Burghclere Parish Neighbourhood Plan 2011 – 2029
As Modified December 2022

Report by Independent Examiner to Basingstoke and Deane Borough Council

Janet L Cheesley BA (Hons) DipTP MRTPI

CHEC Planning Ltd

27 March 2023

Contents Page

Executive Summary and Conclusion 4

Introduction 5

Legislative Background 5

EU Obligations, Strategic Environmental Assessment (SEA) and Habitat Regulation Assessment (HRA) 8

Policy Background 10

The Neighbourhood Plan Preparation 11

The Modified Burghclere Parish Neighbourhood Plan 12

Policy B1 Burghclere Settlement Boundary 13

Policy B2 Land off Harts Lane / Winchester Road 14

Policy B3 Residential Garden Land Development 17

Policy B4 Housing mix, Tenure and Provision of Smaller Homes 19

Policy B5 The Burghclere Design Code 20

Policy B6 Net Zero Carbon Buildings 21

Policy B7 Local Heritage Assets 23

Policy B8 Valued Local Landscape 24

Policy B9 Important Views 26

Policy B10 Green Infrastructure and Nature Recovery 26

Policy B11 Local Green Spaces 28

Policy B12 Community Facilities 29

Policy B13 Tourism 30

Policy B14 Car Parking 30

Conclusion 30

Appendix 1 Background Documents 32

Executive Summary and Conclusion

1. The Burghclere Parish Neighbourhood Plan, as modified in December 2022 has a clear vision supported by 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.*

3. Policy B2 retains the allocation in the made Plan for at least 15 dwellings together with a rural business hub on land at Harts Lane/ Winchester Road. Based on a settlement study as evidence base, Basingstoke and Deane Borough Council has stated that in terms of an indicative housing figure the Plan does not need to make provision for any additional housing over and above the 15 units which have already been allocated in the made Plan.

4. I have recommended modification to some of the policies in the Plan as modified in December 2022, particularly with regard to the status of the Burghclere Design Code and with regard to net zero carbon buildings. My reasons with regard to all suggested modifications are set out in detail below. None of these significantly or substantially alters the intention or nature of the Plan as modified in December 2022.

5. I have reached the conclusion that the modification in December 2022 of the existing made Plan is material but is not so significant or substantial as to change the nature of the existing made Plan. This is primarily because the additional Burghclere Design Code builds on Policy B5 and that the Plan as modified in December 2022 does not allocate any new sites for development.

6. **Whilst I have set out my reasoning under individual policies, my overall conclusion is that, subject to my recommendations, the Plan as modified in December 2022 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 as modified in December 2022 will provide a strong practical framework against which decisions on development can be made. Therefore, I recommend that BDBC makes the Plan with the recommended modifications specified in this report.**

7. As the material modifications do not change the nature of the existing made Plan, and subject to my recommended modifications being accepted, a referendum is not required.

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 Burghclere Parish Neighbourhood Plan 2011 – 2029 was made on 27 May 2021. I had the pleasure of examining that Plan in 2020.

10. The qualifying body is Burghclere Parish Council. The Burghclere Parish Neighbourhood Plan 2011 - 2029 (as modified December 2022) has been prepared by the Neighbourhood Plan Steering Group on behalf of the Parish Council. The Plan covers the period 2011- 2029.

11. I was appointed as an independent Examiner for the Burghclere Parish Neighbourhood Plan 2011 - 2029 (as modified December 2022) in January 2023. 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 the examination, I have visited the Plan area.

Legislative Background

12. Local communities with made neighbourhood plans can modify their plans at any time, although they are not required to do so. The nature of any proposed modifications will affect the process that the neighbourhood plan will need to go through when being reviewed.

13. The Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2017 makes provision for the modification of neighbourhood plans.

14. National Planning Practice Guidance *(*PPG) Paragraph 106 (Reference ID: 41-106-20190509) explains that there are three types of modification which can be made to a neighbourhood plan and that the process will depend on the degree of change which the modification involves. These are as follows:

- Minor (non-material) modifications to a neighbourhood plan are those which would not materially affect the policies in the plan.

- Material modifications which do not change the nature of the plan would require examination but not a referendum.

- Material modifications which are so significant or substantial as to change the nature of the plan which the modification proposal would modify.

15. The qualifying body and local authority need to state whether they believe the modifications are so significant or substantial as to change the nature of the plan and provide the reasons why. (PPG Paragraph 085 Reference ID: 41-085-20180222).

16. Where material modifications do change the nature of the plan, the local planning authority would publicise and consider the examiner's report in line with the procedure for making a new neighbourhood plan. A decision may be made whether to proceed to referendum so that, if the referendum is successful, the neighbourhood plan becomes part of the development plan. (PPG 085a Reference ID: 41-085a-20180222).

17. Where material modifications do not change the nature of the plan (and the examiner finds that the proposal meets the basic conditions, (or would with further modifications) a referendum is not required. (PPG 085a Reference ID: 41-085a-20180222).

18. Whether modifications change the nature of the plan is a decision for the independent examiner. The examiner will consider the nature of the existing plan, alongside representations and the statements on the matter made by the qualifying body and the local planning authority. (PPG Paragraph: 086 Reference ID: 41-086-20190509).

19. In a Modification Proposal Statement, the Parish Council as Qualifying Body concludes that the modification of the plan is not so significant or substantial as to change the nature of the plan.

20. There were four main reasons to modify the plan. Firstly, to aid implementation of some policies; secondly to reflect the latest NPPF, thirdly to respond to climate change and ecological emergency; and fourthly to have an up to date plan with regard to paragraph 14 in the NPPF and housing provision.

21. BDBC has made the following determination in accordance with Regulation 17(e)(ii) of the Neighbourhood Planning (General) Regulations 2012 (as amended): *The Local Planning Authority is of the view that the proposals would materially affect the policies in the plan but would not change its nature. The reasons for this are:*

    1. The modifications go beyond correcting errors, suggesting it is more than a minor (non material) modification;

    2. The modified plan includes the addition of a design code which builds on policy B5. This is not considered so significant or substantial to change the nature of the plan but goes beyond a minor modification;

    3. The plan does not involve allocating any new sites for development. The current allocation is carried forward from the made plan and thus no changes

are being introduced which would be considered to change the nature of the plan.

Therefore, in summary, the LPA considers that the neighbourhood plan should be subject to an independent examination but not a referendum.

22. I am required to determine whether the modifications change the nature of the existing made Plan. I have taken into consideration the nature of the existing made Plan, alongside representations and the statements on the matters made by the qualifying body and the local planning authority. I have reached the conclusion that the modification of the existing made Plan is material but is not so significant or substantial as to change the nature of the Plan. This is primarily because the additional Design Code builds on Policy B5 and that the modified Plan does not allocate any new sites for development. I informed the Parish Council of my conclusion. The Parish Council confirmed that it wished to proceed with the examination.

23. 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.

24. 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.

25. *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)."

26. 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.

27. 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)

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).

29. Aecom prepared the *Sustainability Appraisal (SA) for the Burghclere Neighbourhood Plan (November 2019)* as part of the preparation of the existing made Plan.

30. BDBC prepared the *Neighbourhood Planning Screening Report – Updated Burghclere Plan Strategic Environmental Impact Assessment and Habitats Regulations Assessment Final version after consideration by consultation bodies* in October 2022.

31. This report considers whether the proposed modifications to the existing made Plan would require SEA or HRA. As regards SEA it concludes that given the nature of the proposed amendments an SEA is required. The reasons are as follows: *The adopted neighbourhood plan was supported by a Strategic Environmental Assessment. The screening report (November 2018) highlighted the scale of development proposed and highlighted that there were 'significant sensitive natural and heritage assets in the Parish that needed to be given consideration'. It was considered that 'impacts upon biodiversity, landscape and heritage could be considerable and widespread' and that those impacts had not already been considered and dealt with through the Sustainability Appraisal of the adopted Local Plan. It is considered that these considerations remain relevant, and that as the updated neighbourhood plan would retain the site allocation (that has not yet been developed), an SEA should still accompany the updated neighbourhood plan.*

32. BDBC sent the *Burghclere Neighbourhood Plan Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) Screening Opinion* to the Parish Council in October 2022 confirming the above.

33. Natural England considered that there were unlikely to be significant environmental effects from the proposed modified Plan.

34. The Parish Council published the *Burghclere Parish Neighbourhood Plan Modification Proposal 2011 – 2029 Sustainability Appraisal Addendum (incorporating a Strategic Environmental Assessment)* in December 2022. This is an addendum to the SA (November 2019). The Addendum provides an assessment of the modifications to existing policies, and it considers reasonable alternatives. The Addendum concludes: *the Modification Proposal contributes to the achievement of sustainable development when considered against its reasonable policy alternatives and does not have the potential for significant negative effects.*

35. I am satisfied that the SA and Addendum have been produced in accordance with the obligations. In particular, they outline 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 they have 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.

36. As regards Habitat Regulation Assessment, the *Neighbourhood Planning Screening Report – Updated Burghclere Plan Strategic Environmental Impact Assessment and Habitats Regulations Assessment Final version after consideration by consultation bodies* (October 2022) and Screening Opinion (October 2022) concluded that the updated Plan would not need to

be subject to an HRA. There are unlikely to be significant effects on European sites. Natural England concurred that no HRA was needed.

37. Since Burghclere's original neighbourhood plan was made, new habitats considerations have come to light in relation to the impact of residential development in the catchment of the Rivers Test and Itchen, as part of the wider catchment of the Solent. A small part of Burghclere Parish is within the catchment of the River Test. New development would not be permitted in the area unless it can be shown to be nutrient neutral. The modified Plan is not proposing to allocate any development sites within the affected area, and the Plan includes policies to restrict new residential development in the countryside and protect the natural environment.

38. 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).

39. 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

40. 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.

41. The current made Plan was examined against the policies in the NPPF 2019. Even where the original policies have not been modified, it is necessary for the modified Plan, the subject of this examination, to be examined against the new NPPF 2021. For clarification, my examination has considered the entirety of the modified Plan and has not been confined to those parts of the Plan which contain modifications to the made Plan. A helpful document has been prepared showing the differences between the made plan and this submission modification.

42. 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.

43. 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, as modified in December 2022, 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.

44. BDBC is preparing an updated Local Plan. BDBC has undertaken its first non-statutory Issues and Options stage in late 2020. They have also commissioned a number of evidence base documents to support the Local Plan Update. Consultation on a draft Plan has been delayed, primarily to reconsider housing numbers.

The Neighbourhood Plan Preparation

45. 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.

46. The Parish Council took the decision to modify the made Plan in December 2021. The initial consultation process began with various articles published in the 'News from the Villages' magazine during 2022.

47. The Consultation period on the pre-submission draft of the Plan ran from 7 October to 18 November 2022. This was advertised on social media. The documents were published on the Burghclere Parish Council's website. Copies of the Plan were available in the Church of Ascension and Portal Hall. Posters advertised the consultation on Parish noticeboards and an

article was included in the 'News from the Villages' magazine. A public consultation was held in Portal Hall on 9 October 2022.

48. 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 qualifying body ensured that the local community were able to engage in the modification of the Plan. I congratulate them on their efforts.

49. BDBC publicised the submission modified Plan for comment during the publicity period between 9 January and 20 February 2023 in line with Regulation 16 in The Neighbourhood Planning (General) Regulations 2012. A total of 14 responses were received. I am satisfied that all these responses can be assessed without the need for a public hearing.

50. 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 the Regulation 16 representations and they confirmed that they did not wish to make any comments.

The Modified Burghclere Parish Neighbourhood Plan

51. 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.

52. 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.

53. 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).

54. 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.

55. 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.

56. A clear Vision for the Parish has been established and is supported by well - defined objectives.

57. 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

58. 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.

59. 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.

60. 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.

61. The NPPF, at paragraph 134, expresses the importance of well designed development. Where development proposals are not well designed, they should be refused, especially where they *fail to reflect local design policies and government guidance on design, taking into account and local design guidance and supplementary planning documents such as design guides and codes*.

62. Paragraph 129 in the NPPF states that Design Codes should be prepared as part of a plan or as supplementary planning documents, in order to carry weight in decision making. However they are prepared, they are guidance or supplementary to policy.

63. It is clear that the *Burghclere Design Code (December 2022)* is a valuable document to help achieve well designed development. However, as stated in the NPPF above, it is not a policy document. Therefore, in the interest of precision, Policy B1 should refer to the need to have regard to this document, rather than 'accord' with it. I will come back to this matter later under Policy B5. In the interest of precision, the full title and date of the Design Code should be specified where referred to in any of the policies.

64. Policy B1 identifies a Settlement Boundary, within which development should be concentrated. It states that development should be of a 'use that is suited to the village' and be in accordance with other development plan policies. A use suited to the village is not defined in the Plan. In the interest of precision, I suggest this reference is deleted from Policy B1. Development proposals will still have to accord to relevant policies and have regard to the Design Code.

65. Policy B1 makes reference to nutrient neutrality requirements for that area of the Parish in the countryside within the River Test catchment area as considered in the HRA. In the interest of precision, as this has nothing to do with settlement boundaries, the title of Policy B1 should be altered to include reference to building in the countryside.

66. Subject to the above modifications, Policy B1 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Modified Policy B1 meets the Basic Conditions.

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

1) modification to the title of Policy B1 to read as follows:

Burghclere Settlement Boundary (BSB) and Building in the Countryside.

2) modification to the second paragraph in Policy B1 to read as follows:

Proposals for development within the defined settlement boundary will be supported, provided they accord with other relevant policies of the development plan, including this Modified Neighbourhood Plan and provided they have regard to the Burghclere Design Code (December 2022).

Policy B2 Land off Harts Lane / Winchester Road

68. Paragraph 60 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.*

69. 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.*

70. 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.

71. PPG advises: *Housing requirement figures for neighbourhood plan areas are not binding as neighbourhood planning groups are not required to plan for housing. However, there is an expectation that housing requirement figures will be set in strategic policies, or an indicative figure provided on request. Where the figure is set in strategic policies, this figure will not need retesting at examination of the neighbourhood plan. Where it is set as an indicative figure, it will need to be tested at examination. (Extract Paragraph: 104 Reference ID: 41-104-20190509).*

72. Based on a settlement study as evidence base, BDBC stated, in a letter to the Parish Council dated 27 April 2022, that in terms of an indicative housing figure the Plan does not need to make provision for any additional housing over and above the 15 units which have already been allocated in the made Plan.

73. I have been referred to a subsequent BDBC Cabinet meeting where it was decided to delay the update of the Local Plan. One reason with regard to the standard method for calculating housing need was *to continue to carry out work to identify whether there is a sound alternative to the standard method, and work to establish whether the housing requirement should be less than the housing need figure based on constraints within the borough, and in advance of consultation on a draft Plan (Regulation 18*).

74. I am required to test the indicative housing figure proposed by BDBC. In doing so, I have taken into consideration representations on this matter. The Neighbourhood Plan examination process does not require a rigorous examination of district wide housing land requirements. This is the role of the examination of the emerging updated Local Plan. As this update has been delayed and may indeed result in a housing requirement less than the housing need figure, I see no basis for increasing the indicative housing requirement for Burghclere Parish as explained in the letter to the Parish Council dated 27 April 2022.

75. Paragraph 176 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, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

76. Paragraph 177 in the NPPF explains that major development in an Area of Outstanding Natural Beauty (AONB) should be refused other than in exceptional circumstances. Policy B2 retains the allocation of the site off Harts Lane for at least 15 dwellings and employment in the made Plan. This site lies within the North Wessex Downs AONB.

77. From my observations, due to the size of the site and scale of development proposed, I do not consider the proposed development of this site would constitute major development.

78. The starting point for consideration of the allocation of any development site in an AONB 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 AONB. Natural England has made no objection to the allocation of this site.

79. I have attributed great weight to conserving and enhancing the landscape and scenic beauty of the AONB. 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 remain of the view that I held in the previous examination that the proposed development on this site would be limited and would 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. There have been no significant material changes in circumstances to alter this conclusion.

80. Policy B2 lists criteria against which development will be supported. These include adequate recreational space, landscaping, access and design. reference is made to achieving at least a 10% net gain in overall biodiversity.

81. The owner of the site at Harts Lane has confirmed a commitment to delivering the allocation, although has reservations over the combination of the requirement for a single storey B1 flexible workspace together with the requirement for at least a 10% net gain in overall biodiversity.

82. 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. Currently, the BDBC *Achieving Biodiversity Net Gain Interim Guidance for Development* (2021) encourages all planning applications over 0.1ha to demonstrate a measurable net gain for biodiversity of 10% or above.

83. To ensure that regard is had to national policy, particularly the evolving parts of the Environment Act yet to come into force, I have suggested revised wording to Policy B2 vi and paragraph 5.14 to explain that the extent of net gain in biodiversity should be in accordance with national policy.

84. Subject to the above modifications, Policy B2 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Modified Policy B2 meets the Basic Conditions.

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

1) modification to criterion vi in Policy B2 to read as follows:

vi. A biodiversity strategy is prepared, which delivers a 'net gain' in overall biodiversity value on site in accordance with national policy taking into consideration guidance in Achieving Biodiversity Net Gain Basingstoke and Deane Borough Council: Interim Guidance for Development (2021) (or successor document); and a drainage strategy is prepared and agreed with the Lead Local Flood Authority;

2) modification to paragraph 5.14 by the deletion of '10%'

Policy B3 Residential Garden Land Development

86. Paragraph 71 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.*

87. 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.

88. Policy B3 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.

89. As mentioned above under Policy B1, it is necessary to' have regard to' the Design Code. As such I have suggested revised wording for the first sentence on Policy B3 and paragraphs 5.25 and 5.27. As mentioned above under Policy B2, net gain in biodiversity should be in accordance with national policy.

90. BDBC has raised concern that paragraph 5.25 is unclear and has suggested that the policy should apply to all garden development both within and outside the settlement boundary. Policy B3 continues to only relate to residential garden land within the settlement boundary. It is not necessary to extend this to residential garden development elsewhere. Any such proposals would have to have regard to the Burghclere Design Code, as specified in Policy B5. However, I do accept that, in the interest of precision, paragraph 5.25 needs modification. I have suggested revised wording.

91. Subject to the above modifications, Policy B3 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Modified Policy B3 meets the Basic Conditions.

92. There is a strikethrough that needs removing in criterion i.in Policy B3**.** Paragraph 5.26 should alter the first 'their' to 'the'**. I see these as minor editing matters.**

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

1) modification to Policy B3 to read as follows:

Policy B3: Residential Garden Land Development

Where planning permission is required, development proposals on residential garden land within the settlement boundary, as shown on the policies map, should have regard to the provisions of the Burghclere Design Code (December 2022) in terms of plot subdivision, and the following criteria:

i. they maintain, or where possible enhance, the prevailing character and appearance of buildings in their immediate area;

ii. they have due regard to the scale, mass, design and layout of existing residential dwellings in the surrounding area;

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 create a net gain in biodiversity through habitat creation and enhancement are incorporated in accordance with national policy, taking into consideration guidance in Achieving Biodiversity Net Gain Basingstoke and Deane Borough Council: Interim Guidance for Development (2021) (or successor document).

2) modification to paragraph 5.25 to read as follows:

Residential Garden development is regularly raised as an area of concern by local residents and a recent planning decision (21/00288/OUT) in Burghclere have exacerbated this concern. Gardens are an important environment resource and often make a major contribution to local character. The policy continues the approach in the 'made' plan to resist the inappropriate development and subdivision of residential gardens within the settlement boundary. It reflects NPPF paragraph 71 and 124(d) by establishing local criteria that may be applied for applications for the redevelopment of RGL within the Burghclere settlement boundary and for clarity, it requires development proposals to have regard to the Burghclere Design Code to assist the decision maker in applying their planning judgement on applications.

3) modification to the second sentence in paragraph 5.27 to read as follows:

In such situations, an applicant must demonstrate why it would be acceptable to not have regard to the Burghclere Design Code.

Policy B4 Housing, Tenure and Provision of Smaller Homes

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

95. PPG advises: *First Homes are the government's preferred discounted market tenure and should account for at least 25% of all affordable housing units delivered by developers through planning obligations. (Paragraph: 001 Reference ID: 70-001-20210524).*

96. BDBC has adopted an Interim Policy Statement on First Homes (December 2021).

97. Policy B4 seeks a mix of dwellings to address local needs. It has been updated to include reference to the provision of First Homes. Paragraph 5.32 explains that the Plan requires schemes to apply the revised tenure split in the Interim Policy Statement. However, from my reading of Policy B4, this is not made clear in the policy. In the interest of precision, I have suggested additional wording.

98. Policy B4 refers to affordable housing supporting those looking to rent their first home and downsizers. In the interest of precision, I suggest reverting

back to the wording ‘should seek to include a tenure suitable for’ these types of tenure rather than supporting them.

99. Subject to the above modifications, Policy B4 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Modified Policy B4 meets the Basic Conditions.

100. **Recommendation: to meet the Basic Conditions I recommend modification to the last sentence in Policy B4 to read as follows:**

Affordable housing should also seek to include ‘First Homes’, having regard to the BDBC First Homes Interim Policy Statement (December 2021) (or successor document) and should seek to include a tenure suitable for those looking to rent their first home and downsizers.

Policy B5 The Burghclere Design Code

101. 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.*

102. 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.*

103. Paragraphs 128 and 129 in the NPPF refer to Design Codes. They should be prepared consistent with the principles set out in the National Design Guide and National Model Design Code, and which reflect local character and design preferences. They should be prepared as part of a plan or as supplementary planning documents, in order to carry weight in decision making. Paragraph 128 states: *their geographic coverage, level of detail and degree of prescription should be tailored to the circumstances and scale of change in each place and should allow for a suitable degree of flexibility*.

104. BDLP Policy EM1 requires development proposals to demonstrate that they are sympathetic to the character and visual quality of the area concerned. BDLP Policy EM10 seeks the delivery of high quality development.

105. Policy B5 supports development proposals where they are in accordance with the Burghclere Design Code. The Burghclere Design Code appraises the main village settlement of Burghclere, its landscape setting, as well as other areas within the Parish where change is anticipated. It provides a comprehensive area wide character assessment and further detailed assessments of smaller character areas. It includes Key Design Principles to guide development.

106. As mentioned under Policy B1, Policy B5 should refer to the need to have regard to this document, rather than accord with it. In the interest of precision, I have suggested revised wording for Policy B5 and paragraph 5.37.

107. Subject to the above modifications, Policy B5 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Modified Policy B5 meets the Basic Conditions.

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

1) modification to the first sentence in Policy B5 to read as follows:

Development proposals will be supported where they contribute positively to the character and design quality of the local area, having regard to the Burghclere Design Code (December 2022) in Appendix A.

2) modification to the third sentence in paragraph 5.37 to read as follows:

The Code forms an integral part of this Neighbourhood Plan and carries weight in decision making in accordance with NPPF paragraph 129.

Policy B6 Net Zero Carbon Buildings

109. Paragraph 152 in the NPPF explains that the planning system should support the transition to a low carbon future in a changing climate. Paragraph 154 b) states that new development should be planned for in ways that: *can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards.*

110. 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.

111. BDLP Policy EM10 seeks to ensure that new development minimises energy consumption through sustainable approaches to design.

112. Policy B6 seeks to ensure that, where possible, all buildings are 'zero carbon ready'. Policies in a neighbourhood plan can encourage zero carbon homes and high levels of energy efficiency in new development. To have regard to national policy, I recommend that Policy B6 and paragraph 5.39 are modified to 'encourage' zero carbon development. I have suggested revised wording, which includes the deletion of the last two paragraphs in Policy B6 as they refer to additional requirements relating to the performance of new buildings. This ensures that the Policy contributes towards meeting climate change targets, whilst having regard to national policy and ensuring that the Plan contributes towards sustainable development.

113. For the reasons stated above, it is necessary to modify AW ABS12.1 in the Burghclere Design Code which reads: *All development should be 'zero carbon ready' by design to minimise the amount of energy needed to heat and cool buildings through landform, layout, building orientation, massing and landscaping in accordance with Policy B6 of the Modified Burghclere Neighbourhood Plan.* This paragraph should refer to encouraging zero carbon ready development.

114. Subject to the above modifications, Policy B6 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Modified Policy B6 meets the Basic Conditions.

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

1) modification to Policy B6 to read as follows:

Policy B6: Net Zero Carbon Buildings

Where possible, all development is encouraged to be 'zero carbon ready' by design to minimise the amount of energy needed to heat and cool buildings through landform, layout, building orientation, massing and landscaping. Consideration should also be given to resource efficiency at the outset and whether existing buildings can be re-used as part of the scheme to capture their embodied carbon. Rainwater harvesting and/or grey water recycling will also be encouraged.

Non-residential proposals will also 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) modification to the first sentence in paragraph 5.39 to read as follows:

Development proposals are encouraged to address the Government's climate change targets and energy performance at the very initial stages of design.

3) modification to AW ABS12.1 in the Design Code to read as follows: where possible, all development is encouraged to be 'zero carbon ready' by design to minimise the amount of energy needed to heat and cool buildings through landform, layout, building orientation, massing and landscaping in accordance with Policy B6 of the Modified Burghclere Parish Neighbourhood Plan.

Policy B7 Local Heritage Assets

116. 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.

117. 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).

118. 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.

119. Policy B7 retains the identification of 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 no evidence before me to suggest that any of these buildings should no longer be identified as Local Heritage Assets.

120. Policy B7 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Policy B7 meets the Basic Conditions.

Policy B8 Valued Local Landscape

121. 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.

122. 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. This is relevant to Policies B8 and B9.

123. 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.

124. 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.

125. Policy B8 supports development sympathetic to the character and visual amenity of the local landscape, characteristic features and the setting of the village. In doing so, it updates the policy to include reference to the Design Code. There are references in the Design Code to development not being supported in the 'Fingers of the Countryside' or references to where these areas should be protected. These restrictions have not been translated into policy in Policy B8. Therefore, in the interest of precision all references to such restrictions to development in the 'Fingers of the Countryside' should be deleted from the Design Code. These references are on pages 21, 47, 50 and 57 of the Design Code.

126. The title of 'valued local landscape' in Policy B8 could cause confusion, especially as the AONB is a valued landscape, which nationally has the highest status of protection. In the interest of clarity, I suggest that the policy simply refers to 'local landscape'.

127. Policy B8 includes reference to visual connectivity and light pollution. In the interest of precision, I suggest that 'where relevant' is includes in this

section, as there may be a number of proposed small developments that would have no impact on these matters.

128. Paragraph 5.46 refers to requiring design statements, but such statements are not specified in Policy B8. The definition of development in planning policy encompasses a wide range, including change of use and there may be many instances where it would not be reasonable to require such statements. In the interest of precision, I have suggested revised wording for paragraph 5.46.

129. Subject to the above modifications, Policy B8 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Modified Policy B8 meets the Basic Conditions.

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

1) changing the title of Policy B8 to read as follows:

Local Landscape

2) include 'where relevant' at the beginning of the last paragraph in Policy B8.

3) modification to the last sentence in paragraph 5.46 to read as follows:

The policy does not seek to impose a blanket restriction on development around or inside the settlement but requires demonstration, where relevant, that proposals, will not harm this character.

4) modification to the third paragraph on page 21 of the Burghclere Design Code to read as follows: This strong rural character is important to the overall character of the settlement of Burghclere, and it is this landscape setting, or 'Fingers of the Countryside', that provides the village with this strong connection with the countryside which should therefore be recognised.

5) modification to AW SS1.3 on page 47 of the Burghclere Design Code to read as follows: Proposals should acknowledge the Fingers of the Countryside as a valuable countryside AW setting contributing to the tranquillity of rural life and as a haven for wildlife.

6) modification to AW FS8.1 on page 50 of the Burghclere Design Code to read as follows: Proposals should maintain the established village envelope of Burghclere village to protect the village's relationship with the open countryside.

7) modification to BVC HQB4.3 and BVF HQB4.6 on page 57 of the Burghclere Design Code to both read as follows: Proposals should maintain and avoid introducing buildings and extensions which would harm the blending of the village with the landscape setting beyond to maintain the historic envelope of the village settlement.

Policy B9 Important Views

131. Policy B9 identifies and seeks to protect Important Views. I have seen these important views and there have been no significant developments since the identification of these views in the made Plan to undermine their importance.

132. Policy B9 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Policy B9 meets the Basic Conditions.

Policy B10 Green Infrastructure and Nature Recovery

133. Paragraph 179 in the NPPF requires plans to identify, map and safeguard components of local wildlife rich habitats and wider ecological networks to protect and enhance biodiversity. 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*.

134. 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.

135. BDBC *Achieving Biodiversity Net Gain* provides interim guidance for development. It encourages all planning applications over 0.1 ha to demonstrate a measurable net gain for biodiversity of 10% or above. This is guidance rather than policy.

136. BDLP Policy EM4 is a policy regarding biodiversity, geodiversity and nature conservation. BDLP Policy EM5 supports proposals that seek to improve links and remedy identified deficiencies in the green infrastructure network.

137. Policy B10 identifies a Green Infrastructure and Nature Recovery Network. Development proposals should demonstrate how they will maintain or improve the functionality of the network. Map L is titled 'Green and Blue Infrastructure Network'. In the interest of precision, I suggest that the network is defined as the 'Green and Blue Infrastructure and Nature Recovery Network' in Policy B10 and accompanying maps L and M.

138. Policy B10 is supported by background evidence in the *Burghclere Green Infrastructure and Nature Recovery Report December 2022.* It explains*: the network enhancement opportunities and 'green corridors' should not be misinterpreted as either land allocations or having precise boundaries.* In the interest of precision, I suggest that Policy B10 is modified to include reference to 'indicative Green Corridors' and reference is made to their indicative nature in paragraph 5.59. I have suggested revised wording.

139. Policy B10 refers to Nature Improvement Areas. At the fact check stage of this report, the Parish Council confirmed that this reference should be deleted. The reason being that reference to Nature Improvement Areas in a previous draft of the Plan referred at that time to a government pilot scheme to establish 'Local Nature Recovery' Partnerships within the Environment Act. This should have been removed from the submission version of the Plan. Therefore, in the interest of precision, reference to Nature Improvement Areas should be deleted from Policy B10.

140. To ensure that regard is had to national policy, particularly the evolving parts of the Environment Act yet to come into force, I have suggested revised wording to Policy B10 to explain that the extent of net gain in biodiversity should be in accordance with national policy, taking into consideration guidance in BDBC *Achieving Biodiversity Net Gain* (or successor document).

141. Subject to the above modifications, Policy B10 has regard to national policy, contributes towards sustainable development, particularly the environmental objective and is in general conformity with strategic policy. Modified Policy B10 meets the Basic Conditions.

142. There is an extra 'that' in the last paragraph in Policy B10and a 'though' instead of a 'through'**. I see these as minor editing matters.**

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

1) modification to Policy B10 to read as follows:

Policy B10: Green and Blue Infrastructure and Nature Recovery

The Neighbourhood Plan identifies a Green and Blue Infrastructure and Nature Recovery Network, together with indicative Green Corridors, as

shown on the Plan L policies map, for the purpose of supporting nature recovery and ecological connectivity. The Network is parish-wide comprising statutory designations, Sites of Importance for Nature Conservation, Priority Habitats, Woodland, Local Green Spaces, informal open spaces and footpaths.

Development proposals that lie within or adjoining the network must demonstrate in the design of their layouts and landscaping schemes how they will maintain or improve the functionality of the network.

Development proposals that will undermine the integrity of the network will not be supported. Development proposals that lead to the extension or enhancement of the network through the delivery of the Indicative Green Corridors enhancement opportunities will be supported, provided they are consistent with all other relevant policies of the development plan.

The extent of any net gain in biodiversity for any development should be in accordance with national policy, taking into consideration guidance in Achieving Biodiversity Net Gain Basingstoke and Deane Borough Council: Interim Guidance for Development (2021) (or successor document).

2) modification to paragraph 5.59 by the inclusion of the following additional sentence at the end of the paragraph:

The network enhancement opportunities and 'indicative green corridors' should not be misinterpreted as either land allocations or having precise boundaries.

3) modification to the Plan L policies map (and corresponding map in the Policy Map Booklet) to refer to 'indicative' green corridors.

Policy B11 Local Green Spaces

144. 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.

145. I have visited the Parish and seen the Local Green Spaces (LGS). They are all retained LGS from the made neighbourhood plan.

146. LGS1 Memorial Garden, Portal Hall Grounds, is a small grassed area near the intersection of Harts Lane and Church Lane in the centre of the village. LGS2 War Memorial Green is a small grassed area at the intersection of Harts Lane and Church Lane in the centre of the village. LGS3 Green between Church of the Ascension and the School House is a small grassed area adjacent to the primary school. LGS4 Old Railway Line (North of Harts Lane) is a green area of mature trees.

147. From my observations, there have been no materially significant developments adversely affecting the continuation of any of the sites as LGS. They all continue to meet the criteria for designation as LGS. I have no evidence to suggest that these LGS are not capable of enduring beyond the end of the plan period.

148. Policy B11 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Policy B11 meets the Basic Conditions.

Policy B12 Community Facilities

149. The NPPF promotes healthy communities. 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.

150. 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.

151. Policy B12 is a retained policy from the made Plan, which 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. Policy B12 meets the Basic Conditions.

Policy B13 Tourism

152. Paragraph 84 in the NPPF supports a prosperous rural economy. This includes supporting *sustainable rural tourism and leisure developments which respect the character of the countryside*.

153. 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.

154. Policy B13 is a retained policy from the made Plan, which supports the expansion of existing tourism attractions, subject to parking, residential amenity and appropriate scale. This has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Policy B13 meets the Basic Conditions.

Policy B14 Car Parking

155. Section 9 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. BDLP Policy EM 10 seeks to ensure high quality development, including that there is appropriate parking provision in accordance with adopted parking standards.

156. Policy B14 is a retained policy from the made Plan, which requires all new parking provision to be provided off-street and supports the provision of a new public car park.

157. Policy B14 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 B14 meets the Basic Conditions.

Conclusion

158. I have found that the modification of the made Plan in December 2022 is material but is not so significant or substantial as to change the nature of the existing made Plan. This is primarily because the additional Design Code

builds on Policy B5 and that the modified Plan does not allocate any new sites for development.

159. **Whilst I have set out my reasoning under individual policies, my overall conclusion is that, subject to my recommendations, the Plan, as modified in December 2022, meets the Basic Conditions. It is appropriate to make the Plan. I recommend that BDBC makes the Plan with the recommended modifications specified in this report.**

160. As the material modifications do not change the nature of the existing made Plan, and subject to my recommended modifications being accepted, a referendum is not required.

Minor Modifications

161. 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 (including the Design Code). Where policies have not been modified, ‘’no modifications proposed’ can be deleted from their titles. BDBC has identified plans which would benefit from being clearer.

162. The National Trust has pointed out that the Burghclere Design Code refers to Sandham Memorial Chapel being Grade II listed, these appear on page 25 and 27. The text should be amended to reflect the Chapel’s significance as a Grade I listed building.

Janet Cheesley **Date** 27 March 2023

Appendix 1 Background Documents

The background documents include:

The National Planning Policy Framework (2021)
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
Basingstoke and Deane Local Plan (2011 to 2029) (May 2016)
BDBC Achieving Biodiversity Net Gain Interim Guidance for Development (2021)
BDBC Interim Policy Statement on First Homes (December 2021).
Regulation 16 Representations
All Supporting Documentation submitted with the Plan
Examination Correspondence (On the BDBC web site)