East Woodhay Neighbourhood Plan 2022 - 2029

Report by Independent Examiner to Basingstoke and Deane Borough Council

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Contents Page

Summary and Conclusion 4

Introduction 4

Legislative Background 5

EU Obligations, Strategic Environmental Assessment (SEA) and Habitat Regulation Assessment (HRA) 6

Policy Background 8

The Neighbourhood Plan Preparation 9

The East Woodhay Neighbourhood Plan 10

Policy NE1: Protecting the Landscape 11

Policy NE2: Key Views 12

Policy NE3: Dark Skies 13

Policy NE4: Nature Conservation 14

Policy NE5: Trees and Hedgerows 16

Policy CF1: Community Facilities 17

Policy CF2: Recreation 19

Policy CF3: Local Green Spaces 19

Policy HE1: Conservation Area and its Setting 22

Policy HE2: Protecting and Enhancing Local Built Heritage Assets 25

Policy HO1: Good Quality Design 26

Policy HO2: SPB and Building in the Countryside 29

Policy HO3: Housing Provision for Older People 32

Policy HO4: Housing Mix – Provision of Smaller Homes 32

Policy HO5: Housing Replacements, Extensions, Residential Garden Land and Annexes 33

Policy HO6 Garages and Other Incidental Buildings 35

Policy LB1: Supporting Local Employment and Businesses 35

Policy TT1: The Traffic and Parking Impact of New Development 36

Referendum & the East Woodhay Neighbourhood Plan Area 37

Appendix 1 Background Documents 39

Summary and Conclusion

1. The East Woodhay Neighbourhood Plan has a clear vision for the Parish, which is supported by ten objectives

2. Local Plan Policy SS5 supports the identification of housing sites through Neighbourhood Plans. Woolton Hill lies within a group of 13 settlements which are required to identify sites for a total of 150 homes between them. The exact split is not defined but 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.*

3. Basingstoke and Deane Borough Council has confirmed that the Parish housing requirements of Policy SS5 up to 2029 has been met. As of April 2021, 65 dwellings that meet the requirements of Policy SS5 have been granted planning permission and these are all completed.

4. The neighbourhood plan does not allocate sites for development. Instead, it sets out policy requirements for the design, mix and size of dwellings.

5. I have recommended modification to some of the policies in the Plan. My reasons with regard to all the suggested modifications are set out in detail below. None of these significantly or substantially alters the intention or nature of the Plan.

6. **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 East Woodhay Neighbourhood Plan 2022-2029 will provide a strong practical framework against which decisions on development can be made. I am pleased to recommend that the East Woodhay Neighbourhood Plan 2022-2029, as modified by my recommendations, should proceed to Referendum.**

Introduction

7. On 5 November July 2013 Basingstoke and Deane Borough Council (BDBC) approved that the East Woodhay Neighbourhood Area be designated in accordance with the Neighbourhood Planning (General) Regulations 2012. The Area covers the whole of the Parish of East Woodhay.

8. The qualifying body is East Woodhay Parish Council. The Plan has been prepared by a Steering Group on behalf of the Parish Council. The Plan covers the period 2022 to 2029.

9. I was appointed as an independent Examiner for the East Woodhay Neighbourhood Plan in March 2022. 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

10. 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.

11. 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.

12. *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)."

13. 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.

14. Subject to the modifications I have recommended in this report, I am content that these requirements have been satisfied.

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

15. 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).

16. BDBC prepared the *Neighbourhood Planning Screening Report – East Woodhay Strategic Environmental Impact Assessment and Habitats Regulations Assessment Final version following consideration by consultation bodies* in September 2018, together with a formal screening opinion in a letter dated 26 September 2018. The report concluded that significant effects on the environment are not likely and hence an SEA is not required. Whilst the Environment Agency was not in a position to provide a detailed response, both Natural England and Historic England agreed with this conclusion.

17. As regards HRA, the report concludes: *The Kennet Valley Alderwoods SAC and the Kennet and Lambourn Floodplain SAC European sites are within a 10km radius of the neighbourhood area. The draft plan is not proposing to allocate any development sites and includes policies to protect the natural environment therefore, it is considered that there are not likely to be significant effects on any European sites flowing from the East Woodhay Neighbourhood Plan. Accordingly, an Appropriate Assessment is not required*. Natural England did not raised objection to this conclusion.

18. The Solent is designated as a Special Protection Area, Special Area of Conservation and a Ramsar site. Basingstoke and Deane Borough Council has advised that there are high levels of nitrogen and phosphorus entering

this water environment from a variety of sources and there is evidence that these nutrients are causing eutrophication. Following the receipt of advice from Natural England in October 2019, the Council has not issued decisions for new residential development or overnight accommodation in the River Test and Itchen catchment area (which ultimately discharges into the Solent) unless it can be shown to be nutrient neutral. BDBC made me aware that since the SEA and HRA Report was prepared in September 2018, Natural England has identified that part of this River Test catchment area extends into a small area of the Parish.

19. I undertook a high level assessment of the Plan and in an open letter to the Parish Council on 11 May 2022 I explained that unfortunately, as a consequence of part of the River Test catchment area being situated in the Parish, it is now necessary to update the Strategic Environmental Impact Assessment and Habitats Regulations Assessment (September 2018). This requirement is needed in order for the Plan to meet the following Basic Conditions:

The making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations and human rights requirements; and

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).

20. I gave the Parish Council the opportunity to update the Strategic Environmental Impact Assessment and Habitats Regulations Assessment (September 2018) and delayed the start of the examination until such time as this had been completed.

21. Appendix B to an addendum that updates the Strategic Environmental Impact Assessment and Habitats Regulations Assessment Report was finalised in June 2022.

22. The updated Report explains*: A small part of the borough is within the catchment of the River Test which ultimately discharges into the Solent. Within this area, Natural England has advised that the Council should not grant planning permission for new residential development or overnight accommodation unless it can be shown to be nutrient neutral. However, it is noted that the Plan is not proposing any new development within the small area of the borough within the River Test catchment.*

23. Natural England, as consultee stated: *The East Woodhay Neighbourhood Plan does not allocate any development within the Test catchment area, instead directing development to within the Settlement Policy Boundary of Woolton Hill. It is noted within Basingstoke and Deane Water Cycle Study (May 2022) that wastewater from Woolton Hill is treated at Washwater WwTWs, within the Kennet catchment area, which does not drain into the Solent. Residential development within East Woodhay Neighbourhood Plan*

therefore does not need to demonstrate nutrient neutrality and on this basis we concur that no Habitat Regulations Assessment (HRA) is needed.

24. Following consultation with the three statutory consultees the updated Report concluded that neither an SEA nor an HRA was required. When the screening reports in the appendices are taken together, it is concluded that: an SEA is not considered to be required to accompany the Neighbourhood Plan; and that the Neighbourhood Plan would not need to be subject to HRA.

25. Based on the screening determination and consultee responses, I consider that it was not necessary for the Plan to require a full SEA Assessment. The SEA screening accords with the provisions of the European Directive 2001/42/EC.

26. Based on the screening determination and 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).

27. 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.

Policy Background

28. The *National Planning Policy Framework* (NPPF*)* (2021) 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.

29. 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.

30. East Woodhay 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 East Woodhay 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.

The Neighbourhood Plan Preparation

31. 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.

32. The initial consultation process began through work on the Village Design Statement in 2005 and the Parish Plan in 2010. The issues previously raised have continued to be issues raised during consultation on the Neighbourhood Plan. A number of consultation events were held between 2014 and 2016. In 2015 there were questionnaires for both residents' and business, with a follow up questionnaire for residents in 2016.

33. The consultation period on the pre-submission draft of the Plan ran from 28 June to 9 August 2021. Numerous methods of consultation included letters, flyers, press releases, meetings, Zoom meetings and personal meetings. Usually I include a summary of the main methods of consultation, but there were so many advertising methods and public events that I cannot do this justice.

34. I am satisfied that the pre-submission consultation and publicity has met the requirements of Regulation 14 in The Neighbourhood Planning (General) Regulations 2012. The consultation and publicity went well beyond the requirements and it is clear that the Steering Group went to great lengths to ensure that local residents and businesses were kept informed. I congratulate them on their efforts, particularly during the various constraints through the pandemic.

35. BDBC publicised a submission Plan for comment during the publicity period between 14 March 2022 and 3 May 2022 in line with Regulation 16 in The

Neighbourhood Planning (General) Regulations 2012. A total of 10 responses were received.

36. Following the updated SEA and HRA Report, the Submission Plan was updated. Policy HO2 and the Basic Conditions Statement were altered. A further publicity period in line with Regulation 16 in The Neighbourhood Planning (General) Regulations 2012 was held between 18 July and 5 September 2022. A total of 5 responses were received. It is this altered Plan that has been subject to examination.

37. I have taken into consideration the representations made during both consultation periods. I am satisfied that all the responses can be assessed without the need for a public hearing.

38. Some responses suggest additions and amendments to policies. My remit is to determine whether the Plan meets the Basic Conditions. 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 both sets of the Regulation 16 representations. I have taken their comments into consideration. Their comments have been placed on the BDBC web site.

The East Woodhay Neighbourhood Plan

39. A clear vision for the Parish has been established and is supported by ten objectives. Background information to justify the policy approach is provided throughout the Plan.

40. Policies in a neighbourhood plan can only be for the development and use of land. Where there are community aspirations (identified as potential projects in Appendix C in this Plan) these have been clearly differentiated from policies for the development and use of land.

41. 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.

42. 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).

43. 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.

44. 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.

45. The definition of a Conservation Area in the Glossary should read (as suggested by BDBC) as: *An area of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance, designated heritage asset pursuant to the Planning (Listed Buildings and Conservation Areas) Act 1990.* The definition of a Listed Building in the Glossary should read (as suggested by BDBC) as: *A structure or building which is a designated heritage asset included in the statutory list of buildings of special architectural and/or historic interest.* The Glossary refers to the 2019 NPPF. This should be updated to refer to the revised July 2021 NPPF. **I see these as minor editing matters**.

46. Paragraph 3.4 lists the Basic Conditions and interprets some of these Basic Conditions. It is not necessary to list these Basic Conditions, but in the interest of precision, where there is a list, this should not include interpretations that do not strictly have the correct meaning.

47. **Recommendation: to meet the Basic Conditions, I recommend that paragraph 3.4 is modified to delete interpretations of the Basic Conditions.**

48. 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 NE1: Protecting the Landscape

49. The Parish is almost wholly within the North Wessex Downs Area of Outstanding Natural Beauty (AONB). At paragraph 176, the NPPF requires great weight to be given to conserving and enhancing the landscape and scenic beauty of such areas, which have the highest status of protection in relation to these issues. The NPPF, in Paragraph 174 requires the planning system to contribute to and enhance the natural and local environment. This includes protecting and enhancing valued landscapes.

50. BDLP 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.

51. The above policies are relevant to all the Natural Environment Policies in the neighbourhood plan.

52. Policy NE1 seeks to protect the local landscape and cross refers to relevant policies in the *North Wessex Downs AONB Management Plan 2019-2024* and succeeding documents. Planting schemes and the siting of buildings should be sympathetic to the existing local landscape characteristics.

53. Policy NE1 has regard to national policy, particularly AONB policy, contributes towards sustainable development and is in general conformity with strategic policy. Policy NE1 meets the Basic Conditions.

Policy NE2: Key Views

54. Policy NE2 identifies Key Views which have been chosen by reference to the *Basingstoke and Deane Landscape Character Assessment, (May 2021)* and the *North Wessex Downs Area of Outstanding Natural Beauty, Integrated Landscape Character Assessment, Technical Report, (March 2002)*. Having seen these views I am satisfied that they are of local landscape importance.

55. Paragraph 7.17 and Policy NE2 refer to the identified Key Views not being exclusive. In the interest of precision, Policy NE2 can only specify policy restrictions on areas within Key Views that have been identified with supporting evidence. Therefore, I recommend modification to Paragraph 7.17 and Policy NE2 to remove reference to unidentified Key Views.

56. A number of the Key Views stretch out beyond the Parish Boundary. It is not within the remit of this Plan to impose policy restrictions beyond the boundary. Therefore, in the interest of precision, I have suggested revised wording for Policy NE2.

57. Subject to the above modifications, Policy NE2 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Modified Policy NE2 meets the Basic Conditions.

58. **Recommendation: to meet the Basic Conditions I recommend**

1) modification to Policy NE2 to read as follows:

Policy NE2: Key Views

Development proposals within the Parish which are located within or immediately adjoining a Key View identified on Maps 3-7 will only be supported if it can be demonstrated that the key features of the view can continue to be enjoyed, including distant buildings and areas of

landscape. Proposals will not be supported which compromise or undermine a Key View.

2) modification to the beginning of paragraph 7.17 to read as follows:

The Key Views are identified on the following maps:

Policy NE3: Dark Skies

59. Paragraph 185 in the NPPF seeks to limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

60. BDLP Policy EM1 requires development proposals to have regard to intrinsic dark landscapes. BDLP Policy EM12 seeks to ensure that new development does not lead to pollution. Pollution includes light pollution.

61. Policy NE3 seeks to minimise light pollution and refers to guidance in *Dark Skies of the North Wessex Downs – A Guide to Good External Lighting (2021).* As this is guidance, rather than policy, Policy NE3 and paragraph 7.26 should refer to having regard to this guidance rather than complying with the guidance. In addition, criterion a) in Policy NE3 does not have regard to that guidance. In the interest of precision, particularly to avoid conflict between the Plan and the guidance, I have suggested revised wording incorporating policy wording suggested in Appendix 2 of the guidance.

62. Subject to the above modifications Policy NE3 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Modified Policy NE3 meets the Basic Conditions.

63. **Recommendation: to meet the Basic Conditions I recommend**

1) modification to Policy NE3 to read as follows:

Policy NE3: Dark Skies

Development proposals that include external lighting must have regard to the guidance set out in the 2021 publication 'Dark Skies of the North Wessex Downs – A Guide to Good External Lighting.'

Development proposals will only be permitted where they limit or mitigate the impact of light pollution, support the integrity of the dark night skies and show that the following criteria can be achieved:

a) It will have no significant adverse effects (individually or cumulatively) to the character of the area, including views into and out from the AONB.

b) any adverse impacts that cannot be avoided are mitigated with suitable measures.

c) It will not have any adverse impacts on the habitats of protected species.

d) Light levels are the minimum required for essential security and working purposes.

e) The potential for glare and spillage is kept to a minimum, especially where they may impact on the AONB.

Where appropriate, conditions will be imposed that will seek to control the times of external illumination.

2) modification to the last sentence in paragraph 7.26 to read as follows:

Any lighting proposals should have regard to the guidance set out in the AONB guide.

Policy NE4: Nature Conservation

64. Paragraph 180 in the NPPF lists principles to be applied when determining planning applications, with regard to habitats and biodiversity. These principles include: *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*.

65. The Environment Act 2021 makes provision for achieving at least 10% biodiversity net gain to be a condition of receiving planning permission. Various parts of this Act, including this biodiversity net gain requirement are yet to come into force. At a local level, a higher minimum level of biodiversity net gain would require justification in local plans.

66. 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…* BDLP Policy EM4 goes on to specify the criteria for circumstances where compensatory measures are a last resort.

67. Policy NE4 seeks to protect and enhance natural features and enhance biodiversity. To have regard to national policy and be in general conformity with strategic policy, Policy NE4 should be modified to recognise the need

for compensatory measures for unavoidable loss. I have suggested revised wording.

68. To ensure that regard is had to national policy, particularly in the Environment Act, I have suggested revised wording to explain that the extent of net gain in biodiversity should be in accordance with national policy and have suggested removing 'where possible' from the beginning of the policy.

69. Subject to the above modifications, Policy NE4 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Modified Policy NE4 meets the Basic Conditions.

70. **Recommendation: to meet the Basic Conditions I recommend modification to Policy NE4 to read as follows:**

Policy NE4: Nature Conservation

Any development, including extensions, should endeavour to protect and enhance existing natural features of sites and enhance biodiversity. Provision of appropriate species-related measures will be required, including swift bricks, bat and owl boxes and the incorporation of native species into landscaping schemes.

Any development over 0.1ha will need to show measurable net gains for biodiversity. This should be achieved via a habitat enhancement scheme delivered through a Biodiversity Management Plan.

The extent of any net gain in biodiversity for any development should be in accordance with national policy.

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.

Ecological network mapping, as featured within the BDBC Landscape, Biodiversity and Trees SPD (December 2018), should be taken into account when looking to place a development. This will indicate the best areas for habitat restoration possibilities and be borne in mind when presenting any planning proposals with relation to habitat protection and enhancement.

Development will need to show no adverse impacts on any designated SINC sites and no loss or deterioration of key habitats.

Opportunities should also be taken by developers and landowners to link sustainable drainage solutions in new development to complement nature conservation objectives.

Policy NE5: Trees and Hedgerows

71. One of the principles in paragraph 180 in the NPPF is that *development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists*.

72. BDLP Policy EM1 specifies the need to have regard to existing trees, ancient woodland and hedgerows, when considering the effect of new development on the character or visual amenity of the landscape.

73. BDLP Policy EM5 supports proposals that improve links and remedy identified deficiencies in the green infrastructure network.

74. Policy NE5 seeks to protect important hedgerows and trees. In doing so it refers to guidance in *BDBC Landscape, Biodiversity and Trees SPD (December 2018)*. That document is guidance rather than policy. By including specific guidance in the policy, such as a 4m separation distance and 20m buffer zone, this has elevated guidance in a supplementary planning document to a policy requirement. I have not been provided with a robust justification for such an elevation to policy. In these circumstances I suggest that the detailed guidance is removed from the policy and explained as guidance in the accompanying text. I have suggested revised wording that refers to the need to have regard to the guidance, without making the specific details of the guidance as policy requirements. In addition, in the interest of precision, I have suggested revised wording for the first paragraph in Policy NE5.

75. Biodiversity is covered in Policy NE4. Therefore, it is not appropriate to include further biodiversity policy requirements in Policy NE5.

76. In the latest revision of the NPPF, paragraph 131 makes it clear that it is the Government's intention that all new streets include trees unless in specific cases there are clear justifiable and compelling reasons why this would be inappropriate. Therefore, to have regard to national policy I have recommended the inclusion of such a requirement in Policy NE5.

77. Subject to the above modifications, Policy NE5 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Modified Policy NE5 meets the Basic Conditions.

78. **Recommendation: to meet the Basic Conditions I recommend:**

1) moving guidance details in Policy NE5 to the accompanying text.

2) modification to Policy NE5 to read as follows:

Policy NE5: Trees and Hedgerows

Development proposals should seek to protect hedgerows or trees that are of good quality or perform a wider ecological function.

Development proposals should have regard to guidance in BDBC Landscape, Biodiversity and Trees SPD 2018.

Development proposals will be expected to protect and retain important trees, copses and hedgerows. Where loss of trees copses or hedgerows is unavoidable, replacement planting of equivalent species and amenity value should be incorporated into the proposal.

Recognising the importance of trees in the Parish landscape, any development should ensure adequate space is given to retained trees, woodland and hedgerows to allow for their retention.

Development proposals will be expected to include tree-lined streets unless in specific cases there are clear justifiable and compelling reasons why this would be inappropriate.

Policy CF1: Community Facilities

79. The NPPF promotes healthy communities. Paragraph 92 recognises the importance of the provision of green infrastructure and sports facilities for healthy lifestyles. Paragraph 93 in the NPPF seeks to ensure that planning policies plan positively for the provision and use of community facilities and guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.

80. 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 support improvement of existing facilities.

81. The above policies are relevant to Policies CF1 and CF2.

82. Policy CF1 lists community facilities and seeks their retention. In addition, Policy CF1 supports extensions or improvements to community facilities and supports the provision of new facilities.

83. As Policy CF1 lists community facilities, this should cross refer to a map showing their locations. The list of community facilities includes seven sites which are also designated as Local Green Spaces (LGS) in Policy CF3. Policies for managing development within a Local Green Space should be consistent with those for Green Belts. This is a higher level of restriction on development on these sites than that specified in Policy CF1. In the interest of precision and to ensure that there is no internal conflict in the Plan, it is necessary to delete these seven sites from the list in Policy CF1. As two are churchyards, I have recommended that the list specifies the exclusion of the churchyards, whilst still recognising the churches as community facilities.

84. BDBC has suggested the inclusion of the impact on the significance of heritage assets in the penultimate paragraph in Policy CF1. As some of the community facilities are heritage assets, in the interest of precision, I agree with this inclusion.

85. Paragraph 8.5 should be modified to explain that some of the community facilities are not covered by Policy CF1 because they are identified as LGS in Policy CF3.

86. In the interest of precision, as this is the first policy in the Plan to make reference to the Settlement Policy Boundary, Policy CF1 should cross refer to the Settlement Policy Boundary Map.

87. Subject to the above modifications, Policy CF1 has regard to national policy, contributes towards sustainable development, particularly the social objective and is in general conformity with strategic policy. Modified Policy CF1 meets the Basic Conditions.

88. **Recommendation: to meet the Basic Conditions I recommend:**

1) modification to Policy CF1 to read as follows:

Policy CF1: Community Facilities

Community Facilities identified on Map XX include:

a) St Thomas' Church (excluding Churchyard)

b) St Martin's Church (excluding Churchyard)

c) Woolton Hill Church Hall

d) East Woodhay Village Hall

e) Woolton Hill Village Stores and Post Office

f) Woolton Hill Surgery

g) Pubs (Rampant Cat and Furze Bush Inn)

h) Yew Tree Garden Centre and Coffee Shop

i) Woolton Hill Sports Club

Proposals that will result in the unnecessary loss of a community facility such as those listed above, will be resisted, unless it can be clearly demonstrated that the use of the building and ancillary land is no longer viable, or that the use can be satisfactorily relocated.

Proposals to extend or improve the viability of a community facility by way of an extension, partial replacement or redevelopment of buildings, structures and land, will be supported. This is provided the design of the scheme respects heritage features, the street scene and

the resulting increase in use and will not have a negative impact on the significance of heritage assets and the amenities of adjoining residential properties.

Proposals for new facilities will be supported within the Settlement Policy Boundary identified on Map XX; or, exceptionally, will be considered outside the Settlement Policy Boundary where there is a demonstrated community need.

2) the inclusion of a map identifying the community facilities.

3) modification to paragraph 8.5 to explain why some community facilities are only identified as LGS.

Policy CF2: Recreation

89. BDLP Policy EM5 seeks to protect and enhance the quality and extent of public open space and seeks to resist redevelopment of both public and private open spaces. Development proposals are required to provide or contribute towards green infrastructure provision.

90. Policy CF2 seeks the provision of new and/or enhanced green space and play space in accordance with BDBCs Green Infrastructure Strategy. This has regard to national policy with respect to promoting healthy lifestyles, contributes towards sustainable development, particularly the social and environmental objectives and is in general conformity with strategic policy. Policy CF2 meets the Basic Conditions.

Policy CF3: Local Green Spaces

91. The NPPF in paragraphs 101 - 103 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.

92. I have visited the Parish and seen the proposed Local Green Spaces. I have no evidence to suggest that these LGS are not capable of enduring beyond the end of the plan period. All the LGS meet the criteria for designation.

93. Policy CF3 refers to sites a-l whereas the location maps refer to sites 10-19. In the interest of precision, the location maps should refer to sites a-l.

94. The table on page 49 lists how each LGS is demonstrably special to the local community. My comments on each of the proposed LGS sites are set out below.

95. a) *Parish Field including Brownies Corner.* This open land is in reasonable proximity to the local community. It is demonstrably special to the local community and obviously provides informal recreation. It is local in character and is not an extensive tract of land.

96. b) *Woolton Hill Recreation Ground.* This area is demonstrably special to the local community in that it provides both formal and informal recreation. It is in reasonable proximity to the local community, is local in character and is not an extensive tract of land.

97. c) *St Tomas' Churchyard.* This churchyard is demonstrably special to the local community and it is clear that it has *historic significance.* It is in reasonable proximity to the local community. It is local in character and is not an extensive tract of land.

98. d) *St Martin's Churchyard.* This tranquil churchyard is demonstrably special to the local community and it is clear that it has *historic significance.* It is in reasonable proximity to the local community. It is local in character and is not an extensive tract of land.

99. e) *Woolton Hill Junior School playing fields*. This area is in reasonable proximity to the local community. It is demonstrably special to the local community, primarily due to its recreation provision. It is local in character and is not an extensive tract of land. Thakeham Homes has pointed out that the location of this site (site 19) on Map 20 is not shown to be on the school playing field. In the interest of precision, the annotation on Map 20 should be altered accordingly.

100. f) *St Martin's CoE School playing field.* This area is in reasonable proximity to the local community. It is demonstrably special to the local community, primarily due to its recreation provision. It is local in character and is not an extensive tract of land.

101. g) *Meadowbrook Community Land and 'Kickabout' area.* This land is an open area on the edge of a modern housing development. As such it is

demonstrably special to the local community, particularly as it provides informal recreation. It is in reasonable proximity to the local community. It is local in character and is not an extensive tract of land.

102. h) *Meadowbrook Strip by Tile Barn Row.* This area comprises soft edges of a modern housing development which contribute towards the setting of the development. As such it is demonstrably special to the local community, particularly as it provides a verdant setting. It is in reasonable proximity to the local community. It is local in character and is not an extensive tract of land.

103. i) *Harwood Rise Green Space*. This small open green space provides a verdant open area in the residential area. It is in reasonable proximity to the local community. It is demonstrably special to the local community, providing an area of tranquillity. It is local in character and is not an extensive tract of land.

104. j) *Heath End Recreation Ground.* This is a recreation ground that includes children's play equipment. It is in reasonable proximity to the local community. It is demonstrably special to the local community especially for its recreation provision. It is local in character and is not an extensive tract of land.

105. k*) Leased land of East Woodhay Cricket Club.* This cricket club is in reasonable proximity to the local community. It is demonstrably special to the local community, including for its visual amenity and tranquillity and obviously provides recreation, even if this is not for general public use. It is local in character and is not an extensive tract of land. I note that a representative of the Cricket Club has objected to this designation. A LGS does not have to be publicly accessible and can be in private ownership. Whilst the Parish Council contends that the site meets LGS designation requirements, in their comments on the representations, they state that if the owner of the land really does not wish it to be designated as LGS, then it can be removed. This is a matter for the Parish Council, as I have found that it meets the criteria for designation.

106. l) *East End Triangle.* This is a small grassed triangle at the entrance to East End with a war memorial. As such it is demonstrably special to the local community, particularly for its historical value and verdant setting. It is in reasonable proximity to the local community. It is local in character and is not an extensive tract of land.

107. Following a Court of Appeal case with regard to the lawfulness of a LGS policy in a neighbourhood plan: (*Lochailort Investments Limited v. Mendip District Council and Norton St Philip Parish Council*, [2020] EWCA Civ 1259), I consider it necessary to modify Policy CF3 by simply listing the LGS sites. This will ensure that there can be absolutely no doubt regarding the lawfulness of the policy. The restrictions on development with regard to LGS designation will continue to apply through the NPPF. This will ensure that

policies for managing development within a LGS are consistent with those for Green Belts. This ensures that the policy meets the Basic Conditions.

108. Subject to the above modifications, Policy CF3 has regard to national policy, contributes towards sustainable development, particularly the environmental objective, and is in general conformity with strategic policy. Modified Policy CF3 meets the Basic Conditions.

109. **Recommendation: to meet the Basic Conditions I recommend:**

1) modification to Policy CF3 to read as follows:

Policy CF3: Local Green Spaces

The following areas identified on Maps XXXX are designated as Local Green Spaces:

a) Parish Field including Brownies Corner

b) Woolton Hill Recreation Ground

c) St Thomas' Churchyard

d) St Martin's Churchyard

e) Woolton Hill Junior School playing fields

f) St Martin's CoE School playing field

g) Meadowbrook Community Land and 'Kickabout' area

h) Meadowbrook Strip by Tile Barn Row

i) Harwood Rise Green Space

j) Heath End Recreation Ground

k) Leased land of East Woodhay Cricket Club

l) East End Triangle.

2) modification to the numbering on the location maps on pages 50-57 to correspond to the lettering in Policy CF3 and identification of the correct location of Woolton Hill Junior School playing fields on Map 20.

Policy HE1: Conservation Area and its Setting

110. The Planning (Listed Buildings and Conservation Areas) Act 1990 imposes duties requiring special regard to be had to the desirability: firstly at Section 16(2), of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses; and secondly, at Section

72(1), of preserving or enhancing the character or appearance of a Conservation Area.

111. The NPPF advises at paragraph 199 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. At paragraph 203, a balanced judgement will be required when determining applications that directly or indirectly affect non-designated heritage assets, having regard to the scale of any harm or loss and the significance of the heritage asset.

112. BDLP Policy EM11 seeks to ensure that all development conserves or enhances the quality of the borough's heritage assets in a manner appropriate to their significance.

113. The above policies are relevant to Policies HE1 and HE2.

114. Policy HE1 is concerned with development within and adjacent to the two Conservation Areas. To have regard to national policy, the second sentence and criterion d) should refer to conserving or enhancing the historic character or rural character. I have suggested grammatical modifications to the first sentence and in the interest of precision, I suggest that the documents referred to in this policy are given their full titles.

115. As the Village Design Statement is guidance, criterion e) should refer to having regard to the guidance in this Statement.

116. BDBC has suggested revision to the wording of paragraph 9.16. In the interest of clarity, I agree with this modification.

117. Subject to the above modifications, Policy HE1 has regard to national policy, contributes towards sustainable development, and is in general conformity with strategic policy. Modified Policy HE1 meets the Basic Conditions.

118. The last sentence on Paragraph 9.1 should state: When determining planning applications which could affect Conservation Areas, decision takers (such as BDBC, the Planning Inspectorate or Secretary of State), have a duty to pay special attention to the desirability of preserving or enhancing the character ***or*** appearance of the Conservation Area(s). **I see this as a minor editing matter.**

119. **Recommendation: to meet the Basic Conditions I recommend:**

1) modification to Policy HE1 to read as follows:

Policy HE1: Conservation Area and its Setting

Development proposals which are within or affect the settings of the East End and North End Conservation Areas must have regard to the BDBC Conservation Area Appraisal East End and North End (April 2004) for those areas. In particular, they must demonstrate how they conserve or enhance the historic character of these hamlets, including

preserving those elements identified as contributing positively to the character or appearance of those areas.

Development proposals which are within or affect the settings of the East End and North End Conservation Areas will only be permitted where they:

a) Ensure that extensions and/or alterations are subordinate in scale and reflective of or sympathetic to the proportions of the host building. They must also respect the historic form, design, setting, fabric, materials and any other aspects that contribute to the significance of the host building.

b) Demonstrate a thorough understanding of the significance, character and setting of the Conservation Area in question and how this has informed proposals to achieve high quality design, which is respectful of historic interest and character.

c) Retain the significance and character of historic buildings when considering alternative uses and make sensitive use of redundant historic assets, without the need to substantially rebuild the heritage asset.

d) Conserve or enhance the rural character of these areas by ensuring that vehicular access, hard landscaping and boundary treatments are not urban in appearance.

e) Have regard to the design guidance set out in The Parish of East Woodhay Village Design Statement For Woolton Hill and the Hamlets (2005), for developments within and visually linked to the Conservation Areas. Guidance should also be taken from the AONB documents: Dark Skies of the North Wessex Downs - A Guide to Good External Lighting (2021) and North Wessex Downs Area of Outstanding Natural Beauty Guidance on the Selection and Use of Colour in Development (September 2020).

2) modification to the first two sentences in paragraph 9.16 to read as follows:

Heritage Assets are non-renewable resources that are intrinsic to character and sense of place. As well as Conservation Areas and Scheduled Monuments, other Designated Heritage Assets are: Listed Buildings and Historic Parks and Gardens. Non-designated heritage assets can be identified during the course of a planning application and this includes archaeology, other non-designated heritage assets include 'The Local List' and Notable Structures within the conservation areas.

Policy HE2: Protecting and Enhancing Local Built Heritage Assets

120. Policy HE2 seeks to protect and enhance Heritage Assets. BDBC has recommended modifications to this policy, predominately to ensure that it has regard to national policy. I consider such modifications to be similarly necessary. I have primarily used the suggested wording provided by BDBC.

121. BDBC has suggested modifications to the supporting text in paragraph 9.20. In the interest of precision, these modifications should be made to this paragraph.

122. Subject to the above modifications, Policy HE2 has regard to national policy, contributes towards sustainable development, and is in general conformity with strategic policy. Modified Policy HE2 meets the Basic Conditions.

123. **Recommendation: to meet the Basic Conditions I recommend:**

1) modification to Policy HE2 to read as follows:

Policy HE2: Protecting or Enhancing Local Built Heritage Assets

Proposals that will contribute to the sustainable conservation of a heritage asset, including the protection of their significance, whether it is the contribution made by their physical fabric, their viable use or their position within their setting will be supported.

All development proposals, to or within the setting of a Heritage Asset, should demonstrate a good understanding of the significance of that Heritage Asset and should not harm that significance.

Any proposals which impact the significance of a Heritage Asset on the Local List must conform to BDBC's Local Plan Policy EM11 (The Historic Environment) and the principles laid out in the Heritage SPD (March 2019)

If a planning proposal affects designated or non-designated Heritage Assets, or the setting of such a Heritage Asset, it will not be permitted unless it can demonstrate:

a) A thorough understanding of the significance of the Heritage Asset and its setting.

b) How this understanding has informed the proposed development.

c) That the significance and viable future use of the Heritage Asset will not suffer any detriment.

d) That no harm will result to all or part of the physical fabric of the Heritage Asset.

e) Measures proportionate to the importance of the Heritage Asset and the potential impact of the proposal have been taken to avoid or minimise any harm.

f) Where harm is unavoidable, proposals must clearly demonstrate that any residual harm to a designated Heritage Asset is justified on the basis of public benefit that could not otherwise be delivered.

2) modification to paragraph 9.20 to read as follows:

There are a number of non-designated Heritage Assets of historic and architectural merit across the Parish. These include those which have been formally placed on the Local List and others which may be worthy of local listing but not yet identified. These may be identified during the course of a planning application. Some of these structures are included in The Local List. Other structures have been identified as Notable Structures within conservation areas. This is intended to recognise these buildings so they can be properly considered when development proposals are submitted to BDBC. The present Parish Local List of 35 buildings includes houses, bridges and finger posts which have not been deemed eligible for Grade Listing but are nonetheless locally important and distinctive.

Policy HO1: Good Quality Design

124. Paragraph 126 in the NPPF states: *The creation of high quality, beautiful and sustainable 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.*

125. Paragraph 127 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 planning groups can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development, both through their own plans and by engaging in the production of design policy, guidance and codes by local planning authorities and developers.*

126. BDLP Policy EM1 requires development proposals to demonstrate that they are sympathetic to the character and visual quality of the area concerned.

127. The above policies are relevant to Policies HO1, HO2, HO5 and HO6.

128. BDLP Policy EM9 requires new homes to meet a water efficiency standard of 110 litres or less per person per day, with any new standards taking precedence. BDLP Policy EM10 seeks high quality development.

129. Policy HO1 is a general design policy. As mentioned previously, the full titles of guidance documents should be included in a policy. Criterion d) refers to the retention, where possible, of attractive views into, through and from the site. Key Views are already identified in Policy NE2. Most development is likely to block views to some extent. I am concerned that such a requirement could prevent sustainable development. Therefore, I recommend deletion of this requirement.

130. Criterion g) refers to the need for Design and Access Statements or other written statements. BDBC already has a list of documents required to be submitted with a planning application, either as national or local requirements. 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 a policy imposing these requirements to relate to all applications and none has been presented to me. Thus, I recommend deletion of criterion g).

131. Criterion h) refers to water efficiency standards already outlined in BDLP Policy EM9. Usually, the neighbourhood plan policy should provide an additional level or layer of detail to the local planning authority's policies. The suggested criterion does not do this. It simply reiterates the requirement in BDLP Policy EM9 and thus should be deleted. For the same reason, the last sentence in paragraph 10.20 should be modified to refer to BDLP Policy EM9.

132. Paragraphs 10.15 and 10.16 refers to compliance or following guidance. In the interest of precision, these should be reworded to emphasise that regard should be had to guidance. Paragraph 10.18 goes beyond the policy requirements of Policy HO1. In the interest of precision and to avoid internal conflict within the Plan, paragraph 10.18 should be deleted.

133. Subject to the above modifications, Policy HO1 has regard to national policy, contributes towards sustainable development, and is in general conformity with strategic policy. Modified Policy HO1 meets the Basic Conditions.

134. **Recommendation: to meet the Basic Conditions I recommend:**

1) modification to Policy HO1 to read as follows:

HO1: Good Quality Design

Planning applications must respect the rural character of the area and will be permitted where they:

a) Have regard to guidance in The Parish of East Woodhay Village Design Statement For Woolton Hill and the Hamlets (2005), North Wessex Downs Area of Outstanding Natural Beauty Guidance on the Selection and Use of Colour in Development (September 2020) and Dark Skies of the North Wessex Downs - A Guide to Good External Lighting (2021).

b) Achieve high quality design that respects locally distinctive patterns of development in respect of pattern, context, scale, density, form, orientation, appearance and materials used. All these must be consistent with or complimentary to the locally distinctive character of the area.

c) Include the protection of trees and vegetation that are important to the character of the area. They should also take whatever opportunities are available to provide additional planting in suitable positions.

d) Preserve or enhance the character of an area, by ensuring that vehicular access, car parking, bin and bicycle storage and hard landscaping is no more extensive than necessary. It should not dominate or 'urbanise' the appearance of the area.

e) Ensure boundary treatments are traditional in nature. Hedgerows, groups of trees or shrubs and low walls should be used, as they will soften the appearance of buildings and hard landscaping, enhancing the rural feel of the area.

New and improved utility infrastructure will be encouraged and supported in order to meet the needs of the community and support sustainable development.

2) modification to the last sentence in paragraph 10.20 to refer to BDLP Policy EM9.

3) modification to paragraphs 10.15 and 10.16 to emphasise that regard should be had to guidance.

4) deletion of paragraph 10.18.

Policy HO2: Settlement Policy Boundary and Building in the Countryside

135. Paragraphs 78 - 80 in the NPPF promote sustainable development in rural areas by locating housing where it will enhance or maintain the vitality of rural communities. Section 6 in the NPPF explains that planning policies should encourage sustainable economic growth.

136. BDLP Policy SS1 seeks to permit development within all defined Settlement Policy Boundaries, which contribute to social, economic and environmental well-being. It states that all land outside these boundaries is countryside.

137. 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.

138. BDLP Policy EM1 resists development unless it maintains the integrity of existing settlements and prevents their coalescence.

139. BDLP Policy SS5 supports the identification of housing sites through Neighbourhood Plans. Woolton Hill lies within a group of 13 settlements 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.*

140. Policy HO2 directs development to within the Settlement Policy Boundary (SPB) for Woolton Hill and restricts development in the countryside. In addition, it makes reference to nutrient neutrality requirements for that area of the Parish within the River Test catchment area in accordance with the HRA.

141. Map 23 identifies an extension to the SPB to include the Meadowbrook development. This is a logical extension to the SPB. As paragraph 10.25 proposes that this modification is included within a new SPB, Map 23 should refer in the key to the previous SPB and explain that the current SPB includes the addition. Map 24 should include the new SPB. In the interest of precision, the Map 23 identifying the SPB should be referred to in Policy HO2.

142. BDBC has suggested that Map 23 is updated to include the Meadowbrook development layout. This would be a useful addition. **I see this as a minor editing matter.**

143. Policy HO2 permits development within the SPD where it complies with design policies. However, it is necessary for all relevant policies to be considered. I suggest that this is reworded to permit development that

contributes to social, economic and environmental well-being. This would be in general conformity with BDLP Policy SS1 where it seeks to permit development within all defined Settlement Policy Boundaries, which contributes to social, economic and environmental well-being.

144. Criterion d) in Policy HO2 refers to development in the countryside not resulting in the SPB being joined to any neighbouring area, nor loss of green space between settlements within the Parish, between the Parish and any neighbouring Parish, or between the Parish and Newbury. Firstly, this Plan cannot control development in adjoining parishes. Secondly, if there are important areas of green space between settlements, they should have been identified and their retention justified. Criterion d) is not a precise policy requirement for the control of development and use of land. Therefore, I recommend deletion of this criterion and modification to accompanying text.

145. Control of development within the countryside is already outlined in criteria a) - c). In particular, criterion a) in Policy HO2 seeks to ensure that there is no visual intrusion into open land that contributes to the form and character of the Parish. I recognise that the form and character of the Parish includes a dispersed settlement pattern within a countryside setting. Criterion a) together with existing BDLP Policy EM1 are sufficient to ensure that harmful coalescence between settlements is avoided.

146. The Plan does not allocate sites for development. Instead, it sets out policy requirements for the design, mix and size of dwellings. Representations have been made regarding sites being promoted for development in the area. BDBC has confirmed that the Parish housing requirements of BDLP Policy SS5 up to 2029 has been met. As of April 2021, 65 dwellings that meet the requirements of Policy SS5 have been granted planning permission and these are all completed. These are primarily on the Paddock End and Harwood Paddock (Meadowbrook) developments. As such, it is not necessary for the Plan to allocate sites for further housing in order for the Plan to meet the Basic Conditions. Policy HO2, as amended, would allow development that contributes towards sustainable development.

147. Subject to the above suggested modifications, Policy HO2 has regard to national policy, contributes towards sustainable development, and is in general conformity with strategic policy. Modified Policy HO2 meets the Basic Conditions.

148. **Recommendation: to meet the Basic Conditions I recommend:**

1) deletion of the second sentence in paragraph 10.27

2) modification to paragraph 10.28 to read as follows:

It is important to the Parish that we preserve the open nature of the countryside, preventing the coalescence of settlements and

maintaining their separate identities. When travelling through or out from the Parish (by all modes of transport), there should be a clear sense of having left the first settlement, travelled through open countryside before reaching the second settlement.

3) modification to Maps 23 and 24 to clearly show that the existing SPB includes the Meadowbrook area.

4) modification to Policy HO2 to read as follows:

Policy HO2: Settlement Policy Boundary and Building in the Countryside

The Settlement Policy Boundary for Woolton Hill is defined on Map 23.

Proposals for development and redevelopment within the Settlement Policy Boundary of Woolton Hill which contribute to social, economic and environmental well-being will be permitted.

Proposals for development and redevelopment outside the Settlement Policy Boundary of Woolton Hill, including Rural Exception Sites will only be permitted if:

a) They do not result in significant and adverse effects on landscape character or cause visual intrusion into open land that contributes to defining the form and character of the Parish.

b) They are consistent with the Local Plan policies SS6 (New Housing in the Countryside), CN2 (Rural Exceptions for Affordable Housing), EP4 (Rural Economy). They must also be consistent with the North Wessex Downs AONB Management Plan 2019-2024.

c) They are in a suitable location for their purpose in terms of access to facilities, services and public transport.

In the area of the parish that is part of the River Test catchment (see Map 24) new dwellings and development resulting in a net increase in population (including student accommodation and tourist attractions and accommodation) served by a wastewater system that will discharge into the River Test will be required to demonstrate nutrient neutrality in accordance with the latest Natural England guidance.

Policy HO3: Housing Provision for Older People

149. Paragraph 60 in the NPPF states that the needs of groups with specific housing requirements need to be addressed, to support the Government's objective of significantly boosting the supply of homes.

150. Within the context of significantly boosting the supply of homes and determining the minimum number of homes needed at a strategic level, paragraph 62 in the NPPF explains that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. This is relevant to both Policies HO3 and HO4.

151. BDLP Policy CN4 supports the provision of housing specifically designed for older people and BDLP Policy CN7 supports the provision of facilities, including nursing and residential care homes, subject to satisfying criteria.

152. Policy HO3 supports the provision of specialist housing for older people if there is a proven need. Paragraph 10.34 recognises that both care homes within the Parish are heavily subscribed. Policy HO3 has regard to national policy where it seeks to ensure that the accommodation needs of older people are addressed. It contributes towards the social objective of sustainable development by seeking to ensure that homes are provided to meet the needs of the community. In addition, it is in general conformity with strategic policy, particularly BDLP Policies CN4 and CN7. Policy HO3 meets the Basic Conditions.

Policy HO4: Housing Mix – Provision of Smaller Homes

153. BDLP Policy CN3 seeks a housing mix for market housing.

154. Policy HO4 seeks the provision of at least 50% of market housing on a site to be 1,2 and 3 bedrooms. Cleary a site of only one dwelling cannot provide all three types of accommodation. In the interest of precision, the policy requirement should state a requirement of 1,2 *or* 3 bedrooms.

155. BDBC supports the 50% requirement as modified above. Justification for this approach is explained in the accompanying text to Policy HO4, with reference to *BDBC Housing Supplementary Planning Document (July 2018)*. In the interest of precision, Policy HO4 should refer to the full title of this document.

156. Subject to the above modifications, Policy HO4 has regard to national policy, contributes towards sustainable development, and is in general conformity with strategic policy. Modified Policy HO4 meets the Basic Conditions.

157. **Recommendation: to meet the Basic Conditions I recommend modification to Policy HO4 to read as follows:**

Policy HO4: Housing Mix – Provision of Smaller Homes

In any new residential development, there should be a varied mix of house types, of which at least 50% of market dwellings must be 1, 2 or 3 bedrooms. Planning applications for 2 or more net new dwellings should set out and justify the housing mix in line with the Basingstoke and Deane Housing Supplementary Planning Document (July 2018), Section 3.3.

Policy HO5: Housing Replacements, Extensions, Residential Garden Land and Annexes

158. NPPF paragraph 124 refers to the desirability of maintaining the prevailing character and setting of an area, with regard to development proposals making an efficient use of land. Paragraph 130 requires new development to be sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).

159. BDLP Policy EM1 requires development proposals to respect, enhance and not be detrimental to the character or visual amenity of the landscape likely to be affected.

160. The above policies are relevant to both Policy HO5 and HO6.

161. BDLP Policy SS6 is concerned with new housing in the countryside and seeks to ensure that extensions and replacement dwellings are appropriate to the plot and not visually intrusive in the landscape.

162. Policy HO5 is divided into three parts regarding criteria for replacement or extensions to dwellings, ancillary annexes and residential garden land. The first sentence refers to where development 'will likely be permitted'. In the interest of precision, this should simply refer to where development 'will be permitted'.

163. In the interest of precision, the section regarding residential garden land should refer to the sub-division of plots and include reference to ensuring regard is made to prevailing plot characteristics. I have suggested revised wording. Criterion f) in this section considers biodiversity. The Plan should be read as a whole and Policy NE4 is a detailed policy regarding biodiversity. Therefore, criterion f) should be deleted.

164. Subject to the above modifications, Policy HO5 has regard to national policy, contributes towards sustainable development, and is in general conformity with strategic policy. Modified Policy HO5 meets the Basic Conditions.

165. **Recommendation: to meet the Basic Conditions I recommend modification to Policy HO5 to read as follows:**

Policy HO5: Housing Replacements, Extensions, Residential Garden Land and Annexes

The replacement or extension of a 'dwelling' will be permitted in the Settlement Policy Boundary and countryside provided that:

a) It would not result in a disproportionate increase in size over the existing dwelling.

b) It is sympathetic to the appearance and character of the existing dwelling and the surrounding area.

c) It would not harm the amenities enjoyed by the occupiers of neighbouring properties by reason of overlooking or overshadowing.

d) It does not lead to the loss of attractive features on or adjoining the site such as trees, hedges, walls or buildings that contribute to the character of the locality.

Ancillary annexe accommodation - where an extension is to provide for a residential annexe, it should accord with the above criteria and:

a) Not be capable of being made into a separate dwelling.

b) In most cases, be linked internally to the principal dwelling and be designed in such a way as to easily enable the annexe to be used as an integral part of the main dwelling at a later date. A separate external entrance to the annexe may be acceptable provided it is subsidiary to the entrance to the principal dwelling.

c) Have no boundary demarcation or sub-division of garden areas between the curtilage of the principal dwelling and the annexe.

Development proposals for the sub-division of residential plots will be supported provided that:

a) They have regard to the prevailing plot characteristics in the surrounding area.

b) They maintain the prevailing character and appearance of buildings in their immediate locality.

c) They reflect the scale, mass, materials, design and layout of existing residential dwellings.

d) They safeguard the amenities of adjacent residential dwellings and their curtilages.

e) They provide off-street parking to Development Plan standards.

f) They have appropriate and safe access to the highway network.

Policy HO6 Garages and Other Incidental Buildings

166. Policy HO6 seeks to ensure that where planning permission is required for garages and incidental buildings, they are in keeping with the area and are only incidental to residential use. This has regard to national policy, particularly where it seeks to ensure that such development does not detract from the rural character or appearance of the locality, contributes towards sustainable development, and is in general conformity with strategic policy. Policy HO6 meets the Basic Conditions.

167. Below Policy HO6 is a non - policy section regarding affordable housing. The second sentence in paragraph 10.60 refers to affordable housing being required to be provided on-site. This is not the requirement of BDLP Policy CN1, which allows some off site contributions. Therefore, in the interest of precision, I recommend deletion of the second sentence in paragraph 10.60.

168. It was brought to my attention by BDBC at the fact checking stage that paragraph 10.61 has been overtaken by recent events, as the Council was challenged on seeking affordable housing on all developments providing net new dwellings in the AONB. As a result of this, BDBC has returned to the higher thresholds as set out in the Housing SPD. Therefore, in the interest of precision, I recommend deletion of this paragraph.

169. **Recommendation: to meet the Basic Conditions I recommend the deletion of the second sentence in paragraph10.60 and the deletion of paragraph 10.61.**

Policy LB1: Supporting Local Employment and Businesses

170. *The NPPF supports a prosperous rural economy. Paragraph 84 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.

171. BDLP Policy EP4 supports the rural economy and lists criteria for economic uses in the countryside. These include that all development proposals must be well designed and of a use and scale that is appropriate to the site and location.

172. Policy LB1 supports local employment and businesses. Policy LB1 lists criteria for the reuse or conversion of permanent agricultural or other rural buildings and development of new buildings in the countryside for business purposes. A number of the criteria are taken from BDLP Policy EP4.

173. Policy LB1 has regard to national policy, particularly where it seeks a prosperous rural economy, contributes towards sustainable development, particularly the economic objective and is in general conformity with strategic policy. Policy LB1 meets the Basic Conditions.

Policy TT1: The Traffic and Parking Impact of New Development

174. Paragraph 111 in the NPPF states: *development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*

175. BDLP Policy CN9 seeks to promote a safe, efficient and convenient transport system. Measures include the provision of appropriate parking provision in accordance with adopted parking standards. BDLP Policy EM10 seeks appropriate parking provision to achieve a high-quality development, in accordance with adopted parking standards.

176. In *BDBC Parking Supplementary Planning Document (July 2018)* the residential parking standards seek to strike a balance between providing sufficient on-site parking to meet residents' needs, environmental sustainability and good design. Some on-street parking can be allowed in certain circumstances.

177. Policy TT1 seeks to ensure that new development provides safe sustainable transport and off-street parking. During my visit to the Parish, I was able to experience for myself the challenges of the narrow rural road network. Nevertheless, there may be circumstances, particularly if development includes new road configurations, where on - street parking may be appropriate. Therefore, to be in general conformity with strategic policy, Policy TT1 should allow for such circumstances. I have suggested revised wording.

178. NPPF paragraph 113 states: *all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.* BDLP Policy CN9 includes similar requirements.

179. Criterion a) in Policy TT1 requires an assessment of traffic generation and impact for all development in the countryside. The definition of development in planning policy encompasses a wide range, including change of use and there may be many instances where small scale development would have no adverse impact on highway safety. The requirement in Policy TT1 does not have regard to national policy and is not in general conformity with strategic policy. Therefore, I recommend the deletion of criterion a) in Policy TT1 and the reference to the provision of a parking statement in supporting text in paragraph 12.12.

180. Subject to the above modifications, Policy TT1 has regard to national policy, contributes towards sustainable development, and is in general conformity with strategic policy. Modified Policy TT1 meets the Basic Conditions.

181. **Recommendation: to meet the Basic Conditions I recommend**

1) modification to Policy TT1 to read as follows:

Policy TT1: The Traffic and Parking Impact of New Development

New developments, both residential and non-residential should:

a) Address opportunities to provide safe, sustainable transport and identify how it can link up with existing or proposed footpaths, enabling a reduction in car usage.

b) Provide appropriate parking, designed to fit with the character of the area and the design of the dwelling it serves. The parking design should be in accordance with Local Plan Policies CN9 and EM10.

2) deletion of reference to the provision of a parking statement in paragraph 12.12.

Referendum and the East Woodhay Neighbourhood Plan Area

182. 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.

183. **I am pleased to recommend that the East Woodhay Neighbourhood Plan 2022-2029 as modified by my recommendations should proceed to Referendum.**

184. I am required to consider whether or not the Referendum Area should extend beyond the East Woodhay Neighbourhood Plan Area. I see no reason to alter or extend the Neighbourhood Plan Area for the purpose of holding a referendum.

Minor Modifications

185. 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 drafting of the Plan on page 12 will need updating.

Janet Cheesley **Date** 7 October 2022

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)
The Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018
North Wessex Downs Area of Outstanding Natural Beauty Management Plan 2019-2024
Basingstoke and Deane Landscape Character Assessment (May 2021)
North Wessex Downs Area of Outstanding Natural Beauty Guidance on the Selection and Use of Colour in development (September 2020).
Dark Skies of the North Wessex Downs – A Guide to Good External Lighting (2021).
BDBC Landscape, Biodiversity and Trees SPD (December 2018)
BDBC Conservation Area Appraisal East End and North End (April 2004)
BDBC Local List of Buildings of Architectural or Historic Interest East Woodhay (First adopted: 08 May 2009 Last updated: 01 December 2009)
The Parish of East Woodhay Village Design Statement For Woolton Hill and the Hamlets (2005)
BDBC Housing Supplementary Planning Document (July 2018).
BDBC Parking Supplementary Planning Document (July 2018)
Two sets of Regulation 16 Representations
Examination Correspondence (On the BDBC web site)