

# **Burghclere Parish Neighbourhood Plan 2011 - 2036**

**Report by Independent Examiner to Basingstoke  
and Deane Borough Council**

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## Summary and Conclusion

1. The Burghclere Parish Neighbourhood Plan has a clear Vision for the Parish, which is supported by well - defined objectives.
2. Local Plan Policy SS5 supports the identification of housing sites through Neighbourhood Plans. Burghclere lies within a group of 13 settlements with a defined Settlement Policy Boundary which are required to identify sites for a total of 150 homes between them. The exact split is not defined but Local Plan Policy SS5 does specify that *it will be necessary to identify sites/opportunities to deliver at least 10 homes within and adjacent to each of the settlements with defined Settlement Policy Boundaries*. Policy B2 allocates land at Harts Lane/ Winchester Road for at least 15 dwellings together with a rural business hub.
3. I have recommended three significant changes to the Plan. These are: the deletion of the three year time limit for the development, or for obtaining planning permission, for the allocated housing site; the deletion of Policy B3; and the change of the end date of the Plan from 2036 to 2029. These do not meet the Basic Conditions.
4. The Parish Council, in its response to representations made by the Borough Council, recommended that Policy B3 was deleted and that the Plan period end date was altered to 2029.
5. In accordance with guidance to examiners in the *NPIERS Guidance to Service Users and Examiners* I sought comments on the three above proposed modifications to the Plan. The guidance recommends that the description of the intended modifications are publicised on the local planning authority's website. I asked for this to be publicised for two weeks from 19 February to 4 March 2020 and invited comments during this period.
6. I have recommended other modifications to some of the policies in the Plan. In particular, I have recommended that the Policy B6 is deleted because it doesn't add an additional layer and that Policy B16 is deleted as it is concerned with traffic management matters. None of these significantly or substantially alters the intention or nature of the Plan.
7. **Whilst I have set out my reasoning under individual policies, my overall conclusion is that, subject to my recommendations, the Plan meets the Basic Conditions. It is appropriate to make the Plan. Subject to my recommendations being accepted, I consider that the Burghclere Parish Neighbourhood Plan will provide a strong practical framework against which decisions on development can be made. I am pleased to recommend that the Burghclere Parish Neighbourhood Plan, as modified by my recommendations, should proceed to Referendum.**

## Introduction

8. On 26 February 2018 Basingstoke and Deane Borough Council (BDBC) approved that the Burghclere Parish Neighbourhood Area be designated in accordance with the Neighbourhood Planning (General) Regulations 2012. The Area covers the whole of the Parish of Burghclere.
9. The qualifying body is Burghclere Parish Council. The Plan has been prepared by the Neighbourhood Plan Steering Group on behalf of the Parish Council. The Plan covers the period 2011 - 2036.
10. I was appointed as an independent Examiner for the Burghclere Parish Neighbourhood Plan in December 2019. I confirm that I am independent from the Parish Council and BDBC. I have no interest in any of the land affected by the Plan and I have appropriate experience to undertake this examination. As part of my examination, I have visited the Plan area.

## Legislative Background

11. As an independent Examiner, I am required to determine, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, whether:
  - the policies in the Plan 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 Plan meets the requirements of Section 38B of the 2004 PCPA where 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; and
  - that the Plan has been prepared for an area that has been designated under the Localism Act 2011 and has been developed and submitted for examination by a qualifying body.
12. I am obliged to determine whether the Plan complies with the Basic Conditions. The Basic Conditions are:
  - having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood plan;
  - the making of the neighbourhood plan contributes to the achievement of sustainable development;
  - the making of the neighbourhood plan is in general conformity with the strategic policies contained in the Development Plan for the area of the authority; and

- the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations and human rights requirements.
13. *The Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018* came into force on 28 December 2018. They state:
- Amendment to the Neighbourhood Planning (General) Regulations 2012.*
- 3.—(1) The Neighbourhood Planning (General) Regulations 2012(5) are amended as follows.*
- (2) In Schedule 2 (Habitats), for paragraph 1 substitute:*
- “Neighbourhood development plans*
- 1. In relation to the examination of neighbourhood development plans the following basic condition is prescribed for the purpose of paragraph 8(2)(g) of Schedule 4B to the 1990 Act(6)—*
- The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017(7).”*
14. Since 28 December 2018, a neighbourhood plan is required to be examined against this extra Basic Condition. I will make further reference to this matter under EU Obligations.
15. Subject to the modifications I have recommended in this report, I am content that these requirements have been satisfied.

## Policy Background

16. The *National Planning Policy Framework (NPPF)* (2019) sets out the Government’s planning policies for England and how these are expected to be applied. The *Planning Practice Guidance* (2014) (PPG) provides Government guidance on planning policy.
17. At the heart of the NPPF is the presumption in favour of sustainable development. Paragraph 8 sets out the three overarching objectives which are interdependent and need to be pursued in mutually supportive ways. The three overarching objectives are:
- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*

*b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and*

*c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.*

18. Burghclere Parish is within the local authority area of Basingstoke and Deane Borough Council (BDBC). The development plan for the Neighbourhood Plan Area includes the Basingstoke and Deane Local Plan (BDLP) (2011 to 2029) adopted on 26 May 2016. The Burghclere Neighbourhood Plan was prepared in the context of this Local Plan. The strategic policies in this Local Plan include policies regarding housing, the environment and the economy.

## **EU Obligations, Strategic Environmental Assessment (SEA) and Habitat Regulation Assessment (HRA)**

19. BDLP Policy SS5 supports the identification of housing sites through Neighbourhood Plans. Burghclere lies within a group of 13 settlements with a defined Settlement Policy Boundary which are required to identify sites for a total of 150 homes between them. The exact split is not defined but BDLP Policy SS5 does specify that *it will be necessary to identify sites/opportunities to deliver at least 10 homes within and adjacent to each of the settlements with defined Settlement Policy Boundaries.*
20. A Site Assessment Report (November 2019) summarises the site assessment process to inform the housing site allocation and has been informed by the Sustainability Appraisal Report and community opinion.
21. A target of between 10-15 houses was set to meet the existing housing requirement with some uplift to provide some flexibility during the life of the Plan. Initially there was community engagement to seek opinion on the 6 housing sites promoted at that time in the BDBC Strategic Housing and Economic Land Availability Assessment (SHELAA 2017). The 2018 SHELAA rejected one site as insufficient in size to accommodate 5 dwellings and the qualifying body identified a further 4 sites which had not previously been submitted to the BDBC ‘call for sites’ but which were adjacent to the settlement boundary. This included Site G adjacent to the Portal Hall (but which was subsequently withdrawn).

22. The preliminary technical assessment applied a number of spatial criteria to assess the initial merits of each site and were considered to be the most relevant. These criteria included one condition: being adjacent to the Settlement Policy Boundary; and four criteria: protecting the integrity of the rural character of the village; minimising local traffic impact; proximity to local services/facilities; and convenient access to strategic road and rail network. Views on the initial criteria were subsequently sought from the local community.
23. As a result of the preliminary assessment the qualifying body felt that 4 of the 9 sites best met the condition and selected criteria. Additional criteria were also considered: sites should not be sited in or impede a Key View; be a reasonable walking distance to schools and the village centre; be economically viable; and should not encourage further development for the duration of the current Local Plan.
24. In addition to the preliminary assessment of sites two further tests have been applied to the site selection process, namely:
- the Sustainability Appraisal of the Plan (SA). (I will consider this further below); and
- community opinion, which summarises the preferences of the local community for each of the proposed housing sites. The results of community opinion in 'Drop In' sessions in December 2018 showed a strong preference for the allocation of Site A (SW of Beacon House).
25. Additional consideration was given to the following factors: landscape character and impact; heritage assets; biodiversity impact; relationship to the existing settlement; and proximity to amenities and transport options
- The Site Assessment Report recommendation supports the allocation of Site A (SW of Beacon House) for about 15 dwellings. This figure includes a modest buffer to accommodate additional housing that may be required from the Local Plan review. An indicative figure for any future housing requirement has not yet been published as part of a Local Plan review. I note that consultation with the North Wessex Downs Area Of Outstanding Natural Beauty (AONB) Council of Partners has raised no concerns throughout the Plans' progress regarding Site A being within the AONB.
26. The BDBC *Neighbourhood Planning Screening Report – Burghclere SEA and HRA (November 2018)* concluded *it is considered that significant effects on the environment are likely and hence a SEA is required*. The statutory consultees concurred with this opinion.
27. On behalf of the Parish Council various Sustainability Appraisal (SA) Reports were produced by AECOM, culminating in the Sustainability Appraisal dated November 2019. This is an update of a previous version dated September 2019.

28. Directive 2001/42/EC and the Environmental Assessment of Plans and Programmes Regulations 2004 (as amended) (EA Regulations) set out various legal requirements and stages in the production of a Strategic Environmental Assessment (SEA). The SA has been undertaken to address these requirements. In addition, a SA can widen the scope to further consider social and economic issues.
29. The purpose of the SA Report is to: *identify, describe and evaluate the likely significant effects of the Burghclere Neighbourhood Plan and alternatives; and provide an opportunity for consultees to offer views on any aspect of the SA process which has been carried out to date.*
30. SEA decisions must inform the preparation of the Plan at all stages. Stages B and C of the preparation of a SEA require the consideration of reasonable alternatives and the likely significant effects on the environment of implementing the policies in the Plan. Article 5(1) of the SEA Directive provides that an SEA report should identify, describe and evaluate *the likely significant effects on the environment of implementing the plan or programme, and reasonable alternatives taking into account the objectives and the geographical scope of the plan or programme.*
31. AECOM was commissioned to undertake an independent and objective site assessment of the 9 sites identified in the Site Assessment Report. The SA provides a satisfactory explanation of housing site selection. In particular, it explains the process of site selection in the Site Assessment Report.
32. The SA site assessment was undertaken separately to the Site Assessment Report. All nine potential sites were assessed as 'reasonable alternatives' through the SA process by applying the seven SA themes established in the *SEA for the Burghclere Neighbourhood Plan Scoping Report* (March 2019). Similarly, all policies in the Plan have been appraised under these themes. These themes are: biodiversity and geodiversity; climate change; landscape; historic environment; land, soil and water resources; population and community; and transportation.
33. Whilst criticism has been raised regarding details in the SA, this is not an exact science and I consider that overall the SA satisfactorily details potential effects and relative merits of options and describes a transparent process of site selection following public consultation.
34. Paragraph 171 in the NPPF states that plans should: *distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries.*

35. Paragraph 172 in the NPPF states: *Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within these designated areas should be limited. Planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:*
- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;*
  - b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and*
  - c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.*
36. The starting point for consideration of the allocation of housing sites has to be the national policy obligation to ensure that great weight continues to be given to conserving and enhancing the landscape and scenic beauty of the Area of Outstanding Natural Beauty (AONB).
37. As regards the location of Site A within the AONB, the SA acknowledges the significance of this nationally designated landscape. However, it has found that *the site is also bounded between two roads (Winchester Road and Harts Lane) and a small business park to the north. It is also only 60 metres away from the A34. Due to roads and the business park surrounding the site, it is not considered to have a high sensitivity within the surrounding landscape. Hedgerows around the border of the site also limit views in and out of the site.*
38. The statutory consultees were consulted on the scope of the Plan SA in March 2019. Natural England acknowledged that the neighbourhood plan *should always seek to avoid environmental impacts by directing development away from the most sensitive areas with mitigation considered only when this is not possible. To assist the selection of the less environmentally sensitive sites, reasonable alternative allocations should be assessed within the SA/SEA.*
39. From my observations, due to the size of the site and scale of development proposed, I do not consider the proposed development of Site A would constitute major development. The NPPF recognises that some development can take place in an AONB, but *the scale and extent of*

*development within these designated areas should be limited.* I am satisfied that the proposed development on Site A would be limited.

40. The SA (November 2019) was one of the submission documents subject to consultation between 6 December 2019 and 24 January 2020 (the Regulation 16 stage in The Neighbourhood Planning (General) Regulations 2012). At that stage, Natural England confirmed support for *the inclusion in the Plan of policies to protect and enhance the natural features and sites within the area and the landscape setting of the neighbourhood.*
41. North Wessex Downs Area Of Outstanding Natural Beauty (AONB) Council of Partners has raised no concerns throughout the Plans progress regarding Site A being within the AONB. In their Regulation 16 response, it is stated that this site *would be of lesser harm than a site on the eastern side of the village where the landscape opens into the wider landscape providing long distance views.*
42. I have attributed great weight to conserving and enhancing the landscape and scenic beauty of the AONB. The SA has concluded that Site A is not considered to have a high sensitivity within the surrounding landscape and vegetation around the border of the site also limit views in and out of the site. Natural England is satisfied that the Plan protects and enhances the landscape setting of the neighbourhood. The North Wessex Downs AONB Council of Partners considers the allocation of Site A for development to be of lesser harm than a site in the wider open landscape to the east. In this context, I am satisfied that the allocation of Site A does not undermine the requirement to ensure that land is allocated with the least environmental or amenity value, where consistent with other policies in the Framework.
43. A preferred direction of future growth beyond 2029 is identified in the Plan within the AONB, although this is not a reserve site, nor an allocation within the plan period. This is the area of site F in the Site Assessment Report and is identified in Policy B3 in the Plan. The scale of future growth in this area is not considered in detail in the SA. This is understandable given the uncertainty regarding future housing requirements beyond 2029, but the SA does recognise that policies in the Plan *take a proactive and positive approach to protecting and enhancing the sense of place and visual amenity of the Neighbourhood Plan area.* I have recommended below the deletion of Policy B3 and that the Plan period should be modified to an end date of 2029.
44. I am satisfied that the SA has been produced in accordance with the obligations. In particular, it outlines the reasons the alternatives were selected, how they have been assessed and compared and the reasons for selecting the preferred site in light of the alternatives. I am satisfied that it has identified, described and evaluated the likely significant effects on the environment of implementing the Plan, and reasonable alternatives taking into account the objectives and the geographical scope of the Plan.

45. PPG advises that a local planning authority should reach its own view as to whether an environmental report needs to be amended if modifications to a neighbourhood plan are proposed at examination. In this context, BDBC will need to consider whether the recommendation to delete Policy B3 and that the Plan period should be modified to an end date of 2029 require amendment to the SA.
46. As regards Habitat Regulation Assessment, the BDBC screening opinion concluded that the Plan *should not be subject to a Habitat Regulations Assessment*. On this basis and based on consultee response, I consider that the Plan does not require a full HRA under Articles 6 or 7 of the Habitats Directive. I am satisfied that the Plan does not breach the requirements of Chapter 8 of Part 6 of *the Conservation of Habitats and Species Regulations 2017(7)*.
47. A Neighbourhood Plan must be compatible with European Union obligations, as incorporated into UK law, in order to be legally compliant. I am satisfied that the Plan is compatible with EU obligations and does not breach the European Convention on Human Rights obligations.

## **The Neighbourhood Plan Preparation**

48. I am required under The Localism Act 2011 to check the consultation process that has led to the production of the Plan. The requirements are set out in Regulation 14 in The Neighbourhood Planning (General) Regulations 2012.
49. The initial consultation process started with a 'Have Your Say' afternoon on 6th April 2018, followed by a presentation. The second consultation took place during two Drop In sessions at the Portal Hall in December 2018, where people were invited to complete a questionnaire. Residents were asked to indicate their preferred development sites and least favoured sites and results collated ranking the sites by preference. The site preferred was the parcel of land at the SW end of the village (Site A). Consultation with local schools, businesses, landowners and other stakeholders took place between March 2018 and June 2019. The Steering Group attended the village horticultural shows in 2018 and 2019. During the initial consultation, there were updates in the Parish magazine.
50. The Consultation period on the pre-submission draft of the Plan ran from 17 September until 29 October 2019. This was launched at an event in the Portal Hall. A leaflet explaining the Pre-Submission consultation process was distributed to households in the Parish. The Pre Submission Plan together with all the supporting documents were placed on the parish website. Articles were passed to Basingstoke Gazette and the Newbury Weekly News for publication, and notification was made both in the Parish Magazine and on nextdoor.com.

51. I am satisfied that the pre-submission consultation and publicity has met the requirements of Regulation 14 in The Neighbourhood Planning (General) Regulations 2012. It is clear that the Steering Group went to considerable lengths to ensure that the local community was able to engage in the production of the Plan. I congratulate them on their efforts.
52. BDBC publicised the submission Plan for comment during the publicity period between 6 December 2019 to 24 January 2020 (the Regulation 16 stage in The Neighbourhood Planning (General) Regulations 2012). I invited a further two week consultation period between 19 February and 5 March 2020, which is explained in more detail below. I am satisfied that all the responses can be assessed without the need for a public hearing.
53. One response raised questions about the operation of the Parish Council and the publicity arrangements at Regulation 16 stage. Prior to my start of this examination I received email correspondence from BDBC in this regard. I have asked for that correspondence, together with my reply to be published on the BDBC web page. Firstly, I agreed with BDBC that the operation of the Parish Council is not my concern and, if pursued, this should be through the BDBC standards board. Secondly, having received detailed information in the email correspondence regarding the details of the Regulation 16 consultation, I am satisfied that the publicity was in line with Regulation 16 in The Neighbourhood Planning (General) Regulations 2012.
54. Some responses suggest additions and amendments to policies. My remit is to determine whether the Plan meets the Basic Conditions and other legal requirements. Where I find that policies do meet the Basic Conditions, it is not necessary for me to consider if further suggested additions or amendments are required. Whilst I have not made reference to all the responses in my report, I have taken them into consideration. I gave the Parish Council the opportunity to comment on the Regulation 16 representations. I have taken their comments into consideration. Their comments have been placed on the BDBC web site.

## **The Burghclere Parish Neighbourhood Plan 2011 - 2036**

### **Background To The Neighbourhood Plan**

55. I have been provided with a detailed evidence base in background supporting documents and within the first four sections of the Plan. This has provided a useful and easily accessible source of background information.
56. Paragraph 16 in the NPPF requires plans to be prepared positively, in a way that is aspirational but deliverable; and serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area. In addition, paragraph 16 in the NPPF requires plans to contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals.

57. PPG states: *A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.* (Paragraph: 041 Reference ID: 41-041-20140306).
58. I do refer to clarity and precision with regard to some recommendations to modifications to the Plan. Where I do so, I have in mind the need for clear and unambiguous policies, thus ensuring that the Plan has regard to national policy in this respect.
59. It is not for me to re-write the Plan. Where I have found editing errors, I have identified them as minor editing matters and highlighted these as such. These have no bearing on whether the Plan meets the Basic Conditions.
60. It is not necessary for the Basic Conditions to be described in a neighbourhood plan, but where they are described, this should be correct. Paragraph 1.5 does not use the correct wording to describe the Basic Conditions. In Paragraph 1.6 it is not correct to state that the Plan has to be in 'general conformity' with the Basic Conditions. An examiner has to determine if the Plan meets the Basic Conditions and other legal requirements. I suggest these paragraphs are amended. **I see these as minor editing matters.**
61. A clear Vision for the Parish has been established and is supported by well - defined objectives.
62. For ease of reference, I have used the same policy titles as those in the Plan. I have briefly explained national policy and summarised main strategic policies where relevant to each neighbourhood plan policy. I have tried not to repeat myself. Where I have not specifically referred to other relevant strategic policy, I have considered all strategic policy in my examination of the Plan.

### **Policy B1 Burghclere Settlement Boundary**

63. Paragraphs 77 - 79 in the NPPF promote sustainable development in rural areas by locating housing where it will enhance or maintain the vitality of rural communities. Paragraphs 83 - 84 in the NPPF support a prosperous rural economy. They emphasise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements.

64. BDLP Policy SS1 seeks to permit development within all defined Settlement Policy Boundaries, subject to criteria. It states that all land outside these boundaries is countryside.
65. BDLP Policy SS6 is a restrictive policy regarding new housing development in the countryside. BDLP Policies CN2, EP4 and EP5 allow some development in the countryside, such as rural exception sites for affordable housing and rural economic and tourism development in certain circumstances.
66. Policy B1 extends the existing Settlement Policy Boundary identified in the BDLP by including the site allocated in Policy B2 and a recently completed housing site at Sandham House. This allows for the housing requirements of BDLP Policy SS5 up to 2029 to be met within a new Settlement Boundary.
67. The restrictions on development in the countryside outlined in the last paragraph in Policy B1 are not in general conformity with strategic policy, nor do they have regard to national policy particularly as they do not take into consideration development of exception sites and local business needs.
68. To have regard to national policy and to be in general conformity with strategic policy, I recommend the deletion of the last sentence in Policy B1 and its replacement with 'Outside the Settlement Boundary is considered to be countryside where other development plan policies and national policies apply.'
69. In the interest of precision, a map identifying the original Settlement Policy Boundary and the new Settlement Boundary should be included in the Plan. In addition, where the Settlement Boundary is identified on other maps throughout the Plan, this should be the new Settlement Boundary as defined under Policy B1.
70. Subject to the modifications recommended above, Policy B1 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Policy B1, as modified, meets the Basic Conditions.
71. **Recommendation: to meet the Basic Conditions, I recommend:**
- 1) modification to Policy B1 to read as follows:**
- Policy B1: Burghclere Settlement Boundary**
- The Neighbourhood Plan defines a settlement boundary at Burghclere, as shown on the Policies Map.**
- Development proposals within the defined settlement boundary will be supported, provided they accord with policies of the development plan.**
- Outside the Settlement Boundary is considered to be countryside where other development plan policies and national policies apply.**

**2) the inclusion of a map identifying the original Settlement Policy Boundary and the new Settlement Boundary. In addition, where the Settlement Boundary is identified on other maps throughout the Plan, this should be the new Settlement Boundary as defined under Policy B1.**

### **Policy B3 Land for Future Development**

72. I have deliberately considered Policy B3 prior to Policy B2, as my recommendation has implications for the housing strategy of the Plan.
73. Policy B3 identifies a preferred direction of future growth. This may be released if the site identified in Policy B2 is not developed within 3 years from when this Plan is made; if a new Local Plan requires a greater number of new homes to 2036; or if the presumption in favour of sustainable development is engaged.
74. I realise that there is some internal contradiction in the Plan as Policy B3 refers to development of the site identified in Policy B2 within 3 years and Paragraph 5.19 refers to planning permission being gained within 3 years. The principle of imposing a 3 year limit, in which ever form, is my concern.
75. A key thrust of the NPPF is the timely delivery of housing. Nevertheless, BDLP Policy SS5 does not specify any phasing requirements. I have no clear evidence to justify the requirement for the site identified in Policy B2 to be developed or permitted within 3 years. As the suitability of that site for development has been established, I do not see how the suitability would change after 3 years. If it is not developed or permitted in that time, the allocation would be lost. I see no reason why this site only has 3 years to be developed or permitted, when BDLP Policy SS5 effectively allows up to 2029 for other similar sites within other parishes to be developed. There is no clear justification to make the delivery requirements for the development of this site more onerous than elsewhere in the Borough. Therefore, I recommend reference to a 3 year time limit, in whatever form, is deleted from the Plan.
76. BDBC has agreed to launch the preparation of an updated Local Plan. Potential Issues and Options consultation is due in the summer of this year.
77. The qualifying body, conscious that this neighbourhood plan is progressing in the early stages of the Local Plan Review and in the absence of an indicative housing number, chose to extend the plan period to 2036 to provide flexibility should circumstances change. In doing so, the Settlement Boundary has been drawn tightly, allowing little opportunity for future land for development within the village.
78. A neighbourhood plan can have an end date beyond the Local Plan and can identify reserve sites. PPG states: *Neighbourhood plans should consider*

*providing indicative delivery timetables, and allocating reserve sites to ensure that emerging evidence of housing need is addressed. This can help minimise potential conflicts and ensure that policies in the neighbourhood plan are not overridden by a new local plan. (extract Paragraph: 009 Reference ID: 41-009-20190509)*

79. A preferred direction of future growth is identified within the AONB, although this is not a reserve site. This is site F in the Site Assessment Report. That report highlights that the site has the potential to accommodate significantly more than 10 - 15 dwellings, *risking over-development*. My concern is that the scale of development may constitute major development in the AONB where paragraph 172 in the NPPF states: *Planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest.*
80. Without knowing an indicative housing figure for the 2029 - 2036 period, the Plan has not directly addressed whether major development in the preferred direction of future growth would have regard to national policy in this respect.
81. The area identified as a preferred direction of future growth is neither a post plan period reserve site, nor an allocation within the plan period. Whether the scale of development would constitute an exceptional circumstance for major development within the AONB has not been tested and the area proposed may not even be sufficient for the scale of development that may be required for the 2029 - 2036 period. In these circumstances and to have regard to paragraph 16 in the NPPF, particularly that the plan is prepared positively and is deliverable, I recommend that the Plan period is altered to an end date of 2029 and that Policy B3 is deleted.
82. I realise that this is a significant change to the Plan. The Parish Council, in its response to representations made by BDBC at the Regulation 16 stage has recommended that Policy B3 is deleted and that the Plan period end date is altered to 2029. I have informed the Parish Council and BDBC that I intend to propose modification to the Plan accordingly and delete the three year limitation to development of the site at Harts Lane/Winchester Road, due to the reasons I have outlined above. I asked BDBC to publicise a description of the proposed modifications on their website and consult the landowner, seeking comments during a 2 week period between 19 February and 5 March 2020. 5 representations were received... I have taken the comments into consideration. Nothing alters my view on this matter.
83. For completeness, I have considered other matters in Policy B3.
84. Having regard to the NPPF, it is clear that if the presumption in favour of sustainable development is engaged then the test for decision making can only be that in the NPPF. Therefore, in the second paragraph, criterion iii) in Policy B3 this can only ever be an out of date policy. Thus, I recommend the deletion of this section.

85. Policy B3 refers to key principles that would apply to releasing the land for development. My comments on these are as follows.
86. Developer contributions can only be sought where they meet the tests that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind. These tests are set out as statutory tests in the Community Infrastructure Levy Regulations 2010 and paragraph 56 in the NPPF. To seek wider community benefit from development within the preferred direction of growth would require justification that it would meet these tests. I have not been provided with such justification and thus I recommend deletion of this reference.
87. Usually the neighbourhood plan policy should provide an additional level or layer of detail to national policy and the local planning authority's policies. Criterion vii) in Policy B3 does not add an additional layer of detail and thus I recommend that it is deleted.
88. **Recommendation: to meet the Basic Conditions, I recommend the deletion of Policy B3 and paragraphs 5.19, 3.9 (final sentence), 3.10, 5.23 (the end of paragraph), 5.25 and Plan D. In addition, the end of the Plan period should be modified to 2029.**

### **Policy B2 Land off Harts Lane / Winchester Road**

89. Paragraph 59 in the NPPF states: *to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.*
90. Paragraph 124 in the NPPF states: *the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.*
91. The importance of design is further emphasised in the *National Design Guide* (October 2019).
92. As previously mentioned, BDLP Policy SS5 has set the housing requirement for the Parish. BDLP Policy CN8 supports development proposals that, amongst other matters, provide new facilities, in accordance with adopted council standards, where there is evidence of need that cannot be met by existing provision.

93. I have recommended above that the end date of the Plan is modified to 2029. The number of dwellings proposed on the site allocation in Policy B2 is in general conformity with strategic policy SS5 for the period up to 2029. I have covered this with regard to my consideration of the SA.
94. Representations have been received promoting housing development on two additional sites within the Parish. There are no adopted strategic policies upon which to base a more significant growth strategy. As I have found that BDLP Policy SS5 is satisfied by the allocation of Land off Harts Lane / Winchester Road, and have recommended that the end of the Plan period is modified to 2029 in order to meet the Basic Conditions, additional or alternative site allocations are not required.
95. One of the suggested sites is at Norman Farm, situated adjacent to the east boundary of Burghclere. This site is not identified in the Site Assessment Report or the SA as a reasonable alternative site. I have seen the site, which is situated in the wider open landscape to the east.
96. The other suggested site is Land at Harts Lane, identified as site B in the Site Assessment Report and the SA. It is suggested that this site is allocated for development in place of Land off Harts Lane / Winchester Road. I have seen the site, which is situated in the wider open landscape to the east.
97. I am satisfied that the SA has identified, described and evaluated the reasonable alternatives. Whilst the site selection process has been criticised, the chosen site received local support during a transparent consultation process. I am satisfied, as far as I can reasonably be expected to be, that the chosen site is deliverable and together with the overall housing strategy in the Plan will contribute towards the achievement of sustainable development by the provision of sustainable growth.
98. Policy B2 allocates land at Harts Lane/ Winchester Road for at least 15 dwellings together with a rural business hub. I have the following comments to make on the list of criteria.
99. Criterion i). Representations on behalf of the owners of the site have requested that the site is allocated for at least 18 dwellings. As the number of dwellings proposed on the site allocation in Policy B2 is in general conformity with strategic policy SS5 for the period up to 2029, it meets the Basic Conditions in this respect. As the criterion refers to 'at least 15 dwellings' this does not prevent the sustainable development of the site for more than 15 dwellings.
100. Criterion iii). To ensure that sufficient recreation space is provided, BDBC has adopted green space standards in the Local Plan. It is unclear in criterion iii) if the adopted standards would be met. In these circumstances, I recommend modification to this criterion to ensure that the development provides informal and formal recreation space to the council's adopted

standards as emphasised in BDLP Policy CN8. If there is a proven need for a Local Equipped Area for Play (LEAP) that accords with these standards there is no reason why one should not be provided.

101. Criterion iv). This is not a land use and development matter and thus should be deleted from the policy. Paragraph 5.16 should be amended accordingly. The desire for Community Land Trust involvement can be included as supporting text.
102. Criterion vi). Noise is covered in criterion vii where a Noise Impact Assessment is required. Reference to noise attenuation measures in criterion vi) pre-empts any conclusions from a Noise Impact Assessment. To avoid internal conflict within the policy, in the interest of precision I recommend deletion of noise attenuation measures from criterion vi).
103. Criterion viii). In the interest of precision, I recommend that this criterion is modified to separate biodiversity and sustainable drainage. Suitable suggested modified wording has been provided in representations on behalf of the landowner.
104. Development Brief. Policy B2 requires a development brief to be prepared and discussed with the community prior to the submission of a planning application. Paragraph 40 in the NPPF clearly indicates that local planning authorities cannot require that a developer engages with them at the pre-application stage for proposals of this nature and scale and can only encourage developers to engage with the local community before submitting their applications.
105. It is quite clear that both the submission of a design brief and pre-application community consultation are desirable. However, the NPPF clearly encourages rather than requires pre application and community involvement. I have no reason to suppose that it is the government's intention that the procedural requirements on developers for planning applications should be more onerous where neighbourhood plans are in existence than elsewhere. There would therefore need to be a special justification for imposing these requirements to relate to this allocated site and none has been presented to me. It is therefore evident to me that this criterion does not comply with the basic conditions because of this clear conflict with the NPPF. Therefore, I recommend deletion of the last paragraph in Policy B2 and modification to paragraphs 5.14 and 5.15 to indicate that the preparation of a design brief and community involvement in that brief is encouraged prior to any planning application.
106. Paragraphs 5.20 and 5.22 provide justification for the provision of a Business Hub. They identify local demand and identify an operator. I am satisfied, as far as I can reasonably be expected to be, that the Business Hub is deliverable. As I have recommended the deletion of the 3 year period for the housing development, the first sentence of paragraph 5.20 should be replaced with *'If no progress is being made to secure the operation of the*

*Business Hub then consideration will be given to how this use may be secured.*

107. The site allocation needs to be identified on a map of a suitable scale for ease and accuracy of identification. In the interest of precision, I recommend the inclusion of an inset OS based map at an appropriate scale that ensures the precise boundaries of the site are clearly identifiable.
108. Subject to the modifications recommended above, Policy B2 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Policy B2, as modified, meets the Basic Conditions. As Policy B2 is so long, I have only referred below to those parts of the policy where I have recommended alteration. The remaining parts of the policy should remain unaltered. It is not for me to re-write the Plan. The modification of supporting paragraphs can be as suggested above.
109. **Recommendation: to meet the Basic Conditions, I recommend:**
- 1) modification to selected criteria in Policy B2 to read as follows:**
- iii) the provision of informal and formal recreation space to the Basingstoke and Deane Borough Council's adopted standards including a Local Equipped Area for Play (LEAP), if there is a proven need, which is accessible to children from the village.**
- iv) delete this criterion.**
- vi) Mature trees and hedgerows forming the site boundary are retained unless their removal is essential.**
- viii) A biodiversity strategy is prepared in accordance with the development plan which delivers a 'net gain' in overall biodiversity value on site; and a drainage strategy is prepared and agreed with the Lead Local Flood Authority.**
- Delete the last paragraph.**
- 2) modification to paragraphs 5.14, 5.15, 5.16 and 5.20 as outlined above.**
- 3) the inclusion of an inset OS based map at an appropriate scale that ensures the precise boundaries of the allocated site are clearly identifiable.**

## Policy B4 Residential Garden Land

110. The NPPF seeks the creation of high quality places. Paragraph 127 emphasises the need to ensure that development establishes or maintains a strong sense of place and is sympathetic to local character. Paragraph 122 d) emphasises the desirability of maintaining an area's prevailing character and setting, including residential gardens.
111. Paragraph 70 in the NPPF states: *plans should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.*
112. The NPPF, in Paragraph 170 requires the planning system to contribute to and enhance the natural and local environment; including protecting and enhancing valued landscapes.
113. BDLP Policy EM10 seeks high quality development, which, amongst other matters, should respect the local environment and provide a high quality of amenity for neighbours.
114. Policy B4 supports development proposals on residential garden land within the Settlement Boundary subject to a list of criteria. This list ensures that such proposals provide a high quality development. Although paragraph 5.28 explains that this policy does not prevent householder permitted development in residential gardens, this is not made clear in the policy. In the interest of precision, I recommend reference to this policy only applying where planning permission is required.
115. The last paragraph in Policy B4 resists extensions of residential garden land into the countryside, subject to a list of criteria. I cannot see how a residential garden can support development essential for agriculture, forestry or countryside recreation, as it is only a garden. Whilst there seems to be an editing error, it appears that this policy intends to restrict extensions of residential garden land into the countryside if harmful to the character and appearance of the open countryside or result in visual intrusion. I see 'visual intrusion' as being the same as 'appearance' in this context.
116. BDBC Policy EM1 seeks to protect and enhance the character and visual amenity of the landscape. This is a detailed policy which lists criteria against which development proposals are considered. In addition, it refers to the need to accord with national policy with regard to the AONB.
117. Whilst the last paragraph in Policy B4 refers to character and appearance, by not including all the criteria in BDBC Policy EM1 and particularly by not including reference to the AONB, Policy B4 would not be in general conformity with this strategic policy as it would be more permissive to the encroachment of back gardens into the countryside. I am sure this is not the intention of the local community.

118. If I were to suggest modification to the last paragraph in Policy B4, I would simply be re-iterating BDBC Policy EM1. As the NPPF advises avoiding unnecessary duplication of policies that apply to a particular area, I recommend the deletion of the last paragraph in Policy B4.
119. Paragraph 5.26 refers to *promoting sustainable development on the one hand while safeguarding the character and appearance of Burghclere village and maintaining residential amenity on the other*. This is not correct as sustainable development has to ensure that the character and appearance of the village is safeguarded and that residential amenity is maintained. Therefore, in the interest of precision, I recommend deletion of this reference.
120. Subject to the modifications outlined above, Policy B4 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Policy B4, as modified, meets the Basic Conditions.

121. **Recommendation: to meet the Basic Conditions, I recommend:**

**1) modification to Policy B4 to read as follows:**

**Policy B4: Residential Garden Land**

**Where planning permission is required, development proposals on residential garden land within the Settlement Boundary will be supported subject to the following criteria:**

- i. they maintain the prevailing character and appearance of buildings in their immediate locality;**
- ii. they reflect the scale, mass, design and layout of existing residential dwellings;**
- iii. they safeguard the amenities of adjacent residential dwellings and their curtilages;**
- iv. they provide off-street parking to development plan standards;**
- v. they have appropriate and safe access to the highway network; and**
- vi. any loss of biodiversity value on the site will be fully mitigated, and measures to enhance biodiversity through habitat creation or improvement are incorporated.**

**2) deletion of the second sentence in paragraph 5.26.**

**Policy B5 Housing mix and tenure**

122. The NPPF seeks to ensure that there is provision of a wide choice of quality homes. BDLP Policy CN3 seeks a housing mix for market housing.
123. Paragraph 63 in the NPPF emphasises that the provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set

out a lower threshold of 5 units or fewer). This post-dates BDLP Policy CN1, which requires 40% affordable housing on all market housing sites.

124. Paragraph 2 in the NPPF states: *Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.* Paragraph 212 in the NPPF confirms that the policies in the NPPF are material considerations. BDBC Housing Supplementary Planning Document (SPD) (July 2018) confirms that the NPPF thresholds now apply in the determination of planning applications. This supersedes the threshold requirements in BDLP Policy CN1.
125. Policy B5 seeks a mix of dwellings to address local needs. It includes the provision of small properties for affordable housing. The evidence base justifies this approach. In the interest of precision, as the current BDBC affordable housing thresholds are in SPD, I have suggested revised wording to the second paragraph in Policy B5.
126. The last paragraph in Policy B5 is not a land use and development policy matter. Therefore I recommend that this paragraph is incorporated into a modified paragraph 5.33.
127. Subject to the above modifications, Policy B5 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Policy B5, as modified, meets the Basic Conditions.
128. **Recommendation: to meet the Basic Conditions, I recommend:**

**1) modification to Policy B5 to read as follows:**

**Policy B5: Housing mix and tenure**

**Proposals for residential development will be expected to provide a mix of dwelling types and sizes to address the nature of local needs and contribute to the objective of creating a mixed and balanced community. To achieve this objective, new residential development will seek to include in their housing mix, a majority of 2 and 3 bed dwellings. Affordable housing should seek to include a tenure suitable for first time buyers, those looking to rent their first home and downsizers.**

**2) incorporation of the last paragraph in Policy B5 into paragraph 5.33.**

**Policy B6 Rural Employment**

129. Paragraph 83 in the NPPF states:  
*Planning policies and decisions should enable:*

*a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;*

*b) the development and diversification of agricultural and other land-based rural businesses;*

*c) sustainable rural tourism and leisure developments which respect the character of the countryside; and*

*d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.*

130. BDLP Policy EP4 supports the rural economy and lists criteria whereby development proposals for economic uses will be permitted.
131. Policy B6 supports the re-use of existing buildings and new buildings in the countryside subject to a list of criteria. Policy B6 does not have regard to national policy where national policy supports the sustainable growth of all types of business in rural areas, nor is it in general conformity with strategic policy in BDLP Policy EP4 in this respect. There is no clear background evidence to support this approach. In addition, Policy B6 contradicts the supporting text, which widens the support for other rural businesses.
132. Usually a neighbourhood plan policy should provide an additional level or layer of detail to national policy and the local planning authority's policies.
133. If I were to recommend modification to Policy B6 it would add no local policy detail above that required under BDLP Policy EP4. It would not be a distinct policy that reflected and responded to the unique characteristics and planning context of the neighbourhood area. Therefore, to meet the Basic Conditions, I recommend the deletion of Policy B6 and supporting text. This will not prevent the re-use of existing buildings and new buildings in the countryside in accordance with national and strategic policy.
134. **Recommendation: to meet the Basic Conditions, I recommend the deletion of Policy B6 and paragraphs 5.34 - 5.36.**

### **Policy B7 High Quality Design**

135. An extract from paragraph 124 in the NPPF states: *Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this.*
136. Paragraph 125 in the NPPF states: *Plans should, at the most appropriate level, set out a clear design vision and expectations, so that applicants have*

*as much certainty as possible about what is likely to be acceptable. Design policies should be developed with local communities so they reflect local aspirations, and are grounded in an understanding and evaluation of each area's defining characteristics. Neighbourhood plans can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development.*

137. BDLP Policy EM10 seeks high quality design based upon a robust design led approach.
138. Policy B7 is split into two. Firstly, it supports development proposals in the whole Parish, provided they are visually attractive and have full regard to its distinctive character. Secondly, it lists additional specific criteria for development within the village based on an updated Village Design Statement. I have visited the Parish and seen the distinctive character of the area.
139. Criterion vi) in Policy B7 refers to the group value of heritage assets to defining the village centre. In the interest of precision, this should refer to the setting of the heritage assets.
140. The last sentence in Policy B7 refers to having regard to the development policies in the AONB Management Plan. In the interest of precision, this should refer to 'criteria set out in the management plan'.
141. The *Burghclere NP - Design Statement* explains that it forms an integral part of the Plan. Thus, in the interest of precision, it should be included as an appendix to the Plan.
142. PPG states: *local design guides are prepared by local planning authorities and neighbourhood planning groups to set out the general design principles and standards that development proposals should follow in the area, building on policies in the development plan.* (extract paragraph 005 Reference ID: 26-005-20191001).
143. The *Burghclere NP - Design Statement* sets out General Principles which do build on policies in the development plan. This has regard to national policy. However, much of the Design Checklist in Appendix 1 of The *Burghclere NP - Design Statement* is either extremely prescriptive and goes way beyond the policies in both the Neighbourhood Plan and the Local Plan, or is already found elsewhere in supplementary planning guidance. Therefore, to have regard to national policy, I recommend the deletion of the Design Checklist in the *Burghclere NP - Design Statement*.
144. The Design Statement clearly covers the whole Parish. Therefore, reference should be made to the Design Statement in both parts of Policy B7. I have suggested revised wording in this regard.
145. The Design Statement has a section that specifically refers to Burghclere village. It states that the bulk of the village lies inside the designated

Settlement Policy Boundary, but does not actually define the extent of the village for the purposes of the Design Statement. In the interest of precision, a map outlining the area defined as the village in this Design Statement should be included in the document.

146. Subject to the modifications I have recommended above to both Policy B7 and to the *Burghclere NP - Design Statement*, which forms an integral part of the Plan, Policy B7 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Policy B7 together with the modified Design Statement, meet the Basic Conditions.
147. I note that the AONB Management Plan 2019 – 2024 has recently been adopted. Therefore any references to the draft of that plan should be updated. **I see this as a minor editing matter.**
148. In criterion i), 'where' should be replaced with 'whether'. **I see this as a minor editing matter.**
149. **Recommendation: to meet the Basic Conditions, I recommend:**

**1) modification to Policy B7 to read as follows:**

**Policy B7: High Quality Design**

**Proposals for development will be supported, provided they are of high quality and positively contribute to the character and distinctiveness of the Parish, having regard to guidance in the Burghclere NP - Design Statement (Appendix 1 in this Plan).**

**Development proposals, including alterations and extensions, will be supported, provided they are visually attractive and have full regard to the distinctive character of the Parish and existing design features such as:**

- i. the common use of hip roof forms and the retention of chimney-stacks whether decorative or operational, and the use of these as important features on new large expanses of roof;**
- ii. the common use of brick, tile hanging, and natural slate in building materials;**
- iii. the weather-boarded elevations of traditional farm buildings and the occasional use of thatch on older buildings contributing to the diverse character of the area;**
- iv. the important role broad-leaved trees and native hedges play in defining the overall character of the area.**

**Within Burghclere village, as identified on Map [xx] in the Burghclere NP - Design Statement, in addition to the principles set out above, development proposals will be supported where they have full regard to the following:**

- v. the importance of defining the essential character of the village with dwellings set back from the main road;
- vi. the importance of the setting of heritage assets, other buildings and structures, open spaces, mature trees and tall hedges to defining the village centre in front of the Portal Hall and Church of Ascension at the junction of Church Lane and Harts Lane;
- vii. the importance of trees and hedges along the frontage boundaries of most plots in softening the streetscape, requiring landscaping and access proposals of schemes to avoid, or minimise the loss of existing vegetation, or to provide new trees and tall hedges if currently absent;
- viii. the importance of unobstructed views from the village to the surrounding countryside in creating a rural ambience;
- ix. the importance of wooded areas in creating a feeling of seclusion and intimacy.

Proposals within the North Wessex Downs AONB should also have regard to the criteria in the AONB Management Plan.

**2) modification to the Burghclere NP - Design Statement by deleting Appendix 1 and by the inclusion of a map defining the boundary of Burghclere Village for the purposes of this Design Statement.**

**3) Inclusion of the modified Burghclere NP - Design Statement as Appendix 1 in this Plan.**

## **Policy B8 Sustainable Design Standards**

- 150. Paragraph 148 in the NPPF states: *the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.*
- 151. BDLP Policy EM10 seeks to deliver high quality design. One criterion is to minimise energy consumption through sustainable approaches to design.
- 152. Policy B8 seeks to ensure that all new development mitigates the effect of and adapts to climate change.
- 153. PPG, (at Paragraph: 001 Reference ID: 56-001-20150327), makes it clear through a link to a Written Ministerial Statement of 25 March 2015 that it is not appropriate to refer to any additional local technical standards or requirements relating to the construction or performance of new dwellings in neighbourhood plans. Thus, Policy B8 should only apply to non-residential properties where it refers to such matters. I have suggested revised wording.

154. The Parish Council may wish to include an explanation of why not all of Policy B8 is applicable to residential properties. **I see this as a minor editing matter.**
155. Not all development can contribute towards health and well-being. The definition of development in planning policy encompasses a wide range and there may be many instances where acceptable small scale development would not make such contributions. Therefore, I recommend the inclusion of 'where appropriate' in the first sentence of Policy B8 in this regard.
156. The National Design Guide (2019) is guidance and thus proposals should have regard to this guidance rather than 'be informed by' the guidance. At the time of this examination, a National Model Design Code building on the findings of the National Design Guide was yet to be published. Aside from removing residential planning applications from the last paragraph in Policy B8, there would need to be a special justification for a policy imposing the requirements for planning applications to provide a written statement on how they deliver sustainable design standards, and none has been presented to me. I see no justification for this additional procedural requirement for developers. Therefore, I recommend the deletion of the last paragraph in Policy B8.
157. In the interest of precision, I recommend the deletion of and paragraph 5.41. Much of this paragraph is not supporting text specific to the policy and the last sentence is no longer relevant to the policy.
158. Subject to the above modifications, Policy B8 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Policy B8, as modified, meets the Basic Conditions.
159. In paragraph 5.40, reference to 'be in general conformity with' the NPPF in the third sentence should read 'have regard to' the NPPF. **I see this as a minor editing matter.**
160. **Recommendation: to meet the Basic Conditions, I recommend:**

**1) modification to Policy B8 to read as follows:**

**Policy B8: Sustainable Design Standards**

**Proposals for all development must be well designed and where appropriate contribute to health and wellbeing. Where appropriate, the design of proposals should have regard to the 10 characteristics of 'well designed places' set out in the National Design Guide.**

**Non - residential proposals will be expected to make the fullest contribution to minimising carbon dioxide emissions in accordance with the energy hierarchy and make efficient use of natural resources (including water), by making the most of natural systems to reduce**

**vulnerability to climate change impacts over the lifetime of the development.**

**2) the deletion of paragraph 5.41.**

### **Policy B9 Local Heritage Assets**

161. The NPPF advises at paragraph 193 that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
162. Paragraph 197 in the NPPF states: *in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.*
163. Updated PPG states:
- There are a number of processes through which non-designated heritage assets may be identified, including the local and neighbourhood plan-making processes and conservation area appraisals and reviews. Irrespective of how they are identified, it is important that the decisions to identify them as non-designated heritage assets are based on sound evidence.*
- Plan-making bodies should make clear and up to date information on non-designated heritage assets accessible to the public to provide greater clarity and certainty for developers and decision-makers. This includes information on the criteria used to select non-designated heritage assets and information about the location of existing assets.*
- (Extract part of Paragraph: 040 Reference ID: 18a-040-20190723).
164. BDLP Policy EM11 requires all development to conserve or enhance the quality of heritage assets in a manner appropriate to their significance.
165. Policy B9 identifies 8 buildings as Local Heritage Assets to be considered as non-designated heritage assets for the purpose of applying development plan policy. The criteria for designation was: age and integrity; historic interest; and architectural interest. I have asked for the table analysing the buildings against the criteria used for selection to be placed on the BDBC web site.
166. The criteria are informed by BDBC *The Historic Environment Buildings of Local Interest Supplementary Planning Guidance (2003)*. As part of my fact check, I was informed that this document has been replaced. The current document is the *Heritage Supplementary Document (March 2019)*. Appendix D in this document lists criteria for inclusion on the List of Buildings of Local Historic and Architectural Interest. As the criteria is similar to that in

the superseded 2003 document, I am satisfied that appropriate criteria was chosen to assess the buildings.

167. It is clear from the evidence before me that the buildings and structures identified in Policy B9 are historic buildings of significance to the local community. They have been chosen using clear criteria for selection and have been identified on sound evidence. However, there needs to be information on the location of these buildings. The policies maps do not identify the locations of any of these buildings. Therefore, to have regard to national policy, the policies maps need to identify the locations of these buildings at a suitable scale. Subject to this addition to the policies maps, Policy B9 has regard to national policy, contributes toward sustainable development and is in general conformity with strategic policy.
168. **Recommendation: to meet the Basic Conditions I recommend that the policies maps identify the location of the Local Heritage Assets listed in Policy B9.**

### **Policy B10 Landscape**

169. The NPPF, in Paragraph 170 requires the planning system to contribute to and enhance the natural and local environment. This includes protecting and enhancing valued landscapes and minimising impacts on biodiversity and providing net gains in biodiversity where possible. This is relevant to Policies B10 – B13.
170. BDLP Policy EM1 is a long detailed policy that primarily seeks to ensure that new development is sympathetic to the character and visual qualities of the landscape. This is relevant to Policies B10 – B11.
171. The first paragraph in Policy B10 seeks to ensure that new development is sympathetic to the character and visual amenity of the landscape and identifies the unique characteristics of the local landscape. Whilst this is admirable, it does not go as far as BDLP Policy EM1 in protecting the local landscape. I am sure that this is not the intention of the local community. To ensure general conformity with strategic policy, I recommend reference to BDLP Policy EM1 is made in Policy B10. I have suggested revised wording.
172. The second paragraph in Policy B10 refers to important views. These are specifically identified in Policy B11. PPG advises that a policy in a neighbourhood plan *should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications*. Having the important views policy requirements split in this way does not provide the clarity to the decision maker required in PPG. Therefore, I recommend the deletion of the second paragraph in Policy B10. I will consider Important Views in more detail under Policy B11.

173. Subject to the above modifications, Policy B10 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Policy B10, as modified, meets the Basic Conditions.

174. **Recommendation: to meet the Basic Conditions I recommend modification to Policy B10 to read as follows:**

#### **Policy B10: Landscape**

**New development will be supported where it is demonstrated that it is sympathetic to the character and visual amenity of the local landscape, the features that characterise the Parish and the setting of the village in the wider landscape, in accordance with Local Plan Policy EM1.**

**Features include the open downland character to the south of the Parish and woodlands, hedges, wildlife corridors including water features, traditional orchards and other natural environment and heritage assets.**

#### **Policy B11 Important Views**

175. Policy B11 identifies and seeks to protect Important Views. As a number of the Important Views extend beyond the Parish, in the interest of precision, this policy needs to specify that it only relates to development proposals within the Parish. The *Neighbourhood Plan Key Views Report* is the evidence base for the selection of the Important Views. This report identifies clear criteria for selection. Important Views identified in the Burghclere Village Design Statement (2002) formed the basis for the review of views in the Report. These previously identified views, together with new suggested views identified by the Steering Group and the local community were assessed. This required considerable field and map surveys to ensure that the criteria were met. As such, some new views were identified and some previous views were removed because the growth of trees and hedges meant these were no longer visible from a public right of way.

176. There has been objection to a number of the Important Views, including Important View 3. During my visit to the Parish I was able to see the extent of the views from the Important Viewpoints. Even if some views are restricted by mature vegetation, I am satisfied that these are Important Views that have been identified by local people with local knowledge.

177. The last sentence in Policy B11 is not clear. I asked the Parish Council if this meant “proposals will not be supported which comprise any buildings or other structures, as the height and/or mass of any buildings or other structures will obstruct or undermine an Important View”; or “proposals will not be supported which comprise buildings or other structures, if the height and/or mass of the proposed buildings or other structures will obstruct or undermine an Important View” (underlining my emphasis).

178. The Parish Council has suggested a replacement paragraph as follows:  
*Development proposals should protect and enhance the local character of the landscape and through their design, height and massing should recognise and respond positively to the various Important Views. Development proposals which would have a significant adverse impact on an identified Important View will not be supported.*
179. The suggested paragraph goes beyond either of my interpretations of the last paragraph in Policy B11,
180. I can only make recommendations for modifications necessary to meet the Basic Conditions. In this context, I have suggested revised wording for the second paragraph of Policy B11, which take into consideration that the Parish Council's suggested revision clearly allows some development within Important Views if the development does not have a significant adverse impact on the Important Views.
181. The Important Views map(s) needs to be of a suitable scale for ease and accuracy of identification. In the interest of precision, I recommend the inclusion of inset OS based maps at an appropriate scale that ensures the precise locations and directions of the Important Views are clearly identifiable.
182. Subject to the modifications suggested above, Policy B11 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Policy B11, as modified, meets the Basic Conditions.
183. **Recommendation: to meet the Basic Conditions I recommend:**
- 1) modification to Policy B11 to read as follows:**
- Policy B11: Important Views**
- The Neighbourhood Plan identifies Important Views on Plans [xx] below. Development proposals within Burghclere Parish that are located within or immediately adjoining an Important View will only be supported if it can be demonstrated that the key features of the view can continue to be enjoyed including distant buildings, areas of landscape and the juxtaposition of the village edge and surrounding countryside.**
- Development proposals which would have a significant adverse visual impact on an identified Important View will not be supported.**
- 2) the inclusion of inset OS based map(s) at an appropriate scale that ensure the precise locations and directions of the Important Views are clearly identifiable.**

## Policy B12 Green Infrastructure and Biodiversity

184. One of the principles to protect and enhance biodiversity in Paragraph 175 in the NPPF states: *if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.*
185. BDLP Policy EM4 is a policy regarding biodiversity, geodiversity and nature conservation. This is a long complex policy setting criteria to ensure that: *development proposals will only be permitted if significant harm to biodiversity and/ or geodiversity resulting from a development can be avoided or, if that is not possible, adequately mitigated* and where it satisfies a list of criteria.
186. Policy B12 identifies a Green Infrastructure Network within the Parish and seeks a net gain to general biodiversity assets. The policy refers to 'designating' the Network. It is not clear how this is designated. Thus, in the interest of clarity, I suggest that the Network is 'identified' in Policy B12.
187. The first sentence in the third paragraph in Policy B12 resists the loss of land within the Network. This does not have regard to national policy, nor is it in general conformity with strategic policy, with regard to mitigation. If I were to recommend modification to Policy B12 with regard to mitigation, it would merely be a repetition of the criteria in BDLP Policy EM4 and would add no local policy detail. Therefore, I recommend deletion of this sentence.
188. Subject to the above modifications, Policy B12 has regard to national policy, contributes towards sustainable development, particularly the environmental objective, and is in general conformity with strategic policy. Policy B12, as modified, meets the Basic Conditions.
189. Plans J and L, whilst identifying Green Infrastructure outside the Parish Boundary, must make it clear in their annotation that Policy B12 is only relevant within the Parish Boundary. **I see this as a minor editing matter.**
190. **Recommendation: to meet the Basic Conditions I recommend modification to Policy B12 to read as follows:**

### **Policy B12: Green Infrastructure and Biodiversity**

**The Neighbourhood Plan identifies a Green Infrastructure Network, as shown on the Green Infrastructure Maps, for the purposes of promoting access to the countryside and ecological connectivity throughout the parish. The Network comprises Local Green Spaces, informal open spaces, footpaths, woodland, land of biodiversity value including designated environmental and landscape assets, Biodiversity Opportunity Areas, Nature Improvement Areas, or Species and Habitats of Principal Importance.**

**Development proposals that lie in the broad location of the network are required to have full regard to maintaining and improving the network, including delivering a ‘net gain’ to general biodiversity assets in the design of their layouts, landscaping schemes and public open space provisions.**

**Development proposals that will lead to the extension of the Network will be supported, provided they are consistent with all other relevant policies of the development plan.**

### **Policy B13 Local Green Spaces**

191. The NPPF in paragraphs 99- 101 states: *the designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them. Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or updated, and be capable of enduring beyond the end of the plan period.*

*The Local Green Space designation should only be used where the green space is:*

- a) in reasonably close proximity to the community it serves;*
- b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and*
- c) local in character and is not an extensive tract of land.*

*Policies for managing development within a Local Green Space should be consistent with those for Green Belts.*

192. Whilst the BDLP does not specifically refer to Local Green Space (LGS), Policy EM5 seeks to protect and enhance the quality of public open space and resists the redevelopment of both public and private open space.
193. I have visited the Parish and viewed the proposed Local Green Spaces. The designation of the LGS is informed by the evidence base in the Local Green Spaces Report. My comments on each site are set out below.
194. LGS1 Memorial Garden, Portal Hall Grounds. This is a small grassed area near the intersection of Harts Lane and Church Lane in the centre of the village. As such, it is in reasonably close proximity to the community, and local in character. It is not an extensive tract of land. It is demonstrably

special to the local community, primarily due to its beauty and historic significance. This site satisfies the criteria for designation as a LGS.

195. LGS2 War Memorial Green. This is a small grassed area at the intersection of Harts Lane and Church Lane in the centre of the village. As such, it is in reasonably close proximity to the community and local in character. It is not an extensive tract of land. The war memorial has historic significance which makes this site demonstrably special to the local community. This site satisfies the criteria for designation as a LGS.
196. LGS3 Green between Church of the Ascension and the School House. This is a small grassed area adjacent to the primary school. It is in reasonably close proximity to the community and local in character. It is not an extensive tract of land. It is demonstrably special to the local community, primarily due to its informal recreational value. This site satisfies the criteria for designation as a LGS.
197. LGS4 Old Railway Line (North of Harts Lane). It is in reasonably close proximity to the community and local in character. It is not an extensive tract of land. It is demonstrably special to the local community, primarily due to its beauty and biodiversity. This site satisfies the criteria for designation as a LGS.
198. The LGS map(s) needs to be of a suitable scale for ease and accuracy of identification. In the interest of precision, I recommend the inclusion of inset OS based maps at an appropriate scale that ensures the precise boundaries of the LGS are clearly identifiable. Subject to this modification, Policy B13 has regard to national policy, contributes toward sustainable development and is in general conformity with strategic policy. Subject to this modification, Policy B13 meets the Basic Conditions.
199. **Recommendation: to meet the Basic Conditions, I recommend the inclusion of inset OS based map(s) at an appropriate scale that ensure the precise boundaries of the Local Green Spaces are clearly identifiable.**

### **Policy B14 Community Facilities**

200. Paragraph 92 in the NPPF states that to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should, amongst other matters, plan positively for the provision of community facilities and guard against the unnecessary loss of valued facilities and services. Paragraph 83 in the NPPF supports the retention and development of community facilities to support a prosperous rural economy.
201. BDLP Policies CN7 and CN8 list criteria against which the loss or provision of essential facilities and services, community, leisure and cultural facilities should be assessed and supports improvement of existing facilities.

202. Policy B14 seeks to prevent the loss of community facilities and promotes the improvement of existing facilities. As such, this has regard to national policy, is in general conformity with strategic policy and contributes towards the achievement of sustainable development, especially the social objective. My only concern is with the last sentence in Policy B14. This refers to a proposal to consider a community led housing scheme on Pinder Trust land. Such a proposal is not a policy in this Plan. Therefore, I recommend the deletion of this sentence. Subject to this modification, Policy B14 meets the Basic Conditions.
203. **Recommendation: to meet the Basic Conditions I recommend the deletion of the last sentence in Policy B14.**

### **Policy B15 Tourism**

204. Paragraph 83 in the NPPF supports a prosperous rural economy. This includes supporting *sustainable rural tourism and leisure developments which respect the character of the countryside*.
205. BDLP Policy EP5 supports rural tourism. An extension to an existing facility should be of a scale appropriate to its location and the scale should be appropriate when considering the impact on the highway network.
206. Policy B15 supports the expansion of tourist attractions, provided there is sufficient off street parking and regard is had to the amenities of neighbours. It is clear that tourism is important to the local economy. To be in general conformity with strategic policy, Policy B15 needs to add reference to the suitability of the scale of extensions. I have suggested revised wording taken from BDLP Policy EP5.
207. Subject to the above modification, Policy B15 has regard to national policy, is in general conformity with strategic policy and contributes towards the achievement of sustainable development. Modified Policy B15 meets the Basic Conditions.
208. **Recommendation: to meet the Basic Conditions, I recommend modification to Policy B15 to read as follows:**

#### **Policy B15: Tourism**

**Proposals to expand an existing tourist attraction will be supported, provided that the scheme has sufficient off-street car parking space; has regard to the amenities of adjoining residential properties; and is of a scale appropriate to its location.**

## Policy B16 Managing Traffic

209. Section 8 of the NPPF promotes sustainable transport. BDLP Policy CN9 promotes a safe, efficient and convenient transport system. It includes the need to ensure that new development does not compromise highway safety. These policies are relevant to Policies B16 and B17.
210. Policies in a neighbourhood plan can only be for the development and use of land. The first paragraph in Policy B16 regarding avoiding urbanising highways infrastructure is a highway traffic management matter rather than a development and use of land matter. Therefore, this paragraph should be deleted.
211. The second paragraph in Policy B16 supports development that contributes to the wider highways network in order to mitigate their traffic impacts. Whilst the supporting text in paragraph 5.65 suggests some possible traffic management measures, these are not specific. The second paragraph in Policy B16 is a highway traffic management matter that does not add an additional policy layer to that already in both national and strategic policy. Therefore, I recommend the deletion of this paragraph.
212. For the above reasons, I recommend the deletion of Policy B16 and supporting text in paragraphs 5.62 – 5.65. This meets the Basic Conditions.
213. **Recommendation: to meet the Basic Conditions, I recommend the deletion of Policy B16 and paragraphs 5.62 – 5.65.**

## Policy B17 Car Parking

214. BDLP Policy EM 10 seeks to ensure high quality development, including that there is appropriate parking provision in accordance with adopted parking standards.
215. Policy B17 requires all new parking provision to be provided off-street and supports the provision of a new public car park. This has been informed by the Traffic and Parking background evidence base and by an analysis of parking within the village. Plan N identifies the constraints to on street parking in the village. This background evidence provides justification for the requirements in Policy B17.
216. Policy B17 has regard to national policy, particularly with regard to highway safety. It contributes towards sustainable development and is in general conformity with strategic policy. Policy B17 meets the Basic Conditions.
217. I have noticed two minor points. There should be an 'a' before 'new public car park' in the policy. In the third line of paragraph 5.67 the word 'places' should be 'replaces'. **I see these as minor editing matters.**

## Thames Water

218. Thames Water has requested the addition of new water/wastewater infrastructure text and a paragraph concerning surface water drainage. A neighbourhood plan is not required to consider such matters if they are not necessary to meet the Basic Conditions. It is not for me to recommend these additions to the Plan as they are not required to meet the Basic Conditions.

## Referendum and the Burghclere Parish Neighbourhood Plan Area

219. I am required to make one of the following recommendations:
- the Plan should proceed to Referendum, on the basis that it meets all legal requirements; or
  - the Plan as modified by my recommendations should proceed to Referendum; or
  - the Plan does not proceed to Referendum, on the basis that it does not meet the relevant legal requirements.
220. **I am pleased to recommend that the Burghclere Parish Neighbourhood Plan 2011 – 2036 as modified by my recommendations should proceed to Referendum.**
221. I am required to consider whether or not the Referendum Area should extend beyond the Burghclere Parish Neighbourhood Plan Area. I see no reason to alter or extend the Neighbourhood Plan Area for the purpose of holding a referendum.

## Minor Modifications

222. The Plan is a well-written document, which is easy to read. Where I have found errors, I have identified them above. It is not for me to re-write the Plan. If other minor amendments are required as a result of my proposed modifications, I see these as minor editing matters which can be dealt with as minor modifications to the Plan. In particular, the introduction will need updating.

**Janet Cheesley**

**Date 23 March 2019**

## Appendix 1 Background Documents

The background documents include:

The National Planning Policy Framework (The Framework) (2019)  
The Planning and Compulsory Purchase Act 2004  
The Localism Act (2011)  
The Neighbourhood Planning (General) Regulations (2012)  
The Neighbourhood Planning (General) (Amendment) Regulations (2015)  
The Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations (2016)  
The Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations (2017)  
The Neighbourhood Planning Act (2017)  
The Planning Practice Guidance (2014)  
Regulation 16 Representations  
Representations during the additional 2 week consultation period  
The Basingstoke and Deane Local Plan (2011 to 2029)  
All documents listed in the Schedule of Evidence in the Submission Plan  
All documents referred to in the text of the Neighbourhood Plan  
BDBC Heritage Supplementary Document (March 2019)  
Email Correspondence with BDBC