

Kingsclere Neighbourhood Development Plan 2011 - 2029

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

Janet L Cheesley BA (Hons) DipTP MRTPI

CHEC Planning Ltd

15 May 2018

Contents	Page
Summary and Conclusion	4
Introduction	4
Legislative Background	5
EU Obligations	5
Policy Background	7
The Neighbourhood Development Plan Preparation	8
The Kingsclere Neighbourhood Development Plan	9
New Development	10
Housing provision for older people	13
Design	14
Landscape Character and Trees	16
Community Infrastructure	19
Infrastructure	22
Environment and Ecology	26
Traffic and Parking	27
Sport and Green Spaces	29
Heritage	32
Site Allocations	34
Revision of the Settlement Policy Boundary	39
Appendix 1 Projects	40

Referendum & the Kingsclere Neighbourhood Development Plan Area	40
Minor Modifications	40
Appendix 1 Background Documents	42

Summary and Conclusion

1. The Kingsclere Neighbourhood Development Plan has a clear vision and sets out precise objectives.
2. The Plan allocates three sites for housing development for at least 52 dwellings. This is in accordance with strategic policy that requires the identification of sites/opportunities for at least 50 dwellings at Kingsclere, generally in and around the Settlement Policy Boundary. I have found that the proposed housing sites are deliverable and will contribute towards sustainable development.
3. I have recommended modification to some of the policies in the Plan, for the reasons set out in detail below. Even though I have recommended a number of modifications, these do not significantly or substantially alter the intention or nature of the Plan.
4. I have recommended the deletion of Policies K9, K11, K14 and K15. These policies do not meet the Basic Conditions. If I were to suggest modifications, they would add no local policy detail above that required under strategic policy.
5. **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 and other legal requirements. It is appropriate to make the Plan. Subject to my recommendations being accepted, I consider that the Kingsclere Neighbourhood Development Plan 2011 – 2029 will provide a strong practical framework against which decisions on development can be made. I am pleased to recommend that the Kingsclere Neighbourhood Development Plan 2011 – 2029, as modified by my recommendations, should proceed to Referendum.**

Introduction

6. On 24 July 2013 Basingstoke and Deane Borough Council (BDBC) approved that the Kingsclere Neighbourhood Area be designated in accordance with the Neighbourhood Planning (General) Regulations 2012. The area covers the whole of the parish of Kingsclere.
7. The qualifying body is Kingsclere Parish Council. The Plan has been prepared by the Kingsclere Neighbourhood Planning Group, comprising a mix of Parish Councillors and residents. The Plan covers the period 2011 – 2029.
8. I was appointed as an independent Examiner for the Kingsclere Neighbourhood Development Plan 2011 - 2029 in February 2018. 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 Parish.

Legislative Background

9. 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.
10. 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.
11. Subject to the modifications I have recommended in this report, I am content that these requirements have been satisfied.

EU Obligations

12. Directive 2001/42/EC and the Environmental Assessment of Plans and Programmes Regulations 2004 (as amended) set out various legal requirements and stages in the production of a Strategic Environmental Assessment (SEA). The legislation requires that the environmental effects of the policies are assessed against a series of environmental objectives during their formulation.
13. BDBC produced a *Neighbourhood Planning Screening Report – Kingsclere Strategic Environmental Assessment (SEA) and Habitats Regulations*

Assessment (HRA) in April 2015. This is the final version following consideration by consultation bodies. It concluded that a SEA is considered to be required. In a Screening Opinion letter dated 9 April 2015, BDBC confirmed to the Parish Council the reasoning being:

Natural England have set out in their response that as far as their strategic environmental interests are concerned (including but not limited to statutory designated sites, landscapes and protected species, geology and soils), there are likely to be significant environmental effects as a result of the proposed plan. English Heritage noted the presence of a conservation area and 95 listed buildings, and have also concluded that an SEA should be required.

In light of the consultation responses received from Natural England and English Heritage, and given the sensitive nature of the neighbourhood area, owing to the presence of a conservation area, numerous listed buildings and the AONB, and when considering the advice contained within the NPPG, it is considered that an SEA is required in relation to the proposed neighbourhood plan.

14. Based on the screening determination and consultee response, I consider that it was necessary for the Plan to require a full SEA Assessment.
15. The SEA process ran in parallel with the preparation of the Plan. A SEA Scoping Report (October 2015), included information about the Neighbourhood Plan area's environment and community. *The Kingsclere Neighbourhood Plan Strategic Environmental Assessment Regulation 14 (Pre-Submission) Environmental Report, (January 2017)*, together with a non-technical summary, was published for consultation alongside the Pre-Submission Draft Plan.
16. An updated *Strategic Environmental Assessment for the Kingsclere Neighbourhood Plan Environmental Report to accompany the Submission version of the Neighbourhood Plan (December 2017)* included the consideration of a further housing site following representations received at the Regulation 14 consultation stage.
17. I consider that the SEA has been produced in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004. In particular, it outlines the reasons the alternatives were selected, the likely significant effects associated with alternatives, the reasons the rejected Option 1 was not taken forward and the reasons for selecting the preferred approach in light of the alternatives.
18. As regards HRA, the Screening Report concluded that the Plan would not need to be subject to HRA. The reason in the Screening Opinion letter states: *the neighbourhood area is within 10km of three European sites. However, the village itself, and hence the likely location of the most environmentally relevant development, is outside of the 5km buffer zone for each of those European sites. In addition, the geographical relationship between the neighbourhood area and the European sites suggests that there*

is no likelihood of any impact on the European sites. Therefore, it is considered that no Appropriate Assessment is required. Natural England has agreed with that conclusion.

19. Based on the Screening Report and consultee response, I consider that the Plan does not require a full HRA under Articles 6 or 7 of the Habitats Directive.
20. A Neighbourhood Development 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

21. *The National Planning Policy Framework (2012) (NPPF) 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.*
22. Paragraph 7 in the NPPF identifies the three dimensions to sustainable development:

There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

*• **an economic role** – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;*

*• **a social role** – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and*

*• **an environmental role** – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.*

23. Kingsclere is within the local authority area of Basingstoke and Deane Borough Council (BDBC). The development plan for the Neighbourhood Development Plan Area includes the Basingstoke and Deane Local Plan

(BDLP) (2011 to 2029) adopted on 26 May 2016. The Kingsclere Neighbourhood Development 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 Development Plan Preparation

24. 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.
25. The initial consultation process started with a launch meeting in April 2013. Consultation included village questionnaires, attendance at school and village fetes, public meetings and a specific meeting for the Business community. There were monthly updates in the Parish Magazine and regular updates on Facebook and the Kingsclere Neighbourhood Plan website.
26. The consultation period on the pre-submission draft of the Plan ran from 9 January 2017 to 20 February 2017. The consultation was promoted via various methods including via the Neighbourhood Development Plan web site and Facebook page, a Q& A flyer, posters and an article in the Newbury Weekly News. Copies of the draft Plan were available at various public premises in the Parish and on the Neighbourhood Development Plan web site.
27. 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 qualifying body went to considerable lengths to ensure that local residents and businesses were able to engage in the production of the Plan. I congratulate them on their continued efforts over a considerable time period.
28. BDBC publicised the submission Plan for comment during the publicity period between 29 January 2018 and 13 March 2018 in line with Regulation 16 in The Neighbourhood Planning (General) Regulations 2012. A total of 28 responses were received including representations from BDBC. I am satisfied that all these responses can be assessed without the need for a public hearing. I gave the Parish Council the opportunity to comment on the Regulation 16 representations. I have taken their comments into consideration. Their comments have been placed on the BDBC web page.
29. Some responses to the submission Plan suggest additions and amendments to policies and accompanying text. My remit is to determine whether the Plan meets the Basic Conditions and other legal requirements referred to above. Where I find that policies do meet the Basic Conditions and other legal requirements, 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.

The Kingsclere Neighbourhood Development Plan.

THE KINGSCLERE PARISH

30. Background information provides an overview of the Plan area, including its landscape, village character heritage and housing. As such, this provides a clear background to the Plan.
31. I have been provided with links to the evidence base in Annex 2 in the Plan. This has provided a useful and easily accessible source of background information. In addition, background information is provided on the Parish Council's Neighbourhood Plan web site.
32. 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.
33. Historic England has stated that reference to Grade II* listed buildings in paragraph 3.5.8 should emphasise that these buildings are particularly important buildings of more than special interest, rather than simply being of local or regional interest. **I see this as a minor editing matter.**

VISION AND OBJECTIVES

34. The Plan has a clear vision: *to create a Neighbourhood Plan that meets the allocated development requirement, which maintains the character of the village of Kingsclere and the surrounding area, and respects the opinions and needs of the majority of the community.*
35. This vision is supported by five objectives, which have informed the policies in the Plan.

KINGSCLERE NEIGHBOURHOOD DEVELOPMENT PLAN POLICIES

36. 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).
37. It is necessary for Neighbourhood Development Plans to provide a practical framework within which decisions on planning applications can be made with

a high degree of predictability and efficiency as stated in the core planning principles in paragraph 17 in the NPPF. 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 to provide a practical framework in accordance with the core principles in the NPPF, thus ensuring that the Plan has regard to national policy in this respect.

38. 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 relevant to each neighbourhood development plan policy. Where I have not specifically referred to other relevant strategic policy, I have considered all strategic policy in my examination of the Plan.
39. Policies in a neighbourhood development plan can only be for the development and use of land. Where there are community aspirations, these have to be clearly differentiated from policies for the development and use of land.

New Development

Policy K1 – Sites within the Settlement Policy Boundary

40. The NPPF at paragraph 58 requires neighbourhood plans to include policies that set out the quality of development that will be expected for the area. Such policies should be based on stated objectives for the future of the area and an understanding and evaluation of its defining characteristics.
41. BDLP Policy EM10 seeks high quality design based upon a robust design led approach.
42. BDLP Policy SS1 seeks to permit new housing development within all defined Settlement Policy Boundaries, subject to criteria. It states that all land outside these boundaries is countryside.
43. The supporting text to Policy K1 refers to this policy being intended for small residential developments that are not allocated in the Plan. However, the policy refers to all developments, including non-residential development and does not specify the exclusion of the allocated sites. This is not the intention. Therefore, in the interest of precision, I recommend modification to Policy K1 to only refer to residential development proposals on non-allocated sites.
44. Policy K1 is a design led policy, which cross refers to guidance in supplementary planning documents. Such guidance cannot impose design criteria on new development, although it can encourage new developments to have regard to the guidance. In the interest of precision, I recommend modification to Policy K1 to reflect the status of this guidance. I have suggested modified wording. In addition, in the interest of precision, I recommend that the precise titles of the documents referred to in Policy K1 are specified.

45. As modified, Policy K1 seeks to ensure a design led approach to new non-allocated housing development within the Settlement Policy Boundary, having regard to supplementary planning documents specific to the Parish that contribute towards an understanding and evaluation of its defining characteristics. As such, modified Policy K1 has regard to national policy, contributes towards the environmental role of sustainable development and is in general conformity with strategic policy. Modified Policy K1 meets the Basic Conditions.

46. **Recommendation: to meet the Basic Conditions, I recommend modification to Policy K1 to read as follows:**

Policy K1 – Non-allocated Residential Sites within the Settlement Policy Boundary

Planning applications for residential development on non-allocated sites within the Settlement Policy Boundary will be supported where they:

a) Have a scale and form which would be complementary to surrounding properties and would not result in significant loss of amenity to existing residents;

b) Comply with the design policies set out in the Neighbourhood Plan and Policy EM10 of the Basingstoke and Deane Local Plan (2011 to 2029); and

c) Have regard to guidance in the Kingsclere Village Design Statement (2002) and the Kingsclere Conservation Area Appraisal and Management Plan Supplementary Planning Document (2017).

Policy K2 – Provision of Housing to Meet Local Needs

47. The NPPF seeks to ensure that there is provision of a wide choice of quality homes. BDLP Policy CN3 seeks a range of house types and sizes to address local requirements.

48. The last sentence of the first paragraph in Policy K2 is unnecessary, as it repeats the objectives of the first sentence where it requires demonstration of a balanced mix of housing. In addition, I see no justified reason to differentiate between rented affordable housing and affordable homes with regard to the prioritising of occupancy and integration with market housing.

49. The affordable housing local connection criteria in paragraphs 5.2.12 and 5.2.13 do not correspond to the BDBC Housing Allocation Policy. I have no clear evidence before me to justify departing from the BDBC Housing Allocation Policy, which underpins the strategic housing policy. In addition, these paragraphs contradict Policy K2. In the interest of providing a practical framework for decision making, I recommend the deletion of these paragraphs.

50. The Secretary of State's Written Ministerial Statement of 28 November 2014 on planning obligations for affordable housing and social infrastructure contributions is national planning policy. Extracts from the statement below explain the national policy regarding developer contributions and affordable housing. These are outlined in the Planning Practice Guidance.

Due to the disproportionate burden of developer contributions on small scale developers, for sites of 10-units or less, and which have a maximum combined gross floor space of 1,000 square metres, affordable housing and tariff style contributions should not be sought. This will also apply to all residential annexes and extensions.

For designated rural areas under Section 157 of the Housing Act 1985, which includes National Parks and Areas of Outstanding Natural Beauty, authorities may choose to implement a lower threshold of 5-units or less, beneath which affordable housing and tariff style contributions should not be sought.

These changes in national planning policy will not apply to Rural Exception Sites.

51. Paragraph 5.2.14 in the Plan refers to BDLP Policy CN1 with regard to affordable housing provision. BDBC has subsequently revised the affordable housing thresholds. I have been provided with the current BDBC affordable housing threshold table outlining these thresholds. In addition, I have been provided with Table 2.1 in the Consultation Draft Housing Supplementary Planning Document (SPD) (February 2018) which is more closely aligned with BDLP Policy CN1 regarding contributions from development proposals of less than 5 units. Whilst I appreciate that this is a draft document and may be subject to change, I consider the table in the Consultation Draft SPD to be of relevance with regard to my consideration of whether Policy K2 meets the Basic Conditions.
52. Policy K2 requires 40% of dwellings on market housing developments to be affordable housing, in accordance with BDLP Policy CN1.
53. The NPPF states at paragraph 210 that: *Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.*
54. The Written Ministerial Statement of 28 November 2014 is a material consideration and the weight to be given to this in determining planning applications is a matter for BDBC. I am looking at a different matter, in that I have to make a judgment as to whether the Plan meets the Basic Conditions, which includes whether having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood plan. In this particular instance, I am of the opinion that having regard to this national policy, the affordable housing threshold in Policy K2 does not meet the Basic Conditions. There is no clear robust evidence to justify departing from the national policy on affordable housing thresholds. I could recommend modification to Policy K2

to replicate national policy, but this would not contribute any additional local level of policy detail. I am concerned about proposing the inclusion of Table 2.1 in the Consultation Draft SPD as this may lead to confusion and it is possible that the BDBC thresholds in that table may be altered as part of the Draft SPD consultation process. In these circumstances, I recommend deletion of reference to the percentage of affordable homes in Policy K2.

55. I have a further concern regarding the development of market housing and affordable housing provision in the third paragraph of Policy K2. As this part of Policy K2 is worded, it implies that market housing will be allowed *anywhere* if it provides the required affordable housing. My concern is that the location and design of such market housing may not constitute sustainable development. I have suggested revised wording.
56. Subject to my proposed modifications, Policy K2 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy (with the exception of affordable housing thresholds in BDLP Policy CN1). As modified, Policy K2 meets the Basic Conditions.
57. **Recommendation: to meet the Basic Conditions, I recommend:**

1) the deletion of paragraphs 5.2.12 and 5.2.13.

2) modification to Policy K2 to read as follows:

Policy K2 – Provision of Housing to Meet Local Needs

All proposals for new housing development must demonstrate how the types of dwellings provided will help ensure a balanced mix of housing for Kingsclere, particularly through the provision of homes designed for smaller households including one, two and three bedroom accommodation and accessible purpose-designed homes for older people.

In all new housing developments providing affordable housing the occupancy of all affordable homes will be prioritised for households with a local connection with the parish of Kingsclere, as defined by the Basingstoke and Deane Borough Council Housing Allocations Scheme and any relevant planning policy guidance.

All affordable homes must be well integrated with market housing.

Housing provision for older people

Policy K3 – Housing for Older People

58. The NPPF recognises that to deliver a wide choice of homes, it is necessary to plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community, including older people and people with disabilities.

59. BDLP Policy CN4 supports the provision of housing for older people, where there is an identified need and in appropriate locations.
60. Policy K3 supports the provision of housing for elderly and infirm residents. This policy is supported by local questionnaire responses and by demographic evidence, particularly that the Parish has a higher proportion of residents over the age of 59 when compared with borough, regional and national averages.
61. In the interest of precision, I recommend modification to the first sentence in Policy K3 to be in general conformity with BDLP Policy CN4, in that a location cannot provide access to facilities. I have suggested revised wording to refer to the location being appropriate in terms of access.
62. In a Written Ministerial Statement of 25 March 2015 the Government announced that it is not now appropriate to refer to any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings in neighbourhood plans. Therefore, I recommend the deletion of the second sentence in Policy K3.
63. Subject to my proposed modifications, Policy K3 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. As modified, Policy K3 meets the Basic Conditions.
64. **Recommendation: to meet the Basic Conditions, I recommend modification to Policy K3 to read as follows:**

Policy K3 – Housing for Older People

Planning applications which address the local housing need of elderly and infirm residents will be permitted where they meet a proven identified need and where the location is appropriate in terms of access to the facilities and services in the village along with access to public transport.

Design

Policy K4 – Good Quality Design

65. As previously mentioned, The NPPF requires neighbourhood plans to include policies that set out the quality of development that will be expected for the area.
66. BDLP Policy EM10 seeks high quality design that positively contributes to local character and distinctiveness.
67. Policy K4 is a general design policy for all types of development. The definition of development in planning policy encompasses a wide range, including change of use and small scale development and there may be many instances where the design criteria in Policy K4 are not relevant. Therefore, in the interest of precision, I have recommended revised wording

to ensure that the design criteria is met where appropriate to the development proposed. In addition, in the interest of precision, I recommend that the full title of the Kingsclere Conservation Area Appraisal and Management Plan Supplementary Planning Document (2017) is referred to in criterion 2.

68. Subject to my proposed modifications, Policy K4 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. As modified, Policy K4 meets the Basic Conditions. As this policy is so long, I have just set out the relevant modifications up to criterion b). The remainder of the Policy would be as submitted.
69. **Recommendation: to meet the Basic Conditions, I recommend modification to the first section up to criterion b) of Policy K4 to read as follows:**

Policy K4 – Good Quality Design

All new development should demonstrate good quality design. This means responding to and integrating with local surroundings and landscape context as well as the existing built environment. Large areas of housing of uniform type and size will not be acceptable. Where appropriate and relevant to the development proposed, planning applications will be permitted where they:

a) Have regard to the guidance in the Kingsclere Village Design Statement (2002);

b) Have regard to the Kingsclere Conservation Area Appraisal and Management Plan Supplementary Planning Document (2017) for those developments which are within or effect the setting of the Conservation Area.

Policy K5 – External Lighting

70. NPPF paragraph 125 states: *by encouraging good design, planning policies and decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.*
71. BDLP Policy EM12 seeks to ensure that new development does not lead to pollution. Pollution includes light pollution.
72. BDBC has raised concern regarding when Policy K5 applies. The supporting text and policy intent specifies residential development. However, the policy specifically refers to lighting for working purposes, which implies lighting associated with businesses. To avoid internal conflict within the plan and in the interest of precision, I recommend modification to the intent of Policy K5 in paragraph 5.4.5 to expand the intent to cover all development. I have suggested revised wording.

73. Policy K5 seeks to ensure lighting schemes are sensitive to the local environment. The examples of good practice are not planning policy and thus should be moved from the policy into the supporting text.
74. Subject to the above modifications, Policy K5 has regard to national policy, contributes towards the environmental role of sustainable development and is in general conformity with strategic policy. As modified, Policy K5 meets the Basic Conditions.
75. **Recommendation: to meet the Basic Conditions, I recommend:**

1) modification to paragraph 5.4.5 to read as follows:

K5 Policy Intent: To ensure all new development, including external domestic and street lighting schemes on new developments, is sensitive to the local environment, and to the proximity of the North Wessex Downs AONB.

2) the examples of Good Practice in Policy K5 are moved to the supporting text.

3) modification to Policy K5 to read as follows:

Policy K5 – External Lighting

Planning applications involving external lighting will be permitted where lighting is limited to the minimum required for security and working purposes and pollution from glow and spillage is minimised to help protect rural character and dark night skies.

Development proposals must demonstrate that all opportunities to reduce light pollution have been taken.

Habitats, particularly woodlands, should not be considered as 'natural shield' to lighting, because of the impact on unlit habitat.

Landscape Character and Trees

Policy K6 – Reinforcing Kingsclere’s Landscape Character

76. The NPPF, in Paragraph 109, requires the planning system to contribute to and enhance the natural and local environment. This includes protecting and enhancing valued landscapes.
77. BDLP Policy EM1 seeks to ensure that new development is sympathetic to the character and visual qualities of the landscape.
78. Policy K6 seeks to reinforce Kingsclere’s landscape character. I have visited the Parish and seen the distinct character and quality of the landscape, including the Area of Outstanding Natural Beauty.
79. As mentioned under Policy K1, Supplementary Planning Documents cannot impose design criteria on new development, although they can encourage

new developments to have regard to the guidance. I have recommended revised wording to criterion a) in this regard.

80. As regards criteria b) and c), there are no views specified on a map in the Plan. The Parish Council has indicated in its response to the Regulation 16 representations that vistas and views of particular importance are identified on the Appraisal Map in the Kingsclere Conservation Area Appraisal and Management Plan Supplementary Planning Document (2017). These vistas and views have been evaluated as part of the process of the production of the Conservation Area Appraisal. In the absence of other evaluated identified publically accessible views, view of the village's buildings and distant views, Policy K6 can only refer to the evaluated vistas and views in the Conservation Area Appraisal. There is no clear justified evidence to do otherwise. I have suggested revised wording to Policy K6 which provides a practical framework for decision making. In the interest of precision, I recommend that a map of the important views identified on the Conservation Area Appraisal Map is included in the Plan.
81. Subject to the above modifications, Policy K6 has regard to national policy where it seeks to protect and enhance the valued landscape, contributes towards the environmental role of sustainability and is in general conformity with strategic policy. As such, modified Policy K6 meets the Basic Conditions.
82. **Recommendation: to meet the Basic Conditions, I recommend;**
- 1) the inclusion of a map of the important vistas and views identified on the Conservation Area Appraisal Map.**
 - 2) modification to Policy K6 to read as follows:**
- Policy K6 – Reinforcing Kingsclere's Landscape Character**
- Planning applications will be permitted where they:**
- a) respect the character and quality of the countryside, as described in the B&DBC Landscape Assessment (2001), so that the function as a resource for informal, quiet recreation can continue. Future development should respect the character and settlement pattern of the village by having regard to the B&DBC Landscape Assessment (2001) and Kingsclere Village Design Statement (2002);**
 - b) do not detrimentally affect the important vistas and views identified in the Kingsclere Conservation Area Appraisal and Management Plan Supplementary Planning Document (2017) and indicated on Map [x];**
 - c) respect the local character and historic and natural assets of the surrounding area, and take every opportunity, through design and materials, to reinforce local distinctiveness and a strong sense of place;**
 - d) incorporate, wherever possible, locally distinctive features;**

e) respect local landscape quality; and

f) respect the open spaces within Kingsclere which contribute to its distinctive character.

Policy K7 – Protecting Mature Trees and Hedgerows and Enhancing Rural Character

83. The NPPF seeks to conserve and enhance biodiversity. One of the principles to be applied when determining planning applications is that *planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss* (extract from paragraph 118).
84. 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.
85. The intent of Policy K7 is primarily to retain existing mature trees and hedgerows and encourage the planting of native species. Whilst this is a laudable intention, Policy K7 does not deliver this aim. In particular, in criterion b) there is no mention of the need for a *satisfactory* arboricultural impact assessment or *satisfactory* method statement. The requirements of criterion c) are not necessary as they are covered in the reports required in criterion b). In addition, criterion g) is not precise. I have suggested revised wording.
86. The last sentence in Policy K7 regarding British Standards 5837:2012 is a statement rather than policy and thus should be moved to the supporting text.
87. I have made further reference to Policy K7 under my comments on Policy K15 and have suggested under Policy K15 that the climate change aspect of that policy is incorporated into Policy K7. I have included it here for completeness.
88. Subject to the above modifications, Policy K7 has regard to national policy, contributes towards the environmental role of sustainable development and is in general conformity with strategic policy. As such, modified Policy K7 meets the Basic Conditions.
89. **Recommendation: to meet the Basic Conditions, I recommend:**
- 1) moving the last sentence of Policy K7 into the supporting text.**
 - 2) modification to Policy K7 to read as follows:**

Policy K7 – Protecting Mature Trees and Hedgerows and Enhancing Rural Character

Planning applications will be permitted where:

- a) they seek to retain important trees, groups of trees or woodland on site;**
- b) if trees and hedgerows are proposed to be lost or may be affected, a tree survey and satisfactory tree protection plan and where necessary a satisfactory arboricultural impact assessment and a satisfactory method statement are provided. Where the loss of trees as a result of a development proposal is unavoidable, replacement planting of trees of equivalent species and amenity value should be incorporated as part of the scheme;**
- c) they include the planting of additional trees if possible and appropriate, particularly native species that are in keeping with the character of the area that will be resilient to predicted impacts of climate change;**
- d) they include planting that contributes to the biodiversity of the area and support green corridors where possible and appropriate;**
- e) they are accompanied, where appropriate, by an indicative planting scheme to demonstrate an adequate level of sustainable planting can be achieved; and**
- f) appropriate provision is made for the long term maintenance of trees and hedgerows within the site.**

Community Infrastructure

Policy K8 – Support for Community Infrastructure Projects

- 90. BDLP Policy CN6 supports appropriate contributions towards infrastructure.
- 91. BDBC has suggested revised wording of paragraph 5.6. 2 with regard to contributions towards green spaces. In addition, BDBC has suggested revised wording of paragraph 5.6.4. **I see these as minor editing matters.**
- 92. The revised wording of paragraph 5.6.2 suggested by BDBC is as follows:
Green spaces are an important part of the character of an area and Kingsclere benefits from a number that not only provide a setting for some significant trees but also contribute to the distinctive character of village. However, B&DBC’s Green Infrastructure Assessment identifies Kingsclere as having a lack of green spaces. Although there are four children’s play areas and two sport pitches in the village, these are underfunded and in need of repair. Informal green space is also lacking. Policies [K19 and K20] seek to address this by provision of further informal green space however, planning obligations or use of the Neighbourhood Fund element of the Community Infrastructure Levy (CIL) could be used, where this is in line with the Borough Council’s R123 list and / or meets the Government regulations

on the use of planning obligations. These could be used to improve not just the provision of green spaces but other key B&DBC Green infrastructure objectives such as enhancing pedestrian access and links to existing formal green spaces as well as safe pedestrian access to the wider countryside surrounding the village and parish.

93. The revised wording of paragraph 5.6.4 suggested by BDBC is as follows: *It is important that both the B&DBC and Kingsclere allocations of CIL and investment and developer contributions under S106 are used to address the areas which residents have identified as a priority. B&DBC administer the CIL with 25% going to Neighbourhood Plan areas (the Neighbourhood Fund) to aid funding types of infrastructure that support the development of the area. Section 106 agreements will be used to secure planning obligations where appropriate.*
94. A Community Infrastructure Levy (CIL) will be introduced by BDBC from 25 June 2018 and will be payable on relevant planning permissions granted from this date. The Neighbourhood Fund portion of the levy can be spent on a wider range of things than the rest of the levy, provided that it meets the requirement to support the development of the area.
95. Policy K8 identifies strategic infrastructure projects for future funding, following consultation with local residents. The projects identified are those most supported by the community and most reflective of the community's needs. The strategic infrastructure projects identified in Policy K8 for funding from BDBC are not on the current Regulation 123 list for CIL funding. Nevertheless, authorities may amend the Regulation 123 list without revising their charging schedule, subject to appropriate consultation.
96. BDBC has suggested modification to Policy K8 that ensures the correct source of funding is referred to. In the interest of precision, I recommend such modification. Subject to this modification, Policy K8 has regard to national CIL policy, contributes towards sustainable development and is in general conformity with strategic policy. As such, modified Policy K8 meets the Basic Conditions.
97. **Recommendation: to meet the Basic Conditions, I recommend modification to Policy K8 to read as follows:**
- The Neighbourhood Plan identifies the following strategic infrastructure projects as desirable to receive funding from the Kingsclere Parish Council allocation of the Neighbourhood Fund (in no particular order):**
- a) The Recreation Playground equipment;**
 - b) Refurbishment / redesign of the Fieldgate Centre including outdoor equipment and playing fields;**
 - c) Provision for a dedicated space for the Youth Club and/or other youth facilities within the curtilage of existing community buildings;**

- d) Provision of further informal green space within the Parish; and
- e) Provision of gym facilities in the Parish.

The Neighbourhood Plan identifies the following strategic infrastructure projects as desirable to receive funding from Basingstoke and Deane Borough Council, or Hampshire County Council:

- a) Improvements to safe pedestrian use of the A339; and
- b) Improvements to the safety of the junction on the A339/Ashford Hill Road.

Infrastructure

Policy K9 – Infrastructure Readiness

- 98. Paragraph 173 in the NPPF states: *Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be delivered viably is threatened.*
- 99. Developer contributions can only be sought where they meet the tests that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind. These tests are set out as statutory tests in the *Community Infrastructure Levy Regulations 2010*.
- 100. An extract from BDLP Policy CN6 states: *new development will be required to provide and contribute towards the provision of additional services, facilities and infrastructure at a rate, scale and pace to meet the needs and requirements that are expected to arise from that development.*
- 101. Usually a neighbourhood plan policy should provide an additional level or layer of detail to the local planning authority's policies. PPG states that a neighbourhood plan policy *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.*
- 102. The intent of Policy K9 is to *ensure local infrastructure is resilient to change and seek mitigation of any adverse impacts of development on local services.*
- 103. Policy K9 is not precise. In particular, it suggests that other schemes are to be identified in the Policy, but they are not. In addition, this policy applies to all development, although contributions from some small scale development may not be justified. If I were to suggest modification, it would add no local policy detail above that required under BDLP Policy CN6. Therefore, to

meet the Basic Conditions, I recommend the deletion of Policy K9 and accompanying paragraph 5.7.5. This will not prevent BDBC from seeking appropriate contributions from development proposals in accordance with BDLP Policy CN6.

104. **Recommendation: to meet the Basic Conditions, I recommend the deletion of paragraph 5.7.5 and Policy K9.**

Policy K10 – Provision of Good Broadband Connection

105. The NPPF emphasises that advanced high quality communications infrastructure is essential for sustainable economic growth. BDLP Policy CN7 seeks to ensure that development proposals provide or improve essential facilities and services. One of the aims of this policy includes facilitating high quality broadband infrastructure provision for rural communities. Paragraph 7.6 in the Local Plan emphasises the importance of attracting new investment in broadband and mobile telecommunications infrastructure.
106. Policy K10 seeks to ensure fibre optic connections for all new development and that all development proposals provide a Connectivity Statement. The definition of development in planning policy encompasses a wide range, including residential extensions and there may be many instances where small scale development does not require broadband connection and where a Connectivity Statement cannot be justified. In the interest of precision, I suggest the inclusion of ‘where relevant’ at the beginning of this policy. Subject to this modification, Policy K10 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. As such, modified Policy K10 meets the Basic Conditions.
107. Paragraph 5.7.7 refers to a requirement that the Parish Council should ensure that there is a lead developer who can co-ordinate the installation of Broadband for the three allocated sites. I cannot see how the Parish Council can insist that there is a lead developer. Therefore, in the interest of precision, I recommend the deletion of this reference.
108. Paragraph 5.7.7 refers to broadband service providers needing to demonstrate the speed of connection via a Connectivity Statement. However, Policy K10 refers to developers needing to provide a Connectivity Statement that only shows how the development will help achieve a fibre optic connection to the nearest connection chamber. This creates internal conflict within the Plan.
109. Due to my concerns above regarding paragraph 5.7.7, I recommend the deletion of this paragraph.
110. **Recommendation: to meet the Basic Conditions, I recommend:**
1) the deletion of paragraph 5.7.7.

2) modification to Policy K10 to read as follows:

Where relevant, proposals for new developments must provide a Connectivity Statement setting out how the development will help achieve a fibre optic connection to the nearest connection chamber in the public highway. Wherever possible the development must provide suitable ducting to enable more than one service provider to provide a fibre connection to the development.

Policy K11 – Change of Use for Local Shops, Pubs and Businesses

111. Paragraph 28 in the NPPF promotes a strong rural economy. It states that neighbourhood plans should *promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.*
112. BDLP Policy CN7 lists criteria against which the loss of essential facilities and services should be assessed.
113. It is clear from the supporting evidence that existing shops and businesses play an important role to the local community. My concern is that there is an internal contradiction in Policy K11. It only refers to the change of use to private dwellings in the first section, but the second section refers to the alternative use providing public benefit. It is highly unusual for a private dwelling to provide public benefit.
114. As the intent of Policy K11 is to encourage new commercial businesses and safeguard premises, it would make sense to include a change of use to other alternative uses in the first section of this policy. However, even if I were to recommend such a modification, the criteria in Policy K11 does not include all the criteria in BDLP Policy CN7. I have no clear justified evidence before me to support such a departure from strategic policy. In the absence of the complete list from BDLP Policy CN7, Policy K11 is not in general conformity with strategic policy.
115. If I were to recommend modification to Policy K11 it would add no local policy detail above that required under BDLP Policy CN7. It would not be a distinct policy that reflected and responded to the unique characteristics and planning context of the neighbourhood area. Therefore, to meet the Basic Conditions, I recommend the deletion of Policy K11 and accompanying paragraph 5.7.10. This will not prevent BDBC from resisting the change of use of shops and businesses, or from supporting existing businesses under the policy requirements of BDLP Policy CN7.
116. **Recommendation: to meet the Basic Conditions, I recommend the deletion of Policy K11 and paragraph 5.7.10.**

Policy K12 – Design of Local Shops, Pubs and Businesses in the Conservation Area

117. The Planning (Listed Buildings and Conservation Areas) Act 1990 imposes duties requiring special regard to be had to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
118. BDLP Policy EM11 seeks to ensure that development conserves or enhances the quality of heritage assets in a manner appropriate to their significance.
119. Both national and strategic policy refers to preserving (or conserving) or enhancing local character of a Conservation Area. Policy K12 refers to the need to preserve *and* enhance the local character of the Conservation Area. I see no clear robust local evidence to justify this additional level of policy requirement in Policy K12. In the absence of such evidence, to meet the Basic Conditions, I recommend modification to the last sentence in Policy K12 to refer to the need to preserve or enhance the character of the area. The last part of this sentence is superfluous and thus I recommend its deletion.
120. As mentioned under Policy K1, planning guidance cannot impose design criteria on new development, although it can encourage new developments to have regard to the guidance. In the interest of precision, I recommend modification to Policy K12 to reflect the status of the guidance. I have suggested modified wording. In addition, in the interest of precision, I recommend that the precise titles of the documents referred to in Policy K12 are specified.
121. Subject to the modifications recommended above, Policy K12 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. As such, modified Policy K12 meets the Basic Conditions.
122. **Recommendation: to meet the Basic Conditions, I recommend modification to Policy K12 to read as follows:**

Policy K12 – Design of Local Shops, Pubs and Businesses in the Conservation Area

Business premises within the Conservation Area should have regard to guidance in the Kingsclere Village Design Statement (2002) and the Kingsclere Conservation Area Appraisal and Management Plan Supplementary Planning Document (2017). The design, materials and detailing of shopfronts and frontages should preserve or enhance the character of the area.

Policy K13 – Re-use of Agricultural and other Rural Buildings for Business Purposes

123. The NPPF promotes a strong rural economy. At paragraph 28 it states: *planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development.*
124. BDLP Policy EP4 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.
125. Policy K13 specifically refers to criteria for the assessment of planning applications for the re-use or conversion of permanent agricultural and other rural buildings outside the settlement policy boundary for business purposes. It specifically excludes wider rural matters in BDLP Policy EP4 with regard to previously developed land, replacement buildings, expansion of businesses and new small - scale business. This approach has received criticism, but I see no need for Policy K13 to cover all these aspects of the rural economy as they are already specified, and remain relevant, in BDLP Policy EP4.
126. There is only one further section of BDLP Policy EP4 that should be included in Policy K13 and that is with regard to requiring all development proposals to be well designed. Even though the policy applies to both reuse and conversion of buildings, the external appearance of the buildings may be altered as part of such developments. I have suggested revised wording. This will ensure general conformity with strategic policy.
127. Criteria a), b) and c) in Policy K13 refer to reuse of buildings only, whereas the whole of this policy applies to either reuse or conversion of buildings. In the interest of precision, these criteria should refer to both reuse and conversion.
128. Subject to the modifications recommended above, Policy K13 has regard to national policy, contributes towards the economic and environmental roles of sustainable development and is in general conformity with strategic policy. As such, modified Policy K13 meets the Basic Conditions.
129. **Recommendation: to meet the Basic Conditions, I recommend modification to Policy K13 to read as follows:**

Policy K13 – Re-use or Conversion of Agricultural and other Rural Buildings for Business Purposes

Planning applications for the re-use or conversion of permanent agricultural and other rural buildings outside the settlement policy boundary for business purposes will be permitted subject to the following criteria:

- a) The proposals would be well designed and would not have significant adverse environmental impacts on the surrounding rural landscape or adversely affect protected species;**

- b) The proposals would not have adverse impacts on the local road network;
- c) The proposals would not cause unacceptable conflicts with agriculture and other land based activities;
- d) The proposals would not have significant adverse impacts on the amenities of neighbouring residents;
- e) The proposals seek, where possible, to sustain any historic, architectural or archaeological interest the building may have either individually or through association with one or more other heritage assets, unless unavoidable harm is justified on the basis of public benefits including enabling the building's optimum viable future use.

Environment and Ecology

Policy K14 – Conserving and Enhancing Biodiversity

130. The NPPF seeks to conserve and enhance the natural environment. One of the principles to conserve and enhance biodiversity in Paragraph 118 states: *if significant harm 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.*
131. 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. The detailed wording in Policy K14 is not in general conformity with this BDLP policy, and this does not provide a practical framework for decision making. In particular, it does not specify that compensation is a last resort and does not adequately reflect all the criteria in BDLP Policy EM4. I have no robust evidence before me to justify this approach.
132. If I were to recommend modification to Policy K14 it would add no local policy detail above that required under BDLP Policy EM4. It would not be a distinct policy that reflected and responded to the unique characteristics and planning context of the neighbourhood area. Therefore, to meet the Basic Conditions, I recommend the deletion of Policy K14 and accompanying paragraph 5.8.6. Development proposals will continue to be assessed against the biodiversity criteria in BDLP Policy EM4.
133. **Recommendation: to meet the Basic Conditions, I recommend the deletion of Policy K14 and paragraph 5.8.6.**

Policy K15 – Ensuring the Use of Native Plants Within Development Sites

134. The criteria in Policy K15 are predominately covered in Policy K7. The only addition is reference to climate change. To provide a practical framework for decision making, I recommend the deletion of Policy K15 as it repeats the content of parts of Policy K7 and deletion of the accompanying paragraph 5.8.9.
135. The environmental role of sustainable development includes the need to mitigate and adapt to climate change. Whilst there are no specific BDLP strategic policies referring to climate change, paragraph 6.2 in the BDLP states that the plan aims to minimise the impacts of climate change.
136. Reference to resilience to climate change in Policy K15 has regard to national policy and contributes towards the environmental role of sustainable development.
137. Rather than have a separate policy only concerned with native species being resilient to predicted impacts of climate change, I recommend that this reference is incorporated into criterion c) in Policy K7 and that paragraphs 5.8.7 and 5.8.8 are moved to the supporting text for Policy K7. This would provide a practical framework for decision making and meet the Basic Conditions.
138. **Recommendation. To meet the Basic Conditions, I recommend;**
- 1) the deletion of Policy K15 and paragraph 5.8.9.**
 - 2) moving paragraphs 5.8.7 and 5.8.8 to the supporting text for Policy K7.**
 - 3) modification to criterion c) in Policy K7 to read as follows:**
c) they include the planting of additional trees if possible and appropriate, particularly native species that are in keeping with the character of the area that will be resilient to predicted impacts of climate change;

Traffic and Parking

139. BDBD has raised concern regarding the quality of the resolution of Map 6. It would benefit from an improved quality of resolution. **I see this as a minor editing matter.**

Policy K16 – Pedestrian Walkways

140. The NPPF supports sustainable transport modes. In particular, paragraph 35 seeks to ensure that *plans give priority to pedestrian and cycle movements and create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoiding street clutter and where appropriate establishing home zones.*

141. BDLP Policy CN9 seeks to promote a safe, efficient and convenient transport system. Measures include the provision of coherent and direct cycling and walking networks.
142. Policy K16 seeks to ensure all development provides safe pedestrian access. It must be remembered that 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 does not necessitate any additional pedestrian access, such as for extensions to dwellings. Whilst there should be safe pedestrian access, this can only be required for relevant development proposals. In addition, it is not clear why 'where appropriate' has been included at the end of the policy. I have suggested revised wording to provide a practical framework for decision making.
143. Subject to the modifications recommended above, Policy K16 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. As such, modified Policy K16 meets the Basic Conditions.

144. **Recommendation: to meet the Basic Conditions, I recommend modification to Policy K16 to read as follows:**

Policy K16 – Pedestrian Walkways

Where relevant, new development should provide safe pedestrian access to link up with existing or proposed footpaths, ensuring that residents can walk safely to bus stops, the Village Centre and school.

Policy K17 – Parking

145. The NPPF seeks high quality design. Planning policies should establish a strong sense of place. Such policies should be based on stated objectives for the future of the area and an understanding and evaluation of its defining characteristics.
146. BDLP Policy CN9 requires the provision of appropriate parking provision, in terms of amount, design and layout, in accordance with adopted Parking Standards.
147. Policy K17 seeks to ensure adequate and sensitively designed parking provision for residential developments. I have spent a considerable amount of time whilst visiting the Parish looking at the established character and appearance of different areas. As a generalisation, where there is on-site residential parking provision, a strong characteristic is for this parking to be set back from the street frontage and located between houses. I consider the existing parking characteristic provides justified evidence for the Policy K17 requirement for parking to be set back from frontages.
148. As currently worded, Policy K17 implies that residential development would be allowed anywhere if it provided appropriate parking. I am sure that is not

the intention of the local community. My understanding is that Policy K17 is meant to ensure that appropriate parking is provided. I have suggested revised wording, in the interest of precision.

149. Subject to the modification recommended above, Policy K17 has regard to national policy, contributes towards the environmental role of sustainable development and is in general conformity with strategic policy. As such, modified Policy K17 meets the Basic Conditions.

150. **Recommendation: to meet the Basic Conditions, I recommend modification to Policy K17 to read as follows:**

Policy K17 – Parking

Parking provision for new residential development should:

- a) be in accordance with B&DBC’s adopted parking standards;**
- b) be designed so that it fits in with the character of the proposed development;**
- c) respect the character and design of the dwelling it serves;**
- d) where possible, set garages back from the street frontage; and**
- e) where possible, locate parking between houses (rather than in front) so that it does not dominate the street scene.**

Sport and Green Spaces

151. Paragraph 5.10.3 refers to the policies in this section seeking to improve Green Infrastructure by *better linkages of existing Green Spaces allowing them to be appreciated and used more widely*. However, there is no such policy requirement in this section. Therefore, in the interest of precision, I recommend the deletion of this reference in paragraph 5.10.3.

152. **Recommendation: to meet the Basic Conditions, I recommend the deletion of reference to ‘better linkages of existing Green Spaces allowing them to be appreciated and used more widely’ in paragraph 5.10.3.**

Policy K18 – Local Green Spaces

153. Paragraph 76 in the NPPF allows for neighbourhood plans to *identify for special protection green areas of particular importance to them. By designating land as Local Green Space local communities will be able to rule out new development other than in very special circumstances*.

154. Paragraph 78 in the NPPF states: *Local policy for managing development within a Local Green Space should be consistent with policy for Green Belts*.

155. Paragraph 77 in the NPPF states that: *The Local Green Space designation will not be appropriate for most green areas or open space. The designation should only be used:*
- where the green space is in reasonably close proximity to the community it serves;*
- where the green area is 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*
- where the green area concerned is local in character and is not an extensive tract of land.*
156. BDLP Policy EM5 seeks to protect and enhance the quality and extent of public open space.
157. I have spent a considerable amount of time looking at the areas proposed to be designated as Local Green Spaces. It is clear that all of the sites identified in Policy K18 meet the criteria for designation.
158. The last sentence in Policy K18 is somewhat muddled in that it refers to housing and car parking, but then refers to utility infrastructure which is a distinctly different form of development. The last sentence in Policy K18 does not have regard to national policy for managing development of Local Green Spaces, where development is only allowed in very special circumstances. These very special circumstances are not defined in the NPPF and it is not for me to decide whether essential infrastructure constitutes very special circumstances.
159. I am aware that the national Planning Practice Guidance states: *in identifying sites it will be important to recognise that water and wastewater infrastructure sometimes has particular locational needs (and often consists of engineering works rather than new buildings) which mean otherwise protected areas may exceptionally have to be considered where consistent with their designation.*
160. I have suggested revised wording for the last sentence in Policy K18. If the development of essential infrastructure in Kingsclere constitutes the very special circumstances as defined in the NPPF and the locational needs are as recognised in the national Planning Practice Guidance, this would be supported by national policy and guidance.
161. The Local Green Spaces are identified on Map 7 and inset maps in Appendix 3. A number of the sub-sites identified as Site 10 are not on the Site 10 inset map and there is no inset map for Site 11. In the interest of precision, these sites need to be included on the inset maps and there should be cross reference to these inset maps in Policy K18.
162. Subject to the modification I have recommended above, Policy K18 has regard to national policy on the designation of Local Green Space,

contributes towards the environmental and social roles of sustainable development and is in general conformity with strategic policy. Modified Policy K18 meets the Basic Conditions.

163. Paragraph 5.10.5 should refer to Local Green Spaces, rather than just green spaces. **I see this as a minor editing matter.**
164. I note BDBC has offered assistance in making the maps more accurate. **I see this as a minor editing matter.**

165. **Recommendation: to meet the Basic Conditions, I recommend;**
- 1) the identification of all the sub-sites in Site 10 on the Site 10 Inset Map;**

2) the inclusion of an inset map for Site 11 in Appendix 3;

3) modification to Policy K18 to read as follows:

Policy K18 – Local Green Spaces

The Neighbourhood Plan designates the locations shown in Map 7, Appendix 3 and Table 1 as Local Green Spaces.

These areas will be preserved in order to promote social interaction, community activity and active play. Development on designated Local Green Spaces will only be permitted in very special circumstances.

Policy K19 – Green Spaces in New Developments

Policy K20 – Allotments

166. I have considered both of these policies together as they both relate to green space provision.
167. The NPPF at paragraph 73 emphasises the importance of high quality open spaces and opportunities for sport and recreation to the health and well-being of communities. This is part of the social role of sustainable development.
168. BDLP Policy EM5 seeks green infrastructure in accordance with adopted Green Space Standards. Whilst the provision should usually be provided on-site, there are exceptional circumstances where off-site contributions can be made towards the enhancement of existing facilities.
169. BDBC has raised concern regarding the evidence for Policy K19. Paragraphs 5.10.2 and 5.10.4 identify the need for informal green space following the findings of the *Green Infrastructure Strategy for Basingstoke and Deane (2013 to 2029)*. I consider this to be sufficient proportionate evidence to justify the requirement for public amenity space in Policy K19. However, Policy K19 does not allow for off-site financial contributions towards the enhancement of existing facilities. I have no robust evidence

before me to justify this approach and there may be circumstances where it is preferable for off-site contributions. Therefore, to be in general conformity with strategic policy, I recommend the deletion of the requirement for all public amenity space provision to be within the development site.

170. Subject to the modification I have recommended above, Policy K19 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Modified Policy K19 meets the Basic Conditions.

171. **Recommendation: to meet the Basic Conditions, I recommend modification to Policy K19 to read as follows:**

Policy K19 – Green Spaces in New Developments

All proposals for new development will be required to provide public amenity space in accordance with B&DBC’s Green Space Standards in a way which benefits local residents.

172. Policy K20 seeks to encourage the provision of allotments. It is clear from the supporting evidence that allotments play an important part in the provision of recreational facilities for some members of the local community. Proposals that increase this provision would have regard to national policy, contribute towards the social role of sustainable development and have regard to strategic policy. As such, Policy K20 meets the Basic Conditions.

Heritage

Policy K21 – Heritage Assets

173. The Planning (Listed Buildings and Conservation Areas) Act 1990 imposes duties requiring special regard to be had to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

174. 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.

175. Policy K21 identifies the importance of local heritage assets. As referred to under Policy K12, both national and strategic policy refers to preserving (or conserving) or enhancing the character or appearance of a Conservation Area. In this respect, the end of the second sentence in Policy K21 should read ‘character *or* appearance’, rather than ‘character *and* appearance’.

176. As mentioned under Policy K1, Supplementary Planning Documents cannot impose design criteria on new development, although they can encourage new developments to have regard to the guidance. I have recommended revised wording in this regard and reference to the full titles of these documents.

177. There are national and local requirements determining whether Design and Access Statements, Heritage Statements and Visual Impact Statements are required to accompany planning applications in Conservation Areas. Not all development proposals in Conservation Areas are required to provide them. I have no reason to suppose that it is the government's intention that the procedural requirements on developers for planning applications in Conservation Areas 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 planning applications in Conservation Areas and none has been presented to me. In this respect, I have suggested revised wording to Policy K21.
178. Subject to the modifications I have recommended above, Policy K21 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Modified Policy K21 meets the Basic Conditions.
179. The last sentence of paragraph 5.11.3 refers to the drafting of the neighbourhood plan. This has been superseded and thus this sentence should be deleted. **I see this as a minor editing matter.**
180. Paragraph 5.11.4 requires updating as the Kingsclere Conservation Area Appraisal and Management Plan Supplementary Planning Document (2017) was adopted in December 2017. BDBC has confirmed that there is no Article 4 Direction covering the Kingsclere Conservation Area. Whilst an Article 4 Direction was investigated as part of the review it wasn't taken forward. Therefore, paragraph 5.11.4 should be deleted and replaced with a sentence stating: BDBC adopted the Kingsclere Conservation Area Appraisal and Management Plan Supplementary Planning Document on 11 December 2017. **I see this as a minor editing matter.**
181. **Recommendation: to meet the Basic Conditions, I recommend modification to Policy K21 to read as follows:**

Policy K21 – Heritage Assets

Any designated historic heritage assets in the Parish and their settings, including listed buildings and scheduled monuments both within and outside the Conservation Area, will be conserved and, where appropriate, enhanced for their historic significance and their importance to Kingsclere's local distinctiveness, character and sense of place.

New development proposals within the Conservation Area must have regard to the guidance in the Kingsclere Village Design Statement (2002) and have been designed to protect and, where possible, enhance features identified within the Kingsclere Conservation Area Appraisal and Management Plan Supplementary Planning Document (2017) as making a positive contribution to the area's character or appearance. This can be demonstrated in a Design and Access

Statement, Heritage Statement or in a Visual Impact Statement, where relevant.

Any harm to the character or appearance of the Conservation Area should be clearly justified as unavoidable in order to deliver public benefit that cannot otherwise be delivered.

Proposed development in the setting of designated heritage assets, should demonstrate that the design approach has sought to protect any contribution to the heritage asset's significance made by its setting or, where harm is unavoidable, clearly demonstrate that the harm is justified by the provision of public benefit that could not otherwise be delivered.

Site Allocations

182. It must be acknowledged that at the heart of the NPPF is the presumption in favour of sustainable development. In recognising the purpose of sustainable development, the NPPF emphasises that development means growth.
183. BLDP Policy SS1 explains how the scale and distribution of new housing in the Borough will be provided.
184. BDLP Policy SS5 supports the identification of housing sites through Neighbourhood Plans. Kingsclere is required to identify sites/opportunities for at least 50 dwellings, generally in and around the Settlement Policy Boundary. BDBC has confirmed that there is a residual need to identify sites/opportunities for at least 42 dwellings.
185. The three allocated sites chosen were identified as part of an extensive site selection process. The Site Assessment Report explains the selection process and emphasises the public consultation involved. This included late evaluation of an enlarged Yew Tree Farm site following the Regulation 14 consultation stage. An appraisal of options and an assessment of individual sites against clearly identified criteria were carried out.
186. The criteria for site selection have been criticised. Site assessments are not an 'exact science'. What it does give is an indication of suitability of sites and it is clear that the three allocated sites and suggested alternative sites were all considered against the criteria.
187. Whilst the site selection process has been criticised, the chosen sites were subject to a transparent and robust consultation process with the local community. Any assessment of land availability in the production of Neighbourhood Plans needs to be proportionate.
188. Historic England has raised concern regarding the archaeological implications of the site allocations. In the Consultation Statement, the Parish Council has stated that a full Historic Environment Records was commissioned and that maps confirm all sites selected for evaluation have

no areas of archaeological interest. I sought clarification from the Parish Council and following email responses (which I have asked to be published on the BDBC web page), I am satisfied as far as I can reasonably be expected to be that the archaeological implications of the site allocations has been given adequate consideration.

189. All three allocated sites are within the Impact Risk Zone (IRZ) of the Greenham and Crookham Commons SSSI. Natural England is aware of this situation as part of the consultation process and has specifically stated as part of its Regulation 16 representation that it does not have any specific comments on the Plan. In these circumstances, I see the location of the three sites within the IRZ as not being a constraint to development.
190. Paragraph 173 in the NPPF states: *‘Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be delivered viably is threatened.’*
191. It is clear from the background evidence that the policy requirements specified in the site allocation policies (subject to my proposed modifications) are necessary to make the developments acceptable in planning terms.
192. I will go into further detail regarding the specific allocated sites under their individual policies. Subject to my comments with regard to the details of the site-specific allocations below, from my site visits, the evidence base and the representations received, I am satisfied as far as I can reasonably be expected to be, that the allocated sites have no physical constraints to prevent them being delivered.
193. It has been suggested that alternative sites are considered or are allocated as reserve sites. I realise that not everyone is happy with the choice of allocated sites. In the absence of robust justified evidence to the contrary, my overall conclusion is that I am satisfied that the chosen sites are deliverable and together with the overall housing strategy in the Neighbourhood Plan will contribute towards the achievement of sustainable development by the provision of sustainable growth. Thus, I do not consider it necessary for the inclusion of additional or alternative sites for the Plan to meet the Basic Conditions.
194. I note BDBC has offered assistance to improve the resolution of the site allocation maps. Map 8 identifies the allocated sites and there is a further unidentified area shaded purple. This map would benefit from a key. **I see these as minor editing matters.**

Policy K HA1 – Allocation of Fawconer Road Site for at least 12 New Dwellings

195. Policy K HA1 allocates the site for at least 12 dwellings. Representations on behalf of David Wilson Homes confirm that delivery is achievable within the Plan period. They include technical studies to demonstrate how the site can

be developed with mitigation measures. These include technical studies regarding access and noise.

196. Indicative layout plans for the land at Fawconer Road were displayed at a public meeting in October 2015. I requested a copy of these plans, which I have asked to be published on the BDBC web page.
197. The Noise Impact Assessment (27 November 2017) supporting the development of the site is based on an indicative layout of 11 dwellings. It concludes: *the initial noise risk assessment has determined that the Site is subject to low to medium risk due to noise from the A339 and the B3051. Albeit the medium risk corresponds to the extremities of the boundaries and the vast majority of the Site falls into low and medium risk.* It goes on to recommend mitigation measures. Although the Noise Impact Assessment only considers the noise implications for 11 dwellings, as the vast majority of the site falls into low and medium risk, I see no reason why, with appropriate noise mitigation measures, that the site could not accommodate at least 12 dwellings.
198. The Access Appraisal (18 December 2015) supporting the development of the site is based on the possibility of approximately 20 dwellings being built on this site. This is a joint report with an appraisal of access to the Coppice Road site for approximately 26 dwellings on that site. It concludes: *a simple priority staggered junction will have sufficient capacity to accommodate the proposed development with minimal queues and delay.*
199. Having had regard to the details in the SEA, Site Selection Assessment, documents supporting the development of this site and other representations, including the concerns of some local residents, I am satisfied as far as I can reasonably be expected to be, that this site has no physical constraints to prevent the development of at least 12 dwellings.
200. At present, any development proposals are considered against the long complex strategic BDLP Policy EM4 with regard to biodiversity. Criterion c) in Policy K HA1 is not in general conformity with this strategic policy and I have no robust evidence before me to justify the approach taken. It appears to me that by trying to summarise the policy requirement in BDLP Policy EM4, it has not been possible to include all necessary aspects. In this particular situation where BDLP Policy EM4 is so complex and long, I recommend that Policy K HA1 specifically cross refers to BDLP Policy EM4. I have suggested revised wording to criterion c) in this respect. Subject to this modification, Policy K HA1 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Modified Policy K HA1 meets the Basic Conditions.
201. **Recommendation: to meet the Basic Conditions, I recommend modification to criterion c) in Policy K HA1 to read as follows:**
- c) Avoid or mitigate significant harm to key species and habitats, including the deciduous woodland designated as Biodiversity Action**

Plan Priority Habitat, in accordance with Policy EM4 of the Basingstoke and Deane Local Plan (2011 to 2029).

Policy K HA2 – Allocation of Coppice Road Site for at least 26 New Dwellings

202. This site is allocated for at least 26 dwellings. Representations on behalf of the landowner include technical studies regarding access, noise, protected species, and the Kingsclere Fen Meadow Remnants' Site of importance for Nature Conservation (SINC).
203. The Noise Assessment (June 2014) supporting the development of both the site and the Strokins Road site concludes for both sites that acceptable noise standards would be readily achieved using practicable forms of noise mitigation.
204. As referred to under my comments on the Fawconer Road site, the Access Appraisal concludes: *a simple priority staggered junction will have sufficient capacity to accommodate the proposed development with minimal queues and delay.*
205. A Protected Species Survey Report (February 2015) submitted to support the allocation of the site concludes that suggested *enhancement and management of habitat onsite will not only compensate for the loss of habitat resulting from the development but will also promote the ecological value, increasing overall biodiversity.*
206. In order to gain access to the site, it will be necessary to access through a small area of the Kingsclere Fen Meadow Remnants' SINC. The Strategy for managing development in the context of the SINC submitted to support the allocation of the site states that whilst there would be some loss of willow scrub habitat, *there would be a gain for biodiversity by preventing further loss of rush pasture habitat, increasing the area of rush pasture and bringing the rush pasture into a more favourable and stable nature conservation status.* A Management Plan (December 2015) supports this approach. I consider such an approach to be in general conformity with strategic policy in BDLP Policy EM4.
207. Having had regard to the details in the SEA, Site Selection Assessment, documents supporting the development of this site and other representations, including the concerns of some local residents, I am satisfied as far as I can reasonably be expected to be, that this site has no physical constraints to prevent the development of at least 26 dwellings.
208. For the same reasons as specified under my comments on the Fawconer Road site, I consider criterion c) should be modified to be in general conformity with strategic policy. Subject to this modification, Policy K HA2 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Modified Policy K HA2 meets the Basic Conditions.

209. **Recommendation: to meet the Basic Conditions, I recommend modification to criterion c) in Policy K HA2 to read as follows:**

c) Avoid or mitigate significant harm to key species and habitats, including the part of the site designated as the Kingsclere Fen Meadow Remnants SINC, in accordance with Policy EM4 of the Basingstoke and Deane Local Plan (2011 to 2029).

Policy K HA3 – Allocation of Strokins Road Site for at least 14 New Dwellings

210. This site is allocated for at least 14 dwellings. Representations on behalf of the landowner include technical studies regarding access, noise, protected species, and the Kingsclere Fen Meadow Remnants' SINC.
211. As mentioned in my comments on the Coppice Road site, The Noise Assessment (June 2014) supporting the development of both sites concludes that acceptable noise standards would be readily achieved using practicable forms of noise mitigation.
212. The Transport Note (23 February 2015) considers access to the site for an illustrative layout of 16 dwellings. It refers to access from Strokins Road through replacement and extension of an existing private footpath. The resultant loss of garages would be compensated by the provision of additional parking bays. It concludes: *the predicted number of vehicular trips from the proposed development would be low and is very unlikely to have any discernible impact on the wider road network.*
213. A Protected Species Survey Report (February 2015) submitted to support the allocation of the site concludes that suggested *enhancement and management of habitat onsite will not only compensate for the loss of habitat resulting from the development but will also promote the ecological value, increasing overall biodiversity.*
214. In order to gain access to the site, it will be necessary to access along the edge of a small area of the Kingsclere Fen Meadow Remnants' SINC. The Strategy for managing development in the context of the SINC submitted to support the allocation of the site states: *the key features of this area of the SINC would be avoided and whilst there would be some loss of species-poor improved grassland habitat there would be a gain for biodiversity by both restoring the diversity of the improved grassland and wet grassland/fen meadow habitat.* A Management Plan (December 2015) supports this approach. I consider such an approach to be in general conformity with strategic policy in BDLP Policy EM4.
215. Having had regard to the details in the SEA, Site Selection Assessment, documents supporting the development of this site and other representations, including the concerns of some local residents, I am satisfied as far as I can reasonably be expected to be, that this site has no physical constraints to prevent the development of at least 26 dwellings.

216. For the same reasons as specified under my comments on the other two allocated sites, I consider criterion f) should be modified to be in general conformity with strategic policy. Subject to this modification, Policy K HA3 Has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Modified Policy K HA3 meets the Basic Conditions.
217. It has been suggested that the site allocation map identifies the access road. I will leave this to the Parish Council to decide. **I see this as a minor editing matter.**
218. **Recommendation: to meet the Basic Conditions, I recommend modification to criterion f) in Policy K HA3 to read as follows:**
- f) Avoid or mitigate significant harm to key species and habitats, including the part of the site designated as the Kingsclere Fen Meadow Remnants SINIC and the deciduous woodland potentially comprising S41 Priority Habitat under the NERC Act 2006, in accordance with Policy EM4 of the Basingstoke and Deane Local Plan (2011 to 2029).**

Revision of the Settlement Policy Boundary

Policy KNP HA4 – Revision of the Settlement Policy Boundary

219. National policy emphasises that development means growth. BDLP Policy SS1 permits development and redevelopment within the defined Settlement Policy Boundaries, which contribute to social, economic and environmental well-being.
220. A neighbourhood plan can revise a Settlement Policy Boundary. As written, Policy KNP HA4 and supporting text is somewhat confusing as it is not clear whether the Plan revises the boundary or proposes a future revision. In the interest of precision I have suggested modification to the supporting text and Policy KNP HA4, to make it clear that the Settlement Policy Boundary is being revised in this neighbourhood plan. Subject to these modifications, Policy KNP HA4 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Modified Policy KNP HA4 meets the Basic Conditions.
221. As all other policies in the Plan have the prefix 'K', I assume that this policy should not have 'KNP'. **I see this as a minor editing matter.**
222. **Recommendation: to meet the Basic Conditions I recommend:**
- 1) modification to paragraph 6.5.1 to read as follows:**
- All of the allocated sites fall outside the existing Settlement Policy Boundary (SPB). This Plan revises the SPB to include these sites within the Kingsclere SPB.**
- 2) modification to Policy KNP HA4 to read as follows:**

Policy K HA4 – Revision of the Settlement Policy Boundary

The revised Settlement Policy Boundary for Kingsclere is identified on Map 12.

Appendix 1 Projects

223. Appendix 1 lists projects important to the local community. BDBC has suggested that they can assist in Project 1 regarding transport and traffic management. In this circumstance, the Parish Council may wish to consider including BDBC in the list of organisations who could work on this project. **I see this as a minor editing matter.**
224. Project 4 refers to continuing to work on the Conservation Area Appraisal. As this has recently been adopted, the Parish Council may wish to consider revising this project. **I see this as a minor editing matter.**

REFERENDUM AND THE KINGSCLERE NEIGHBOURHOOD DEVELOPMENT PLAN AREA

225. 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.
226. **I am pleased to recommend that the Kingsclere Neighbourhood Development Plan as modified by my recommendations should proceed to Referendum.**
227. I am required to consider whether or not the Referendum Area should extend beyond the Kingsclere Neighbourhood Development Plan Area. I see no reason to alter or extend the Neighbourhood Development Plan Area for the purpose of holding a referendum.

MINOR MODIFICATIONS

228. The Plan is a well-written document, which is easy to read. Where I have found minor editing errors, I have highlighted and 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

executive summary will need revising and paragraph 5.1.3 and there are a number of places where there is no gap between words.

Janet Cheesley

Date 15 May 2018

Appendix 1 Background Documents

The background documents include

The National Planning Policy Framework (2012)
The Planning and Compulsory Purchase Act 2004
The Localism Act (2011)
The Neighbourhood Planning Regulations (2012)
The Neighbourhood Planning (General) (Amendment) Regulations (2015)
The Planning Practice Guidance (2014)
Basingstoke and Deane Local Plan 2011 to 2029 (adopted May 2016)
BDBC Consultation Draft Housing Supplementary Planning Document
(February 2018)
Regulation 16 Representations
Strategic Environmental Assessment for the Kingsclere Neighbourhood Plan
(December 2017)
Site Assessment Report (December 2017)
Consultation Statement (December 2017)
Basic Conditions Statement (December 2017)
BDBC Housing Allocations Scheme (May 2017)
All documents on the BDBC Kingsclere Neighbourhood Plan web page -
including emails.
All documents in the Appendix 2 Evidence list
All background documents on the Kingsclere Parish Council's
Neighbourhood Development Plan Web page.