does not mean that the proposed allocation fails to meet the basic conditions, it does pose the question - on what basis does the Neighbourhood Plan seek to allocate employment land if evidence elsewhere questions the justification for doing so? In this regard, it would have been helpful for the Neighbourhood Plan to provide “*strong evidence*” to justify the proposed allocation.

I acknowledge that an Objective of the Neighbourhood Plan is to increase local employment. However, the allocation of land for employment does not necessarily increase employment and no evidence has been submitted to the contrary. Furthermore, as the allocation of land is a significant matter it would be reasonable to expect a reasonably detailed site analysis and assessment process to have taken place, taking into account a variety of factors and subject to some degree of scrutiny through public consultation.

Given the absence of a detailed justification in support of the allocation and/or to counter the evidence that an allocation, that would appear to harm local character, is not required, I consider that the proposal would fail to contribute to the achievement of sustainable development and that it does not meet the basic conditions. I recommend:

- **Delete Policy QB and all related supporting text and plans**

7. Summary

I have recommended a number of modifications further to consideration of the Overton Neighbourhood Plan against the basic conditions.

Subject to these modifications, the Overton Neighbourhood Plan

- has regard to national policies and advice contained in guidance issued by the Secretary of State;
- contributes to the achievement of sustainable development;
- is in general conformity with the strategic policies of the development plan for the area;
- does not breach, and is compatible with European Union obligations and the European Convention of Human Rights.

Taking the above into account, I find that the Overton Neighbourhood Plan meets the basic conditions. I have already noted above that the Plan meets paragraph 8(1) requirements.

8. Referendum

I recommend to Basingstoke and Deane Borough Council that, subject to the modifications proposed, the **Overton Neighbourhood Plan should proceed to a Referendum.**

Referendum Area

Neighbourhood Plan Area - I am required to consider whether the Referendum Area should be extended beyond the Overton Neighbourhood Area. I consider the Neighbourhood Area to be appropriate and there is no substantive evidence to demonstrate that this is not the case.

I recommend that the Plan should proceed to a Referendum based on the Overton Neighbourhood Area as approved by Basingstoke and Deane Borough Council on 25 July 2013.

Nigel McGurk, December 2015
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