

St Mary Bourne Parish Neighbourhood Plan - 2016-2029

Submission Version

A Report to Basingstoke & Deane Borough Council into the St Mary Bourne Parish Neighbourhood Plan

By Independent Examiner, Jeremy Edge BSc (Hons) FRICS MRTPI

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17th November 2017

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1.0 Introduction and Role of the Independent Examiner

1.1 Neighbourhood Planning is an approach to planning which provides communities with the power to establish the priorities and policies to shape the future development of their local areas. This Report sets out the findings of the examination of the St Mary Bourne Parish Neighbourhood Plan (Submission Version) 2016-2029.

1.2 My role as an Independent Examiner, when considering the content of a neighbourhood plan is limited to testing whether a draft neighbourhood plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended). The role is not to test the soundness of a neighbourhood development plan or to examine other material considerations.

1.3 Paragraph 8 of Schedule 4B to the Town & Country Planning Act 1990 (as amended) [excluding 2b, c, 3 to 5 as required by 38C (5) of the Planning and Compulsory Purchase Act 2004 (as amended)], states that the Plan must meet the following “basic conditions”:

- it must have appropriate regard for national policy;
- it must contribute towards the achievement of sustainable development;
- it must be in general conformity with the strategic policies of the development plan for the local area;
- it must be compatible with human rights requirements and
- it must be compatible with EU obligations.

1.4 In accordance with Schedule 4B, section 10 of the Town & Country Planning Act 1990 (as amended), the examiner must make a report on the draft plan containing recommendations and make one of the following three recommendations:

- (a) that the draft order is submitted to a referendum, or
- (b) that modifications specified in the report are made to the draft order and that the draft order as modified is submitted to a referendum, or
- (c) that the proposal for the order is refused.

1.5 If recommending that the Plan proceeds to a referendum, I am also then required to consider whether the Referendum Area should extend beyond the St Mary Bourne Parish Neighbourhood Plan, plan area to which the Plan relates. I make my recommendations at the end of this Report.

- 1.6 I am independent of the qualifying body, associated residents, business leaders and the local authority. I do not have any interest in any land that may be affected by the Plan and I possess appropriate qualifications and experience.
- 1.7 I was appointed to undertake the independent examination of the submission version of the St Mary Bourne Neighbourhood Plan (SMBNP) in late August 2017. I have been supplied with the following documents submitted to Basingstoke & Deane Borough Council for the examination (via the Borough Council's website) comprising:
- The St Mary Bourne Parish Neighbourhood Plan 2016-2029 (Submission Version), April 2017
 - Strategic Environmental Assessment for the St Mary Bourne Neighbourhood Plan, AECOM, May 2017
 - St Mary Bourne Neighbourhood Plan Basic Conditions Statement Submission Version: April 2017
 - St Mary Bourne Neighbourhood Plan Consultation Statement, Submission Version: April 2017
 - The Consultation Statement Appendices
- 1.8 The following background documents available to me via the Parish Council's website have also been taken into consideration in undertaking this examination:
- Basingstoke and Deane Local Plan (2011 -2029)
 - St Mary Bourne and Stoke Conservation Appraisal 2003
 - St Mary Bourne Village Design Statement 2005
 - St Mary Bourne Parish Plan 2005
 - Housing Survey Questionnaire
 - Housing Survey Analysis
 - Housing Report
- 1.9 In preparing the SMBNP a screening report was undertaken for Strategic Environmental Impact Assessment (SEA) and Habitats Regulations Assessment (HRA) by Basingstoke and Deane Borough Council in September 2015. This concluded that an SEA was required to accompany the Neighbourhood Plan but that it would not need to be subject to HRA. The preliminary version of the SEA and HRA screening assessment was then sent to the three statutory consultees (the Environment Agency, English Heritage and Natural England) for comment, and their views were included in the screening opinion which was issued to St Mary Bourne Parish Council detailing the outcomes of the screening stage on 18th September 2015. The reasons for the Council's decision that SEA was required were:
- The location of the vast majority of the parish within a sensitive area (AONB);
 - The relatively large number of listed buildings and both St Mary Bourne and

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- Stoke being designated as a Conservation Area;
 - Difficulty in quantifying the amount and form of development likely to be facilitated by the neighbourhood plan, and its associated implications; and
 - The comments provided by Historic England (which stated that an SEA should be required).
- 1.10 In relation to Habitats Regulations Assessment, the reason why this was not considered necessary was because there are no European sites within a 10km radius of the neighbourhood area. Consequently, it was considered that there are unlikely to be significant effects on any European sites flowing from this Neighbourhood Plan.
- 1.11 **St Mary Bourne – Background**
- 1.12 St Mary Bourne is small village and civil parish in northwest Hampshire. It lies in the valley of the Bourne rivulet, a tributary of the River Test, 5 miles (8 km) northeast of the town of Andover. The village is in a rural area of downland, with a mixture of farms and woodlands nearby. The Bourne Rivulet flows through the centre of the village and has been known to flood.
- 1.13 The village of St. Mary Bourne is part of the civil parish of St. Mary Bourne and is part of the Burghclere, Highclere and St. Mary Bourne ward of Basingstoke and Deane Borough Council.
- 1.14 The settlement supports The George Inn and the Bourne Valley Inn and a partly volunteered shop. In addition, Vita-cress, a watercress growing company is located in the river valley to the south of the village. Within St Mary Bourne are a number of small scale commercial activities including, a garage, a recruitment company, an agency for marketing responsible tourism in addition to a glass engraving business and a plant nursery. Most employed inhabitants travel to larger employment centres such as Newbury, Whitchurch, Basingstoke, Winchester or Andover. Some inhabitants travel to work in London. There is also a primary school and a local amateur dramatic society.
- 1.15 The SMBNP sets out a series of aims, objectives and consideration which have influenced the preparation of the planning policies. The draft Plan acknowledges that a number of the considerations which have influenced the preparation of the SMBNP are exogenous to the Parish but nonetheless affect the approach to sustainable development and the preparation of the SMBNP planning policies. The SMBNP also acknowledges that in preparing the Plan, only matters relating to land use planning can be considered appropriate in a planning policy context. For this reason, the Plan includes some projects which are outside the scope of land use planning and therefore beyond my terms of reference in relation to this independent examination. I do not object to the inclusion of these within the Plan but it should be recognised that these are beyond the scope of the independent examination and should

have no weight in planning decision-making if the Plan was to proceed to referendum and subsequently made. In order that there is no uncertainty between planning policies and projects, a clear distinction between the two should be made. I recommend that the Plan should include a brief statement confirming that these “statements of intent” have no weight in determining planning applications. It would be preferable to include these in an appendix to the SMBNP.

1.16 The Aims of the SMBNP are stated as being:

1. Provide a framework for sensitive development of the parish, to allow it to continue to grow and therefore, to sustain the parish communities and their assets but also to retain the character of the parish.
2. Rebalance the housing stock, to allow development of sufficient homes for those starting out in life and to facilitate older people downsizing.
3. Share the burden of new development in a positive way, to reduce the strain on St Mary Bourne and Stoke and to reinvigorate the Hamlets.
4. Encourage Community Action projects, which whilst not within the technical scope of the SMB Plan, will support and enhance the development of the Parish.

1.17 The SMBNP includes five objectives to deliver the Aims. The Plan explains that the objectives have been prepared as a basis for the SMBNP Plan Policies. The objectives are:

1. Focus on re-developing redundant agricultural buildings, in order to protect greenfield sites, respect sightlines and reduce the burden on infrastructure;
2. Support developments which rebalance the housing stock;
3. Support lower cost market housing and Rural Exception sites for non-market housing, provided this does not contradict other Policies;
4. Ensure that new development is well-designed, helps to create a strong sense of place, and reinforces the distinctive character of the villages and hamlets, and conserves or enhances visual amenity; and
5. Provide for site types which do not further strain the infrastructure of the village, particularly the sewage and fresh water systems, parking and traffic flows.

1.18 The Plan further explains that the following four “Considerations”, have been factual drivers limiting or promoting certain Policies:

1. Potential development areas need to take into account the topography and that the settlements of St Mary Bourne and Stoke that are vulnerable to flooding, adversely affecting the functioning of the sewerage network and that traffic flows through the Bourne Valley are impacted by developments in Andover;
2. Whilst affordable housing is a key objective delivery is subject to site size, budgets of providers and the eligibility of local people;

3. The existing stock of non-market housing, which could be developed or adapted to support the aims of the SMBNP; and
4. Other developments outside the Parish but which have a material effect on the Parish, but cannot be taken into account within the SMBNP.

1.19 In order to meet the Basic Conditions test, neighbourhood plans need to be in accordance with national and strategic local adopted planning policies. Matters relating to land ownership are not normally a matter for land use planning. Planning control is also normally exercised to consider development proposals rather than development which has already been permitted and developed, or where development is outside the control of the local planning authority, including permitted development. The opportunities to, “re-balance” the housing stock within the Parish through the planning system will be extremely limited and would normally be a matter of control through land ownership relating to tenure and the application of covenants within leases and /or through the imposition of restrictive covenants, where appropriate. This is reflected in further detail in considering the draft planning policies of the Plan later within my report.

2.0 **Basic Conditions**

2.1 I now consider the extent to which the SMBNP meets the “Basic Conditions”. A Basic Conditions Statement was submitted in April 2017 by St Mary Bourne Parish Council. I also set out the extent to which the Basic Conditions test are met within the SMBNP in the Summary to this examination report.

2.2 The Basic Conditions Statement supplied to me by the Borough Council explains and confirms that the Neighbourhood Plan contains policies relating to the use and development of land and has been prepared in accordance with the statutory requirements and processes set out in the Town and Country Planning Act 1990 (as amended by the Localism Act 2011) and the Neighbourhood Planning Regulations 2012 (as amended). The Neighbourhood Plan proposal states the period for which it is to have effect which is from 2016 until the end of 2029. The SMBNP is thus coterminous with the Adopted Local Plan 2011-2029, which was adopted by Basingstoke & Deane Borough Council on 26 May 2016.

2.3 The Basic Conditions Statement confirms that the Neighbourhood Plan does not deal with excluded development (mineral extraction, waste development, nationally significant infrastructure or any other matters set out in Section 61K of the Town and Country Planning Act 1990).

2.4 The Basic Conditions Statement briefly explains the requirements of the SMBNP to meet the basic conditions tests, what these comprise and how the Plan meets these tests, including

- the contribution that the Plan makes towards the achievement of sustainable development and its conformity with the strategic policies for the development of the area. In addition, the Basic Conditions Statement explains how the SMBNP is compatible with EU obligations.
- 2.5 The Basic Conditions Statement also demonstrates how the Neighbourhood Plan conforms with the provisions made under sections 61E (2), 61J and 61L of the Town & Country Planning Act 1990, as amended by the Localism Act 2011. I am content that the SMBNP has been submitted by a qualifying body in accordance with the Localism Act 2011.
- 2.6 The Consultation Statement provides a detailed chronology of the steps that were taken to consider the issues facing the local community from August 2011 at the initial meeting after which was established the Long Term Working Group for the Neighbourhood Plan project. The Consultation Statement records that the first local consultation took place at a parish meeting in April 2012. At this meeting, I understand that Focus Groups presented their findings on:
- Housing - including an Analysis of New build/major rebuilds 1994 – 2012,
 - An assessment of Social Housing and Housing for Elderly;
 - Analysis of Leisure Facilities;
 - The Surgery;
 - Analysis of Infrastructure – sewage system, roads, traffic and parking issues.
- 2.7 The Consultation Statement notes that a presentation on the work to date and the main conclusions was made to the Parish Council AGM in May 2012. Subsequently the planning issues facing the Parish were pulled together into a preliminary plan for a meeting on 16th November 2012 attended by about 100 members of the local community. Following the designation of the Neighbourhood Plan Area the Consultation Statement chronicles the period of evidence collecting which took place from mid- 2013 to 2014 covering landscape assessment and a housing survey.
- 2.8 Appendix 1 to the Consultation Statement comprises a letter of 24th July 2013 from Basingstoke & Deane Borough Council confirming that the Borough Council has approved St Mary Bourne's Parish Council's application for the designation of the St Mary Bourne Neighbourhood Area under section 61G of the Town and Country Planning Act 1990. The letter also confirmed that the geographic extent of the approved neighbourhood plan area extended to the entire Parish. I am therefore content that the SMBNP meets the requirements of The Town & Country Planning Act 1990, s 61 G in relation to the designation of the Plan area.
- 2.9 I also note that the proposed Neighbourhood Plan does not relate to more than one neighbourhood area and that there are no other Neighbourhood Development Plans in place within this designated neighbourhood plan area, as confirmed in the Basic Conditions Statement.

2.10 The SMBNP explains the aims, objectives and considerations which together provide the aspirations for future development in the Parish. The draft policies in the Plan provide the planning framework which will seek to manage how the vision and aims of the Plan will be delivered. The Plan is generally well structured and the Basic Conditions Statement summarises the vision of the draft Plan and how it is intended to satisfy the Basic Conditions tests by reference to meeting the legal requirements summarised in section 1 of my report above. Subject to my recommendations being acceptable concerning policy modifications suggested in this report, I concur with the Basic Conditions Statement that the plan proposal relates to planning matters (the use and development of land) and has been prepared in accordance with the statutory requirements and processes set out in the Neighbourhood Planning (General) Regulations 2012, taking into account the clear explanation of the evolution of the Plan and the policy content in the Consultation Statement.

2.11 **Regard to the National Planning Policy Framework (NPPF)**

2.12 In relation to the presumption in favour of sustainable development, the NPPF advises that all plans should be based upon this presumption with clear policies that will guide how the presumption should be applied locally. Paragraph 16 of the NPPF acknowledges that the application of the presumption in favour of sustainable development will have implications for how communities engage in neighbourhood planning. In particular neighbourhoods should develop plans that support the strategic development needs set out in Local Plans, including policies for housing and economic development and plan positively to support local development, shaping and directing development in their area that is outside the strategic elements of the Local Plan. The Basic Conditions Statement refers to the requirement in the NPPF at paragraphs 183- 185. The NPPF explains at paragraph 183, that neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need. Parishes and neighbourhood forums can use neighbourhood planning to:

- set planning policies through neighbourhood plans to determine decisions on planning applications; and
- grant planning permission through Neighbourhood Development Orders and Community Right to Build Orders for specific development which complies with the order.

2.13 Paragraph 184 of the NPPF requires that the ambition of the neighbourhood should be aligned with the strategic needs and priorities of the wider local area and that neighbourhood plans must be in general conformity with the strategic policies of the Development Plan.

Furthermore, neighbourhood plans should reflect these policies and neighbourhoods should plan positively to support them. Provided that neighbourhood plans do not promote less development than set out in the relevant Development Plans, or undermine the strategic policies, neighbourhood plans may shape and direct sustainable development in their area.

2.14 **Contribution to Sustainable Development**

2.15 At paragraph 7, the NPPF defines the three dimensions to sustainable development as being, economic, social and environmental; the NPPF sets out the roles that the planning system is expected to perform in relation to each. The SMBNP Basic Conditions Statement provides a useful matrix cross referencing the SMBNP aims and policies with the 12 core principles contained in paragraph 17 of the NPPF and a further summary demonstrating how the planning policies in the SMBNP comply with NPPF policy guidance and the achievement of sustainable development. Subject to my comments in section 5 of this report, in relation to various policies of the Plan, I am generally satisfied that the Plan has adequate regard to national planning policy guidance.

2.16 **General conformity with the statutory development plan for Basingstoke and Deane Borough Council**

2.17 The statutory development plan for Basingstoke and Deane’s administrative area is the Basingstoke and Deane Local Plan (2011 to 2029).

2.18 The Local Plan, adopted in May 2016, explains in the Introduction from paragraph 1.10 how this Local Plan is linked to Neighbourhood Planning. The text states that the Local Plan has been prepared to provide a strategic evidence base for Neighbourhood Development Plans and Neighbourhood Development Orders, including Community Right to Build Orders. Moreover, the Local Plan states at paragraph 1.11:

“All of the policies set out in the Local Plan are considered to be strategic in nature and therefore Neighbourhood Plans and Orders will need to conform with these policies unless there are specific local circumstances, accepted by the Local Planning Authority, which warrant a specific local approach to be taken. Neighbourhood Development Plans and Orders will have the opportunity to take forward some of the issues highlighted within the Local Plan in more detail.”

2.19 The Basic Conditions Statement reviews the strategic policies of particular relevance to the SMBNP on a systematic basis, justifying how the SMBNP conforms with the strategic policies of the adopted Local Plan.

2.20 The Basic Conditions Statement identifies the key strategic policies in the Local Plan with reference to the SMBNP as:

- Policy SD1 – Presumption in favour of sustainable development
- Policy SS1 – Scale and Distribution of New Housing
- Policy SS5 – Neighbourhood Planning
- Policy SS6 – New Housing in the Countryside
- Policy CN1 – Affordable Housing
- Policy CN2 – Rural Exceptions for Affordable Housing
- Policy CN8 – Community, Leisure and Cultural Facilities
- Policy EM1 – Landscape
- Policy EM8 – Commercial Renewable/Low Carbon Energy Generation
- Policy EM10 – Delivering High Quality Development

2.21 **Compatibility with EU Obligations**

2.22 On 18th September 2015, Basingstoke and Deane Borough Council issued a screening opinion to the Parish Council advising that Strategic Environmental Assessment (SEA) would be required to be carried out in respect of the SMBNP draft policies, but that a Habitats Regulation Assessment would not be required. The letter provided appropriate justification.

2.23 **Strategic Environmental Assessment (SEA)**

2.24 The Parish Council instructed AECOM (environmental consultants) to undertake and prepare the SEA report, a copy of which, dated 2nd May 2017, I have taken into consideration in preparing my independent examination of the SMBNP. The purpose of the assessment is to examine the likely environmental effects and mitigate adverse environmental and socio-economic effects, identifying opportunities to improve the environmental quality of St Mary Bourne and the quality of life of residents through the Neighbourhood Plan.

2.25 The SEA acknowledged that no housing or employment allocations are included for St Mary Bourne Parish in the Local Plan, but noted that Policy SS6 (New Housing in the Countryside) highlights that the policy has “...sufficient flexibility to support the provision of new homes where they will enhance or maintain the vitality of rural communities and meet identified needs”. The SEA process assessed three broad options relating to the scale and size of housing delivery to be taken forward for the purposes of the Neighbourhood Plan. The three options were:

- Option 1: Deliver the minimum requirements of the Basingstoke and Deane Local Plan (i.e. the delivery of no further dwellings in the parish)
- Option 2: Delivery of a limited number of dwellings through the SMBNP to meet local needs, focusing on smaller developments of under ten dwellings.

- Option 3: Delivery of a more significant number of dwellings through the SMBNP, allowing larger developments.
- 2.26 The SEA report explains that these options were considered through the SEA Framework of objectives and assessment questions developed during the earlier scoping stage of the SEA process. The SEA report concluded that the current version of the SMBNP is likely to lead to significant positive effects in terms of the SEA objectives focusing on improving the quality of life of residents in St Mary Bourne Parish and that these benefits will be facilitated through the current version of the Plan's impetus on promoting improvements to the public realm, the protection and enhancement of community facilities, and its focus on housing provision to meet local needs and support the vitality of the parish.
- 2.27 The report also concluded that the central and overriding element of the Neighbourhood Plan is the protection and enhancement of landscape character and the character of the village and hamlets, through the application of the Village Design Statement. The report also noted that the reuse and rejuvenation of historic environment assets in the parish, which will be supported through the SMBNP's development strategy, will have significant positive effects on the setting of the historic environment and on local distinctiveness in the parish.
- 2.28 I consider that the preparation of the SMBNP has been undertaken in conformity with European Regulations in respect of Strategic Environmental Assessment and concur that in relation to the Habitats Directive, the Birds Directive, and the Ramsar Convention, there are no European sites in the vicinity which would be likely to be impacted as a consequence of the SMBNP either individually or in combination with other projects.
- 2.29 **Compatibility with human rights requirements**
- 2.30 The Basic Conditions Statement states that the SMBNP does not conflict with human rights as set out in the European Convention on Human Rights or the Human Rights Act 1998. In support of this statement, an Equalities Impact Assessment has been undertaken and is included in Appendix 2 to the Basic Conditions Statement.
- 2.31 The principal findings were that the great majority of policies in the SMBNP would have a neutral effect while the positive effects were as follows:
- Objective 2 provides for rebalancing of the housing stock to facilitate appropriate development for older people. This is supported by Objective 4, which requires good design and hence respect for accessibility.
 - The Supporting text for Policy P1 provides for live/work spaces which would be appropriate for people with disabilities, to allow them to occupy

residential units which would support their lifestyle within the village.

2.32 In relation to the likely effect of the SMBNP, I am of the opinion that these are unlikely to have any prejudicial effects on Human Rights and the related Equality Act 2010, if the Plan were to be made, in accordance with my recommendations in this report.

3.0 **Background Documents**

3.1 The background documents referred to in this examination report are listed in the Appendix.

4.0 **Public Consultation**

4.1 Part 5 of The Neighbourhood Planning (General) Regulations 2012, “the Regulations”, makes provision in relation to procedure for making neighbourhood development plans. To fulfil the legal requirements of Regulation 15(2) of Part 5 of the Regulations, the consultation statement should contain the following:

- details of people and organisations consulted about the proposed Neighbourhood Plan;
- details of how they were consulted;
- a summary of the main issues and concerns raised through the consultation process; and
- descriptions of how these issues and concerns were considered and addressed in the proposed Neighbourhood Plan.

4.2 The Consultation Statement should also demonstrate that there has been proper community engagement and that it has informed the content of the Plan. It should also make it clear and transparent that those producing the plan have sought to address the issues raised during the consultation process. Consultation and community engagement is a fundamental requirement of the Regulations, the process of plan-making being almost as important as the plan itself. The Consultation Statement sets out in some considerable detail in the Consultation Statement relating to the SMBNP and its preparation from inception in 2011 until the preparation and second Regulation 14 consultation following revision of the earlier version of the draft plan. The Consultation Statement also describes the systematic approach adopted by the Parish in identifying the key planning and socio economic and environmental issues in the community and the setting up of 12 thematic focus groups which investigated these topics within the Parish.

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- 4.3 The Consultation clearly describes how the SMBNP evolved through consultation stages undertaken in the preparation of the Plan and explains the steps undertaken to include “hard to reach” groups.
- 4.4 The Neighbourhood Plan area was officially designated by Basingstoke & Deane Borough Council on 24 July 2013 and this is recorded in the Consultation Statement.
- 4.5 To inform the preparation of subsequent policy, the Parish undertook a Housing Survey, based on the methodology employed by Basingstoke and Deane Borough Council and also a Landscape Assessment. These studies have helped provide an evidence base for policy formulation, sadly lacking in the preparation of a number of other neighbourhood plans that I have examined. These studies and related reports are included in the Consultation Statement as follows:
- Appendix 2 - Housing Survey Questionnaire
 - Appendix 3 - Housing Survey Summary
 - Appendix 4 - Landscape Assessment
 - Appendix 5 - Housing Report
- 4.6 Advertised in the December 2013, February and March 2014 editions of Hill and Valley; through the Bourne Valley Signpost, and on the Blog, the First Draft Plan, along with a synopsis of the then work to date was exhibited in the Village Hall at an open meeting on 28 March 2014. The Consultation Statement records that there were also displays of:
- The results of the Housing Survey, along with the Housing Report;
 - Responses to questions raised in the Survey;
 - The Village Design Statement 2005 along with updates;
 - The Landscape Assessment;
 - Drainage Issues from Sewers and Surface Water Drainage/Flooding;
 - Traffic and Highways; and
 - The History of St Mary Bourne.
- 4.7 The Consultation Statement also chronicles the preparation of the Strategic Environmental Assessment (SEA) report commissioned in October 2015 and carried out by consultants AECOM. The initial scoping report was issued in January 2016 to the nationally designated authorities, Natural England, the Environment Agency and Historic England. Following their responses, the SEA was drafted and completed in March 2016. After the Regulation 14 Consultations, the draft SEA was revised in accordance with the then revisions to the SMBNP.

4.8 As a consequence of the comments from the first Regulation 14 Consultation, the SMBNP was redrafted, paying particular attention to the comments of Basingstoke and Deane Borough Council Planning Department and a second Regulation 14 consultation took place in November and December 2016. The Consultation Statement summarises the comments and includes these in Appendices 9 and 10 to the Statement.

4.9 I am satisfied that the SMBNP Consultation Statement complies with Section 15(2) of part 5 of the Regulations and that the proposed neighbourhood development plan meets the requirements of paragraph 8 of Schedule 4B to the 1990 Act, in accordance with Regulation 15(1) of part 5 of the Regulations.

5.0 **St Mary Bourne Parish Neighbourhood Plan - 2016-2029 – Planning Policies**

5.1 I now consider each of the SMBNP draft planning policies within the Plan:

5.2 **Policy P1: Redundant Agricultural Buildings**

5.3 This policy states:

Residential development on sites of Redundant Agricultural Buildings will be approved where it is proportionate to the location and within a closely-grouped or contiguous built form of existing housing, provided that:

a) the scale – the number and size of units - is proportionate to the settlement’s size, form and character; and

b) the site is within or directly adjoining the built form of the settlement; and

c) it would not harm and should conserve and enhance the settlement’s rural character and setting; and

d) the development meets a locally agreed housing need, as identified in this plan;

e) The number of units should be up to six on any one site (a site comprises a single or a group of agricultural buildings) and must be proportionate to its location and to the existing residential units in the vicinity of the site.

f) Any such development must not result in an additional agricultural building being needed during the lifetime of the SMB Plan in order to replace the building(s) being redeveloped.

g) The demolition of buildings which have architectural or historic merit will not be permitted unless it can be demonstrated that the building is not capable of conversion and it can be justified that the benefits of the proposal outweigh any harm to the character of the area.

5.4 There is no specific guidance in the National Planning Policy Framework (NPPF) relating to the redevelopment or re-use of agricultural buildings, but the policy is broadly consistent with paragraph 55 of the NPPF which states:

“To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby”.

5.5 Furthermore, the change of use (as distinct to demolition and redevelopment) of redundant agricultural buildings to residential use now falls within the ambit of permitted development, subject to certain criteria, as set out in The Town and Country Planning (General Permitted Development) (England) Order 2015, (SI 2015 No. 596).

5.6 Policy SS6 – “New Housing in the Countryside”, of the Adopted Local Plan (ALP) 2011-2029, states that:

“Development proposals for new housing outside of Settlement Policy Boundaries will only be permitted where they are:

For the re-use of a redundant or disused permanent building provided that the proposal:

iv) Does not require substantial rebuilding, extension or alteration; and

v) Does not result in the requirement for another building to fulfil the function of the building being converted; and

vi) Leads to an enhancement to the immediate setting;”

5.7 Policy SS6 in the ALP does not support demolition and redevelopment, but only the re-use of a redundant or disused permanent building for residential use (see sub-paragraph iv in the policy text, shown above), however there may be instances where there is no realistic prospect of redundant or disused agricultural buildings being brought into alternative use on a viable basis. In most cases residential use will offer the most valuable alternative use for such buildings. In order for demolition and redevelopment on the sites of redundant agricultural buildings to take place as envisaged in Policy P1 and to be compatible with ALP Policy SS6 (iv), it would be necessary to amend the policy to include a viability criterion to be satisfied, before demolition and redevelopment, as distinct to change of use to residential, is considered. In reaching this conclusion, I note that paragraph 4.65 of the ALP states that:

“Each of the policies in the Local Plan are strategic in nature and therefore all Neighbourhood Plans need to be in conformity with them, unless there is an agreed and significant local justification for an amended approach.”

- 5.8 Otherwise, I accept that Policy 1 is consistent with the rural housing strategy contained within the ALP, which supports small scale development provided it responds to local need, is well related to existing settlements and is sympathetic to the character of the area.
- 5.9 I further note that the helpful Regulation 16 consultation response from Heritage England, dated 12th July 2017. In this response, Robert Lloyd-Sweet (Historic Places Adviser (South East England)) recommended that the final subparagraph could both be framed more positively to encourage the conversion and retention of redundant agricultural buildings of architectural or historic merit, the method of assessing the harm to heritage against the public benefit of development should be amended to meet that set out in the NPPF in relation heritage assets as follows:
- “Proposals for the conversion of redundant agricultural buildings of historic or architectural interest that would result in a sustainable use that conserves or enhances their significance will be supported. Development proposals that would result in the loss of or harm to the significance of a building of historic or architectural merit it must clearly demonstrate that the benefits to be provided could not be delivered through sensitive conversion of the building, or through use of an alternative location and that the public benefits will clearly outweigh the harm caused through loss of the building’s significance.”
- 5.10 I agree that this suggested approach would reflect a more positive strategy consistent with the advice in the NPPF at paragraph 126 and should also ensure that where appropriate heritage assets are positively integrated in new development as set out at paragraph 131.
- 5.11 I note from the comments from Basingstoke and Deane Borough Council that the Local Planning Authority (LPA) considers that the revised supporting text adequately provides additional clarification sought explaining the Parish Council’s reasoning for this policy and providing examples of similar schemes in the neighbourhood area which the Parish Council considers set a precedent for this form of development.
- 5.12 I therefore recommend that Policy 1 be amended to incorporate a viability test in order that the policy complies with the ALP Policy SS6 (iv) and that the criterion in sub-paragraph g is replaced as indicated below with a sperate clause:

Policy P1: Redundant Agricultural Buildings

Residential development on sites of Redundant Agricultural Buildings will be supported where it is proportionate to the location and within a closely-grouped or contiguous built form of existing housing, provided that:

- a) such proposals will only be supported where it is demonstrated objectively that the property has been freely and continuously offered in the market for at least nine months for residential use, without necessitating substantial rebuilding, extension or alteration, without securing a user on market acceptable terms, to justify that use within Use Class C3a is not economically viable; and*
- b) the scale – the number and size of units - is proportionate to the settlement’s size, form and character; and*
- c) the site is within or directly adjoining the built form of the settlement; and*
- d) it would not harm and should conserve and enhance the settlement’s rural character and setting; and*
- e) the development meets a locally agreed housing need, as identified in this plan;*
- f) The number of units should be up to six on any one site (a site comprises a single or a group of agricultural buildings) and must be proportionate to its location and to the existing residential units in the vicinity of the site.*
- g) Any such development must not result in an additional agricultural building being needed during the lifetime of the SMB Plan in order to replace the building(s) being redeveloped.*

Proposals for the conversion of redundant agricultural buildings of historic or architectural interest that would result in a sustainable use that conserves or enhances their significance will be supported. Development proposals that would result in the loss of or harm to the significance of a building of historic or architectural merit must clearly demonstrate that the benefits to be provided could not be delivered through sensitive conversion of the building, or through use of an alternative location and that the public benefits will clearly outweigh the harm caused through loss of the building’s significance.

5.13 **Policy P2: Infill housing in Stoke**

5.14 This policy states:

- 5.15 ***Proposals for new dwellings within the existing built up area of Stoke will be permitted provided:***
- a) The development consists of infilling a small undeveloped plot by one dwelling or a pair of semi-detached dwellings within a continuous built up frontage but does not infringe important sightlines to open countryside (please refer to pages 8-9 of the VDS in Appendix 4 for examples of sightlines); and*
 - b) The proposed development is commensurate with the scale and character of existing dwellings within the otherwise continuous built up frontage: and*
 - c) Where more than one unit is provided then at least one of the units should be a 2 bedroom unit, and units consented under this policy should not exceed 3 bedrooms.*

- 5.16 Policy P2 is consistent with paragraph 55 of the NPPF, through promoting sustainable development in rural areas as the housing encouraged within the settlement of Stoke would be located where it will enhance or maintain the vitality of rural communities, whilst precluding development which would infringe sightlines as defined in the Village Design Statement (2005). The dwelling mix and size constraints imposed by the policy reflect the overwhelming evidence from the Household Survey and analysis for small family houses.
- 5.17 I note that no amendments were sought in relation to this policy following the Regulation 16 consultation by Basingstoke & Deane Borough Council and no other responses were made concerning this policy.
- 5.18 As a general point, I note that the ALP seeks to, “direct new housing the identified Settlement Policy Boundaries and specific site allocations. Within the countryside it is the intention to maintain the existing open nature of the borough’s countryside, prevent the coalescence of settlements and resist the encroachment of development into rural areas”. (ALP, explanatory text to Policy SS6, paragraph 4.70). Settlement policy boundaries for St Mary Bourne and Stoke were defined in the VDS as at 2005. I understand by way of a note in Appendix 4 regarding the Village Design Statement (2005), that the Settlement Boundary around Stoke has subsequently been removed.
- 5.19 It is perhaps disappointing that the settlement boundaries were not re-assessed as part of the plan-making process for this neighbourhood plan, as picked up for example during the SEA consultation by Robert Lloyd-Sweet (see Table 2.1: Consultation responses received on the SEA Scoping Report, page 6)¹, although in a different context, as settlement boundaries to assist in the location of housing are a key component of ALP Policy SS5 on Neighbourhood Planning and in this Parish the settlement boundaries as drawn in the VDS are now 12 years old and do not fully reflect the current form and extent of the settlements.
- 5.20 Notwithstanding the comment above, the lack of any re-assessment and revisions to the settlement boundaries to Stoke and St Mary Bourne in the preparation of the SMBNP, whilst desirable this is not essential to the Plan and I consider that this policy is satisfactory for development management purposes. I recommend a minor modification to the first sentence of the policy to read:

“Proposals for new dwellings within the existing built up area of Stoke will be ~~permitted~~ supported provided:”

¹ Strategic Environmental Assessment for the St Mary Bourne Neighbourhood Plan Environmental Report to accompany the Submission version of the Neighbourhood Plan, 2nd May 2017, AECOM Infrastructure & Environment UK Limited

5.21 The reason for this minor alteration is simply to avoid any expectation on behalf of applicants that planning permission for proposals that satisfy this policy alone may not be permitted in the event they conflict with other policies in the SMBNP, or the adopted local plan.

5.22 **Policy P3: Housing Site Mix and Local Connection Pre-emption right**

5.23 This policy states:

5.24 ***The mix of any individual development should be predominantly 2 and 3 bedroom units. Small units (2 and 3 bedroom properties) may not be combined so as to create a single residence from two units.***

Developments must be offered for a period of six weeks to those with a local connection, being either residents, relatives of residents, former residents who wish to return, residents of nearby Parishes or those working in key professions in the area, such as teachers, firefighters and medical personnel. This priority right will be at the price at which the development shall be offered for sale and in the case of a subsequent reduction in price, the six-week period shall commence again.

5.25 This policy is central to the SMBNP's objective to rebalance the housing stock within the Parish in an attempt to use the land use planning system to assist in meeting housing need within the area on a sustainable basis. The housing mix defined as being predominantly two and three bed dwellings reflects the results of the Parish Housing Survey and like Policy P2, is consistent with paragraph 55 of the NPPF.

5.26 The only Regulation 16 consultation response regarding this policy was from Basingstoke & Deane Borough Council which drew attention to the local connection element of the policy which was considered vulnerable to being removed at independent examination because the policy was unclear as to whether it would apply to only market or affordable housing, or to both. Furthermore, the LPA considered that supporting evidence which might demonstrate that this element was necessary and evidence that this policy would not undermine future development (in viability terms) was also lacking.

5.27 The LPA considered that to the extent that the policy is intended to apply to affordable housing, then the wording should be clarified accordingly. However, the LPA also commented that if this were the case, the council's housing department did not consider that such requirements are appropriate and that this issue should be addressed instead by the Local Housing Authority allocations policies, which seek to prioritise those with a local connection. As a matter of record the response noted that the local connection policies pertaining to

affordable housing in relation to the Oakley, Bramley and Whitchurch Neighbourhood Plans had been either removed or amended by the independent examiner.

5.28 I am entirely sympathetic to the aspirations of the Parish Council in regard to the desire to rebalance the supply of new housing within the Parish as identified through the Housing Survey and related analysis. There is without doubt a demand and indeed clear need to provide housing for people living within concealed and potentially concealed households within the Parish. Nonetheless, with the exception of land falling within the National Parks, the English planning system is not equipped to provide housing of all tenures for people with local connections on an enduring basis. Such need appears to be manifest in Parishes within the Basingstoke and Deane administrative area and more widely across the country. Within National Parks for example, under s157 of the Housing Act 1985, Local Occupancy Restrictions may be registered against various types of properties. The purpose of such a policy is to ensure that local people continue to have access to housing which remains affordable and which serves local needs. However outside national parks, these benefits are not currently available, although the distinction to be drawn between national parks and the needs of others in rural areas, where demand for housing and house prices are high is difficult to distinguish. It appears that at St Mary Bourne, the Parish is attempting to introduce a similar model to that which would be potentially available were the settlement within a national park. The planning system alone is not able to provide the occupancy and ownership controls that the Parish Council is seeking, to rebalance housing provision through this policy. At present and without legislative change, the rebalancing that the SMBNP is seeking is only likely to succeed through philanthropic land ownership providing low cost housing land, in combination with restrictive covenants on the land imposed by the donor landowner to control the value of the land and ensure that in successive years the land and buildings may only be sold at a significant and predefined discount to market value. This is probably an unrealistic expectation. Accordingly, I recommend that Policy P3 should be amended as follows:

5.29 **Policy P3: Housing Site Mix**

The mix of any individual development should be predominantly 2 and 3 bedroom units. Small units (2 and 3 bedroom properties) may not be combined so as to create a single residence from two units.

5.30 Somewhat surprisingly, the explanatory text justifying the policy would not require amendment.

5.31 **Policy P4: Rural Exception Sites**

5.32 This policy states:

5.33 ***A Rural Exception Site, providing affordable housing as defined in the current national level planning policy guidance, outside of, but in close proximity to St Mary Bourne, will be supported provided that:***

a) the scale is proportionate to the settlement's size, form and character; and

b) the site would not harm but would enhance the settlement's rural character and setting; and

c) the development clearly meets a locally agreed housing need; and

d) there is demonstrable local community support for the proposal, including detailed consultation and engagement with local residents and the parish council; and

e) it is not built in an area vulnerable to flooding, or on land which would increase the risk of flooding in other locations.

5.34 Policy P4 reflects NPPF guidance and the broad guidance in the ALP in Policy CN2. The policy is supported by the Environment Agency in its Regulation 16 consultation to the extent that the policy seeks to avoid development on land vulnerable to flooding.

5.35 The provision of affordable housing and to a lesser extent market housing in accordance with ALP CN2, also offered the possibility of providing a local occupancy connection of the type sought in the submission draft SMBNP of Policy P3. I note for example that in the St Mary Bourne Housing Report, 28 January 2014, of the 7 rentable properties, comprising the stock of affordable rental properties in St Mary Bourne at Hirst Copse, 4 are owned by Sovereign Housing Association, 3 are owned by English Rural Housing but all are rented to those with a local connection, secured by way of a s106 agreement thereby meeting local need, but without recourse to a planning policy requirement necessitating that all affordable rented housing shall only be let to persons / families with local connections.

5.36 In relation to the LPA's comment concerning Clause d) of the policy, requiring demonstrable local support for rural exception site proposals, I agree that it is not clear from the draft policy what level of support would be necessary in relation to planning proposals for such development planning applications other than normal consultation with the Parish Council by Basingstoke and Deane Borough Council, although I accept that the Parish Council may seek and encourage pre-application engagement for such proposals.

5.37 As it is likely that the NPPF will be revised in the near future and probably further over the life of the SMBNP, I recommend an amendment to the first sentence of the policy to accommodate such changes in addition to encouraging early consultation of rural exception

site proposals sought by the Parish and the deletion of criterion d). The policy would then read as follows:

5.38 **Policy P4: Rural Exception Sites**

Proposals for rural exception sites will be supported where:

- a) the scale is proportionate to the settlement's size, form and character; and***
- b) the site would not harm but would enhance the settlement's rural character and setting; and***
- c) the development clearly meets a locally agreed housing need; and***
- d) it is not built in an area vulnerable to flooding, or on land which would increase the risk of flooding in other locations.***

The Parish Council will encourage early consultation for proposals involving a Rural Exception Site providing affordable housing, as defined in the National Policy Planning Guidance, outside of but in close proximity to St Mary Bourne Settlement Boundary (as defined in the Local Plan).

5.39 The supporting text to this policy will require amendment to reflect the recommended policy revision. It is suggested that the following would be appropriate:

“Previous rural exception housing sites in the neighbourhood area have resulted in concerns being raised by the local community over a number of issues, such as drainage/flooding, design, and impact on the character of the village. Therefore, community engagement is encouraged for such housing proposals to allow the community to comprehend and assess likely planning benefits and effects. This should take place as early in the process as is practicable.”

5.40 **Policy P5: Environmental Factors**

5.41 This policy seeks to enhance the environmental quality of the Parish as a consequence of development proposals being implemented. The submission Plan draft policy text is as follows:

Policy P5: Environmental Factors

Development proposals will be permitted provided they:

- a) Respond positively to the local environment, including topography, landscape and water**

features, the Bourne rivulet trees and plants, wildlife habitats, site orientation and microclimate; and

b) Take advantage of, and respect, views into and out of sites, in order to protect existing, and facilitate new, attractive views and vistas (See examples in the VDS Appendix 4); and

c) Demonstrate that there is sufficient capacity in the sewerage network to accommodate the development, or provide a connection to the sewerage network at the nearest point of adequate capacity, as agreed with the service provider. Make provision for disposal of surface water. In other cases, observe the hierarchy of sewage connections shown in appendix 2; and

d) Ensure new development does not adversely affect water quality in the Bourne Rivulet or the quality of groundwater to the satisfaction of the Environment Agency; and

e) Facilitate homeworking (when the proposal is for new housing development), provided this is ancillary to the overall use of the dwelling house and does not have a detrimental impact on residential amenity or the character of the area and

f) Do not increase traffic flows significantly or parking problems within the centres of St Mary Bourne and Stoke.

g) Are not built in areas vulnerable to flooding, or on land which would increase the risk of flooding in other locations.

5.42 This policy is consistent with the overall environmental role of the planning system as outlined in paragraph 7 of the NPPF by contributing to protecting and enhancing the natural environment, 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. I note that during the Regulation 16 Consultation, criteria c) and d) and the specific mention of the hierarchy of sewage connections and the protection of water quality was supported by the Environment Agency. Policy P5 is also consistent with the environmental management policies in section 6 of the ALP.

5.43 I consider that Policy P5 is acceptable as neighbourhood plan policy for St Mary Bourne subject to a minor amendment in the first sentence, which I recommend should read:

“Development proposals will be ~~permitted~~ supported provided they:....”

5.44 The reason for the recommended change is to ensure that in the event of proposals being compatible with the Policy 5, but not compliant with other policies of the SMBNP, or the ALP, that there might be an expectation that planning permission would nonetheless be granted.

5.45 **Policy P6: Small scale renewable energy projects**

5.46 This policy states:

5.47 Policy P6: Small scale renewable energy projects

Small scale renewable energy projects will be permitted, provided they:

- a) Do not result in a detrimental landscape impact (in terms of visual effects), unacceptable noise generation, other detrimental environmental impacts or harm to residential amenity, which cannot be successfully mitigated; and**
- b) Do not result in inappropriate volumes of traffic or the use of vehicles which would have a detrimental impact on the local road network.**

5.48 The NPPG advises that local planning authorities are responsible for determining planning applications for renewable and low carbon energy development of 50 megawatts or less installed capacity (under the Town and Country Planning Act 1990) whilst larger proposals are currently considered by the Secretary of State for Energy under the Planning Act 2008. Microgeneration is often permitted development and may not require an application for planning permission.

5.49 Policy P6 of the SMBNP is consistent with paragraph 17 of the NPPF, which sets out 12 core planning principles, one being to, *“support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example, by the development of renewable energy)”*. This policy has emerged relatively recently as separate policy on the advice of Basingstoke & Deane Borough Council during the Regulation 14 stage consultation. There is no definition as to what constitutes a *“small scale”* renewable energy project in the SMBNP or how this is defined, whether for example it would encompass a community scale renewable energy installation, or be limited to domestic / farm installation. Equally there is no definition of small – scale renewable energy schemes in the NPPF. The Glossary is also unhelpful. It defines *“Decentralised energy”* as local renewable energy and local low-carbon energy as, *“usually but not always on a relatively small scale encompassing a diverse range of technologies”*. Despite this lack of clarity, paragraph 98 of the NPPF advises local authorities that when determining planning applications, they should recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and should approve the application if its impacts are (or can be made) acceptable.

5.50 Relevant in the context of St Mary Bourne, the National Policy Statement for Renewable Energy Infrastructure (EN-3) cautiously advises at paragraph 2.5.33 in relation to national designations:

“In sites with nationally recognised designations (Sites of Special Scientific Interest, National Nature Reserves, National Parks, the Broads, Areas of

Outstanding Natural Beauty and Registered Parks and Gardens), consent for renewable energy projects should only be granted where it can be demonstrated that the objectives of designation of the area will not be compromised by the development, and any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by the environmental, social and economic benefits.”

5.51 Renewable energy projects are also considered in the North Wessex Downs AONB Management Plan 2014-19 in terms of landscape impact, pointing to further guidance contained within the North Wessex Downs AONB Position Statement on Renewable Energy (2012). This position statement considers the principal small-scale technologies to deliver renewable energy proposals and their likely effects within the North Wessex Downs AONB emphasising that great weight should be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty, which together with National Parks and the Broads have the highest status of protection in relation to landscape and scenic beauty, as confirmed within paragraph 115 of the NPPF.

5.52 Policy P6 seeks to encourage sustainable renewable energy proposals which would be consistent with the advice in the NPPF, but subject to a careful consideration of the likely environmental and visual impacts, whilst taking into account appropriate means of mitigating harmful effects. Despite the lack of clarity on the meaning of “small scale” in relation to small scale renewable energy projects, in relation to national planning policy and the up to date advice contained in the North Wessex Downs AONB Management Plan 2014-19 and North Wessex Downs AONB Position Statement on Renewable Energy (2012), Policy P6 offers an acceptable sustainable policy for development management in relation to renewable energy planning applications in the Parish, subject again to altering the first sentence in the policy to read:

“Small scale renewable energy projects will be supported ~~permitted~~, provided they:.....”

This amendment would overcome any implied expectation that proposals for small scale renewable energy projects might be permissible in relation to this policy alone without proper consideration of other policies which might guide the planning decision.

5.53 **Policy P7: Design Requirements**

5.54 This policy is drafted as follows:

5.55 Policy P7: Design Requirements

All development proposals must achieve a high standard of design, which responds positively to the context. Development proposals will be permitted provided they:

- a) Complement the rural character of the area and traditional building styles, forms and materials; and**
- b) Provide sufficient space, and make appropriate provision for, appropriate planting, comprising species which respond positively to the local area; and**
- c) Ensure the preservation of existing mature hedgerows, and where possible make provision for new hedgerows, utilising species which are typical of the locality; and**
- d) Utilise external finishing materials, detailing and architectural features (including doors, windows and porches) which are high quality and sympathetic to the design and character of buildings in the locality (or existing building in the case of extensions or alternations); and**
- e) Limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and biodiversity; and**
- f) Integrate car parking within attractive areas of soft and hard landscaping in order to minimise any negative impact on visual amenity, and ensure that car parking requirements can be catered for on-plot; and**
- g) Provide conveniently located, well-screened storage space for bins and recycling, and for bicycles and motor vehicles, the design and location of any such storage facilities should respond positively to the proposed development and the character of the locality; and**
- h) Be of a scale or density which would complement and not have a detrimental impact on the character of the area; and**
- i) Make provision for high quality, locally distinctive boundary treatment.**

5.56 The rationale for this policy is clearly articulated in the SMBNP and is supported by section 7 of the NPPF “Requiring good design”. The form and content of the policy is also supported by NPPG which emphasises the importance of good design in promoting distinctive local character and landscape settings. This policy should reinforce the need for designs for development proposals in the Parish to successfully enhance local character in the built environment whilst seeking to protect landscape setting, natural heritage and culture, while not discouraging appropriate innovation. This policy will undoubtedly help the local community to shape and direct sustainable development in St Mary Bourne parish, which is a fundamental purpose of neighbourhood planning.

5.57 At the local level design guidance within the parishes has been prepared by a series of Village Design Statements. The St Mary Bourne Village Design Statement (VDS) was adopted on 15th December 2005 by Basingstoke & Deane Borough Council as ‘informal planning and design guidance pursuant to Objective 8 of the Basingstoke and Deane Local Plan Review.’ The VDS

status does not have formal standing as Supplementary Planning Guidance, but as it has been adopted as Borough Council policy it has weight as a material consideration in considering planning applications. The VDS provides more detailed planning guidance than Policy P7, and would remain a helpful design guidance document in the event that the SMBNP were to proceed to referendum and then be “made” and become part of the Development Plan.

5.58 Policy P7 attracted no comment during the Regulation 16 consultation.

5.59 I recommend that the second sentence of Policy 7 should be amended to read:

“All development proposals must achieve a high standard of design, which responds positively to the context. Development proposals will be ~~permitted~~ supported provided they:.....”

This recommendation is to cover the now familiar point that although proposals may satisfy Policy 7, there may be other aspects of a proposal that do not satisfy other policy considerations. The suggested alterations would overcome any expectation that by satisfying Policy 7 alone, this should warrant the grant of planning permission.

5.60 **Policy P8: Allotments**

5.61 This policy states:

5.62 **Policy P8: Allotments**

Proposals for new allotments will be approved, provided these do not have detrimental impact on landscape character and/or the setting of any settlements or increase significantly traffic flows or intensify parking problems within the Bourne Valley.

5.63 The first issue to be established in relation to this policy is whether it is necessary? The background to the law on the provision on allotments is conveniently provided in Standard Note: SN/SC/887, last updated 22 March 2012 and placed in the House of Commons Library, prepared by Christopher Barclay². This briefing note explains that allotments are provided under the Small Holdings and Allotments Act 1908. Section 23 of this Act lays a duty on councils (including Parish Councils) to provide allotments. In particular:

23(1) If the council of any borough, urban district, or parish are of opinion that there is a demand for allotments...in the borough, urban district, or parish...the council

² researchbriefings.files.parliament.uk/documents/SN00887/SN00887.pdf

shall provide a sufficient number of allotments, and shall let such allotments to persons...resident in the borough, district, or parish, and desiring to take the same

23(2) On a representation in writing to the council of any borough, urban district, or parish, by any six registered parliamentary electors or [persons who are liable to pay an amount in respect of council tax] resident in the borough, urban district or parish, that the circumstances of the borough, urban district or parish are such that it is the duty of the council to take proceedings under this Part of this Act therein, the council shall take such representation into consideration.

- 5.64 Where the population of a district or parish, according to the last published census, is under 10,000, the council's duty is limited to the provision of allotment gardens [Allotments Act 1950 s9(a)]. Where the population is 10,000 or upwards, the council's obligation is limited to the provision of allotment gardens not exceeding one-eighth of an acre [Allotments Act 1950 s9(b)].
- 5.65 The council may improve the allotment land, but is under no statutory obligation to provide a particular level of services such as water or electricity.
- 5.66 Standard Note: SN/SC/887 also referred to the May 2011, DCLG announcement which argued that the neighbourhood planning could lead to more allotments, stating that the Localism Bill (now the Localism Act) would provide for that regime. In the context of allotment provision requirements for councils to provide allotments were to be safeguarded as part of a wider review into reducing statutory burdens on local authorities and the new right for communities to create a neighbourhood plan being introduced in the Localism Bill would allow local people to set out the exact locations of sites that can be used for new allotments and those sites they want protected in the future.
- 5.67 As agriculture is not included within the meaning of development in the Town & Country Planning Act 1990 (Section 55) it could be argued that any piece of land may be used as an allotment without the need to apply for planning permission. However, if an allotment's use is non-agricultural, for example as a leisure plot, then permission would normally be required. In general, the erection of buildings on allotments or the provision of raised beds would constitute development and would normally require planning permission.
- 5.68 I note that within the ALP, allotments are required in connection with developments to meet need as defined quantitatively in the Adopted Green Space Standards (July 2013) and required in certain strategic development sites. Allotment provision is also considered in the context of Policy EM5 – Green Infrastructure, where allotments are considered to be part of multi-functional green space within the ALP.

5.69 Notwithstanding my comments above as to whether in particular circumstances permission to use land as allotments may not be necessary, there are circumstances where this is normally the case and it is plainly the intention of government when neighbourhood planning was introduced that provision of allotments was seen as a matter that would be covered by this tier of town planning policy making. I also note that there were no Regulation 16 consultation comments made in relation to this policy.

5.70 I recommend that this policy should be amended to read:

Proposals for new allotments will be ~~approved~~ supported, provided these do not have detrimental impact on landscape character and/or the setting of any settlements or increase significantly traffic flows or intensify parking problems within the Bourne Valley.

5.71 The reason for this modification is again to avoid any expectation that planning permission would necessarily be granted if the proposals met the requirements of this policy, whilst in respect of other relevant policies the proposals were unsatisfactory.

6.0 **Community Action – Non-Land Use Planning considerations**

6.1 The SMBNP contains three matters that are expressly stated not to be policies, by which I take to mean not “land use planning policies”, but statements of intent. My remit in undertaking the independent examination of the SMBNP does not extend to examining any issues that are not land-use planning matters. I make no comment on these other than to say that these statements of intent should not be given any weight or credence in development management considerations. It would be helpful to landowners, developers and local residents if such a distinction were to be drawn in the SMBNP for avoidance of doubt and greater clarity. It may also be helpful if the Statements of Intent were relegated to an appendix. My comments in relation to the Statements of Intent do not constitute part of my formal recommendations in relation to the planning policies examined in the SMBNP.

7.0 **Summary**

7.0 I set out the summary of my findings below.

7.1 In accordance with the Town and Country Planning Act, 1990 Schedule 4B, Paragraph 5, I am satisfied that the submission plan proposal is not a ‘repeat’ proposal (i.e. the Borough Council

- has not refused a submission under paragraph 12 or Section 61E and it has not failed a referendum).
- 7.2 In relation to Town and Country Planning Act, 1990 Schedule 4B, Paragraph 6 (2) (a) and Section 61F, I am satisfied that St Mary Bourne Parish Council is the body who submitted the Plan and is a qualifying body for the purposes of making a neighbourhood development plan. It was formally designated by Basingstoke and Deane Borough Council on was designated on the 24 July 2013.
- 7.3 Concerning the requirement to comply with the requirements of the Town and Country Planning Act, 1990 Schedule 4B, Paragraph 6 (2) (c) and the Neighbourhood Planning (General) Regulations (as amended) – Regulation 15, I confirm that the St Mary Bourne Parish Council has submitted the following in a satisfactory form:
- (i) A map identifying the area to which the Plan relates;
 - (ii) A consultation statement (which contains details of those consulted, how they were consulted, summarises the main issues or concerns raised and how these have been considered and where relevant addressed in the proposed neighbourhood development plan under Regulation 15 (2) (a);
 - (iii) The proposed neighbourhood development plan;
 - (iv) A statement explaining how the neighbourhood development plan meets the ‘Basic Conditions’ requirements of paragraph 8 (2) of Schedule 4b to the 1990 Act; and
 - (v) An environmental report prepared in accordance with Paragraph (2) and (3) of Regulation 12 of the Environmental Assessment of Plans and Programmes Regulations 2004.
- 7.4 As to public consultation, the process and management of the community consultation has been satisfactory and I am confident that the Consultation Statement outlining the terms of reference and actions of St Mary Bourne Parish Council, the supporting evidence from the workshops, consultation correspondence and feedback leading to the formulation of draft policies and subsequent pre-submission and submission plan consultation on the Plan policies adequately fulfils Section 15 (2) of Part 5 of the Neighbourhood Planning Regulations 2012 and Section 16 of these Regulation in relation to publicising the consultation opportunities during the preparation of the SMBNP.
- 7.5 The Plan has been examined against national and adopted planning policy of Basingstoke and Deane Borough Council, (where all policies are said to be strategic in nature for the purpose of neighbourhood planning). A Basic Conditions Statement in a satisfactory form has been prepared which meets the ‘Basic Conditions’ requirements of paragraph 8 (2) of Schedule 4b to the 1990 Act;

- 7.6 The Plan and its policies have been subject to Strategic Environmental Assessment in a satisfactory form demonstrating how reasonable alternatives were assessed. The assessment has concluded that the current version of the SMBNP is likely to lead to significant positive effects in terms of the SEA objectives focusing on improving the quality of life of residents in St Mary Bourne Parish. The conclusions of the SEA also found that the proposed plan approach will help initiate a range of beneficial approaches in relation to the 'biodiversity', 'climate change', 'land, soil and water resources' and 'transport' SEA themes. However, due to the scale of likely positive effects, they are not considered to be significant in the context of the SEA process.
- 7.7 The SMBNP meets the definition of a 'Neighbourhood Development Plan' in that it sets out policies in relation to the development and use of land in the neighbourhood area and therefore complies with the requirement of the Planning and Compulsory Purchase Act 2005, Section 38A (2).
- 7.8 The 'Neighbourhood Development Plan' (as defined under Section 38A), specifies the time period for which it is to have effect in the Foreword to the Plan as being for the period from 2016 -29 thereby satisfying the requirement of the Planning and Compulsory Purchase Act 2005, Section 38B (1) (a).
- 7.9 The Basic Conditions Statement confirms that the SMBNP does not include any policies relating to excluded development, including minerals, waste or nationally significant infrastructure projects, as defined s61K of the Town & Country Planning Act 1990 (as amended). Thus, the requirement of the Planning and Compulsory Purchase Act 2005, Section 38B (1) (b) is also satisfied.
- 7.10 As required by the Planning and Compulsory Purchase Act 2005, Section 38B (1) (c), I am also satisfied that the SMBNP does not relate to more than one neighbourhood area and that there is no other Neighbourhood Development Plan in place within this neighbourhood area.

7.11 **EU OBLIGATIONS**

7.12 **Habitat Regulations Assessment**

- 7.13 The Basic Conditions Statement also explains that the SMBNP was been screened by Basingstoke and Deane Council, who determined on 18th September 2015 that as there were no European sites within a 10 km radius of the neighbourhood area, it was considered unlikely that there would be any significant effects on any European sites as a consequence of development associated with the St Mary Bourne Neighbourhood Plan and accordingly no appropriate assessment under the Habitats Regulations is required.

7.14 **Compatibility with human rights requirements**

7.15 The Basic Conditions Statement confirms that the Plan does not involve any conflict with human rights set out in the European Convention on Human Rights or the Human Rights Act 1998. I concur that the Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and that it also complies with the Human Rights Act 1998.

7.16 In support of this opinion, the Basic Conditions Statement also included a Equalities Impact Assessment with the purpose of eliminating discrimination and to advance equality of opportunity and to foster good relations between persons who have a 'protected characteristic' and those who do not. I note that that the impact assessment concluded that most of the policies would have a neutral effect on those persons with a protected characteristic, none of the policies would have harmful or negative impacts, but that in relation to development for older people and the requirement for good design and accessibility there would be positive impacts and similarly positive effects would be expected from Policy P1 providing live/work spaces appropriate to people with physical disabilities.

8.0 **Conclusions and Recommendations**

8.1 I conclude that the SMBNP policies, subject to my recommended alterations as set out in this examination report, will contribute to the attainment of sustainable development within St Mary Bourne Parish. I also conclude that, subject to the recommendations in this report being accepted, the Plan would meet the basic conditions as defined in the Localism Act 2011, Schedule 10 and Schedule 4B, 8 (2) of the Town and Country Planning Act 1990.

8.2 I am satisfied that subject to the recommended policy revisions being accepted, that the draft SMBNP has given adequate regard to the policies in the National Planning Policy Framework (NPPF) and other relevant national planning guidance and would be in conformity with the strategic policies of the adopted policies of the adopted Basingstoke and Deane Local Plan (2011 to 2029) and relevant supplementary planning documents (SPD) on Design and Sustainability, Landscape and Biodiversity and Affordable Housing.

8.3 If these recommended changes are accepted, I believe that the Plan will make a positive contribution to sustainable development, promoting economic growth, supporting social wellbeing, whilst conserving the natural and historic environment within the designated area.

8.0 For the reasons set out above and subject to the modifications indicated in the preceding sections of this examination report being accepted, I consider that the Plan would contribute

to the attainment of sustainable development in the Parish of St Mary Bourne and meet the neighbourhood planning, “basic conditions” in terms of:

- having appropriate regard to national planning policy;
- contributing to the achievement of sustainable development;
- being in general conformity with the strategic policies in the development plans for the local area;
- being compatible with human rights requirements; and
- being compatible with European Union obligations.

8.1 I therefore recommend that in accordance with Schedule 4B to the Town and Country Planning Act 1990, paragraph 10 (2), b) that the modifications specified in this report are made to the St Mary Bourne Neighbourhood Plan and that the draft Plan as modified is submitted to a referendum.

8.2 **Referendum Area**

8.3 It is the independent examiner’s role to consider the referendum area appropriate if the Qualifying Body wishes to proceed to the referendum stage. In the event that the Parish Council wishes to proceed to a referendum with this Plan, I consider that the referendum area should extend to the entire Parish Council area, being the designated Plan Area.

Jeremy Edge BSc FRICS MRTPI
17th November 2017

Appendix 1

Background Documents

In examining the SMBNP, I have had regard to the following documents in addition to the Submission Version of the Plan:

1. National Planning Policy Framework, March 2012 (NPPF), DCLG
2. Planning Practice Guidance, DCLG, Last updated: 28 July 2017
3. Town and Country Planning Act 1990 (as amended)
4. The Planning and Compulsory Purchase Act 2004 (as amended)
5. The St Mary Bourne Parish Neighbourhood Plan 2016-2029 (Submission Version), April 2017
6. St Mary Bourne Neighbourhood Plan Basic Conditions Statement Submission Version: April 2017
7. St Mary Bourne Neighbourhood Plan Consultation Statement, Submission Version: April 2017
8. St Mary Bourne Neighbourhood Plan Consultation Statement and Appendices, Submission Version: April 2017
9. Adopted Local Plan (2011 -2029), Basingstoke and Deane Borough Council adopted on 26 May 2016
10. St Mary Bourne and Stoke Conservation Appraisal 2003, adopted as Supplementary Planning Guidance by the Borough of Basingstoke and Deane on 17 July 2003
11. St Mary Bourne Village Design Statement 2005, published by the St Mary Bourne Parish Plan/Village Design Statement Steering Group
12. St Mary Bourne Parish Plan 2005, published by the St Mary Bourne Parish Plan/Village Design Statement Steering Group
13. Strategic Environmental Assessment for the St Mary Bourne Neighbourhood Plan, Environmental Report to accompany the Submission version of the

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- Neighbourhood Plan, 2nd May 2017, AECOM Infrastructure & Environment UK Limited
14. St Mary Bourne Long Term Planning Group Housing Survey, Housing Survey Questionnaire
 15. St Mary Bourne Long Term Planning Group Housing Survey, Housing Survey Analysis
 16. St Mary Bourne Housing Report, 28 January 2014
 17. Landscape Assessment – A Summary
 18. The Planning Act 2008
 19. The Localism Act {2011}
 20. The Neighbourhood Planning Regulations {2012}
 21. The Community Infrastructure Levy Regulations 2010, 6th April 2010
 22. The Town and Country Planning (Use Classes) Order, 1987, as amended
 23. European Convention on Human Rights, as amended by Protocols Nos. 11 and 14 supplemented by Protocols Nos. 1, 4, 6, 7, 12 and 13, European Court of Human Rights Council of Europe F-67075 Strasbourg cedex
 24. Human Rights Act 1998
 25. Equality Act 2010
 26. The Town and Country Planning (General Permitted Development) (England) Order 2015, (SI 2015 No. 596).
 27. North Wessex Downs AONB Management Plan 2014-19, North Wessex Downs AONB
 28. North Wessex Downs AONB Position Statement on Renewable Energy (2012), North Wessex Downs AONB
 29. House of Commons Library, Standard Note: SN/SC/887, Last updated: 22 March 2012, Science and Environment Section
 30. Small Holdings and Allotments Act 1908